



1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA,**

2
3 **WHEREAS**, Pursuant to subsection (29) of Section 1.03 of the Charter of the City of
4 Stonecrest, Georgia, the City of Stonecrest (the "City") has been vested with the power to "To
5 provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots,
6 and public disturbances"; and

7
8 **WHEREAS**, the City has the power to define, regulate, license, and prohibit any act,
9 practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare
10 and safety of the inhabitants of the City, and to provide for the enforcement of such standards; and

11
12 **WHEREAS**, the Mayor and City Council find it desirable and in the interest of the health,
13 safety, and welfare of the citizens of the City to adopt an ordinance regulating miscellaneous
14 offenses;

15
16 **Section 1:** The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an
17 ordinance designated as "Chapter 16- Miscellaneous Provisions and Offenses" to read and to be
18 codified as follows:

19
20
21 **CHAPTER 16 - MISCELLANEOUS PROVISIONS AND OFFENSES**

22 **ARTICLE I. - IN GENERAL**

23 **Sec. 16-1. - Fines and punishment.**

24 Unless otherwise specified, any person found guilty of violating any provision of this chapter
25 shall be punished in a manner consistent with this Code and Georgia law.

26
27 **Sec. 16-2. - Criminal impersonation.**

28 (a) As used in this section, "intent to defraud" means the use of deception with the intention to
29 injure another's interest which has economic or monetary value.

30 (b) A person commits the offense of criminal impersonation if the individual:

31 (1) Assumes a false identity and commits any act in their assumed character with the
32 intent to defraud another; or

33 (2) Pretends to be a representative of some person or organization and commits any act
34 in their pretended capacity with the intent to defraud another.

37 Sec. 16-3. - False representation of age.

38 It shall be unlawful for any person to misrepresent his/her age in any manner whatever for the
39 purpose of gaining entrance to events or establishments that require a minimum age including, but
40 not limited to, bars, nightclubs, movies, video stores, bookstores or bingo parlors.

41 Sec. 16-4. - Aiding, encouraging minor to commit unlawful act.

42 No person shall aid, abet or encourage a minor to do any act which constitutes a violation of
43 any State law or this Code.

44

45 Secs. 16-5 – 16-19. – Reserved.

46

47 ARTICLE III. - OFFENSES AGAINST PUBLIC PEACE, ORDER AND SAFETY

48 DIVISION 1. - GENERALLY

49 Sec. 16-20. - Disorderly conduct.

50 (a) It shall be unlawful for any person to disturb or endanger the public peace or decency by
51 any disorderly conduct.

52 (b) The following acts, among others, are declared to be disorderly conduct:

53 (1) Act in a violent or tumultuous manner toward another whereby any person is placed in
54 fear of the safety of such person's life limb or health;

55 (2) Act in a violent or tumultuous manner toward another whereby the property of any person
56 is placed in danger of being damaged or destroyed;

57 (3) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the
58 life, limb, health or property of another;

59 (4) Assemble or congregate with another or others for the purpose of gaming;

60 (5) Be in or about any place, alone or with others, with the purpose of or intent to engage in
61 any fraudulent scheme, trick or device to obtain any money or valuable thing' or to aid
62 or abet any person doing so;

63 (6) Be in or about any place where gaming or illegal sale or possession of alcoholic beverages
64 or narcotics or dangerous drugs are practiced, allowed or tolerated, for the purpose of or
65 intent to engage in gaming or the purchase, use, possession or consumption of such illegal
66 drugs, narcotics or alcohol;

67 (7) Direct fighting words toward another, that is, words which by their very nature tend to
68 incite an immediate breach of the peace;

69 (8) Interfere, by acts of physical obstruction, with another's pursuit of a lawful occupation;

- 70 (9) Congregate with another or others in or on any public way so as to halt the flow of
71 vehicular or pedestrian traffic, and to fail to clear that public way after being ordered to
72 do so by a City official, police officer or other lawful authority;
- 73 (10) Stand or remain in or about any street, sidewalk, overpass, or public way so as to impede
74 the flow of vehicular or pedestrian traffic, and to fail to clear such street, sidewalk,
75 overpass or public way after being ordered to do so by a City Official, police officer or
76 other lawful authority;
- 77 (11) Disrupt by actions which tend to cause an immediate breach of the peace the undisturbed
78 activities of any house of worship, hospital, or home for the elderly; or
- 79 (12) Throw bottles, paper, cans, glass sticks, stones, missiles, or any other debris on public
80 property.

