

FIRST READING *October 9, 1985*

PUBLISHED \_\_\_\_\_

PASSED *November 13, 1985*

AN ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO EXERCISE THE POLICE POWERS BY THE CITY OF BALDWIN, GEORGIA, FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE; TO PROVIDE FOR A TITLE; TO PROHIBIT LITTERING ON PUBLIC AND PRIVATE PROPERTY; TO PREVENT CROWDING AND PUSHING OTHER PERSONS IN PUBLIC PLACES; TO PROHIBIT PUBLIC INTOXICATION; TO PREVENT LOITERING; TO PROHIBIT AND REGULATE NOISE WHICH DISTURBS THE PUBLIC PEACE; TO PROHIBIT THE DISRUPTION OR PREVENTION OF LAWFUL MEETINGS; TO PREVENT RECKLESS THROWING OF OBJECTS; TO PREVENT DEFECATION OR URINATION IN PUBLIC; TO PROHIBIT FALSE POLICE ALARMS; TO PROHIBIT UNAUTHORIZED PERSONS FROM ENTERING UPON THE AREAS OR PREMISES OF SCHOOLS; TO PROHIBIT DISORDERING CONDUCT; TO PROHIBIT UNAUTHORIZED PERSONS ENTERING VACANT BUILDINGS; TO PROHIBIT THE RECKLESS OPERATION OF A MOTOR VEHICLE UPON A PARKING FACILITY; TO PREVENT THE CREATION OF HAZARDOUS OR PHYSICALLY OFFENSIVE CONDITIONS BY PERSONS; TO PROHIBIT AIDING AND ENCOURAGING MINORS TO COMMIT UNLAWFUL ACTS; TO PROHIBIT THE DISCHARGE OF WEAPONS WITHIN THE INCORPORATED AREA OF THE CITY; TO PROHIBIT HALTING OR IMPEDING THE FLOW OF PUBLIC TRAFFIC; TO PROHIBIT SOLICITING AND BEGGING ON CITY PROPERTY; TO PROVIDE PENALTIES FOR VIOLATION OF THE ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Art. IX, § II, ¶ III of the Georgia Constitution (1983), as amended, and pursuant to Section 1-3 of the City Charter, as amended, the City of Baldwin, Georgia is authorized to exercise police powers for the public health, safety, and welfare;

WHEREAS, the City Council of the City of Baldwin, Georgia, finds that it is in the interest of the citizens of the City of Baldwin, Georgia, for the City to enact an ordinance exercising

the police powers in order to regulate and prohibit certain acts detrimental to the public health, safety, and welfare.

THEREFORE, BE IT ORDAINED by the City Council of Baldwin, Georgia, and it is hereby ordained by authority of the City Charter and the above-referenced authority, as amended:

ARTICLE I. TITLE.

Section 1. TITLE.

This Ordinance shall be entitled and known as the "Baldwin Police Powers Ordinance."

ARTICLE II. OFFENSES AGAINST PROPERTY.

Section 1. LITTERING ON PUBLIC AND PRIVATE PROPERTY.

(a) Definitions:

(1) City means the City of Baldwin, Georgia.

(2) Litter means all sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals or discarded materials of every kind and description.

(3) Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential, commercial, governmental, farm properties, timberlands or forests.

(b) Prohibitions. It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter

on any public or private property or waters in the incorporated area of the City, unless:

(1) The property is designated by the City for the disposal of litter and the person is authorized by the proper public authority to use such property;

(2) The litter is placed into a litter receptacle or container installed on such property; or

(3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

**ARTICLE III. OFFENSES AGAINST PUBLIC PEACE AND ORDER.**

**Section 1. CROWDING, PUSHING OTHER PERSONS.**

No person shall jostle or roughly crowd or push any person in any public place within the City of Baldwin, Georgia (hereinafter referred to as "City").

**Section 2. PUBLIC INTOXICATION.**

It shall be unlawful for any person to be and appear on the streets or roads of the City or in any public place or place of business patronized by the public in an intoxicated condition.

**Section 3. LOITERING - GENERALLY.**

(a) It shall be unlawful for any person after having been directed by an officer or member of the police department to move away therefrom, to remain or loiter in front of any church or other place of public worship during services therein or in front

of any theater, concert hall, ballroom, coffeehouse, tavern or other public place, or to loiter or idle away time around the hotels or on the sidewalks or public streets or roads of the City.

(b) A person commits the offense of loitering when the person is in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(c) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

Section 4. SAME - MINORS.

It shall be unlawful for any parent, guardian or other person having the custody or control of any minor to permit, allow or encourage such minor to violate Section 3 of Article III of this Ordinance.

Section 5. SAME - RESPONSIBILITY OF PROPRIETORS, MANAGERS, ETC.

It shall be unlawful for the proprietor, manager or other person having charge or control of any public or other place to permit, allow or encourage any minor to violate Section 3 of Article III of this Ordinance in such place.

Section 6. NOISE.

