

**CITY OF WADLEY  
GENERAL OFFENSE ORDINANCE  
ORDINANCE NUMBER 2021-15**

AN ORDINANCE TO ADOPT REGULATIONS RELATING TO DISORDERLY CONDUCT, PUBLIC DRUNKENNESS, TRESPASSING, INDECENT EXPOSURE, PUBLIC INDECENCY, LOITERING, VAGRANCY, DISCHARGING FIREARMS, BEGGING/PANHANDLING AND THEFT OF UTILITY SERVICES; TO PROVIDE FOR COMPILATION; TO PROVIDE SEVERABILITY; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

**WHEREAS**, the duly elected governing authority of the City of Wadley, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of the City of Wadley, Georgia;

**WHEREAS**, Official Code of Georgia Annotated (O.C.G.A.) Section 36-35-3 provides cities the power to adopt clearly reasonable ordinances, resolutions or regulations relating to the cities' property and affairs;

**WHEREAS**, the duly elected governing authority of the City of Wadley, Georgia is the Mayor and Council thereof;

**WHEREAS**, the governing authority desires to adopt regulations under their police and other powers governing disorderly conduct, public drunkenness, trespassing, indecent exposure, public indecency, loitering, vagrancy, discharging firearms, begging/panhandling and theft of utility services;

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF WADLEY, GEORGIA:**

### **Section 1.01. Disorderly Conduct.**

It shall be unlawful for any person with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, to perform any of the following:

- (1) Acts in a violent and tumultuous manner toward another person whereby such person is placed in reasonable fear of the safety of such person's life, limb or health.
- (2) Acts in a violent or tumultuous manner toward another person whereby the property of such person is placed in danger of being damaged or destroyed;
- (3) Without provocation, uses to or of another person in such other person's presence, opprobrious or abusive words which by their very utterance tend to incite to an immediate breach of the peace, that is to say, words which as a matter of common knowledge and under ordinary circumstances will, when used to or of another person in such other person's presence, naturally tend to provoke violent resentment, that is, words commonly called "fighting words";
- (4) Without provocation, uses to another, or of him in his presence so as to be heard by him, any abusive, offensive or insulting language in the endeavor to, or that is calculated to, annoy, insult, harass, or in a disorderly manner interfere with him while peacefully engaged in pursuit of his vocation or pleasure;
- (5) Without provocation, uses obscene and vulgar or profane language in the presence of or by telephone to a person under the age of 14 years which threatens an immediate breach of the peace;
- (6) Interferes with another's pursuit of a lawful occupation by acts of violence or threats of bodily harm;
- (7) Congregates with others to halt the flow of vehicular or pedestrian traffic and refuses to clear the way when ordered by lawful authority to do so;
- (8) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
- (9) Incites, attempts to incite or is involved in attempting to incite a riot;
- (10) Gathers or collects in bodies or in crowds and engage in unlawful activities;

- (11) Addresses a threat or threats to any member of the City of Wadley police department, any other authorized official of the City who is engaged in the lawful performance of his duties, or any other person, when such threat or threats have a direct tendency to cause acts of violence;
- (12) Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
- (13) Assembles or congregates with another or others and engages or attempts to engage in gaming;
- (14) Makes or causes to be made any loud, boisterous and unreasonable noise, disturbance or act to the annoyance of any other person or persons nearby, or near to any public highway, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed or the public annoyed;
- (15) Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.

**Section 1.03. Public Drunkenness/Drinking on Public Streets.**

(a) It shall be unlawful for any person to be and 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;

(b) It shall be unlawful for any person to be on the streets of the City in an intoxicated condition.

(c) It shall be unlawful for any person to create a nuisance or engage in conduct offensive to others on the public streets or in public places while drunk or intoxicated.

(d) It shall be unlawful for any person to drink intoxicating or alcoholic beverages on the public streets or on public property.

**Section 1.05. Trespassing.**

It shall be unlawful for any person to:

(a) Enter or remain upon land or premises of another in defiance of a legal request or order by the owner or some other authorized person;

(b) Enter into or upon land or a building that is posted, locked, or otherwise fenced or enclosed in such a manner that a reasonably prudent person would understand that the owner does not want any such person on the land or in the building;

(c) Climb on any building or other structure belonging to the City of Wadley or under the possession and control of the City of Wadley without having permission to perform said act.

