

ORDINANCE 94-5
AMENDMENT ONE

AN ORDINANCE TO AMEND ORDINANCE 94-5, AND PROHIBITING LOITERING IN THE CITY OF DAHLONEGA, PROHIBITING UNLAWFUL ASSEMBLY, PROHIBITING UNLAWFUL USE OF LOUDSPEAKERS, PROHIBITING DISTURBING THE PEACE, PROHIBITING DISORDERLY CONDUCT GENERALLY, PROHIBITING DISORDERLY CONDUCT IN PARKING AREAS, PROVIDING PENALTIES FOR VIOLATION, REPEALING CONFLICTING REGULATIONS, AND FOR OTHER PURPOSES.

Be it ordained by the City Council of Dahlonega, and it is so ordained by the authority thereof that Ordinance 94-5 is hereby amended to read in its entirety as follows:

SECTION 100 -- UNLAWFUL ASSEMBLY: FAILURE TO DISPERSE

It shall be unlawful for any two or more persons, after having assembled on private property of any other person, firm or corporation within the corporate limits of the City of Dahlonega in the absence of, and without first having obtained the permission of the owner, tenant in possession, or person in charge of such private property to assemble thereon, to fail to disperse and cease such assembly upon being directed to do so by any deputy of the County of Lumpkin.

SECTION 101 -- DISTURBING THE PEACE

It shall be unlawful for any two or more persons to assemble at any place within the corporate limits of the City of Dahlonega and by loud discourse, boisterous conduct, the sounding of one or more motor vehicle horns, or the operation of any other noise making device disturb the public peace.

SECTION 102 -- UNLAWFUL USE OF LOUD SPEAKERS

102.1 Permit required for outdoor use of amplification devices upon streets, alleys, or upon vacant property. It shall be unlawful for any person to use, or speak with, any amplified, mechanical loud-speaker, public address system, or any other device for the amplification of the human voice, or musical recording, upon any of the streets, alleys, or upon any vacant property within the corporate limits of the City of Dahlonega without first furnishing satisfactory proof to the governing authorities of the City of Dahlonega that the use of such amplifier, mechanical loudspeaker, public address system, or other device will not constitute a public nuisance, and will not disturb the good order and quiet of the City of Dahlonega, and without first obtaining a written permit for the use of such equipment from the City Manager of the City of Dahlonega.

102.2 Use of amplification devices which disturbs peace prohibited on all Property within the City of Dahlonega. It shall be unlawful for any person to use, or speak with, any amplifier, mechanical loud-speaker, public address system, or any other device for the amplification of the human voice, or musical recording, upon public or private property within the corporate limits of the City of Dahlonega in such manner as to disturb the peace and tranquility of, or invade the privacy of the home or place of business of any other person, firm, or corporation, or place of public gathering, or to interfere with the use and enjoyment of public property or property owned or occupied by others in the City of Dahlonega.

SECTION 103 — DISORDERLY CONDUCT

103.1 Vulgar, indecent or profane language as disorderly conduct. Any person who shall use any vulgar, indecent or profane language on any street, road, lane or alley or at any public place within the City of Dahlonega; or who shall use any abusive, insulting, offensive, obscene, opprobrious or threatening language to anyone or otherwise act in any disorderly manner within the corporate limits of the City of Dahlonega or who shall do any act or use any language or words within the corporate limits of the City of Dahlonega which tend to disturb the peace or endanger the morals, safety or health of the citizens of the City of Dahlonega shall be guilty of the offense of disorderly conduct; and

103.2 Acts against the public safety, morality or decency as disorderly conduct. Any person who shall within the corporate limits of the City of Dahlonega commit an act against the public safety, the public morality or the public decency shall be guilty of the offense of disorderly conduct; and

103.3 Appearance in an intoxicated condition as disorderly conduct. Any person who shall be and appear in an intoxicated condition on any public street, lane or alley, or highway, or within the cartilage of any private residence not in the exclusive possession of the person so intoxicated, or upon any exclusive possession of the person so intoxicated, or upon any public conveyance, or on any fair grounds, ball grounds, show ground or any other place of public gathering or assembly which said drunkenness is caused by the excessive use of intoxicating wines, beers, homebrew, liquors, or any other intoxicating beverage or drugs, shall be guilty of the offense of disorderly conduct; and

