

Chapter 13: General Offenses

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Sec. 13-101 Disorderly Conduct

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

Sec. 13-102 Discharging Firearms, Air Guns, etc.

It shall be unlawful for any person in the city to discharge any gun, pistol, or other firearm within fifty (50) yards of any street, alley, or building, or at any point upon the land of another person without the express consent of the owner or occupant thereof; or to discharge at any time, any air gun, BB gun or toy gun which projects lead or any other objects.

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. (State reference: O.C.G.A. 16-11-103 through 16-11-105).

Sec. 13-103 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 by 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 twenty-four (24) hours after treatment by a physician or after admission to the hospital.

Sec. 13-104 Throwing of Missiles

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

Sec. 13-105 Ball Playing

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

Sec. 13-106 Bonfires

It shall be unlawful for any person, during a holiday or at any other time, to build a bonfire of any description within the city limits, except at places approved and designated by the Chief of the Fire Department.

Sec. 13-107 Drinking in Public

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

Sec. 13-108 Weeds

It shall be unlawful for any owner or resident of any lot, area, or place located within this municipality to permit any weeds, grass, or deleterious, unhealthful growths to obtain a height exceeding ten (10) inches on such property. For the purposes of this section, "weeds" shall be deemed to mean jimson, burdock, ragweed, thistle, cocklebur, dandelion, or other unsightly growths of a like kind.

1. Notice to Remove It shall be the duty of the City Administrator upon which weeds or other prohibited flora are permitted to grow in violation of the provisions of this section that such growths must be removed, cut, and/or destroyed within ten (10) days from the date of such notice.

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

2. Action Upon Non-compliance Upon the failure, neglect, or refusal of any other owner or occupant so notified to remove, cut, and/or destroy such weeds or other unsightly growths within the designated time period, the Director of Public Works is authorized and empowered to provide for the removal, cutting, and/or destroying of such growths by or for the city.

The actual cost of such weed removal shall be assessed against the property owner upon whose premises the work is done, and, in the event the bill for such charges remains unpaid for thirty (30) days after it has been rendered, it shall become a lien upon the premises enforceable in the same manner as provided for the collection of unpaid taxes.

Sec. 13-109 Accumulation of Junk (Amended 8/13/92)

An ordinance relating to abandoned vehicles and/or junk cars, public nuisances and procedures for the abatement and removal thereof and for establishing procedures and establishing penalties for the violation of this ordinance.

Sec. 13-109 Accumulation of Junk (Amended 8/13/92) (Continued)

1. Purpose The purpose of this ordinance shall be to require the proper maintenance of premises to retain property values and to protect the general environment and appearance of neighborhoods and areas.

2. Definitions

“Vehicle and/or Automobile” shall be any item of personal property, other than a vehicle, boat or trailer-type vehicle, which is not related to the use and purpose for which the real property is occupied or owned or permitted by the applicable zoning classification. Objects under this chapter shall also include junk materials; machinery and equipment; appliance or other household items; lumber and building materials; and dirt, sand, fill, rock, stone or other materials not forming part of a structure or landscaping.

“To Place” shall mean to establish the presence on property of an object which:

- a. Is capable of being moved or removed which is not affixed to the real property; and
- b. Is present for a period of ten (10) consecutive days whether or not the location of the item on the property is changed.

“Person” shall mean any natural person, corporation, and partnership, authority created by statute, association or other entity or combination thereof.

“Vehicle and/or Automobile” shall be an automobile, truck, van, or other motor vehicle designed and intended for use in transporting people and goods.

“Front Yard” is any portion of the property by the property between the right-of-way line of an abutting street and the building line for the principal building on the lot and extending from property line to property line along such building line. If there is no building on the property, the entire property shall be deemed the front yard.

“Established Driveway” means an area that is paved, graveled, bare of vegetation, or otherwise clearly indicative of the area that is normally used for vehicles to enter onto or exit from real property from or to a public or private street.

“Derelict Automotive Vehicle” is a vehicle which:

Sec. 13-109 Accumulation of Junk (Amended 8/13/92) (Continued)

- a. Is unusable due to disrepair because one or more of the major parts needed for its operation has been removed or destroyed or has been made not safe for operation of the vehicle through disrepair or damage, and
- b. Constitutes a nuisance or health or safety hazard in that it provides a place for insects, rodents and other animals to exist and attracts children, vagrants or other individuals and may cause injury to them.