**Section 1.07. Indecent Exposure.**

It shall be unlawful for any person to commit indecent exposure. A person commits indecent exposure if he or she knowingly exposes his/her genitals and/or sexual organs to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.

**Section 1.09. Public Indecency.**

It shall be unlawful for any person to commit public indecency. Any person who performs any of the following in a public place, or where the conduct may reasonably be expected to be viewed by members of the public, commits public indecency:

- (1) An act of sexual intercourse; or
- (2) An act of deviate sexual intercourse; or
- (3) A lewd exposure of the sexual organs done with intent to arouse or to satisfy the sexual desire of any person; or
- (4) A lewd appearance in a state of partial or complete nudity; or
- (5) A lewd caress or indecent fondling of the body of another person; or
- (6) An act of masturbation; or
- (7) An excretory function, including urination or defecation.

**Section 1.11. Loitering.**

(a) It shall be unlawful for any person to loiter, loaf, wander, stand, linger or remain idle around any public or private place within the City of Wadley either alone and/or in consort with others in such a manner as to do the following:

- (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

- (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property.
- (3) Commit any act or thing which is an obstruction or interference to any business lawfully conducted and which prevents the free and uninterrupted ingress and egress to/from said business.
- (4) Sit, lie or sleep in or upon any public highway, alley, sidewalk or crosswalk or other place open for pedestrian travel, except when necessitated by temporary physical disability of such person.

(b) It shall be unlawful for any person to refuse to obey a law enforcement officer's order to stop causing or committing a violation of this section or to move on and/or disperse.

### **Section 1.13. Vagrancy.**

(a) It shall be unlawful for any person to appear 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. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this paragraph, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct.

(b) It shall be unlawful for vagrants or those who have no apparent means or subsistence or without visible means of support to loiter on public or semi-public property or places or tramping or wandering about the streets without any lawful or justifiable purpose.

(c) Any able-bodied person who has no visible means of supporting himself and is not engaged in the pursuit of some business or occupation calculated to maintain and support himself, and who shall remain within the City of Wadley after being warned to depart therefrom by a law enforcement officer, shall be punished as provided herein.

(d) Any person who shall knowingly and willingly bring or introduce, or cause to be brought or introduced, into the City of Wadley any pauper, vagrant or any person not having property to support him, and who is unable or unwilling to work or otherwise support himself, with intent to make such pauper or vagrant or person chargeable upon the charity of the City of Wadley, or the citizens thereof, shall be punished as provided herein.

### **Section 1.15. Discharging Firearms in City Limits.**

It shall be unlawful for any person to discharge a firearm, including a pistol, rifle and/or shotgun, within the City of Wadley, except by law enforcement officers in the line of duty, and the military when on drill or parade, or at a funeral in honor of the dead; provided, however, it shall not be unlawful for any person to discharge a firearm upon private property if that person is

engaged in the lawful hunting of wildlife in accordance with the requirements of state law and the regulations of the Georgia Department of Natural Resources.

**Section 1.17. Begging/Panhandling.**

It shall be unlawful for any person to aggressively ask or accost, coerce, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of immediately receiving contributions, alms, charity, or gifts of items of value for oneself or another person within the City of Wadley; provided, however, it shall not be unlawful for any person or entity to solicit donations on behalf of bona fide charities recognized by the Internal Revenue Service and/or the State of Georgia.

- (a) For the purpose of Section 1.17 the word accost is defined as “approach and address (someone) boldly or aggressively.
- (b) For the purpose Section 1.17, the word aggressively is defined as any behavior that causes another to be in fear of receiving physical or emotional harm. Not limited to unwanted touching, foul or abusive language or other disorderly conduct described in this ordinance.

