

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO ADD A NEW CHAPTER 44 OFFENSES AND MISCELLANEOUS PROVISIONS TO PROHIBIT CERTAIN CONDUCT WITHIN ITS CORPORATE LIMITS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Peachtree Corners is charged with providing for the health, safety, and welfare of its residents; and

**WHEREAS**, pursuant to Article IX, Section II, Paragraph II of the Constitution of the State of Georgia and O.C.G.A. § 36-35-3, the governing authority of the City of Peachtree Corners may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, the duly elected governing authority of the City of Peachtree Corners is the Mayor and Council thereof.

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the governing authority of the City of Peachtree Corners, Georgia as follows:

**Section 1:** The City of Peachtree Corners Code shall be amended by adding a new Chapter 44 – Offenses and Miscellaneous Provisions—as follows:

**CHAPTER 44 – OFFENSES AND MISCELLANEOUS PROVISIONS**

**ARTICLE I. – IN GENERAL**

**Sec. 44-1. – Fines and punishment.**

Unless otherwise specified, any person found guilty of violating any provision of this chapter shall be punished in a manner consistent with section 1-7.

**Secs. 44-2 – 44-9. – Reserved.**

**ARTICLE II. – OFFENSES AGAINST PUBLIC ORDER**

**Sec. 44-10. – Preventing or disrupting lawful meetings and gatherings.**

It shall be unlawful for a person with the intent to prevent or disrupt a lawful meeting or gathering of the city council or any board, authority, committee or instrumentality thereof or of the state to substantially interfere with the meeting or gathering by physical action or verbal utterance. The term “lawful meeting or gathering” shall mean any such time and place where a quorum is present.

**Sec. 44-11. – Loitering and prowling; loitering for the purpose of soliciting sexual acts.**

(a) *Loitering and prowling.*

- (1) It shall be unlawful for a person to be in a place at a time or in a manner not usual for law-abiding individuals under the circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.
- (2) Among the circumstances which may be considered in determining whether alarm is warranted is the fact the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impractical, a law enforcement officer shall, prior to any arrest under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person identify himself and explain his presence and conduct.

(b) *Loitering for the purpose of soliciting sexual acts.*

- (1) It shall be unlawful for any person to loiter in public for the purpose of soliciting or procuring others to engage in any sexual act for hire.

**Sec. 44-12. – Disorderly conduct.**

- (a) It shall be unlawful for any person to disturb or endanger the public peace or decency by any disorderly conduct.
- (b) The following acts, among others, are declared to be disorderly conduct:
  - (1) Act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of such person's life, limb, or health;
  - (2) Act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;
  - (3) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
  - (4) Assemble or congregate with another or others for the purpose of gaming;
  - (5) Be in or about any place, alone or with others, with the purpose of or intent to engage in any fraudulent scheme, trick or device to obtain any money or valuable thing or to aid or abet any person in doing so;
  - (6) Be in or about any place where gaming or illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated, for the purpose of or intent to engage in gaming or the purchase, use, possession or consumption of such illegal alcohol, narcotics, or dangerous drugs;
  - (7) Direct fighting words toward another, that is words which by their very nature tend to incite an immediate breach of the peace;
  - (8) Interfere, by acts of physical obstruction, with another's pursuit of lawful occupation;
  - (9) Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic, and to fail to clear the public way after being ordered to do so by a city marshal or other lawful authority;
  - (10) Stand or remain in or about any street, sidewalk, overpass or public way so as to impede the flow of vehicular or pedestrian, and failing to clear such street, sidewalk, overpass public way after being ordered to do so by a city marshal or other lawful authority;

- (11) Disrupt by actions which tend to cause an immediate breach of the peace the undisturbed activities of any business establishment, tenants of multifamily housing, a house of worship, a hospital, a home for the elderly or a private residence;
- (12) Throw bottles, paper, cans, glass, sticks, stones, missiles, or any other debris on public property;

**Sec. 44-13. – Public intoxication; public consumption; disorderly conduct while under the influence.**

(a) *Public intoxication.*

- (1) 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 a state of intoxication or incapacitation caused by illicit drugs, alcohol, concentrated vapors, or inhalants. The condition of intoxication or incapacitation shall be manifested by boisterous or indecent behavior or loud, vulgar, or profane language.

(b) *Public consumption.*

- (1) It shall be unlawful for any person to consume alcoholic beverages or to transport open containers while on any street, sidewalk, parking area, or other open area owned, operated, or controlled by the city. Subject to the requirements set forth in article XIII of this Code, this subsection shall not apply to persons lawfully consuming or transporting 16 fluid ounces or less of malt beverage or wine within a designated entertainment district.

(c) *Disorderly conduct while under the influence.*

- (1) It shall be unlawful for any person to act in a reckless manner so as to create an unreasonable risk to himself, to others, or to property in the vicinity while under the influence of alcohol or drugs.

**Sec. 44-14. – Public indecency.**

(a) It shall be unlawful for any person to perform the following acts in a public place:

- (1) An act or simulated act of sexual intercourse;
- (2) An exposure of one's genitals, or of one's breasts, if female, except in a place designed for same;
- (3) Urination or defecation;

(b) Nothing in this chapter shall hinder the right of a woman to nurse a child in a public place.

**Sec. 44-15. – Residential picketing.**

It shall be unlawful for any person to engage in picketing, standing, or marching for demonstration or protest purposes before or about the private residence or dwelling of any individual.