“Derelict Boat or Trailer-type Vehicle” is a boat or trailer-type vehicle which:

- a. Is dismantled, partially dismantled, deteriorated or not safe for use due to disrepair or damage;
- b. Constitutes a nuisance or health or safety hazard in that it provides a place for insects, rodents, and other animals to exist and attracts children, vagrants or other individuals and may cause injury to them.

“Accessory Building” means a carport, attached or detached garage, storage building or any other such not-for-habitation buildings on the premises.

3. Occupants or Owners to Keep Premises Free of Litter, Debris, Junk Materials, Derelict Vehicles and Overgrowth It shall be unlawful for the occupant of any premises or the owner of premises within the City of Woodbine to have or to place any of the following on the premises to the extent and in a manner that could threaten or endanger the public health, safety or welfare or could adversely affect and impair the economic value of adjacent property:
 - a. Any accumulation of litter, debris, refuse, garbage, or animal excrement on any front, side, or rear yard or on any porch, or underneath any building or in any accessory building.
 - b. Any object or objects as defined, on the front yard or on a front porch.
 - c. An object or objects, as defined, on the side or rear yards, or on side or rear porches or underneath any building or in any accessory building that is visible from a street or lane unless covered or enclosed so as not to be visible from a street or lane.
 - d. Any overgrown grass or weeds of a height of eighteen (18) inches or more or any other unkempt vegetation in any yard, front, side, or rear.
 - e. Any storage building on the front yard or any dilapidated storage building on the side or rear yard.

Sec. 13-109 Accumulation of Junk (Amended 8/13/92) (Continued)

It shall be unlawful to place an automotive vehicle, boat or trailer-type vehicle on the front yard of the premises unless placed on an established driveway or placed parallel and within five (5) feet of an established driveway.

It shall be unlawful to place, keep, store or allow to remain any derelict automotive vehicle, or derelict boat or trailer-type vehicle or parts thereof on a front yard and it shall be unlawful to place, keep, store or allow to remain any derelict automotive vehicle, or derelict boat or trailer-type vehicle or parts thereof on the side or rear yards if visible from a street, lane or adjoining property unless enclosed in an accessory building so as not to be visible from the street, lane or adjoining property.

The provisions of this section shall not apply to material which is being used in connection with a construction activity taking place on the premises provided the construction activity is being diligently pursued and complies with applicable ordinances and codes.

4. Notification of Owner and Tenant Whenever any provision of this chapter is being violated and the land on which the violation exists is privately owned, the City shall notify the owner and/or any tenant and/or any user in possession of the land on which the alleged violation exists to abate the alleged violation within thirty (30) days of the date of service of notice. Notice shall be by personal service or certified mail addressed to the party in violation at the address where the party is determined to be located; or if necessary, notice shall be by publication in a newspaper of general circulation.
5. Request for Hearing The person to whom the notice is directed may file a written request for a hearing before the City Council of the City of Woodbine within the thirty (30) day period of compliance set forth herein.
6. Procedure for Hearing The hearing shall be held as soon as practicable after the filing of the request and the person to whom the notice is directed shall be advised of the time and place of said hearing and least three (3) days in advance thereof. At any such hearing, the City and the person to whom the notice has been directed may introduce such evidence or witnesses as either party deems necessary.

After such hearing, a determination shall be made as to whether or not a violation exists and if the existence of the violation is affirmed by the City Council, then same shall be abated within five (5) days of receipt of this determination by the party affected.

Sec. 13-109 Accumulation of Junk (Amended 8/13/92) (Continued)

7. Adoption of Georgia Code Pursuant to Georgia Law, Code Sections 41-2-1 through 41-2-17 of the Official Code of Georgia Annotated are hereby adopted as a part of this nuisance ordinance for the City of Woodbine.
8. Violations The failure to abate the alleged violation as set forth in the written notice within thirty (30) days of the receipt of the notice or within the five (5) days of the receipt of the notice after the hearing shall be deemed a violation of this Ordinance and a citation shall be issued accordingly.
9. Penalty Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to punishment as and for a misdemeanor under Georgia Law. Each act in violation of the provisions hereof shall be deemed a separate offense.

All violations of this Ordinance shall be triable before the Municipal Court for the City of Woodbine.

10. Effective Date This ordinance shall take effect seven (7) days after passage by the Mayor and Council of the City of Woodbine. Adopted by Woodbine City Council on August 13, 1992.