(a) It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual sound or noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the City, and which is audible to a person of normal hearing ability more than fifty (50) feet from the point of origin of the sound or noise.

(b) The following acts among others are declared to be loud, disturbing and unnecessary sounds or noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(1) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the City, except as a danger warning, the creation of any unreasonably loud or harsh

sound by means of such signaling device and the sounding of such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity, the use of any horn, whistle or other device operated by engine exhaust and the use of such signaling device when traffic is held up for any reason.

(2) **Radios, phonographs, similar devices.** The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of this set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the room, building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) **Loudspeaker, amplifiers for advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting

the attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

(4) **Yelling, shouting, etc.** Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence or of any persons in the vicinity.

(5) **Animals, birds.** Anyone who keeps or maintains an animal or bird that disturbs the comfort or repose of any person because the animal or bird is emitting frequent or long-continued sound or noise, and who continues to keep, maintain or allow any animal or bird to disturb the comfort or repose of any person shall be deemed in violation of this section: provided, the person keeping or maintaining such animal or bird has been first notified in writing by certified mail, return receipt requested, by the complaining party that the animal or bird being kept by the addressee is disturbing such person's comfort or repose. This section shall be liberally construed to accomplish the objectives thereof and the person making the written notification need not use the exact words of this section to the addressee so long as the notification sufficiently informs the addressee of the nature of the disturbing noise emitted by any animal or bird.

(6) **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler, except to give notice to the

time to begin or stop work, or as a warning of fire or danger or upon request of proper City authorities.

(7) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. The use of special or modified standard equipment exhaust devices on automotive vehicles to increase or modify the sound emitted by the exhaust is prohibited.

(8) **Defect in vehicle or load.** The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(9) **Loading, unloading, opening boxes.** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(10) **Construction or repair of buildings.** The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; except that the City may determine when the loss or inconvenience that would result to any party in interest is of such nature as to warrant special consideration, then the City may grant a permit for a period not to exceed ten (10) days or less for this work to be done within the hours of 10:00 p.m. and 7:00 a.m.



(11) **Schools, courts, churches, hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while it is in use, or adjacent to any hospital, which unreasonably interferes with the working of the institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in these streets indicating that it is a school, hospital or court street.

(12) **Hawkers, peddlers, vendors.** The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(13) **Noises to attract attention.** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(14) **Transportation of metal rails, similar materials.** The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of the streets or other public places.

(15) **Pile drivers, hammers, similar equipment.** The operation, between the hours of 10:00 p.m. and 7:00 a.m., of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual sounds or noises.

(16) **Blowers.** The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden this noise.

(17) **Sound trucks.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes; the use of sound trucks for noncommercial purposes during such hours and in such places and with such volume as would constitute this use as a public nuisance.

(c) The provisions of this section shall not apply to or be enforced against:

(1) Any vehicle of the City while engaged in necessary public business.

(2) Excavations or repairs of streets by or on behalf of the City or state at night when public welfare and convenience renders it impossible to perform this work during the day.

(3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

(d) Notwithstanding the foregoing provisions, the City may regulate noise further due to the operation of an arcade or gameroom, or both, by proper ordinance.

Section 7. PREVENTING OR DISRUPTING LAWFUL MEETINGS, GATHERINGS OR PROCESSIONS.

It shall be unlawful for any person to recklessly or knowingly commit any act which may reasonably be expected to prevent or disrupt a lawful meeting, gathering or procession.

Section 8. THROWING OBJECTS.

No person shall recklessly or knowingly throw or propel any stone, brick, piece of wood or other object at any person, vehicle, house, building or other structure or object, or across or upon any private or public property.

Section 9. DEFECATING OR URINATING ON PUBLIC PROPERTY OR IN CERTAIN AREAS.

It shall be unlawful for any person to defecate or urinate on or adjacent to any street or sidewalk, or in the halls, elevators, stairways, or any other area designated for public passage within any public or commercial buildings, or on any property open to public view.

Section 10. FALSE POLICE ALARMS.

No person shall knowingly or willfully harass or attempt to harass or mislead any police officer by false alarms or unauthorized use of any device of whatever nature to summon police aid without reasonable cause.

Section 11. SCHOOLS - UNAUTHORIZED PERSONS ENTERING SCHOOL BUILDINGS.

No person shall enter or remain in any public, private or parochial school building between the hours of 7:30 a.m. and 6:00 p.m. on days that school is in session (or until 10:00 p.m. at those schools which have extended sessions), who is not a

regularly enrolled student, teacher or employee at that school, unless the person shall have first and immediately proceeded to the administrative offices and identified himself to the principal or principal's agent and receives permission to remain on the premises.

Section 12. SAME - UNAUTHORIZED PERSONS NOT TO REMAIN IN SCHOOL BUILDINGS OR ON SCHOOL GROUNDS AFTER BEING REQUESTED TO LEAVE.

It shall be unlawful for any person to enter and remain in any public, private, or parochial school or on the surrounding school grounds after being directed to leave by the principal of the school or by someone with lawful authority.

Section 13. SAME - CREATING A DISTURBANCE.

(a) It shall be unlawful for any person to create a disturbance in any public, private or parochial school or on the surrounding school grounds lawfully used for school activities while such recreational areas are in use or other activities are in process thereon.

(b) A disturbance for purposes of this section shall be defined as any act which may be reasonably expected to interfere with the activities with the school or school activities on the school grounds or fields while such activities are in progress thereon.

Section 14. DISORDERLY CONDUCT.

(a) It shall be unlawful for any person to act in a loud and boisterous, reckless, unruly or violent manner for the

purpose of insulting, degrading, or inciting another or a group of individuals in a public place.

Section 15. UNAUTHORIZED PERSONS ENTERING VACANT BUILDING.

It shall be unlawful for any person to enter or to remain in a vacant or unoccupied building or on any portion of vacant land upon which such vacant building is located unless with permission of an authorized agent of said property; provided, such building or vacant property is prominently marked by a posted notice which is easily seen from a distance of at least fifty (50) feet that informs the public such property is vacant or unoccupied and unauthorized persons are prohibited from entering.

ARTICLE IV. OFFENSES AGAINST PUBLIC SAFETY.

Section 1. RECKLESS OPERATION OF MOTOR VEHICLE UPON PARKING FACILITY OR WALKWAY.

No person shall operate a motor vehicle upon any parking facility, public or private, vehicle-access or pedestrian walkway of any parking facility by sudden starting, stopping or turning so as to endanger the person or property of another.

Section 2. CREATING HAZARDOUS OR OFFENSIVE CONDITION.

No person shall create a hazardous or physically offensive condition by an act which serves no legitimate purpose.

Section 3. AIDING, ENCOURAGING MINOR TO COMMIT UNLAWFUL ACT.

No person shall aid, abet or encourage a minor to do any act which constitutes disorderly conduct or a breach of the peace.

Section 4. DISCHARGE OF WEAPONS.

It shall be unlawful for any person to fire a gun, rifle, pistol, revolver, cannon, air rifle, firearm of any type or shoot a slingshot or bow and arrow within the incorporated area of the City, within fifteen hundred (1,500) feet of any residence, place of worship, business or public meeting place. This section shall not apply to any law enforcement officer while in the discharge of official duties, nor to any person hunting upon such person's premises or the premises of another with the owner's consent in that area of the City zoned for agriculture by a zoning ordinance, order or resolution of the City Council, nor to any person, or group of persons, who has first obtained the written permission for this from the City Manager. Permission will be granted upon a showing that the public safety will not be endangered.

Section 5. HALTING OR IMPEDING FLOW OF TRAFFIC.

No person shall congregate with another or others in or on any public right-of-way or place so as to halt or impede the flow of vehicle or pedestrian traffic after having been directed to clear such public right-of-way or place by a police officer or any other authorized law enforcement officer.

Section 6. SOLICITING, BEGGING ON CITY PROPERTY.

Without the express written consent of the City Manager, it shall be unlawful for any person to beg, solicit, or sell goods, wares or other objects or services within any building, or on any grounds, sidewalks or other ways owned by or under control of the

City, its agencies, departments, authorities, commissions, boards, bureaus or other City entities.

ARTICLE V. PENALTIES.

Section 1. PENALTIES FOR VIOLATION OF THIS ORDINANCE.

Any person that shall plead guilty to a violation of this Ordinance, without an appearance before the Municipal Court of the City of Baldwin, Georgia, or any other court of proper jurisdiction, shall pay a fine for the particular offense as set and provided by the current fine schedule which has been approved and passed by resolution by the City Council of the City of Baldwin, Georgia. Any person having been found guilty of a violation of this Ordinance by the Municipal Court of the City of Baldwin, Georgia, or any other court of proper jurisdiction shall be assessed a fine, penalty, or punishment up to the maximum fine, penalty, or punishment or any combination thereof, as provided by the Charter of the City of Baldwin, Georgia, as amended, or as provided by state law, and as determined to be appropriate in the discretion of the Judge of the Municipal Court of the City of Baldwin, Georgia or other court of proper jurisdiction.

ARTICLE VI. MISCELLANEOUS.

SECTION 1. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

All prior ordinances, or all parts of prior ordinances, in conflict with the terms of this Ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be

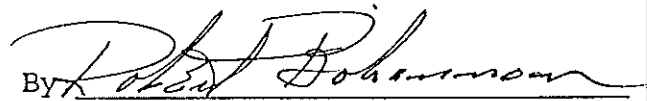
applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this Ordinance on behalf of the City of Baldwin, Georgia.

**SECTION 2.        SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Baldwin, Georgia, to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

This 13 day of November, 1995.

BALDWIN CITY COUNCIL

BY   
Mayor

\_\_\_\_\_  
Councilperson




\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

ATTEST:

  
Paula J. DeLuca  
City Clerk