

³CHAPTER 31: GENERAL OFFENSES

31-101	Disorderly Conduct
31-102	Discharging Firearms, Air Guns, etc.
31-103	Report of Treatment of Wounds
31-105	Reserved
31-106	Reserved
31-108	Abandonment of Motor Vehicles
31-109	Tampering and/or Diversion of City Services
31-110	Operating a Motor Vehicle Without Insurance
31-111	Possession of Marijuana
31-113	Halting or Impeding the Flow of Traffic
31-114	Reserved
31-115	Smoking Prohibited in City Buildings, Vehicles, Shops and Work Areas
31-116	Repealer
31-117	False Alarms
31-118	Loitering
31-119	Graffiti and Vandalism
31-120	Criminal Gang Ordinance

⁵**31-101** **Disorderly Conduct**

2. Prohibited. It shall be unlawful for any person or persons to create any disturbance that is contrary to the peace and tranquility enjoyed by the people, or interfere with the lawful movement of vehicular or pedestrian traffic; or ignore, interfere or disobey a lawful command from a law enforcement officer in the lawful performance of his duties; or engage in any of the following acts:

- (a) Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health; or
- (b) Any person who shall act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged; or
- (c) Any person who shall endanger the lawful pursuits of another by acts of violence, threats of violence or abusive conduct; or
- (d) Any person who shall cause, provoke or engage in any fight, brawl, or riotous conduct so as to endanger the life, limb, health or property of another; or

- (e) Any person who shall assemble or congregate with another or others for the purpose of causing, provoking or engaging in any fight or brawl; or
- (f) Any person who shall be found jostling or roughly crowding or pushing any person in any public place; or
- (g) Any person who shall assemble or congregate with another or others for unlawful purposes as defined by the current Ordinances for the City of Lawrenceville; or
- (h) Any person who shall assemble or congregate with another or others for the purposes or with the intent to engage in gaming; or
- (i) Any person who shall go to or be at, any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices or devices; or
- (j) Any person who shall assemble or congregate with another or others for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in the City of Lawrenceville, or who shall aid or abet therein; or,
- (k) Any person who shall without provocation, use to or of another, in his or her presence "fighting words" that are opprobrious or abusive words which by their very utterance tend to incite an immediate breach of the peace or such words, which, as a matter of common knowledge under ordinary circumstances will, when used to or of another person in his or her presence, naturally tend to provoke violent resentment; or
- (l) Any person operating 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; or
- (m) Any person operating a motor vehicle upon any parking facility, public or private, vehicle access or pedestrian walkway of any parking facility at a speed great enough to endanger the person or property of another; or
- (n) Any person who aids or abets or encourages a minor to do any act which constitutes disorderly conduct or a breach of the peace; or
- (o) Any person who, without authority of law, purposely or recklessly obstructs free pedestrian or vehicular access to any public school parking area or building designated for use of persons attending or

participating in an athletic event in such a way as to deny access or in such a way as to create a hazard or fails or refuses to remove such obstruction after receiving a reasonable official request or order of a police officer or principal or his assistant, or duly authorized agent of such public school that he or she do so.

- (p) Any person knowingly or willfully ignoring, interfering with or disobeying a lawful command from or obstructing a law enforcement officer in the lawful performance of his duties.
- (q) Any person giving to any law enforcement officer or official of the City of Lawrenceville acting in the lawful discharge of his or her official duties a false name, address, date of birth, social security number, false identification document, or to otherwise fail to identify himself after a lawful request has been made for such information.
- (r) Any person urinating or defecating on a public street, sidewalk, alleyway, or other place, public or private, within the view of the public.
- (s) Any person engaging in aggressive solicitation. For purposes of this subsection, aggressive solicitation shall include actions seeking the immediate giving of money or other items of value from persons in any place in the City when:
 - a. The solicitor has initially been given a negative response;
 - b. The solicitor engages in uninvited touching or physical contact of any person while engaged in the solicitation;
 - c. Blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means while engaged in soliciting, or
 - d. Speaking in a loud boisterous voice, lacing speech with profane or vulgar language, or using threatening gestures while engaged in soliciting.

Any singular or combined presence of the aforestated acts may constitute a violation of this section.

31-102 Discharging Firearms, Air Guns, Etc.

It shall be unlawful for any person in the City to discharge any gun, pistol, or other firearm within 50 yards of any street, alley or building, or at any point upon the land of another person without the expressed consent of the owner or occupant thereof; or to discharge at any time, any air gun, BB gun or 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 any citizen from discharging a firearm when lawfully defending person or property; nor any person shooting for sport in an indoor place of amusement.

31-103 Report of Treatment of Wounds

All physicians and all hospital superintendents in the City are hereby required to report to the police department of the City, 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 telephone, giving the name of the reporting person and the patient and any other pertinent data requested by the police department. All reports shall be made within 24 hours after treatment by a physician or after admission to the hospital.