81

82 Sec. 16-21. - Obstruction and interference.

83 (a) It shall be unlawful for any person to intentionally interfere or hinder a city official,
84 employee, or agent when such official, employee or agent has properly identified either himself or
85 is otherwise identifiable as such and is engaged in the lawful performance of his official duties.

86 (b) It shall be unlawful for any person to give a false name, address or date of birth, or any
87 other false information, to any city official, employee, or agent in the lawful discharge of his
88 official duties with the intent to mislead such official, employee or agent in any way.

89 (c) It shall be unlawful for any person to refuse to provide identification, address or date of
90 birth to a code enforcement officer, police officer or fire marshal while said officer is conducting
91 an investigation and the officer has reasonable belief that said individual committed a crime, is
92 committing a crime or is about to commit a crime. However, said person shall not be compelled to
93 answer any other inquiry.

94

95 Sec. 16-22. - Begging, panhandling or soliciting on public property, sidewalks and streets; certain
96 designated places prohibited.

97 (a) Definitions. Except where the content otherwise requires, as used in this chapter:

98 (1) Aggressively beg, panhandle or solicit means any request made in person for a donation
99 of money or some other article of value from another person by an unwanted touching,
100 detaining, impeding or intimidation. Aggressive begging, panhandling or soliciting usually
101 includes approaching or following pedestrians; repetitive begging, panhandling or
102 soliciting despite refusals; the use of abusive or profane language; unwanted physical
103 contact; or the intentional blocking of pedestrian and vehicular traffic. Also, any person
104 who intentionally blocks the passage of another person or a vehicle, which requires another
105 person to take evasive action to avoid physical contact, is an aggressive panhandler.

106 (2) Beg, panhandle or solicit, for purposes of this ordinance, means any request made in
107 person for a donation of money or some other article of value, either by words, bodily
108 gestures, signs or other means, from another person.

109 (3) Beg, panhandle, or solicit from any operator or occupant of a vehicle that is in traffic
110 on a public street means any request made in person for a donation of money or some other
111 article of value, either by words, bodily gestures, signs or other means, from any operator
112 or occupant of a vehicle, coupled with an actual exchange of money or some other article
113 of value between the person begging, panhandling or soliciting and any operator or
114 occupant of a vehicle while that vehicle is on the portion of a public street currently in use
115 by vehicular traffic.

116 (4) Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie or place an object
117 in such a manner as to intentionally block passage of another person or a vehicle, or to
118 require another person or driver of a vehicle to take evasive action to avoid physical
119 contact. Acts authorized as an exercise of one's constitutional right to picket or to legally
120 protest, and acts authorized by permit are not included within the definition of this term.

121 (5) Public place means an area generally visible to public view and includes, but is not
122 limited to, alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and
123 streets open to the general public, including those areas that serve food or drink or provide
124 entertainment or other services, outdoor cafes, public restrooms, and the doorways and
125 entrances to buildings or dwellings and the grounds enclosing them.

126 (6) For purposes of this ordinance, beggar, panhandler or solicitor means any person
127 traveling either by foot, vehicle or other conveyance, from place to place, requesting in
128 person a donation of money or some other article of value, either by words, bodily gestures,
129 signs or any other means, from another person.

130 (b) Restrictions and requirements.

131 (1) Beggars, panhandlers or solicitors are prohibited from intentionally obstructing
132 pedestrian or vehicular traffic.

133 (2) Beggars, panhandlers or solicitors are prohibited from aggressively begging,
134 panhandling or soliciting.

135 (3) Beggars, panhandlers or solicitors are prohibited from begging, panhandling or
136 soliciting from any operator or occupant of a vehicle that is in traffic on a public street, as
137 those terms are defined in this article.

138 (4) Any operator or occupant of a vehicle that is in traffic on a public street is prohibited
139 from offering money or some other article of value to a beggar, panhandler or solicitor
140 resulting in the actual exchange of money or some other article of value between the person
141 begging, panhandling or soliciting and the operator or occupant of a vehicle while that
142 vehicle is on the portion of a public street currently in use by vehicular traffic.

143 (5) No person shall stand on a traffic median, bicycle path or public street to beg, panhandle
144 or solicit when to do so would obstruct vehicular traffic.