**Sec. 44-16. – Street racing and reckless driving exhibitions.**

- (a) *Definitions.* For purposes of this section, the following terms shall have the meanings ascribed to them below:

*Illegal street racing and reckless driving exhibitions* shall mean a motor vehicle contest or event using public highways, streets, rights-of-way, public or private driveways, or public or private parking lots in violation of applicable motor vehicle and traffic laws, including without limitation O.C.G.A. §§ 40-6-186, 40-6-251, and 40-6-390. Illegal street racing or reckless driving exhibitions may include, but is not limited to situations in which:

- (1) A group of individuals or motor vehicles has arrived at a location for the purpose of participating in the event;
- (2) A group of individuals has gathered on private property open to the general public without consent of the owner, operator or agent of the property for the purpose of participating in the event;
- (3) One or more individuals has impeded the free public use of a public street, sidewalk, or highway by actions, words or physical barriers for the purpose of conducting the event;
- (4) Two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition;
- (5) One or more drivers is revving his engine or spinning his tires in preparation for the event;
- (6) An individual is stationed at or near one or more motor vehicles for the purpose of serving as a race or event starter.

*Organizer* shall mean any individual who in any manner knowingly takes part in the planning, organization, coordination, facilitation, advertising, or location sharing of illegal street racing or reckless driving exhibitions, or who collects money in connection with an illegal street race or reckless driving exhibition.

*Participant* shall mean any individual who is knowingly present at an illegal street race or reckless driving exhibition for the purpose of actively taking part in the event, through conduct including, but not limited to, riding as a passenger in race or exhibition vehicle, assisting organizers or drivers in carrying out or promoting the event, taking video or photographic images for purposes of promotion or profit, or exchanging money or anything of value with any driver, motor vehicle owner, organizer, or other participant in connection with the event.

- (b) *Violations.*

- (1) No person shall knowingly act as an organizer of an illegal street racing or reckless driving exhibition.
- (2) Except as provided elsewhere in this section, no person shall knowingly act as a participant in, or spectator of, an illegal street racing or reckless driving exhibition.
- (3) Nothing in this section prohibits law enforcement officers or their agents from being participants or spectators at an illegal street race or reckless driving exhibition in the course of their official duties.
- (4) This article shall not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes.

(5) In all cases of violations of this ordinance, the person charged shall appear in the city municipal court.

(c) *Proving Violations.* Notwithstanding any other provision of law, to prove a violation of this ordinance, admissible evidence may include, but is not limited to, any of the following:

- (1) The time of day;
- (2) The nature and description of the scene;
- (3) The number of people at the scene;
- (4) The location of the individual charged in relation to any individual or group present at the scene;
- (5) The number and description of motor vehicles at the scene;
- (6) That the individual charged drove or was transported to the scene;
- (7) That the individual charged has previously participated in illegal street racing or reckless driving exhibitions;
- (8) That the individual charged has previously aided and abetted illegal street racing or reckless driving exhibitions;
- (9) That the individual charged has previously organized illegal street racing or reckless driving exhibitions; or
- (10) That the individual charged previously was present at a location where preparations were being made for illegal street racing or reckless driving exhibitions or where illegal street racing or reckless driving exhibition was in progress.

(d) *Penalties.*

- (1) Violations of this ordinance shall be punished as by a fine of at least \$500.00 and not more than \$1000.00, imprisonment for a term not to exceed six months, or any combination thereof, subject to all limitations contained in applicable state law.
- (2) Any motor vehicle used in illegal street racing or reckless driving exhibition may be removed and impounded by a city marshal or other law enforcement officer with jurisdiction to the extent authorized by applicable state law, or pursuant to a warrant issued by a court of competent jurisdiction. An impounded vehicle may be held for not less than 30 days or final adjudication of the case, to the maximum extent allowed under state law.

**Secs. 44-17 – 44-29. – Reserved.**

### **ARTICLE III. – OFFENSES INVOLVING PROPERTY RIGHTS**

**Sec. 44-30. – Vandalism.**

(a) Public property.

- (1) It shall be unlawful for any person to vandalize, deface, or alter in any way the appearance or operation of any public property or park in the city.
- (2) No person shall spit on the floors, wall, or other parts of any public building in the city.

(b) Private property.

- (1) It shall be unlawful for any person to vandalize, deface, or alter in any way the appearance or operation of any private property without the consent of the owner.
- (2) This subsection (b) shall not be construed as affecting any remedy the property owner may have at law.

**Sec. 44-31. – Tampering with utilities.**

It shall be unlawful for any person to damage, disturb or tamper with an electric power pole, telephone pole, or other utility pole or their respective guide or support wires or other utility structure or facility located above or below ground in the city.

**Section 2:** All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 3:** If any section, subsection, provision, or clause of this Ordinance is declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not declared invalid or unconstitutional. It is the intent of the Mayor and City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional portions contained therein.

SO ORDAINED AND EFFECTIVE, this 27 day of February, 2024.

ATTEST:



(SEAL)

Kym Chereck, City Clerk

APPROVED:



Mike Mason, Mayor



VOTE:  Y  N  A Sadd /  Y  N  A Christ /  Y  N  A Wright /  Y  N  A Mason /  Y  N  A Sawyer /  Y  N  A Douglass /  Y  N  A Gratwick