Sec. 13-110 Abandonment of Motor Vehicles

It shall be unlawful for any person to abandon or to leave unattended for a period in excess of ten (10) days any motor vehicle on any street, road, alley, or other public way in the municipality.

Sec. 13-111 Theft of Service

1. A person commits theft of services when by deception and with intent to avoid payment he or she knowingly obtains services, accommodations, entertainment or the use of personal property, which are available only for compensation.
2. A person convicted of this offense shall be punished as for a misdemeanor if the property which was the subject of the theft is less than two hundred dollars (\$200.00) in value.

Sec. 13-112 Theft by Shoplifting, Theft of Private or Public Property

1. Theft by Shoplifting A person commits the crime of theft by shoplifting when he or she, with the intent of appropriating merchandise to his or her own use, without paying for the same or depriving the owner of the possession thereof in whole or in part does any of the following:

Sec. 13-112 Theft by Shoplifting, Theft of Private or Public Property (Continued)

- a. Conceals or takes possession of the goods or merchandise or any store or retail establishment.
- b. Alters the price tag or other price marking on goods or merchandise of any store or retail establishment.
- c. Transfers the good or merchandise of any store or retail establishment from one container to another.
- d. Interchanges the label or price tag from one item of merchandise with a label or price tag for another item of merchandise of differing value or price.

A person convicted of the crime of theft by shoplifting as provided above when the property which was the subject of the theft is one hundred dollars (\$100.00) or less in value, shall be punished as for a misdemeanor.

2. Theft of Private or Public Property A person convicted of theft of private or public property where the property which was the subject of the theft is one hundred dollars (\$100.00) or less in value is punished as for a misdemeanor.

Sec. 13-113 Carrying a Concealed Weapon

1. A person commits the crime of carrying a concealed weapon when he has or carries about his person outside of his home or place of business, unless in an open manner and fully exposed to view, any bludgeon, metal knuckles, firearm, knife designed for offense and defense, or any other dangerous or deadly weapon or instrument of like character, except as permitted under Section 16-11-129 of the Georgia Criminal Code.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

Sec. 13-114 Loitering and Prowling (Amended 5/2/94)

1. It shall be unlawful for a person to be in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

Sec. 13-115 Carrying a Pistol Without a License (Amended 5/2/94)

1. A person commits the crime of carrying a pistol without a license when he has or carried on or about his person, outside of his home, motor vehicle or place of business, any pistol or revolver without having on his person a valid license by the Judge of the Probate Court of the county in which he resides. It is provided that no permit shall be required for persons with a valid hunting or fishing license on their person or of persons not required by law to have hunting licenses who are engaged in legal hunting, fishing or sport shooting when said persons have the permission of the owner of the land on which said activities are being conducted. It is further provided that the pistol or revolver, whenever loaded, shall be carried only in an open and fully exposed manner.
2. Upon conviction of the crime of carrying a pistol without a license, he shall be punished as follows:
 - a. For the first offense, he shall be guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment of not more than three (3) months, and may be fined in an amount not to exceed five hundred dollars (\$500.00).
 - b. For the second offense, and for any subsequent offense, he shall be guilty of a felony and shall be bound over to Superior Court for disposition.

Sec. 13-116 Controlled Substances (Amended 5/2/94)

1. It shall be unlawful for any person to be in possession of marijuana, which possession is of once ounce or less.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

Sec. 13-117 Theft of Public Utilities

1. Unlawful Uses of Services and Injury to and Interference with Property of Utilities It shall be unlawful for any person to:
 - a. Intentionally without authority and permission from the owner thereof , to alter, injure, or destroy any meter, pipe, conduit, wire, pole, lamp, manhole cover, fire plug, or any accessories thereto, belonging to the City of Woodbine, Georgia or any other public or private utility (hereinafter called Owner) engaged in the manufacture or sale of electricity, gas, water, telephone, the furnishing of sanitary sewer serviced, or other public services, without the intent to pay the fair cost of repair or replacement thereof.

Sec. 13-117 Theft of Public Utilities (Continued)

- b. Intentionally and without authority and permission from the Owner utilize any such service or consume any such product with intent not to pay the regular charge therefor to the Owner, but with the intent to deprive the Owner thereof.
 - c. Intentionally and without authority prevent a meter from registering the quantity of such service or product supplied with the intent to deprive the Owner of its regular charge therefor.
 - d. In any way to interfere with the proper action of any such Owner with intent to divert any service or product so as to deprive the Owner of the regular charge therefor.
 - e. Otherwise intentionally and without authority use or cause to be used, without the consent of such Owner, any product or service furnishes, manufactured, sold or distributed by such Owner with intent to deprive the Owner of its regular charge therefor.
2. Proof that a person performed any of the acts set forth in Paragraph 1.a-e. of this ordinance, or proof that a person knowingly received the benefits of such acts, or proof that any of the acts specified in said Paragraph 1 hereof were done on the premises in possession of a person, with that person's knowledge, shall be prima facia evidence that such person or person are responsible for such prohibited acts.
3. Offense Each day a violation of this ordinance is continued shall constitute a separate offense.
4. Jurisdiction and Punishment
 - a. The Recorder's Court of Woodbine shall have jurisdiction to try any person charged with any violation or violations of this ordinance and, in the case of conviction, to punish any person or persons for violation(s) of this ordinance.
 - b. Any violation of this Ordinance shall be a misdemeanor and every person convicted of a violation of any provisions of Paragraph 1 hereof may be punished by a fine of up to \$500.00.
5. Severability If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of other governmental authority by competent jurisdiction, such portion shall

Sec. 13-117 Theft of Public Utilities (Continued)

be deemed separate, distinct and an independent provision and such holding shall not affect the validity of the remaining portion thereof.

6. Effective Date The effective date of this ordinance shall be date of passage and approval of this ordinance.
7. Repealer All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted by Woodbine City Council meeting in regular session on March 2, 1987.

Sec. 13-121 Battery (Amended 5/2/94)

1. It shall be unlawful for anyone to intentionally cause substantial physical harm or visible bodily harm to another.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

Sec. 13-122 Stalking (Amended 5/2/94)

1. It shall be unlawful for anyone to follow, place under surveillance, or contact another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

Sec. 13-123 Criminal Trespass (Amended 5/2/94)

1. It shall be unlawful to intentionally damage any property of another without his consent and the damage thereto is \$500.00 or less or knowingly and maliciously interferes with the possession or use of the property of another without his consent.
2. A person commits the offense of criminal trespass when he knowingly and without authority;
 - a. Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft or watercraft of another person for an unlawful purpose;
 - b. Enters upon the land or premises of another or into any part of any vehicle, railroad car, aircraft or watercraft of another person after receiving, prior to such entry, notice from the owner, rightful occupant or

Sec. 13-123 Criminal Trespass (Amended 5/2/94) (Continued)

upon proper identification, an authorized representative of the owner or rightful occupant that such entry is forbidden; or

- c. Remains upon the land or premises of another person or within the vehicle, railroad car, aircraft, or watercraft of another person after receiving notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant to depart.

Sec. 13-124 Obstruction of Officer (Amended 5/2/94)

1. It shall be unlawful for anyone to knowingly and willfully obstruct or hinder any law enforcement officer in the lawful discharge of his official duties.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

Sec. 13-125 Giving False Name to Officer (Amended 5/2/94)

1. It shall be unlawful for a person to give a false name, address or date of birth to a law enforcement officer in the lawful discharge of his official duties with the intent of misleading the officer as to his identity or birthdate.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

Sec. 13-126 False Report of a Crime (Amended 5/2/94)

1. It shall be unlawful for any person to willfully and knowingly give or cause a false report of a crime to be given to any law enforcement officer or agency of this state.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

Sec. 13-127 Public Drunkenness (Amended 5/2/94)

1. It shall be unlawful for any person to appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud or unbecoming language.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

Sec. 13-128 Disorderly House (Amended 5/2/94)

1. It shall be unlawful for anyone to keep and maintain, either by him or others, a common, ill-governed and disorderly house, to the encouragement of gaming, drinking, or other misbehavior, or to the common disturbance of the neighborhood or orderly citizens.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

Sec. 13-129 Pointing Gun or Pistol at Another (Amended 5/2/94)

1. It shall be unlawful for anyone to intentionally and without legal justification point or aim a gun or pistol at another, whether the gun or pistol is loaded or unloaded.
2. Any person convicted of this offense shall be guilty of a misdemeanor.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
WOODBINE, GEORGIA, ENTITLED “JUVENILE CURFEW” AND FOR OTHER
PURPOSES