31-108 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.

31-109 Tampering and/or Diversion of City Services

1. It shall be unlawful for any person intentionally and without authority to injure or destroy any meter, pipe, conduit, wire, line, post or other apparatus belonging to the City of Lawrenceville and used by the City in the sale of electricity, gas, water or other public service; or to intentionally and without authority to prevent a meter from properly registering the quantity of such service supplied, or in any way to intentionally divert any services of the City or cause the services to be used without the consent of the City.

2. Where there is no evidence to the contrary, the person performing any of the illegal acts set forth in subsection (1) and/or the person, who with knowledge of such violation receives the benefit of such services without proper charge as a result of such improper action shall be presumed to be responsible for such acts of tampering or diversion.

3. Any person who shall violate the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 and costs.

31-110 Operating a Motor Vehicle Without Insurance

O.C.G.A. §40-6-10 is hereby adopted by reference as an Ordinance of this municipality with the same effect as if set out in full.

31-111 Possession of Marijuana

It shall be unlawful for a person to possess marijuana within the corporate limits. Pursuant to Article 6, Section 4, Paragraph 1 of the Constitution of the State of Georgia 1983, the Recorder's Court of the City of Lawrenceville shall have jurisdiction to try and dispose of cases where a person is charged with the possession of one ounce or less of marijuana. Violation of this code section shall constitute a misdemeanor.

31-113 Halting or Impeding the Flow of Traffic

1. No person shall congregate with another or others in or on any public way or place so as to halt or impede the flow of vehicular or pedestrian traffic after having been directed to clear such public way or place when ordered by the police or any other authorized law enforcement official.

2. Any person violating this section shall be punished by a fine not exceeding two hundred (\$200.00) dollars.

⁷31-114 Reserved

31-115 Smoking Prohibited in City Buildings, Vehicles, Shops and Work Areas

1. Purpose.

- (a) Studies by the Surgeon General of the United States, the National Academy of Sciences, and other health organizations have linked passive exposure to tobacco smoke (second-hand smoke) to a variety of negative health conditions in nonsmokers.
- (b) The Mayor and Council of the City of Lawrenceville, Georgia, seek to strike a reasonable balance between the rights of smokers and nonsmokers by regulating smoking in certain City property.
- (c) In an effort to provide a safer and healthier environment in the City of Lawrenceville, the Mayor and Council of the City of Lawrenceville implements the following Ordinance restricting smoking on certain City property.

2. Prohibition.

No person shall smoke in any of the following areas: City buildings, City vehicles, City shops and work areas.

3. Designated Smoking Areas.

City department heads may designate smoking areas outside of City buildings and vehicles in which smoking may be permitted. Department heads shall inform employees of this Ordinance and of the location of designated smoking areas. Smoking will not be permitted in any area which has not been designated as a smoking area.

4. Violation, Penalty and Enforcement.

- (a) Smoking in a City building, vehicle, shop or work area shall constitute a violation of this Ordinance.
- (b) Any person who violates this Ordinance shall be liable for a civil penalty not to exceed \$100.00. Each day such violation continues shall constitute a separate offense.
- (c) Persons found in violation of this Ordinance shall be issued a City Recorder's Court summons, which shall direct the person to appear in the City's Recorder's Court at the time and date designated on the summons. The summons shall further inform the person that the fine for violation of the City's smoking Ordinance may be paid prior to the hearing date, in which event there shall be no further need to appear. In the event that there is no prepayment nor appearance on the scheduled hearing date, the Police Chief shall, via certified mail, return receipt requested, mail the person a notice advising him or her of a second hearing date before the Judge of the City's Recorder's Court. This notice will further advise the person that the fine may be paid in lieu of the court appearance.

In the event the person fails to appear on the court date as specified in the certified letter or fails to pay the fine, then a subpoena will be issued by the Judge of the City's Recorder's Court requiring the person to appear before the Judge of the Recorder's Court. This subpoena shall be personally served. In the event the person fails to appear on the date specified in the subpoena, then the Judge of the City's Recorder's Court will issue a bench warrant for contempt of court.

- (d) It is the responsibility of all employees of the City of Lawrenceville to adhere to strict enforcement of the smoking policy of the City.
- (e) Employees are encouraged to assist in the implementation of this policy by informing the visiting public of smoking restrictions and providing direction to areas where smoking is permitted.

31-116 Repealer.

All Ordinances, Code Sections, or part of Ordinances or Code Sections inconsistent with the provisions of this Section are hereby repealed.

