

OFFENSES--MISCELLANEOUS

Chapter 15

OFFENSES--MISCELLANEOUS*

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*State law reference—Crimes and offenses, OCGA Title 16.

ARTICLE I. IN GENERAL

Sec. 15-1. Nuisances generally.

If the existence of a nuisance, as defined, in Section 41-1-1 of the Official Code of Georgia Annotated, is complained of in the city, the recorder's court shall have jurisdiction to hear and determine the question of the existence of such nuisance and, if found to exist, to order its abatement. If any person continues to maintain a nuisance after such order, he shall be guilty of a misdemeanor.

(Code 1967, § 15-1)

Cross reference—Abatement of unsafe buildings as nuisances, § 7-166 et seq.

State law reference—Similar provisions, OCGA §§ 41-1-6, 41-2-5.

Sec. 15-2. Soliciting magazine, newspaper, etc., subscriptions without permit.

(a) It shall be unlawful for any person, his agents or employees, to solicit or take subscriptions for or sell any newspaper, magazine, journal or periodical or like or similar articles of any kind within the city limits, a regular place of business excepted, without first appearing before the city council at a regular meeting and obtaining from the council a permit to do so.

(b) A permit issued under this section shall expire on December thirty-first next following its issuance. Such permit may be renewed for an additional calendar year by the city clerk, upon written application, without the necessity of the applicant personally appearing before the city council.

(Code 1967, § 13-4)

Sec. 15-3. Operation of curb market near courthouse.

(a) It shall be unlawful for any person to operate, within three (3) blocks in each direction of the courthouse square in the city, a market, either on an entire vacant lot, parts of a vacant lot or vacant portions of a lot in front of a building, used for the sale of produce from a vehicle or from boxes set up on the ground or otherwise.

(b) The word 'produce,' as used in this section, means all kinds of vegetables, farm products, fruit, meat or any other thing which may be displayed or sold upon any lot mentioned herein.

(Code 1967, § 13-5)

Cross reference—Limitations on parking the purpose of selling from vehicle, § 13-74.

Sec. 15-4. Garage and similar sales.

(a) It shall be unlawful for any person to operate or conduct any sale, of the type commonly known as a yard sale, rummage sale or garage sale, within the city, without first obtaining a permit so to do from the city clerk. Such permit shall authorize the conduct of the sale for not more than two (2) days.

(b) Not more than one (1) permit shall be issued under this section to the same person during any one (1) year, it being the intent of the council that any person desiring to have more than one (1) sale during the year be required to obtain an appropriate license under Chapter 12 of this Code.

(Mo. of 3-15-77)

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Sec. 15-5. Molesting, interfering with, etc., city officers or employees.

It shall be unlawful for any person to assail, strike, molest, abuse, interfere with or interrupt any officer or employee of the city or any other person designed by the city council to perform any duty, while such officer, employee or other person is engaged in the performance of his duties.

(Code 1967, § 16-4)

Cross reference—Interfering with fire department personnel, § 11-1.

Sec. 15-6. Discharging slingshots, air guns, or firearms.

No person shall shoot or otherwise discharge any slingshot, air gun, cannon, pistol, rifle, or firearm of any kind within the city, except as provided for by special permission of the city council or in defense of himself or his property or in the discharge of his official duties.

(Code 1967, § 15-4)

Cross reference—Firearms prohibited in Monroe Hills Memorial Gardens, § 8-57.

State law reference—Discharging firearms on or near public street, or property or another or on Sunday, OCGA §§ 16-11-103—16-11-105

Sec. 15-7. Throwing missiles.

No person shall, within the city limits, throw clods of dirt, brickbats, stones or missiles of any description whatever in a reckless or careless manner, so as to endanger any person or property.

(Code 1967, § 15-20)

Sec. 15-8. Defacing, damaging, etc., property generally.

No person shall write, paint, draw, cut or carve any letter, word, device or figure on, or in any manner mutilate, deface, injure or destroy, any building, monument, fence, pailing, shrubbery or other public or private property in the city.

(Code 1967, § 15-23)

Cross reference—Damaging cemetery property, §8-4; damaging street name signs, § 21-9; damaging sewage works property, § 23-40.

State law reference—Damaging property, OCGA § 16-7-22 et. seq.

Sec. 15-9. Unlawful trimming, cutting or removal of trees.

(a) No person shall trim, cut, or remove any tree standing by the sidewalks or in any part of the streets of the city, without first obtaining permission from the city council.

(b) It shall be unlawful for any person to trim, cut, or remove any limb from any shade tree on any street, sidewalk or private or public ground in the city for the purpose of carrying any transmission line, telephone or telegraph line or any other line through or over such tree, except by special permit issued by the city council.