BE IT RESOLVED AND IT IS HEREBY ORDAINED by the City Council of the City of Woodbine and by the authority of same, the code of ordinances of the City of Woodbine is amended as follows:

Sec. 13-130 Juvenile Curfew

1. Purpose It is the responsibility of the City of Woodbine to protect the health, safety and welfare of the citizens of the City. As a part of this responsibility is the need to protect our children from being victims of crimes that occur after hours as well as lessen the risk that a juvenile becomes a violator of the law as the result of afterhours conduct. It is also the purpose of this ordinance to make parents more responsible for their children. It is believed that it is in the best interest of the citizens of Woodbine, Georgia to have a juvenile curfew ordinance.
2. Definitions The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section:
 - a. Adult
 - (1) Shall mean a person who is at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor; or
 - (2) An emancipated minor.
 - b. Curfew Hours
 - (1) Shall mean 11:00 P.M. on Sunday, Monday, Tuesday, Wednesday (or) Thursday until 6:00A.M. on the following day; and
 - (2) 12:00 A.M. until 6:00 A.M. on any Friday or Saturday.
 - c. Emancipated Minor
 - (1) Shall mean any person under the age of 18 who is married or who is not under the care, custody and control of a parent, parents, guardian, person standing in locus parentis or the juvenile court of competent jurisdiction; or
 - (2) Any person under the age of 18 who has had the disabilities of minority removed by a court of competent jurisdiction.

Sec. 13-130 Juvenile Curfew (Continued)

- d. Emergency Shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster or automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- e. Establishment Shall mean any privately owned place of business operated for a profit to which the public is invited, including, but not limited to any place of amusement or entertainment.
- f. Guardian
 - (1) Shall mean a person who, under court order, is the guardian of the person of a minor, or
 - (2) A public or private agency with whom a minor has been placed by the court.
- g. Minor Shall mean any person 17 years of age or under.
- h. Operator Shall mean individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and officers of a corporation.
- i. Public Place Shall mean any place to which the public or a substantial group of the public has access that includes, but is not limited to, parks, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- j. Remain
 - (1) Shall mean linger or stay, or
 - (2) Fail to leave the premises when requested to do so by an officer or the owner, operator or the person in control of the premises.
- k. Serious Bodily Injury Shall mean bodily injury that causes death or created a substantial risk of, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Sec. 13-130 Juvenile Curfew (Continued)

3. Acts Prohibited

- a. It is unlawful for any minor 17 years of age or younger, to loiter, wander, stroll, ride upon or play in or upon the public place, streets, highways, road, alleys, parks, playgrounds or other public grounds, establishments, public buildings, places of amusement, eating places, vacant lots or anyplace in the City of Woodbine, Georgia, unsupervised by an adult, parent or guardian having the lawful authority to be at such places, between the hours of 11:00 P.M. on any day and 6:00 A.M. on the following day; provided, however, that on Fridays and Saturdays, the effective hours are between 12:00 A.M. and 6:00 A.M. of the following day.
- b. It shall be unlawful for the parent, guardian or other person having custody or control of any minor 17 years of age or younger to knowingly or by insufficient control, to allow, such minor to be at or upon the public places, streets or any other places listed in Section 13-130.2. in the City of Woodbine, Georgia between the hours of 11:00 P.M. on any day and 6:00 A.M. the following day, or on Fridays and Saturdays between the hours of 12:00 A.M. and 6:00 A.M. the following day.
- c. It shall be unlawful for any owner, operator or employee of an establishment to knowingly allow a minor to be in or upon the premises of an establishment in the City of Woodbine, Georgia between the hours of 11:00 P.M. on any day and 6:00 A.M. the following day, or on Fridays and Saturdays between the hours of 12:00 A.M. and 6:00 A.M. the following day.
- d. It shall be unlawful for any parent, guardian or other person having custody or control of any minor 17 years of age or younger to knowingly or by insufficient control, to allow such minor to be at or upon the public place, streets or any other places listed in Section 13-130.2i. in the City of Woodbine for the purpose of “trick or treating “except between the hours of 6:00 p.m. and 8:00 a.m. on October 31 of any year. Should October 31 of any year fall on a Sunday, then “trick or treating” shall be done on October 31 of that year. The exceptions listed in Section 13-130.5 of this ordinance do not apply to this paragraph.

4. Offenses

- a. A minor commits an offense if he or she remains in any public place or on the premises of any establishment in the City of Woodbin, Georgia during curfew hours.

Sec. 13-130 Juvenile Curfew (Continued)

- b. A parent or a guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control, allows the minor to remain in any public place or on the premises of any establishment in the City of Woodbine, Georgia during curfew hours.
 - c. An owner, operator or employee of any establishment commits an offense if he or she knowingly allows a minor to remain in or upon the premises of any establishment in the City of Woodbine, Georgia during curfew hours. It is a defense to prosecution under this section that the owner, operator or employee of an establishment promptly notified the Woodbine Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.
5. Exceptions The provisions of the City of Woodbine Curfew Ordinance shall not apply in the following instances:
- a. When a minor is accompanied by his or her parent, guardian or other adult having the lawful care and custody of the minor.
 - b. When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor, or if such minor is seeking medical treatment.
 - c. When the minor is returning directly home from a school activity, entertainment, recreational activity or dance.
 - d. When the minor is returning directly home from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time.
 - e. When the minor is an emancipated minor.
6. Violations and Penalties
- a. Upon conviction of violations of this Section for the first time, an adult, parent, guardian or owner, operator, operator or employee of an establishment shall be given warning citations. Upon further convictions, an adult, parent, guardian or owner, operator or employee of an establishment shall be subject to a fine not to exceed \$500.00 or imprisonment for not more than 90 days or both the fine and imprisonment. Except as otherwise provided, each violation of this ordinance shall constitute a separate offense.

Sec. 13-130 Juvenile Curfew (Continued)

- b. Adjudication of violation of this ordinance by minors shall be made in accordance with Chapter 15 of the Official Code of Georgia Annotated.

7. Enforcement

Before taking any enforcement action under this section, a City of Woodbine Police Officer shall ask the apparent offender's age and the reason for being in the public place. The Officer shall not issue a citation or make an arrest under this section unless the Officer reasonably believes that an offense has occurred and that, based on any response and other circumstances that no exception is present.

8. Conflict

All laws and ordinances, or part thereof, which conflict with the provision of this ordinance, are hereby repealed.

9. Effective Date

This ordinance shall become effective upon its approval by the City Council of the City of Woodbine.

10. Invalidity in Part

In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or judged invalid or unconstitutional, such adjudication shall in no matter effect the other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or judged invalid or unconstitutional was not originally a part hereof.

So ordained this 7th day of August 1995

Sec. 13-131 Gathering for Purpose of Public Expression

For the Promotion and Regulation of Expression Public Spaces and Facilities Consistent with the Dedicated Uses and Maintenance of Said Public Properties, The Preservation of Public Safety, Lawful Commerce, and Rights of Access and Traverse and the Protection of the Well-being, Peace, Privacy, and Good Order Necessary to the Free Enjoyment by Citizens of the Rights to Private Property and Personal Pursuits.

Sec. 13-131 Gathering for Purpose of Public Expression (Continued)

1. City of Woodbine, Camden County, Georgia, a political subdivision of the State of Georgia, hereinafter referred to as the City of Woodbine

The City of Woodbine and the City Council Members, by and through the City Administrator, shall be vested with the responsibility to receive applications for, and to accede to or deny, permits for the conduct in public spaces of demonstrative, informative, celebratory, or other forms of public expression involving ten (10) or more people, hereinafter referred to as an “event”.

The City of Woodbine by and through the City Administrator shall determine to permit or refuse to permit any such conduct in or about public spaces solely on the basis of the factors or combination of factors set out hereinafter, and in light of a presumption that all peaceful expression not inconsistent with goals of this Ordinance hereinbefore enumerated shall be permitted at all reasonable times and places.

2. Use of Public Spaces and Facilities

There shall be no demonstrative, informative, celebratory, or other forms of public expression, either fixed or processional, conducted on, over, upon, or burdening the public properties of the City of Woodbine, or employing the facilities thereon, without first being permitted by the City of Woodbine after application made according to the requirements set out hereinafter.