31-117 False Alarms

1. Definitions. The following terms used in this article defining false alarms shall have the meanings indicated below:

- (a) Alarm System shall mean any mechanized and/or electronic device or set of devices intended to detect and signal the need for police at a Premises in which such device or set of devices is installed.
- (b) Alarm User shall mean, with respect to any premises, any individual, partnership, association, public or private corporation, governmental entity or other person or group who owns, leases, manages, or otherwise controls such premises, whether such ownership, leasing, management, or control is shared with other persons and whether it is direct or indirect.
- (c) Auto-Dialer means any device or equipment designed or intended to call a predesignated telephone number in the event of an activation of the alarm system.
- (d) False Alarm shall mean the transmittal of a request for response or assistance to the Lawrenceville Police Department under circumstances where no such response or assistance appeared to be reasonably necessary at the time of such transmittal, and where such transmittal is made either automatically by an Alarm System or by an individual in reliance upon an Alarm System.
- (e) Premises shall mean any structure or other improvement to real property or any portion of any such structure or other improvement which is intended for separate use and occupancy apart from other portions thereof.
- (f) Police Officer shall mean any sworn member of the Lawrenceville Police Department.
- (g) Responsible Person shall mean, with respect to any premises, any individual who owns, leases, manages, or otherwise controls such premises, whether such ownership, leasing, management, or control is shared with other persons and whether it is direct or indirect.

(h) Response means the dispatch of a police officer to the premises where an alarm system has been activated.

(i) Transmit means to send either manually or automatically, by any device or method, a signal to request a response or assistance from the Lawrenceville Police Department.

2. Maintenance of Alarm System:

With respect of any Premises, it shall be the joint and separate responsibility of each Responsible Person to cause any Alarm System upon or within such Premises to be maintained in a good state of repair so as to prevent the transmittal of a False Alarm, or, in the alternative, to disconnect said Alarm System.

3. Prohibited Acts:

It shall be a violation of this Ordinance for anyone to:

(a) Transmit a False Alarm.

(b) Notify the Lawrenceville Police Department directly through its emergency phone lines of any alarm activation by means of any Auto-Dialer, telephonic recording, message, signal, or warning.

(c) Activate, except in the event of an actual emergency, any Alarm System for the purpose of summoning a member of the Lawrenceville Police Department, or to aid or abet in the commission of such act.

4. Notification:

For the first four (4) violations of Section 3 within a calendar year at any Premises, there shall be no penalty assessed. A first and all subsequent False Alarms to a Premises within a 4 hour period shall be considered as one (1) violation. The Lawrenceville Police Department shall notify any Responsible Person at the Premises by United States mail following the occurrence of the fourth False Alarm. Notice shall be deemed received by any Responsible Person if sent via United States mail addressed to Alarm User.

5. Penalties:

(a) For the fifth (5th) and all subsequent False Alarms within a calendar year at a Premises a fine of \$50.00 shall be charged.

(b) Any Responsible Person violating or failing to comply with any of the provisions of this Ordinance may be summoned to the Municipal

Court for each violation and/or noncompliance, and upon conviction, shall be punished as provided by law.

6. Exemptions:

- (a) The provisions of Section 3 of this article shall not apply to newly installed Alarm Systems which have been connected for less than thirty days (30), and have been installed by a state certified and licensed alarm technician. A Responsible Person at a Premises must maintain written proof, in the form of an invoice, of the date of installation of an Alarm System for exemption under this section.
- (b) The provisions of Section 3 of this article shall not apply to the owner or management company of a Premises when such Premises are leased for use unless the Alarm System is under the control of the owner or management company.

7. Severability:

If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

8. Effective Date:

This Ordinance shall be effective upon adoption by the City Council.

9. Repealer:

All Ordinances and parts of Ordinances in conflict with this article are hereby repealed.

31-118 Loitering

1. LOITERING FOR PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY.

- (a) It shall be unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of O.C.G.A. Title 16, Chapter 13.

- (b) Among the circumstances which may be considered in determining whether such purpose is manifested are:
- (i) Such person is a known unlawful drug user, possessor, or seller. For purposes of this section, a “known unlawful drug user, possessor, or seller” is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any controlled substances as defined in O.C.G.A. Title 16, Chapter 13, or such person has been convicted of any violation of any substantially similar laws of any political subdivision of this state or of any other state; or a person who displays physical characteristics of drug intoxication or usage, such as “needle tracks,” burned or callused thumb and index fingers, underweight, nervous and excited behavior.
 - (ii) Such person is currently subject to a court order prohibiting his or her presence in a high drug activity geographic area.
 - (iii) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a “lookout” hailing or stopping cars, or repeatedly beckons to, stops, or attempts to stop or engage in conversation with passersby whether such passersby are on foot or in a motor vehicle.
 - (iv) Such person is physically identified by the officer as a member of a “gang” or association which has as its purpose illegal drug activity.
 - (v) Such person transfers small objects or packages in a furtive fashion.
 - (vi) Such person takes flight or manifestly endeavors to conceal himself upon the appearance of a police officer.
 - (vii) Such person manifestly endeavors to conceal any object which reasonably could be involved in an unlawful drug-related activity.
 - (viii) Such person possesses any instrument, article, or thing whose customary or primary purpose is for the sale, administration or use of controlled substances such as, but not limited to,

crack pipes, push wires, scales, hypodermic needles, razor blades, or other cutting tools.