103.4 Drunken or intoxicated condition as disorderly conduct. Any person who shall be in a drunken or intoxicated condition within the cartilage of his own home and who shall act in such a disorderly, loud or violent manner as to disturb other citizens of the City of Dahlonega, or in such manner as to disturb the good order, peace and welfare of the City of Dahlonega shall be guilty of the offense of disorderly conduct; and

103.5 Unauthorized placing of beer cans. liquor bottles. or containers in public places as disorderly conduct. Any person who shall throw or place any beer cans, liquor bottles, glass bottles or containers, cans, or trash or debris in any public street or highway, or in a city park, in the City of Dahlonega shall be guilty of the offense of disorderly conduct; and

103.6 Unauthorized placement of alcohol beverage containers on private property as disorderly conduct. Any person who shall throw or place any beer cans, liquor bottles or containers, cans or trash or debris on any premises in the City of Dahlonega not in the possession of such person or without the consent of the owner and person in possession of same shall be guilty of the offense of disorderly conduct.

SECTION 104 -- DISORDERLY CONDUCT IN PARKING AREAS - PROHIBITED ACTS ENUMERATED

104.1 Spinning or skidding of wheels in motor vehicles in parking areas and other defined areas located on private property. It shall be unlawful for any person, while on the parking area or lot, or any other part of the premises, of any shopping center or other business establishment providing parking for its patrons, to race the motor of any motor vehicle; to cause the wheels of any motor vehicle to spin; to stop any motor vehicle in such manner as to cause its tires to slide or skid on the surface of such parking area or lot, or other part of said premises; or to cause to be made any loud or unseemly noise which disturbs the peace and tranquility of the City of Dahlonega.

104.2 Use of alcoholic beverages in parking areas. It shall be unlawful for any person to drink beer, wine, intoxicating liquor, or any other alcoholic beverage while on the parking area or lot of any shopping center or other business establishment providing parking for its patrons.

104.3 Loitering, cruising on premises of shopping centers and business establishments. It shall be unlawful for a group of three (3) or more persons to congregate and linger at any location on the parking area, or lot, or approaches thereto, or on any other part of the premises, of any shopping center or other business establishment providing parking for its patrons. No person shall cruise in a motor vehicle in, or drive a motor vehicle on, onto, or from the parking area or lot, or any other part of the premises, of any shopping center or other business establishment providing parking for patrons during the hours when the businesses located in such shopping center are closed, during the hours when such other business establishment is closed, for doing business with their patrons, provided that this prohibition shall not apply to owners and employees of such businesses while going to or leaving from work, or otherwise performing duties connected with such businesses.

104.4 Leaving vehicle unoccupied. It shall be unlawful for any person to park, or cause to be parked, and leave unoccupied any motor vehicle on any parking area or lot, or any other part of the premises, of any shopping center or other business establishment providing parking for its patrons, except with the knowledge and consent of the operators of the business or businesses whose patrons are served by the area where such motor vehicle is so parked and left unoccupied, or with the knowledge and consent of the person in charge of the area where such vehicle is so parked and left unoccupied.

104.5 Duty to erect warning signs. The owner or lessee of the parking area or lot of every shopping center, and of every other business establishment providing a parking area for its patrons of sufficient size to encourage loitering or cruising in motor vehicles in such area, shall post within thirty days of the effective date of this ordinance on or immediately adjacent to such parking lot or area, and in a conspicuous location, one or more signs bearing the following legend:

CUSTOMER PARKING ONLY
LOITERING IN THIS AREA IS
PROHIBITED BY CITY ORDINANCE 94-5

SECTION 105 --DEFINITION OF OFFENSE. FINES AND PENALTIES.

105.1 Failure to obey is an offense. When any person causes or commits any of the conditions enumerated in Ordinance 94-5, as amended, any Lumpkin County law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this ordinance.

105.2 Fines and penalties. Any person or corporation who violates any provision of this Ordinance shall be subject to a fine not exceeding \$250.00 or by imprisonment not exceeding thirty days or both. Any such violation shall constitute a separate offense on each successive day continued.

ORDAINED THIS 6th DAY OF September, 1994 BY THE MAYOR AND COUNCIL OF THE CITY OF DAHLONEA.

Dr. John Raber
Mayor

ATTEST: Janet Jarrard
City Clerk