**Section 1.19. Theft of Utility Services.**

(a) A person is guilty of theft of a utility, cable television service or satellite television service if the person commits any prohibited acts which make gas, electricity, water, sewer, cable television or satellite television available to a tenant or occupant, including himself, with intent to avoid due payment to the utility, cable television provider or satellite television provider. Prohibited acts include:

- (1) connecting any tube, pipe, wire, cable, dish or other instrument with any meter, device, or other instrument used for conducting gas, electricity, water, sewer, or television service in a manner as permits the use of the gas, electricity, water, sewer, cable television or satellite television without its passing through a meter or other instrument recording the usage for billing;
- (2) altering, injuring, or preventing the normal action of a meter, valve, stopcock, or other instrument used for measuring quantities of gas, electricity, water, or sewer service, or making or maintaining any modification or alteration to any device installed with the authorization of a cable or satellite television company for the purpose of intercepting or receiving any program or other service carried by the company which the person is not authorized by the company to receive;
- (3) reconnecting gas, electricity, water, sewer, cable television or satellite television connections or otherwise restoring service when one or more of those utilities or service have been lawfully disconnected or turned off by the provider of the utility, cable service or satellite service;

- (4) intentionally breaking, defacing, or causing to be broken or defaced any seal, locking device, or other part of a metering device for recording usage of gas, electricity, water, or sewer service, or a security system for the recording device, or a cable television or satellite television control device;
- (5) removing a metering device designed to measure quantities of gas, electricity, water, or sewer service;
- (6) transferring from one location to another a metering device for measuring quantities of gas, electricity, water, or sewer service without receiving permission from the company or provider;
- (7) changing the indicated consumption, jamming the measuring device, bypassing the meter or measuring device with a jumper so that it does not indicate use or registers use incorrectly, or otherwise obtaining quantities of gas, electricity, water, or sewer service from the utility without their passing through a metering device for measuring quantities of consumption for billing purposes;
- (8) using a metering device belonging to the utility that has not been assigned to the location and installed by the utility;
- (9) fabricating or using a device to pick or otherwise tamper with the locks used to deter utility service diversion, meter tampering, meter thefts, and unauthorized cable or satellite television service;
- (10) assisting or instructing any person in obtaining or attempting to obtain any cable or satellite television service without payment of all lawful compensation to the company providing the service;
- (11) making or maintaining a connection or connections, whether physical, electrical, mechanical, acoustical, or by other means, with any cables, wires, components, or other devices used for the distribution of cable or satellite television service without authority from the cable or satellite television company; or
- (12) possessing without authority any device or printed circuit board designed in whole or in part to receive any cable or satellite television programming or services offered for sale over a cable or satellite television system with the intent that the device or printed circuit board be used for the reception of the cable or satellite television company's services without payment. For purposes of this subsection, "device or printed circuit board" does not include the use of an authorized satellite dish or antenna.

(b) The presence of any device or alteration on property in possession of a person which permits the diversion or use of utility, cable service or satellite service to avoid the registration of use by or on a meter installed by the utility or to otherwise avoid the recording of use of the

service for payment or otherwise avoid payment gives rise to an inference that the person in possession of the property installed the device or caused the alteration if:

- (1) the presence of the device or alteration can be attributed only to a deliberate act in furtherance of an intent to avoid payment for utility, cable television or satellite television service; and
- (2) the person charged has received the direct benefit of the reduction of the cost of the utility, cable television service or satellite television service.

**Section 1.20. Penalties.**

Any person who shall violate any provision of this Ordinance shall, upon conviction, be punished as provided in Chapter 1, Section 1-6 of the Code of the City of Wadley, Georgia.

**Section 1.21. Effective Date.**

This Ordinance shall become effective the next business day following its adoption.

**Section 1.22. Compilation.**

This Ordinance shall be compiled in a manner consistent with the laws of the State of Georgia and the City of Wadley.

**Section 1.23. Repealer.**

All City Code provisions, ordinances, parts of ordinances, or resolutions in conflict with the provisions of this Ordinance are hereby repealed.

**Section 1.24. Severability.**

If any part of this Ordinance is determined by a Court of competent jurisdiction to be invalid, only such part of this Ordinance declared to be invalid shall become void and all other parts shall remain valid and enforceable.



Read, passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Harold Moore, Mayor

Attested by: \_\_\_\_\_  
Rita Hilton  
City Clerk

First reading:

Second reading: