

# CHAPTER 31: GENERAL OFFENSES

## Section

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### **Section 31-101      Disorderly Conduct**

It shall be unlawful for any person in the Town to engage in any violent, tumultuous, obstreperous, or similar disorderly conduct tending to infringe on the peace and repose of the citizens of the Town. Fighting between two (2) or more persons in which physical contact is made, except that which occurs at boxing or wrestling exhibitions duly authorized by the Town, shall be deemed to be disorderly conduct within the meaning of this Section.

Note: The state's disorderly conduct statutes expressly provide that they are not to be construed as preventing municipalities from passing or enforcing their own laws punishing disorderly conduct within their respective jurisdictions. See O.C.G.A. §, 16-11-34 and 16-11-41.

### **Section 31-102      Discharging Firearms, Air Guns, Etc.**

1. It shall be unlawful for any person in the Town to discharge any gun, pistol, or other firearm within one hundred (100) yards of any street, alley, or building, or at any point upon the land of another person without the express consent of the owner or occupant thereof; or to discharge any air gun, BB gun, or other toy gun which projects lead or any other missile.

This Section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor to prohibit any citizen from discharging a firearm when lawfully defending person or property.

2. It shall be unlawful for any person to discharge a firearm while:
  - A. Under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is unsafe for the person to discharge such firearm except in the defense of life, health, and property;
  - B. The person's alcohol concentration is 0.08 grams or more at any time while discharging such firearm or within three (3) hours after such discharge of such firearm from alcohol consumed before such discharge ended; or
  - C. Subject to the provisions of subsection (3) of this Code Section, there is any amount of a controlled or noncontrolled substance which is held out to be a controlled substance or marijuana as defined in O.C.G.A. § 16-13-21, present in the person's blood or urine, or both, including the metabolites and derivatives of each or both without regard to whether or not any alcohol is present in the person's breath or blood.
3. The fact that any person charged with violating this Section is or has been legally entitled to use a drug shall not constitute a defense against any charge of violating this Section; provided, however, that such person shall not be in violation of this Section unless such person is rendered incapable of possessing or

discharging a firearm safely as a result of using a drug other than alcohol which such person is legally entitled to use.

4. Any person convicted of violating subsection (2) of this Section shall be guilty of a misdemeanor of a high and aggravated nature.

**Section 31-103 Report of Treatment of Wounds**

All physicians and all hospital superintendents in the Town are hereby required to report to the Sheriff's Department all patients treated by physicians or diagnosed or known to be suffering from wounds inflicted by a dangerous or deadly weapon of any kind. Such report may be made in writing or by telephone, giving the name of the reporting person and the patient and any other pertinent data requested by the Sheriff's Department. All reports shall be made within twenty-four (24) hours after treatment by a physician or after admission to the hospital. (See O.C.G.A. § 31-7-9, reports by physicians and other personnel of nonaccidental injuries to patients).

**Section 31-104 Throwing of Missiles**

It shall be unlawful for any person in the Town to throw any stone, rock, or other missile upon or at any vehicle, building, or other public or private property, or upon or at any person in any public or private way or place.

**Section 31-105 Ball Playing**

It shall be unlawful for any person to play ball by throwing, catching, pitching, or batting a ball on any public street, alley, or sidewalk of the Town.

**Section 31-106 Bonfires**

It shall be unlawful for any person or group to build a bonfire of any description within the Town limits, except at places approved and designated by the Georgia Forestry Commission.

Note: See also Section 13-102 of this Code.

**Section 31-107 Drinking in Public**

It shall be unlawful for any person to consume any spirituous malt or alcoholic beverage in or upon any street, alley, sidewalk, or other public way or place in the Town, or within any public building.

**Section 31-108 Accumulation of Junk**

It shall be unlawful for any owner or resident of any property in the Town other than a person who is a licensed junk dealer to permit to accumulate on such property any "junk." Junk is defined as old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes. Junk shall include any discarded, dismantled, wrecked, scrapped, ruined, or junked motor vehicles, or parts thereof.

1. **Notice to Remove.** It shall be the duty of the Town to notify, in writing, the owner or occupant of any premises upon which junk is permitted to accumulate in violation of the provisions of this Section that such material must be removed within thirty (30) days from the date of such notice.

Notice shall be by registered mail, addressed to said owner or occupant, at his last known address.

2. **Action Upon Non-compliance.** Upon the failure, neglect, or refusal of any owner or occupant so notified to remove such junk within the designated time period, the Mayor and Town Council is authorized and empowered to arrange for the removal of such material by the Town or by a private individual or firm through contract with the Town.

**Section 31-109            Abandonment of Motor Vehicles**

It shall be unlawful for any person to abandon or to leave unattended for a period in excess of five (5) days any motor vehicle on any street, road, alley, or other public way in the municipality.

- 1. Notice to Remove.** It shall be the duty of the Town to notify the vehicle owner, in writing, that the vehicle must be removed within seven (7) days from the date of such notice. Notice shall be by registered mail, addressed to said owner at his last known address. Last known address shall be the most recent address available through the Georgia Department of Motor Vehicles.
- 2. Action Upon Non-compliance.** Upon the failure, neglect, or refusal of any owner to remove said vehicle within the designated time, the Mayor and Council is authorized and empowered to arrange for the removal of said vehicle by the Town or private individual or firm through contract with the Town. The costs associated with removal and storage shall be borne by the owner and paid to the Town within thirty (30) days of removal. The Town shall notify the owner, in writing, by registered mail at his last known address as to the date of removal and the charges. The Town shall be authorized to sell any vehicle after thirty (30) days from the date of such notice if payment of cost for removal and storage is not made to the Town by the owner. The Town shall be entitled to all proceeds of the sale.