145 (6) Begging, panhandling, soliciting or aggressive begging, panhandling or soliciting are
146 prohibited at the following places:

- 147 a. At an outdoor cafe;
- 148 b. Within 12 feet of an outdoor cafe;
- 149 c. In a public restroom;
- 150 d. From any person standing in line to enter a building or event;
- 151 e. Within 12 feet of a line to enter a building or event;
- 152 f. Within 12 feet of the entrance or exit of a building;
- 153 g. From any person using an automated teller machine, or any electronic
154 information processing device which accepts or dispenses cash in connection
155 with a credit, deposit or convenience account (ATM);
- 156 h. Within 12 feet of an ATM;
- 157 i. From any person using a pay phone;
- 158 j. Within 12 feet of a pay phone.

159

160 Sec. 16-23 – Reserved.

161

162 Sec. 16-24. – Reserved.

163

164

165 Sec. 16-25. - Shoplifting.

166 (a) *Unlawful act.* It shall be unlawful for any person to commit the offense of theft by
167 shoplifting within the corporate limits of the city when the property which is the subject of the
168 theft is \$500.00 or less in value.

169 (b) *Defined.* A person commits the offense of theft by shoplifting when alone or in concert
170 with another person, with the intent of appropriating merchandise to such person's own use without
171 paying for the same or to deprive the owner of possession thereof or of the value thereof, in whole
172 or in part, does any of the following:

- 173 (1) Conceals or takes possession of the goods or merchandise of any store or retail
174 establishment;
- 175 (2) Alters the price tag or other price marking on goods or merchandise of any store or retail
176 establishment;
- 177 (3) Transfers the goods or merchandise of any store or retail establishment from one
178 container to another;

- 179 (4) Interchanges the label or price tag from one item of merchandise with a label or price tag
180 for another item of merchandise; or
- 181 (5) Wrongfully causes the amount paid to be less than the merchant's stated price for the
182 merchandise.

183

184 Sec. 16-26. – Public defecation or urination.

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

188

189 Sec. 16-27. - Urban camping prohibited.

190 (a) Definitions. The following words, terms and phrases, when used in this section, shall have
191 the meanings ascribed to them in this subsection, except where the context clearly indicates a
192 different meaning:

193 *Camp* means residing in or using a public street, sidewalk, or park for private living
194 accommodations, such as erecting tents or other temporary structures or objects providing shelter;
195 sleeping in a single place for any substantial prolonged period of time; regularly cooking or
196 preparing meals; or other similar activities.

197 *Public park* means all municipal parks, public playgrounds, public plazas, attractions, and
198 monuments.

199 *Public street* means all public streets and highways, public sidewalks, public benches,
200 public parking lots, and medians.

201 *Storing personal property* means leaving one's personal effects such as, but not limited to,
202 clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for any
203 substantial prolonged length of time. This term shall not include parking a bicycle or other mode
204 of transportation.

205 (b) Public parks. It shall be unlawful to camp or to store personal property in any park owned
206 by the city.

207 (c) Public streets. It shall be unlawful to camp, to sleep, to store personal property, to sit or to
208 lie down on any public street.

209 (d) Other public property; blocking ingress and egress. It shall be unlawful to camp, to sleep,
210 to store personal property, to sit or to lie down on any public property so as to interfere with ingress
211 or egress from buildings.

212 (e) Warning. No person may be arrested for violating this section until he or she has received
213 an oral or written warning to cease the unlawful conduct. If the violator fails to comply with the
214 warning issued, he or she is subject to arrest for urban camping.

215 (f) Exceptions. This section shall not be construed to prohibit the following behavior:

- 216 (1) Persons sitting or lying down as a result of a medical emergency;
- 217 (2) Persons in wheelchairs sitting on sidewalks;
- 218 (3) Persons sitting down while attending parades;
- 219 (4) Persons sitting down while patronizing sidewalk cafes;
- 220 (5) Persons lying down or napping while attending performances, festivals, concerts,
- 221 fireworks, or other special events;
- 222 (6) Persons sitting on chairs or benches supplied by a public agency or abutting private
- 223 property owner;
- 224 (7) Persons sitting on seats in bus zones occupied by people waiting for the bus;
- 225 (8) Persons sitting or lying down while waiting in an orderly line outside a box office to
- 226 purchase tickets to any sporting event, concert, performance, or other special event;
- 227 (9) Persons sitting or lying down while waiting in an orderly line awaiting entry to any
- 228 building, including shelters, or awaiting social services, such as provision of meals; or
- 229 (10) Children sleeping while being carried by an accompanying person or while sitting or
- 230 lying in a stroller or baby carriage.

231

232 Sec. 16-28. - Residential picketing prohibited.

233 (a) It shall be unlawful for any person to engage in picketing upon, before, or about the private

234 residence or home of any individual.

235 (b) Picketing shall include, but not be limited to, the following types of activity:

236 (1) Staging a public or private protest of any kind.

237 (2) Obstructing passage to or from a residence.

238 (3) Promoting a strike or a boycott at a residence.

239 (4) To intimidate or otherwise harass the resident.

240 (c) It is the purpose of this section to protect and preserve the home, inasmuch as the public

241 health and welfare and the good order of the city require that citizens of the city enjoy a feeling of

242 peace, well-being, and privacy in their homes at all times.

243

244 Sec. 16-29. - Loitering and prowling.

245 (a) It shall be unlawful for a person to be in a place at a time or in a manner not usual for law-

246 abiding individuals under circumstances that warrant a justifiable and reasonable alarm or

247 immediate concern for the safety of persons or property in the vicinity. Among the circumstances

248 which may be considered in determining whether alarm is warranted is the fact that the person

249 takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or

250 manifestly endeavors to conceal himself or any object. Unless flight by the person or other

251 circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an
252 offense under this section, afford the person an opportunity to dispel any alarm or immediate
253 concern which would otherwise be warranted by requesting the person to identify himself and
254 explain his presence and conduct. No person shall be convicted of an offense under this section if
255 the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial
256 that the explanation given by the person was true and would have dispelled the alarm or immediate
257 concern.

258 (b) It shall be unlawful for a person aged 17 years or younger to be in a place at a time or in a
259 manner not usual for law-abiding individuals under circumstances that warrant a justifiable and
260 reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Among
261 the circumstances which may be considered in determining whether alarm is warranted is the fact
262 that the person takes flight upon the appearance of a law enforcement officer, refuses to identify
263 himself, is present at such a place during school hours, or manifestly endeavors to conceal himself
264 or any object. Unless flight by the person or other circumstances make it impracticable, a law
265 enforcement officer shall, prior to any arrest for an offense under this section, afford the person an
266 opportunity to dispel any alarm or immediate concern which would otherwise be warranted by
267 requesting the person to identify himself and explain his presence and conduct. No person shall be
268 convicted of an offense under this section if the law enforcement officer failed to comply with the
269 foregoing procedure or if it appears at trial that the explanation given by the person was true and
270 would have dispelled the alarm or immediate concern.

271 (c) It shall be unlawful for any parent guardian or other persona having the custody or control
272 of any minor to permit, allow or encourage such minor to violate subsection (a) of this section.

273 (d) It shall be unlawful for the proprietor, manager or other person having charge or control of
274 any public or other place to permit, allow or encourage any minor to violate subsection (a) of this
275 section in such place.

276 Sec. 16-29.1. – Loitering for purpose of procuring others to engage in sexual acts for hire.

277 It shall be unlawful for any person to loiter in public for the purpose of soliciting or procuring
278 others to engage in any sexual acts for hire.

279 Sec. 16-29.2. – Loitering for purposes of engaging in drug-related activity.

280 (a) *Legislative findings and intent.*

281 (1) The governing authority of the city finds that the increase throughout the city of loitering
282 in public places for the purposes of unlawful drug-related activity, or in effect, "open air"
283 drug dealing, has become extremely disturbing and disruptive to residents and businesses.
284 This activity has contributed not only to the loss of access to and enjoyment of public
285 places, but also to an enhanced sense of fear and intimidation and disorder.

286 (2) Loitering for purposes of unlawful drug-related activity usually includes a dominate
287 presence of those persons engaging in such activity by approaching pedestrians,
288 encouraging the presence of vehicle and pedestrian traffic for the purpose of unlawful
289 drug-related activity in and out of residential areas, to or from motor vehicles or in parking
290 lots. Such presence carries with it an implicit threat to visitors and residents to avoid the

291 use of these public places. The avoidance of such places by law-abiding citizens leads to
292 an increased opportunity for the unlawful criminal activity and furthers the decay of the
293 neighborhood.

294 (3) The city has a strong interest in ensuring that citizens feel safe in their neighborhoods,
295 in safeguarding the economic vitality of its business districts, and in preserving public
296 places for their intended purposes.

297 (4) This section is not intended to limit any person from exercising their right to assemble
298 or engage in any other constitutionally protected activity. This section applies to all
299 persons with the requisite intent to induce another to engage in unlawful drug-related
300 activity.

301 (b) It shall be unlawful for any person to loiter, as defined in this Chapter, in or near any
302 thoroughfare, place open to the public, or any public or private place in order to induce, entice,
303 solicit or procure another to engage in unlawful drug-related activity.

304 (1) "Unlawful drug-related activity" means conduct which constitutes an offense defined in
305 O.C.G.A. Tit. 16, Ch. 13, as amended; conduct which constitutes complicity to commit
306 such an offense by, for example, acting as a lookout; or conduct which constitutes
307 conspiracy to commit such an offense.

308 (2) "Public place" means an area open to the public or exposed to public view and includes
309 streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles,
310 whether moving or not, and buildings open to the general public, including those which
311 serve food or drink, or provide entertainment, and the doorways and entrances to
312 buildings or dwellings and the grounds enclosing them.

313 (c) A police officer who observes a person loitering under circumstances that provide the officer
314 with a reasonable basis to believe unlawful drug-related activity is occurring or has occurred
315 may detain the individual for the purpose of investigating whether the person is in violation
316 of this section.

317 (d) A police officer may not detain an individual under this Code section unless both of the
318 following elements are satisfied:

319 (1) The person engages in one (1) or more of the following behaviors:

320 a. The person passes or receives from a passer-by, bystander or person in a motor
321 vehicle money, objects having characteristics consistent with controlled substances,
322 and/or an envelope, bag or other container that could reasonably contain such objects
323 or money;

324 b. The person conceals or attempts to conceal an object having characteristics
325 consistent with controlled substances and/or an envelope, bag, clear plastic baggie or
326 other container that could reasonably contain such objects;

327 c. The person flees or obscures himself upon seeing law enforcement officers;

328 d. The person communicates the fact that law enforcement officers are in the vicinity
329 to another person in a manner that suggests that the communication is a warning; or

- 330 e. The officer observes the person in possession of any instrument or object that is
331 designed or marketed as useful primarily for one (1) or more of the following
332 purposes:
- 333 1. To inject, ingest, inhale or otherwise introduce marijuana or a controlled
334 substance into the human body;
 - 335 2. To enhance the effect of marijuana or a controlled substance on the human body;
 - 336 3. To test the strength, effectiveness, or purity of marijuana or a controlled
337 substance;
 - 338 4. To process or prepare marijuana or a controlled substance for introduction into
339 the human body;
 - 340 5. To conceal any quantity of marijuana or a controlled substance; or
 - 341 6. To contain or hold marijuana or a controlled substance while it is being
342 introduced into the human body.
- 343 (2) One (1) of the following factors applies:
- 344 a. The officer is aware that, within the preceding three (3) years, the person has been
345 convicted of an offense defined in O.C.G.A. Tit. 16, Ch. 13, or of complicity to
346 commit such an offense, or of conspiracy to commit such an offense with in the
347 preceding three (3) years;
 - 348 b. The officer has knowledge of a specific reliable tip concerning unlawful drug-related
349 activity at a specific location, and the person who is found loitering is doing so at a
350 time, in a place or in a manner that is otherwise consistent with the details provided
351 in the tip;
 - 352 c. The person is loitering in an area that has been designated a notorious drug-related
353 activity area as defined in subsection (g), below;
 - 354 d. The person is in an area where he is prohibited by court order from being, and the
355 officer is aware of the court order;
 - 356 e. The officer knows that the person has been previously convicted of loitering with
357 the intention of engaging in unlawful drug-related activity under this section; or
 - 358 f. Any vehicle the person has approached or communicated through is registered to an
359 individual who has been convicted of an unlawful drug-related activity in the
360 previous three (3) years, and the officer is aware of that fact.
- 361 (e) No arrest may be made for a violation of this section unless the arresting officer first affords
362 the person an opportunity to explain the person's presence and conduct, unless flight by the
363 person or other circumstances make it impracticable to afford such an opportunity, and no one
364 shall be convicted of violating this section if it appears at trial that the explanation given at
365 the scene was true and disclosed a lawful purpose.
- 366 (f) If a police officer who detains a person pursuant to this Code section develops probable cause
367 to believe that the person is in violation of this Code section, the officer may order the person

368 to immediately leave the location and to remain at least five hundred (500) feet away from the
369 location for at least five (5) hours. In the event that person refuses to comply with such an
370 order, the police officer may arrest the person and charge him with a violation of this section.

371 (g) The City may, by written directive, clearly and publicly designate areas of the City that are
372 frequently associated with excessive incidents of drug-related offenses, including offenses
373 involving controlled substances, as defined in O.C.G.A. Tit. 16, Ch. 13, or marijuana, subject
374 to any requirements of state law.

375

376 Sec. 16-30. - Preventing or disrupting lawful meetings, gatherings or processions.

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

381

382 Sec. 16-31. - Unauthorized persons entering vacant buildings.

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

389

390 Sec. 16-32. - Discharge of weapons.

391 It shall be unlawful for any person to fire a gun, rifle, pistol, revolver, cannon, air rifle, firearm
392 of any type or shoot a slingshot, crossbow or bow within the city, except in defense of a person or
393 property. This section shall not apply to (a) any law enforcement officer while in the discharge of
394 official duties and (b) any bow or crossbow hunter that holds a valid hunting permit issued by and
395 who complies with the regulations of the Georgia Department of Natural Resources with respect
396 to deer hunting within DeKalb County.

397

398 Sec. 16-33. - Reckless operation of motor vehicle upon parking facility or walkway.

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

402

403 Sec. 16-34. - Creating hazardous or offensive condition.

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

406

407 Sec. 16-35. - Halting or impeding flow of traffic.

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

412 Sec. 16-36. – Civil Trespass.

413 No person shall knowingly and without authority enter upon the land or premises of another
414 person after receiving, prior to such entry, notice from the owner, rightful occupant, or authorized
415 representative of the owner or rightful occupant that such entry is forbidden. Posted “no
416 solicitation” signs shall be deemed adequate notice.

417 Secs. 16-37 - 16-50. – Reserved.

418

419 DIVISION 2. – DRUG AND ALCOHOL-RELATED OFFENSES

420 Sec. 16-51. - Public possession or consumption.

421 (a) Alcohol consumption near package stores. It shall be unlawful for any person to open or to
422 consume all or any part of any type of alcoholic beverage within 100 feet of any retail store where
423 alcoholic beverages are sold in package form or within the boundary lines of the property on which
424 such retail store is located, whichever constitutes the greater distance, unless otherwise permitted
425 by Chapter 4.

426 (b) Drinking in public.

427 (1) It shall be unlawful for any person to drink any vinous, malt or other alcoholic beverage
428 while on any streets, sidewalks, alleyways, parking areas or other open areas operated
429 and controlled by the city. This subsection does not apply to parks.

430 (2) Subsection (1) shall not apply to gatherings or activities for which a temporary liquor
431 license has been issued by the city, subject to any conditions attached to the issuance of
432 the permit.

433

434 Sec. 16-52. - Public intoxication.

435 It shall be unlawful for any person to be disorderly while under the influence of illicit drugs,
436 alcohol, concentrated vapors, or inhalants on the streets, sidewalks or other public places within
437 the corporate limits of the city. Any person who acts in a reckless manner so as to create an
438 unreasonable risk to himself, to others or to property in the vicinity while under the influence of
439 alcohol or drugs is in violation of this section. The condition of intoxication or incapacitation must

440 be outwardly manifested by boisterousness, public indecency as defined by this Chapter, indecent
441 acts, vulgar, profane, or loud and unbecoming language, unconsciousness, disorientation or the
442 inability to care for his or her own needs or recognize obvious dangers.

443

444 Sec. 16-53. - Furnishing, purchasing, or possession of alcoholic beverages by person less than 21
445 years of age.

446 (a) Except as otherwise authorized by law:

447 (1) No person directly or through another person shall furnish, cause to be furnished, or
448 permit any person in such person's employ to furnish any alcoholic beverage to any
449 person less than 21 years of age;

450 (2) No person less than 21 years of age shall purchase, drink or knowingly possess any
451 alcoholic beverages;

452 (3) No person less than 21 years of age shall misrepresent such person's age in any manner
453 whatever for the purpose of obtaining illegally any alcoholic beverage;

454 (4) No person shall knowingly or intentionally act as an agent to purchase or acquire any
455 alcoholic beverage for or on behalf of a person less than 21 years of age;

456 (5) No person less than 21 years of age shall misrepresent such person's identity or use any
457 false identification for the purpose of purchasing or obtaining any alcoholic beverages;
458 or

459 (6) No person shall keep or maintain a place where persons less than 21 years of age are
460 allowed and permitted to come and purchase, drink or possess any alcoholic beverage.