(Code 1967, § 15-12)

Sec. 15-10. Obstructing drainage ditches; duties of property owners as to drainage ditches and pipes.

(a) It shall be unlawful for any person to fill up or put any obstruction in any ditch or trench cut by order of the city council for the free passage of water.

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- (b) All owners and occupants of property in the city shall keep open all drainage ditches and pipes and, when necessary, put in new ones to ensure property drainage of such property. If, after notice from the chief of police, any person shall neglect or refuse to comply with the terms of this subsection, the work shall be done by city personnel, upon direction of the city council, at the owner's expense.

(Code 1967, § 12-3)

Sec. 15-11. Loitering or prowling generally.

- (a) A person commits the offense of loitering or prowling, which is hereby declared to be a misdemeanor, 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 by the persons or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, 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. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

State law reference—Similar provisions and authority of city to prohibit loitering or prowling, OCGA § 16-11-36.

Sec. 15-12. Congregating or loitering on posted business premises after hours.

- (a) The owner or person entitled to possession of premises used for commercial, industrial, or business purposes may post upon such premises, in a conspicuous place which is clearly visible to the public, a sign which states that no person or persons may congregate, assemble or loiter upon such premises during the hours in which business is not being conducted thereon.
- (b) It shall be unlawful for any person or persons to congregate, assemble or loiter upon any premises referred to in subsection (a) above during hours in which business is not being conducted, thereon, if such premises are posted in the manner provided for in such subsection.

(Code 1967, §§ 15-15.1, 15-15.2)

Sec. 15-13. Picketing.

- (a) No person shall engage in the act of picketing within the corporate limits of the city in a manner which interferes with the free flow of traffic, either pedestrian or otherwise, upon the streets of the city or to and from any business or other facility within the city.
- (b) At no time shall there be more than two (2) persons picketing any business or building within the city simultaneously.
- (c) Any persons engaged in the act of picketing within the city shall perform such act in an orderly manner, shall walk only in single file and shall at no time shout, sing, or chant, in such a manner as to cause a public disturbance.

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State law reference—Obstructing streets and highways, OCGA § 16-11-43.

Sec. 15-14. Assembling for gaming.

It shall be unlawful for two (2) or more persons to assemble themselves together within the limits of the City of Forsyth for the purpose of playing and betting at cards or any other game of chance, or for any person to remain where said game is being played.

(Ord. of 8-5-86, § 1)

Cross reference—Amusements, Ch. 5.

Sec. 15-15. Disorderly conduct.

(a) The following described acts shall be deemed disorderly conduct and it shall be unlawful for any person to do or engage in any of the said following acts within incorporated City limits of the City of Forsyth:

- (1) Any acts of violent or tumultuous manner toward another, whereby any person is placed in danger of or in fear of his safety, life, limb, or health.
- (2) Any acts of violent or tumultuous manner toward another, whereby public property or property of another person is placed in danger or being destroyed or damaged.
- (3) Any acts which shall endanger or interfere with the lawful pursuits of another by acts of violence or treats of bodily harm.
- (4) Any acts which 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 public property.
- (5) Any acts by which any person or persons shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.
- (6) Any acts by which any person or persons shall collect in bodies or in crowds and engage in unlawful activities.
- (7) Any acts by which any person or persons shall assemble or congregate with another or others and engage or attempt to engage in gaming.
- (8) Any acts by which any person or persons shall frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice, or device or attempt to do so.
- (9) Any acts by which any person or persons assemble with another or others and engage in any fraudulent scheme, device or trick to obtain or attempt to obtain any valuable thing in any place or from any person.
- (10) Any acts by which any person or persons utter, in a public place or any place open to the public, any obscene words or epithets.

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- (11) Any acts by which any person or persons frequent any place or vehicle where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
- (12) Any acts by which any person or persons shall use "fighting words" directed towards any person, causing said person to become outraged and thus create turmoil.
- (13) Any acts by which any person or persons shall assemble or congregate with another or others and do bodily harm to another or property of another or public property.
- (14) Any acts by which any person or persons shall, by acts of violence or threats thereof, interfere with another's pursuit of a lawful occupation.
- (15) Any acts by which any person or persons shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other person having authority.
- (16) Any acts by which any person or persons damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physical offensive condition.
- (17) Any acts by which any person or persons appear in public in an intoxicated state or condition, whether said intoxication is by alcohol and/or drugs.
- (18) Any acts by which any person or persons exposes any part of his or her body in an indecent or rude manner.
- (19) Any acts by which any person or persons by and in any manner, creates loud noises which disrupt, disturb or otherwise interfere with the peace and tranquility of the public.
- (20) Any acts by which any person or persons attempt to hinder, delay, obstruct or prevent any law enforcement officer from performing his/her duty.
- (21) Any acts by which any person or persons keeps a disorderly house or house of ill fame and all adults are considered a keeper.
- (22) Any acts by which any person or persons lingers or loiters along public sidewalks, streets or public ways of the City.
- (23) Any acts by which any person or persons fails or refuses to remove himself from the private property or another when requested to do so by the owner or occupant(s) thereof.
- (24) Any acts by which any person or persons who alone or in concert with other, with the intent of appropriating merchandise to his own use without paying for the same or to deprive the owner of possession thereof or the value thereof in whole or in part by concealing or taking possession of the goods or merchandise from a retail establishment, alters the price tag or other price marking of goods or merchandise of any store or retail establishment, wrongfully causes the

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amount paid to be less than the merchant's stated price for the merchandise or property or value thereof of one hundred dollars (\$100.00) or less.

- (b) Continued conduct. Continuation of the disorderly conduct constitutes additional offenses. Each day that the disorderly conduct continues shall constitute a new and separate offense and the judges of the City Court of Forsyth may impose such sentence as the circumstances may require and pursuant to the Charter of the City of Forsyth and Georgia law.
- (c) Punishment. Any person who pleads guilty, nolo contendere, or is convicted of violating any of the provisions of this section, shall be punished as provided in the Charter of the City of Forsyth or such other applicable law of the State of Georgia as may now or in the future be enacted to provide for punishment and penalties that may be imposed by the Municipal Court of Forsyth. In addition to the fine and/or jail sentence, the judges of the Municipal Court may impose community service.

Sec. 15-16. Interfering with, injuring or tampering with City of Forsyth equipment.

- (a) It shall be unlawful for any persons intentionally and without authority to injure or destroy any meter, pipe, conduit, wire, line, post, lamp, or other apparatus belonging to the City of Forsyth and related to the manufacture, sale, or distribution of electricity, gas, water, telephone, cable television, fiber optic or other public services; intentionally and without authority to prevent a meter from properly registering the quantity of such service supplied; in any way to interfere with the proper action of the City; intentionally to divert any services of the city; or otherwise intentionally and without authority to use or cause to be used, without the consent of the city, any service manufactured, sold, or distributed by the City of Forsyth, including but not limited to electricity, gas, water, telephone, cable television, fiber optic or other public services.
- (b) Where there is no evidence to the contrary, the person performing any of the illegal acts set forth in subsection (a) of this Code section and the person who with knowledge of such violation receives the benefit of such service without proper charge as a result of the improper action shall be presumed to be responsible for the act of injuring, tampering, interference with or [without] diversion.
- (c) A violation of this section shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment at such place as the city may designate for not more than sixty (60) days, or both such fine and imprisonment. Each day any violation of this section shall continue shall constitute a separate offense.

(Ord. of 8-5-86, § 3; Ord. of 9-3-91, § 1; Ord. of 9-7-99, § 1)

Cross reference—Utilities, Ch. 23.

Sec. 15-17. Indecency.

It shall be unlawful for any person in the City of Forsyth to use any indecent, profane, or obscene language; to appear in any public place naked or in an indecent or lewd dress, to engage in any indecent or lewd act or behavior; to exhibit or sell or offer for sale any obscene, vulgar, or licentious books, pictures, or painting; to exhibit or perform in any hall, house, or public place in said city any indecent, immoral, or lewd play or dance; to sing to a public audience any sacrilegious, indecent, vulgar, or lewd song; or to engage in any other act of public indecency.

(Ord. of 1-6-87, § 2)

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Sec. 15-18. Disorderly houses.

It shall be unlawful for any person or persons to permit any person or persons assembled in their houses within the limits of the City of Forsyth to act in a disorderly manner therein to the disturbance of any other citizen or person.

(Ord. of 1-6-87, § 3)

Sec. 15-19. Fireworks.

(a) *Fireworks prohibited.* It shall be unlawful for any person to shoot any skyrocket, Roman candle, cannon cracker, firecracker, or any kind of fireworks, or fire off any pistol, gun, cannon, anvil, coconut, or throw any fireballs, on the streets or sidewalks of the City of Forsyth; and it shall be unlawful for any person to shoot, fire, or throw when lighted any of the above articles anywhere within the city limits of the City of Forsyth, unless such person has previously obtained permission to do so from the mayor of the city.