- (ix) The area involved is by public repute known to be an area of unlawful drug use and trafficking.
 - (x) Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.
- (c) No arrest shall be made for a violation of subsection (a) of this section unless the arresting officer first affords the person an opportunity to explain his conduct, and no one shall be convicted of violating subsection (a) of this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- (d) Any person who violates any provisions of this section shall, upon conviction, be punishable as provided in section 31-118(6) below.

2. LOITERING FOR PURPOSES OF PROCURING OTHERS TO ENGAGE IN SEXUAL ACTS FOR HIRE.

It shall be unlawful for any person to loiter in public for the purpose of soliciting or procuring others to engage in any sexual acts for hire. Any person who violates any provisions of this section shall, upon conviction, be punishable as provided in section 31-118(6) below.

3. DAY LABOR PROHIBITIONS.

It shall be unlawful for any person to:

- (a) Pick up or hire day laborers on private property without the permission of the property owner.
- (b) Assemble on private property for the purpose of soliciting work as a day laborer without the permission of the property owner and after having been directed to cease such action by the property owner or other lawful authority.
- (c) Any person who violates any provisions of this section shall, upon conviction, be punishable as provided in section 31-118(6) below.

4. URBAN CAMPING AND IMPROPER USE OF PUBLIC PLACES.
- (a) City parks. It shall be unlawful to sleep, lie down, to reside or to store personal property in any park owned by the city.
 - (b) Sidewalks. It shall be unlawful to sleep, to reside, to store personal property, or to sit or lie down on any sidewalk.
 - (c) Other public property; blocking ingress and egress. It shall be unlawful to sleep, to reside, to store personal property, or to sit or lie down on any public property so as to interfere with the ingress or egress from building.
 - (d) Other public property; urban camping. It shall be unlawful to use any public place, including city parks and sidewalks, for living accommodations purposes or camping, except in areas specifically designated for such use or specifically authorized by permit.
 - (e) Private property; urban camping without owner's permission. It shall be unlawful for anyone other than the owner, a leaseholder, an employee, or other rightful occupant to camp, sleep, reside, store personal property, or lie down, outside on any private property without the owner's or leaseholder's permission.
 - (f) Exceptions. Notwithstanding anything in this section to the contrary, this section shall not apply to nor be construed to prohibit the following behavior:
 - (i) Persons sitting or lying down as a result of a medical emergency;
 - (ii) Persons sitting in wheelchairs while using parks, sidewalks, or other public places;
 - (iii) Persons sitting down while attending parades for which valid permits have been issued;
 - (iv) Persons sitting down while patronizing outdoor cafes;
 - (v) Persons sitting down, lying down or napping while attending performances, festivals and concerts taking place in any park, street or sidewalk closed by permit for such purpose;
 - (vi) Persons sitting on chairs or benches supplied by a public agency or abutting private property owner;

- (vii) Persons sitting on seats in bus zones occupied by people waiting for the bus;
 - (viii) Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event, or
 - (ix) Children under the age of 13 years sleeping in parks, or sleeping anywhere else while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage.
- (g) Any person who violates any provisions of this section shall, upon conviction, be punishable as provided in section 31-118(6) below.

5. PROWLING AND LOITERING

- (a) It shall be unlawful for any person to loiter or prowl when he 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.
- (b) 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 manifestly endeavors to conceal himself or any object. Unless flight or other circumstances make it impracticable, a law enforcement officer, shall, prior to any arrest for an offense under this Code section, afford the person with an opportunity to dispel any alarm or immediate concern by requesting the person to identify himself and explain his presence and conduct.
- (c) Any person who violates any provisions of this section shall, upon conviction, be punishable as provided in section 31-118(6) below.

6. PENALTIES

Any person convicted of violating the provision of this Ordinance shall be subject to a fine not to exceed \$1,000.00 and/or imprisonment not to exceed 180 days.

7. SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

¹31-119 Graffiti and Vandalism

1. Purpose and Intent

It is the purpose and intent of this article to prevent graffiti and to promote its eradication and to prevent related vandalism, as they adversely affect property, both public and private, including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, buildings and/or any other structures or surfaces which contain graffiti or are subject to graffiti-related vandalism. It is the further intent of this article to fight against blight, to preserve the value of property, both public and private, and to promote the security of the community, all of which are threatened by the spread of graffiti and graffiti related vandalism.

2. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Aerosol paint container means any canister, can, bottle, container, or other receptacle which contains any substance commonly known as paint, stain, dye and/or any other pigmented substance which is and/or can be modified to contain pressure, or be pressurized, in order to impel and/or propel any such substance.
- (b) Etcher means any tool, device, and/or other mechanism including, but not limited to, any tool, device, and/or other mechanism commonly known as "glass etcher," "metal etcher," "cutting instrument" or "drill bit" or any other instrument that can be applied by pressure or any other contact with any surface including, but not limited to, glass, mirrors, windows, steel, aluminum, brass, tin, fiberglass, wood, plastic, concrete or any other surface which can cause any markings commonly known as graffiti or related vandalism.
- (c) Graffiti and related vandalism means any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of real property or improvements thereon without prior authorization of the owner or occupant of the property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface.
- (d) Graffiti implements or paraphernalia means any substance or material such as, but not limited to, aerosol paint containers,

markers, paint sticks, etchers, gum labels; also including, but not limited to, tips (or nozzles) which can be applied to aerosol paint containers; any records of graffiti or related vandalism including, but not limited to, pictures, photographs, drawings, scrap books and/or other records depicting or illustrating any forms of graffiti or related vandalism.

- (e) Gum label means any substance consisting of a material such as, but not limited to, paper, fabric, cloth, plastic, vinyl and/or any other similar material, where the material also contains one or more surfaces containing a substance such as, but not limited to, any material commonly known as an adhesive or glue, which cannot be removed from the surface in an intact condition and with minimal efforts, including, but not limited to, decals, stickers, patches, stamps or labels.
- (f) Marker means any implement commonly known as an indelible or permanent ink marker and/or marking pen and/or any similar implement which contains any pigmented substance including, but not limited to, ink or any other substance which can not be easily and completely removed with water after said substance has dried and where the width of the marking is 1/16 of one inch or greater.
- (g) Paint balloon means any canister, can, container, bottle or other receptacle including, but not limited to, anything commonly known as a balloon or other receptacle made of any material such as, but not limited to, latex, plastic, rubber, paper, glass or other material which contains any substance commonly known as paint, stain, dye or any other pigmented substance intended for the purpose of defacing any property, public or private, upon impact or contact of any surface including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, buildings and/or any other structures or surfaces regardless of the material of the component.
- (h) Paint stick means any device which contains any substance, solid or liquid, including, but not limited to, any form of any substance commonly known as paint, stain, ink, chalk, wax, epoxy and/or any other similar substance which can be applied to any surface by such means as applying pressure to and/or contacting any surface in such a way as to leave any visible mark measuring at least 1/16 of one inch at any point, otherwise described as graffiti or related vandalism.
- (i) Stamp and stamping device mean any tool, device or implement which can cause upon impact or contact any mark by means of ink,

paint, stain or any other substance or material including, but not limited to, any device commonly known as a rubber stamp or similar device, whether manufactured, handmade or devised, for the purpose of defacing property, public or private.

- (j) Supplier means any person or entity, such as, but not limited to, any business, company, co-op, corporation, enterprise, manufacturer, organization, partnership, proprietor, retail or wholesale store or outlet which sells, trades, donates, gives or requisitions to the public in any capacity whatsoever any graffiti implements.

3. Interpretation

This article shall be interpreted so as to work with and in conjunction with, when and where applicable, any and all state and/or local Ordinances relating to the control of graffiti and/or related vandalism.

4. Penalties for Violations

- (a) A violation of this article is punishable in any of the following ways:
 - (i) A violation of this article shall be punishable as provided in section 31-101(3). Payment of any fine or completion of a jail term shall not relieve a person from the responsibility of correcting the violation and the court may, in addition to any fine imposed or in lieu of imposing a fine, order the party to perform community service.
 - (ii) A violation for a first time offense, only, may be charged as a minor infraction and can be punishable by a fine not exceeding \$1,000.00. This option can be granted by the court at the judge's discretion. Payment of any penalty shall not relieve a person from the responsibility of correcting the violation and the court may, in addition to any fine imposed or in lieu of imposing a fine, order the party to perform community service.
- (b) As a part of any sentence imposed, the court may also order that restitution be paid to the victim by the admitted or convicted perpetrator and in the case of a perpetrator who is a minor by the minor's parent or lawfully designated guardian or custodian.
- (c) Upon conviction, the perpetrator and/or parent or lawfully designated guardian or custodian may be required to enroll in and

attend a diversionary program, possibly requiring liability waivers and/or payment towards all or a portion of the cost of the program, as such costs shall have been established by the Mayor and City Council.

- (d) Upon conviction, the Court may, on its own motion, or at the request of the City, issue an order directing the City to remove the graffiti from the property on such terms as the Court deems appropriate. The Court may also specify that the property owner may be liable for the cost incurred in the removal of the graffiti.

5. Prohibition of Graffiti and Related Vandalism

- (a) It is unlawful for any person or group of persons to commit any act resulting in or attempting to result in the application of graffiti or the engaging in or attempting to engage in an act of related vandalism including, but not limited to, any of the following:
 - (i) Any act such as drawing, scribing, etching, marking, painting, staining, sticking on or adhering to any surface, public or private, including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, buildings and/or any other structures or surfaces.
 - (ii) Any act of participation in applying graffiti such as, but not limited to, conspiring to commit or assist in the applying of graffiti or engaging in or assisting in an act of related vandalism, including, but not limited to, acting as a look-out, regardless of the fact the act was not actually witnessed.
 - (iii) Any person who knowingly allows any acts of graffiti or related vandalism to occur on or to any property over which he has control as owner, tenant or possessor and who thereafter fails to promptly report such acts to the proper authorities is guilty of being a principal to the offense.

Exceptions: Any mural or work of art approved by the City or other governmental agency through a design review or planning process and requiring proper permits prior to commencement of any work shall not constitute graffiti.

- (b) It shall be unlawful for any person having legal or equitable interest in a parcel of real property to permit graffiti to remain on a

structure located thereon for a continuous period of more than three (3) days.

- (c) Graffiti and/or graffiti-related vandalism which appears on property and/or structures shall be deemed to be a public nuisance and shall be subject to abatement.

6. Possession of Graffiti Implements or Paraphernalia

- (a) It is unlawful for any person under the age of 18 years to possess any graffiti implement or paraphernalia with the intent of applying graffiti markings or engaging in related vandalism. Exceptions to this subsection are as follows:

- (1) Any minor enrolled in any education class which requires otherwise legal possession of any graffiti implement or paraphernalia, provided the minor is carrying written verification of any such requirements, including color, size, and quantity, and written consent from his parent or lawfully designated custodian, dated and signed.

- (2) Any minor whose employment requires possession of any graffiti implement or paraphernalia, provided the minor is carrying written verification of any such job requirements, including color, size, quantity, job information and purpose, and written consent from the employer, dated and signed.

- (b) It is unlawful for any unauthorized person to possess any graffiti implement or paraphernalia while in, on, at or about any public property, including, but not limited to, public parks, playgrounds, swimming pools, recreation facilities, schools, school district facilities, libraries, court houses, utility stations, storm drains or any other publicly owned, operated and/or maintained facility.

^{2 4 6}31-120 **Criminal Gang Ordinance**

1. **Short Title.** This chapter shall be known and may be cited as the “Lawrenceville Criminal Gang Ordinance.”

2. **Legislative intent.** The Mayor and City Council find and declare that it is the right of every person to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. The Mayor and City Council are determined to stop the property damage to private property that is being inflicted by the planned criminal activities of gangs. It is not the intent of this chapter to

interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The Mayor and City Council recognize the constitutional right of every association. The Mayor and City Council recognize the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to associate lawfully with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

- (a) The Mayor and City Council, however, further find that the City of Lawrenceville and its citizens are being adversely impacted by violent and destructive criminal gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected.
- (b) The Mayor and City Council find that there are criminal gangs operating in the City and that the number of gang related crimes is increasing. It is the intent of the Mayor and City Council in enacting this chapter to seek the eradication of criminal activity by gangs by focusing upon patterns of criminal gang activity and upon the organized nature of gangs which together are the chief source of terror created by street gangs.
- (c) The Mayor and City Council further find that an effective means of punishing and deterring the criminal activities of gangs is through forfeiture of the profits, proceeds, and instrumentalities acquired, accumulated, or used by gangs.

3. Definitions. As used in this chapter, the term:

- (a) Criminal gang means a group of three or more persons associated for some criminal purpose including committing crimes of any nature or conspiring to damage public and private property and to inflict intentional injury to other people. This definition includes any organization, association, or group of three or more persons associated in fact, whether formally or informally, to engage in criminal gang activity as defined in paragraph (a) of this Code section. The existence of such a criminal gang organization, association, or group of individuals shall be established by demonstrating evidence of activities that are commonly performed by criminal gangs to the Court. The proof of the existence of two (2) or more of the following activities defining criminal gangs as established by the City of Lawrenceville Police Department, other law enforcement agencies and regional gang intelligence associations shall establish adequate proof of the existence of a criminal gang:

- (i) The group has initiation rights that include physical beatings, rituals requiring criminal conduct or sexual activity.
- (ii) Members identify themselves and admit that the association is a criminal gang.
- (iii) Members engage in the conduct of painting or marking buildings with letters, signs and symbols that reflect identification of the association, warnings and other territorial limits including items commonly referred to as graffiti. The same markings and lettering of identification may be displayed on clothing worn by the gang members.
- (iv) The association members participate in hand signs and stacking.
- (v) The association members wear colors or other attire to identify their association.
- (vi) The association members pledge and execute statements of affiliation which may be written or may be executed by conduct described in (i) above.
- (vii) The association appears on a gang list of a state or federal law enforcement agency as an identified criminal gang and the local association has adopted and implemented the letters, symbol, colors, tattoos or conduct of the larger identified criminal gang.
- (viii) Members of the association have been involved in or convicted of crimes as defined in the General Code of Ordinances of the City of Lawrenceville, 2005 and the Official Code of Georgia.
- (ix) The association members are marked with branding or tattoos for the purpose of confirming membership in the group.
- (x) Members have been identified in written correspondence or communications as being members of the association.
- (xi) Members have been identified at least 2 or 3 times by other individuals as recruiting prospective members for the

association and in the communication identified their association as a criminal gang.

- (xii) The association members have engaged in a pattern of planning and executing actions that are crimes.
- (xiii) The members have in their possession organizational information in the form commonly referred to as a “book of knowledge”.

Such term shall not include three or more persons, associated in fact, whether formal or informal, who are not engaged in criminal gang activity.

- (b) Criminal gang activity means the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit any of the following offenses on or after May 1, 2007:
 - (i) Any offense defined as racketeering activity by O.C.G.A. Section 16-14-13;
 - (ii) Any offense defined in Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, related to stalking;
 - (iii) Any offense defined in O.C.G.A. Section 16-6-1 as rape, 16-6-2 as aggravated sodomy, 16-6-3 as statutory rape, or 16-6-22.2 as aggravated sexual battery;
 - (iv) Any offense defined in Article 3 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to escape and other offenses related to confinement;
 - (v) Any offense defined in Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices;
 - (vi) Any offense defined in O.C.G.A. Section 42-5-15, 42-5-16, 42-5-17, 42-5-18, or 42-5-19, relating to the security of state or county correctional facilities;
 - (vii) Any offense defined in O.C.G.A. Section 49-4A-11, relating to aiding or encouraging a child to escape from custody;

- (viii) Any offense of criminal trespass or criminal damage to property resulting from any act of gang related painting on, tagging, marking on, writing on, or creating any form of graffiti on the property of another;
- (ix) Any criminal offense committed in violation of the laws of the United States or its territories, dominions, or possessions, any of the several states, or any foreign nation which, if committed in this state, would be considered criminal gang activity under this Code section; and
- (x) Any criminal offense in the State of Georgia, any other state, or the United States that involves violence, possession of a weapon, or use of a weapon, whether designated as a felony or not, and regardless of the maximum sentence that could be imposed or actually was imposed.
- (xi) Any offense defined in the Code of the City of Lawrenceville sections 31-101, 31-102, 31-111, 31-113, 31-118, 31-119, 34-101, 34-102, 34-103, or relating to General Offenses.

4. Unlawful acts; penalties.

- (a) It shall be unlawful for any person employed by, associated with or a member of a criminal gang to conduct or participate in criminal gang activity through the commission of any offense enumerated in paragraph (b) of Section 3.
- (b) It shall be unlawful for any person employed by associated with or a member of a criminal gang to plan or assist other members of the association to commit any offense enumerated in paragraph (b) of Section 3 with knowledge that members of such criminal gang have committed one or more of such offenses.
- (c) It shall be unlawful for any person to commit any offense enumerated in paragraph (b) of Section 3 with the intent to maintain or increase his or her status or position in a criminal gang.
- (d) It shall be unlawful for any person to acquire or maintain, directly or indirectly, through criminal gang activity or proceeds derived therefrom any interest in or control of any real or personal property of any nature, including money.

- (i) It shall be unlawful for any person who occupies a position of organizer, supervisory position, or any other position of management with regard to a criminal gang to engage in, directly or indirectly, or conspire to engage in criminal gang activity.
- (ii) It shall be unlawful for any person to cause, encourage, solicit, or coerce another to participate in a criminal gang.
- (iii) It shall be unlawful for any person to knowingly assist, encourage, aid, house or support a criminal gang or criminal gang activity.
- (iv) It shall be unlawful to fail to report criminal gang activity.
- (v) It shall be unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to deter such person from assisting a member or associate of a criminal gang to withdraw from such criminal gang.
- (vi) It shall be unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to punish or retaliate against such person for having withdrawn from a criminal gang.
- (vii) Any person who violated subsection a), b), c), or d) of this Code section shall, in addition to any other penalty imposed by law, shall be punished as provided for in Section 7 of these Ordinances.
- (viii) Any crime committed in violation of this Code section shall be considered a separate offense.

5. Forfeiture of contraband property.

- (a) The following are declared to be contraband and no person shall have a property interest in them:
 - (i) All property which is directly or indirectly used or intended for use in any manner to facilitate a violation of this chapter; and

(ii) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this chapter.

(b) The Chief of Police or other appropriate City official may take the necessary steps to initiate forfeiture proceedings as allowed by law.

6. Reserved.

7. Abatement of nuisances; actions for damages or injunctions.

(a) Any real property which is erected, established, maintained, owned, leased, or used by any criminal gang for the purpose of conducting criminal gang activity shall constitute a public nuisance and may be abated as provided by Title 41 of the Official Code of Georgia, relating to nuisances.

(b) An action to abate a nuisance pursuant to this Code section may be brought by the district attorney, solicitor-general, prosecuting attorney of a municipal court or city, or county attorney in any superior, state, or municipal court.

8. Civil suits for damages and restitution for victims of criminal gang activities.

(a) Any person who is injured by reason of criminal gang activity shall have a cause of action for three times the actual damages sustained and, where appropriate, punitive damages; provided, however that no cause of action shall arise under this subsection as a result of an otherwise legitimate commercial transaction between parties to a contract or agreement for the sale of lawful goods or property or the sale of securities regulated by Chapter 5 of Title 10 of the Official Code of Georgia Annotated or by the federal Securities and Exchange Commission. Such person shall also recover attorney's fees in the trial and appellate court and costs of investigation and litigation reasonably incurred. All averments of a cause of action under this subsection shall be stated with particularity. No judgment shall be awarded unless the find of fact determines that the action is consistent with the intent of the General Assembly as set forth in O.C.G.A. Section 16-15-2.

(b) Upon identification of a criminal gang by conviction in a court of competent jurisdiction, the City of Lawrenceville may initiate a civil cause of action on behalf of the City and/ or the injured victims of the for restitution, damages, attorney fees and punitive damages against all parties legally responsible including, but not limited to the gang member convicted, all gang members

conspiring with the convicted gang member, in the case of minors, the parents of the convicted gang members and any other conspirators or legally liable parties.

- (c) The state, any political subdivision thereof, or any person aggrieved by a pattern of gang activity may bring an action to enjoin violations of this chapter in the same manner as provided in O.C.G.A. Section 16-14-6.

9. Effect of conviction of criminal gang activity on subsequent civil action.
A conviction of an offense defined as criminal gang activity shall estop the defendant in any subsequent civil action or proceeding as to matters proved in the criminal proceeding.

- (a) Certain offenses admissible as evidence. The commission of any offense enumerated in paragraph (b) of Section 3 by any member of a criminal gang shall be admissible in any trial or proceeding for the purpose of proving the existence of the criminal gang and criminal gang activity.
- (b) Penalty and minimum sentences for conviction of under this section or for conviction of a crime by a gang member in the commission of criminal gang activity. Any person found guilty of violating this section shall be punished by a fine not to exceed \$1,000.00 or six (6) months in jail or both. The minimum sentence imposed by the City of Lawrenceville Municipal Court for conviction of a first offense under this code section shall be a six (6) month sentence of which two (2) months are required to be served in jail. Upon a second conviction in a separate incident, a minimum sentence of six (6) months of which six (6) months are required to be served in jail. Upon conviction of three (3) or more times in separate incidents, a minimum of six (6) months sentence shall be served in jail.

¹ Ordinance to Amend the Graffiti and Vandalism Section of the Code of the City of Lawrenceville, Georgia 2005 was adopted on February 6, 2006.

² Ordinance to Amend the City of Lawrenceville General Code of Ordinances 2005 to Chapter 31 to Add Section 31-120 entitled "Criminal Gang Ordinance" was adopted on May 7, 2007.

³ Ordinance to Adopt Chapter 34 to Amend the City of Lawrenceville's Alcohol Ordinance by Deleting Certain Provisions in Chapter 4-104, 31-104, 31-107, 31-112, and 32-207 Regarding Alcoholic Beverages Sales and Consumption of the City of Lawrenceville's 2005 Lawrenceville General Code of Ordinances was adopted on July 9, 2007.

⁴ Ordinance to Amend Penalty Provisions and to make Technical Revisions within Certain Sections of the City of Lawrenceville's 2005 Lawrenceville Code of Ordinances was adopted on September 10, 2007.

⁵ An Ordinance to Amend Chapter 31, Section 101, Paragraph 2 of the City of Lawrenceville's 2005 General Code of Ordinances was adopted on March 3, 2008.

⁶ An Ordinance to Amend the City of Lawrenceville's 2005 General Code of Ordinances was adopted on December 1, 2008.

⁷ Ordinance to Amend Chapter 31-114 was adopted on March 2, 2009.