461 (b) The prohibitions contained in subsections (a)(1), (a)(2) and (a)(4) of this section shall not
462 apply with respect to:

463 (1) The sale, purchase or possession of alcohol beverages for consumption for medical
464 purposes pursuant to a prescription of a physician duly authorized to practice medicine
465 in this state;

466 (2) The sale, purchase or possession of alcohol beverages for consumption at a religious
467 ceremony;

468 (3) The possession of alcoholic beverages for consumption by a person under 21 years of
469 age when the parent or guardian of the person less than 21 years of age gives the alcoholic
470 beverage to the person and when possession is in the home of the parent or guardian and
471 such parent or guardian is present;

472 (4) The sale of alcoholic beverages by a person when such person has been furnished with
473 proper identification showing that the person to whom the alcoholic beverage is sold is
474 21 years of age or older. For purposes of this subsection, the term "proper identification"
475 means any document issued by a governmental agency containing a description of the
476 person, such person's photograph, or both, and giving such person's date of birth and
477 includes, without being limited to, a passport, military identification card, driver's

478 license, or an identification card authorized under O.C.G.A. §§ 40-5-100 through 40-5-
479 104. The term "proper identification" shall not include a birth certificate.

480 (c) If such conduct is not otherwise prohibited pursuant to O.C.G.A. § 3-3-24, nothing
481 contained in this section shall be construed to prohibit any person less than 21 years of age from:

482 (1) Dispensing, serving, selling or handling alcoholic beverages as a part of employment in
483 any licensed establishments;

484 (2) Being employed in any establishment in which alcoholic beverages are distilled or
485 manufactured; or

486 (3) Taking orders for and having possession of alcoholic beverages as a part of employment
487 in a licensed establishment.

488 (d) Testimony by any person under 21 years of age, when given in an administrative or judicial
489 proceeding against another person for violation of any provision of this section, shall not be used
490 as an admission in any administrative or judicial proceedings brought against such testifying
491 person less than 21 years of age.

492 (e) Any person convicted of violating any prohibition contained in subsection (a) of this
493 section shall be punished by a fine not to exceed \$1,000.00 or imprisonment for not more than 180
494 days, or both; except that any person convicted of violating subsection (a)(2) of this section shall
495 be punished by not more than 30 days imprisonment or a fine of not more than \$300.00 or both.
496 Any defendant charged under this section shall be entitled upon request to have the case against
497 such defendant transferred to the court having general misdemeanor jurisdiction in the county in
498 which the alleged offense occurred. Any person charged with a second or subsequent offense under
499 this section shall be punished as for a misdemeanor of a high and aggravated nature in the court
500 having general misdemeanor jurisdiction in the county in which the alleged offense occurred.

501 (f) Whenever any person who has not been previously convicted of any offense under this
502 section or under any other law of the United States or any other state relating to alcoholic beverages
503 pleads guilty to or is found guilty of a violation of subsection (a)(2) or (a)(3) of this section, the
504 court, without entering a judgment of guilt and with the consent of such person, may defer further
505 proceedings and place such person on probation upon such reasonable terms and conditions as the
506 court may require.

507 (1) The terms of probation shall preferably be such as to require the person to undergo a
508 comprehensive rehabilitation program, including, if necessary, medical treatment, not to
509 exceed three years, designed to acquaint such person with the ill effects of alcohol abuse
510 and to provide such person with knowledge of the gains and benefits which can be
511 achieved by being a good member of society.

512 (2) Upon violation of a term or condition of probation, the court may enter an adjudication
513 of guilt and proceed accordingly.

514 (3) Upon fulfillment of the terms and conditions of probation, the court shall discharge such
515 person and dismiss the proceedings against such person. Discharge and dismissal under
516 this subsection shall be without court adjudication of guilt and shall not be deemed a
517 conviction for purposes of this subsection or for purposes of disqualifications or

518 disabilities imposed by law upon conviction of a crime. Discharge and dismissal under
519 this subsection may occur only once with respect to any person.