3. Application

Within no less than twenty (20) days prior to an event, the person or persons associated in fact, whether or not a legally recognized entity, who wishes to conduct such event, shall apply to the City of Woodbine for a permit. Such application shall at a minimum include:

- a. The name and address of the Applicant. If the Applicant is an association or persons in fact or in law, the application shall contain a description of the entity; the name of said entity, if names; the registered or recognized address of the entity, if any; the name of the person making the application on behalf of said entity; such person’s relationship to said entity; and some demonstration or recitation of the authority of the person making the application to act on behalf of the entity.
- b. A plan for review by the City of Woodbine, which plan will include”
 - (1) The anticipated number of persons participating in the event;

Sec. 13-131 Gathering for Purpose of Public Expression (Continued)

- (2) The date or dates of the event;
 - (3) The hours of each day the event will be conducted;
 - (4) The exact location of said event, or, if the event is processional or mobile, the route of the event;
 - (5) Whether sound amplification equipment will be employed;
 - (6) Whether artificial lighting will be employed;
 - (7) Whether temporary static structures will be constructed or employed, whether vehicles will be employed, and if so, a description of same sufficient to permit the City of Woodbine to evaluate the permitting factors set out hereinafter;
 - (8) A description of provisions necessary to the safety and welfare of the participants in the event and members of the public in the area where the event will be conducted and routes of access thereto and therefrom;
 - (9) Whether the event will require that the public spaces or facilities to be used or burdened, or the routes and means of access thereto and therefrom, be temporarily diverted from their dedicated or customary uses, or the public or private users thereof be diverted or excluded from or limited in their use or enjoyment of, or their access to or through, said spaces or facilities, before, during, or after the event.
- c. A disclosure as to whether the Applicant or entity for whom the application is being made has in the past conducted or participated in an event of a substantially similar nature to that which is the subject of the instant application, and if so, where and when such prior event(s) took place, and whether as a result of such event(s) the Applicant or entity became the subject, whether or not the operating under the same name, as plaintiff or defendant, or any legal action, civil, criminal, or administrative.
- d. A disclosure as to whether the Applicant or entity for whom the application is being made has defaulted upon or is in arrears as to any judgment, civil, criminal, or administrative rendered against the Applicant, or entity, or is in violation of any injunction or restraining order entered against the Applicant, or entity, whether or not then operating under the same name, as a result of participation in any prior event(s) or a substantially similar nature to that which is the subject of the instant

Sec. 13-131 Gathering for Purpose of Public Expression (Continued)

application, and if so, a description of said judgment or order and an explanation for non-compliance.

- e. An indemnification and hold harmless agreement in favor of the City of Woodbine, its elected officials, officers, agents and employees, in a form satisfactory to the attorney for the City of Woodbine.

If, as a direct consequence of exigent, unanticipated, or other circumstances beyond the control of the Applicant, Applicant is unable to file an application not less than twenty (20) days before an event, nothing herein shall be construed as precluding the filing of an application at a later time, but in such case the time limits for review by Camden County, and for review and appeal in the case of a denial of a permit, shall remain the same.

Where an event is conducted on, over, upon, or burdens properties, or employing the facilities thereon, which is also to substantially involve or take place partly or wholly upon private property with the consent of the owner(s) thereof, such owner(s) or their authorized representatives must join as an Applicant for any permit for such event.

4. Review by the City of Woodbine

Within seven (7) working days of receipt of an application, the City Administrator of the City of Woodbine shall review the application in light of all of the contents thereof and the goals, intentions, and presumption of this Ordinance as set out hereinbefore, and render a decision and communicate same to Applicant, either permitting the event as planned or denying a permit for same. If the permit is denied, the City Administrator for the City of Woodbine shall provide the Applicant in writing a statement of the reasons therefore. (First class mail to the address provided by Applicant, postmarked no more than seven (7) working days after receipt of the application, shall be sufficient for this purpose, though not the exclusive means of notice.)

Nothing in this process shall prevent the City Administrator of the City of Woodbine, at her sole option and within the seven (7) day period for approval or denial, to confer with Applicant with respect to modifications of Applicant's plan for the event, and amend the application to reflect such modifications if agreed to by Applicant. However, Applicant may neither supplement nor amend its application within said seven (7) day period except at the invitation of the City of Woodbine. Any attempt to do so *sua sponte* shall be deemed a separate and new application.

Sec. 13-131 Gathering for Purpose of Public Expression (Continued)

The City Administrator of the City of Woodbine may deny the application for Permit upon any of the following reasons or combination of reasons:

- a. The application does not contain all required information, or that information set out is to incomplete, vague, or ambiguous as to prevent full and proper review by the City of Woodbine;
- b. The application contains material omissions, falsehoods, or misrepresentations;
- c. The Applicant or entity represented by Applicant is incomplete or contract, sue, or be sued;
- d. The person applying lack authority to represent to entity for which the application is made;
- e. The Applicant or entity represented by Applicant has on prior occasions damaged public property, or has not paid in full for such damages, or is in arrears as to any judgment civil, criminal, or administrative rendered against the Applicant or entity, or is in violation of any injunction or restraining order entered against the Applicant or entity, whether under the same name(s) or another;
- f. The Applicant or entity represented by Applicant has on prior occasions violated permitting ordinances in connection with events of a substantially similar nature;
- g. The plan of the event as proposed would present an unreasonable danger to the health or safety of participants in the event or other member of the public (though not through the agency of any predicted reaction by onlookers or members of the public);
- h. The plan of the event as proposed would unduly restrict and/or congest traffic (vehicular or pedestrian) on any of the public road, right-of-ways, sidewalks, or waterways in the immediate vicinity of such event;
- i. The plan of the event as proposed would constitute an unreasonable disturbance of the peace, or would unreasonably burden lawful commerce in the area at the time of the proposed event, or would unreasonably intrude upon the privacy or property of citizens in the area of the proposed event (though not through the agency of any predicted reaction by onlookers or members of the public);

Sec. 13-131 Gathering for Purpose of Public Expression (Continued)

- j. The plan of the event as proposed includes activities which are prohibited by laws of the United States, the State of Georgia, or ordinances of the City, County, or other lawful body or activities which constitute nuisance or tortuous conduct with respect to public or private property or persons.

It is the specific intent of the City of Woodbine in enacting this ordinance to regulate only the time, place and manner of events and not to regulate the content or message of any speech or expressive conduct. The factors enumerated above, which the City of Woodbine finds express and support the substantial and compelling interests of this governing body in the preservation of the right and liberties of its citizens and the safety, health, and good order of its society, are the only bases upon which the City Administrator of the City of Woodbine shall decide to issue or deny a permit applied for hereunder, and no such decision shall be made or justified based upon the anticipated or predicted content of the speech or expressive conduct of any Applicant.

5. Revocation

Notwithstanding the grant of any permit as provided herein, law enforcement authorities shall have the authority to terminate an event at any time, or prevent its initiation, should traffic, weather, or other conditions develop which present an imminent and undue danger to those participating in the event pursuant to said permit, to the public at large, or should any consideration or combination of considerations enumerated herein as a ground for denial of a permit arise or first become apparent to law enforcement authorities after the grant of a permit. If in preparation for or after the start of an event for which a permit has been issued, participants in said event violate the terms of the permit or deviate in material fashion from the plan submitted an application for the permit, law enforcement authorities shall have the authority to terminate the event.

6. Administrative Review by the City of Woodbine

Upon receipt of any decision by the City Administrator of the City of Woodbine denying an application, the Applicant may within five (5) calendar days file an appeal of said denial with the Woodbine City Council, which appeal shall be in writing and be sent to City Council by certified mail or hand delivery. Upon the receipt of any such appeal the City Administrator of the City of Woodbine shall notify the attorney for the City, who shall promptly (but in case no later than seven (7) calendar days after receipt of the appeal) seek review of the denial of the application in a called meeting of the Woodbine City Council. The City Administrator of the City of Woodbine shall have the burden of demonstrating the validity of the denial of the permit as applied for by the Applicant. If no appeal is filed by the Applicant, there

Sec. 13-131 Gathering for Purpose of Public Expression (Continued)

shall be no duty on the part of the City of Woodbine to seek judicial review of the decision a called meeting of the Woodbine City Council. The City Administrator of the City of Woodbine shall have the burden of demonstrating the validity of the denial of the permit as applied for by the Applicant. If no appeal is filed by the Applicant, there shall be no duty on the part of the City of Woodbine to seek judicial review of the decision of the City Administrator of the City of Woodbine. Nothing contained herein shall preclude the Applicant from seeking judicial review of a denial of a permit in a court of competent jurisdiction at any time after notification of the decision on the application.

7. Effective Date

This ordinance shall become effective upon adoption. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

8. Severability

Should any section, provision, or clause of any part of this Ordinance be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set or circumstances be declared invalid or unconstitutional, such invalidity shall not be construed to affect portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of Camden County that this Ordinance would have been adopted had any such invalid portion not been included herein.

Adopted 5/3/04