520 (g) Unless the officer has reasonable cause to believe such person is intoxicated, an officer
521 may arrest, by issuance of a citation, a person accused of violating only subsection (a)(2) of this
522 section. The citation shall enumerate the specific charges against the person and either the date
523 upon which the person is to appear and answer the charges or a notation that the person will be
524 later notified of the date upon which the person is to appear and answer the charges. If the person
525 charged shall fail to appear as required, the judge, having jurisdiction of the offense may issue a
526 warrant or other order directing the apprehension of such person and commanding that such person
527 be brought before the court to answer the charges contained within the citation and the charge of
528 such person's failure to appear as required. Nothing in this subsection shall be construed to
529 invalidate an otherwise valid arrest by citation of a person who is intoxicated.

530

531 Sec. 16-54. - Marijuana possession.

532 (a) It shall be unlawful for any person to possess or have under his control within the city one
533 ounce or less of marijuana.

534 (b) For purposes of this section, the term "marijuana" means all parts of the plant of the genus
535 cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant,
536 and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds,
537 or resin, and shall not include the mature stalks of such plant, fiber produced from such stalks, oil,
538 or cake, or the completely sterilized samples of seeds of the plant which are incapable of
539 germination.

540 (c) Exceptions. The appropriate use of legally prescribed marijuana is not prohibited. "Legally
541 prescribed" shall mean that the individual has a prescription or other written approval from a
542 physician for the use of a drug in the course of medical treatment. It must include the patient's
543 name, the name of the substance, quantity/amount to be taken, and the period of authorization.

544 (d) Any person charged with a violation of this section shall be entitled, upon request, to have
545 the case against him transferred to the State Court of DeKalb County, to be prosecuted and tried
546 as a misdemeanor in that court.

547 Secs. 16-55 – 16-70. – Reserved.

548

549 DIVISION 3. – OFFENSES INVOLVING SCHOOLS

550 Sec. 16-71. - Unauthorized persons entering school buildings.

551 No person shall enter or remain in any public, private or parochial school building between
552 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
553 schools which have extended sessions), who is not a regularly enrolled student, teacher or
554 employee at that school, unless the person shall have first and immediately proceeded to the

555 administrative offices and identified themselves to the principal or the principal's agent and receives
556 permission to remain on the premises.

557

558 Sec. 16-72. - Unauthorized persons not to remain in school buildings or on school grounds after
559 being requested to leave.

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

563

564 Sec. 16-73. - Creating a disturbance.

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

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

571

572 Sec. 16-74. - Operation of motorized vehicles on school property.

573 The operation of motorized vehicles of any nature in or on any yard, campus, playing field or
574 open area of any public school, college or institution in the city, except on those areas designated
575 by school authorities for use of motorized vehicles, is prohibited.

576

577 Secs. 16-75 – 16-80. – Reserved.

578

579 **Section 2:**

580 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
581 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
582 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
583 constitutional.

584

585 2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest
586 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
587 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of
588 this Ordinance. It is hereby further declared to be the intention of the Mayor and City
589 Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause

590 or phrase of this Ordinance is mutually dependent upon any other section, paragraph,
591 sentence, clause or phrase of this Ordinance.

592
593 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall,
594 for any reason whatsoever, be declared invalid, unconstitutional or otherwise
595 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
596 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
597 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
598 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
599 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
600 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance
601 shall remain valid, constitutional, enforceable, and of full force and effect.

602
603 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are
604 hereby expressly repealed.

605
606 5. The within ordinance shall become effective upon its adoption.

607
608 6. The provisions of this Ordinance shall become and be made part of The Code of the City
609 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
610 accomplish such intention.

611
612 7.

613 **SO ORDAINED AND EFFECTIVE** this the 15 day of October, 2018.

614

615

616

617

618

619

620

621

622

623

624

625

626 Attest:

627

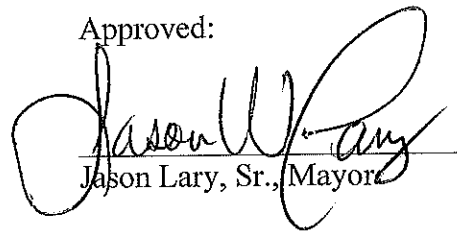
628

629

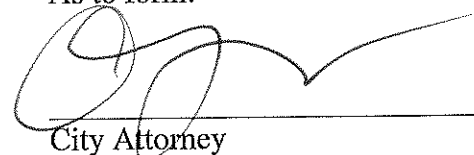
630


Brenda James, City Clerk

Approved:


Jason Lary, Sr., Mayor

As to form:


City Attorney

631

632