(b) *Sale prohibited.* It shall be unlawful for any person to sell or offer for sale any Roman candles, skyrockets, firecrackers, cannon crackers, or any other kind of fireworks within the city limits of the City of Forsyth.

(Ord. of 1-6-87, § 4)

Cross reference—Fire prevention and protection, Ch. 11.

Sec 15-20. Possession of marijuana.

(a) It shall be unlawful for any person to possess one (1) ounce or less of marijuana in the corporate limits of the City of Forsyth.

(b) Any person charged with possession of an ounce or less of marijuana within the corporate limits of the City of Forsyth shall be tried in the recorder's court of the City of Forsyth, provided that any person charged with possession of an ounce or less of marijuana in the recorder's court of the City of Forsyth shall be entitled on request to have the case transferred to the superior court of Monroe County.

(Ord. of 1-6-87, § 5)

Sec. 15-21. Hours of operation of public parks and recreational facilities.

The public parks, recreational centers and the building and grounds associated therewith, shall be open daily to the public during the hours of 8:00 a.m. to 10:00 p.m.; and it shall be unlawful for any person or persons other than city personnel conducting city business therein to occupy or be present in such parks during any other hours, except by the prior express approval of the mayor and council of the City of Forsyth.

(Ord. of 10-6-87, § 2)

Sec. 15-22. Prohibition of certain types of nude or adult entertainment, attire, and conduct in establishments where alcoholic beverages are consumed on the premises.

(a) **Definitions.** As used in this section, the following words shall have the meaning as set forth below unless otherwise required by context:

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Alcoholic beverages means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.

Business establishment means a business within the city where alcoholic beverages are offered for sale for consumption on the premises or are consumed on the premises.

Live means any activity or entertainment which is carried on by actual living persons in the physical presence of the patrons.

Live entertainment means entertainment for the benefit of patrons which is carried on in the actual physical presence of such patrons, including, but not limited to dancing.

Mainstream performance house means a theater, concert hall, auditorium or similar establishment which regularly features live performances such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description, or display or the featuring of specified sexual activities and where such depiction, if any, is only incidental to the primary purpose of any performance.

Person means a human being.

Premises means the definite closed or partitioned establishment, whether room, shop, or building wherein alcoholic beverages are sold or consumed, including the sidewalk serving area or outside, open air or patio-type serving area on the private property of an establishment.

Specified anatomical areas shall mean any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic region; cleft of the buttocks; or any portion of the female breast encompassed within an area falling below the horizontal line one would have to draw to intercept a point above the top of the areola, or any portion of the areola, or any simulation thereof. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suite, or other wearing apparel, provided the areola is not so exposed.
- (2) Human male genitalia in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities shall mean and include any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated;
- (4) The displaying of the male or female pubic hair, anus, vulva, or genitals; or

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(5) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4) above.

(b) Conduct prohibited. The following types of entertainment, attire, and conduct are prohibited upon any premises where alcoholic beverages are offered for sale for consumption on the premises or are consumed on the premises within the city limits.

(1) The employment or use of any person live, in any capacity, in the sale or service of alcoholic beverages or food while such person is unclothed or in such attire, costume or clothing, as to expose any portion of his or her specified anatomical areas.

(2) Live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her specified anatomical areas or where such person performs acts of specified sexual activities or acts which simulate specified sexual activity, as defined in subsection (a).

(3) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where live patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct proscribed in subsections (1) and (2) above.

(4) Nothing contained in this section shall apply to the premises of any mainstream performance house or museum which derives less than twenty (20) percent of its gross annual income from the sale of alcoholic beverages.

(c) Penalties.

(1) It shall be unlawful for any person to perform any acts prohibited in subsection (b) above and any such conduct will be a violation of this Code and shall be punishable in the recorder's court of the city as provided under the general penalty provisions of the City Charter and Code.

(2) It shall be unlawful for any person to permit any conduct prohibited in subsection (b) above which he knows or has reasonable cause to know is taking place on the premises. Any such conduct by any person shall be a violation of this Code and shall be punishable in the recorder's [municipal] court of the city as provided under the general penalty provisions of the City Charter and Code.

(Ord. of 6-15-93; Ord. of 11-2-93, § 1; Ord. of 4-15-97, § 1)

Editor's note—An ordinance adopted Nov. 2, 1993, enacted provisions concerning prohibited acts in establishments where alcoholic beverages are consumed on the premises. Such provisions, designated as § 15-23, have been codified as amendatory of § 15-22 which pertained to similar subject matter and was derived from an ordinance adopted June 15, 1997, reenacted, readopted and reconfirmed all the provisions of § 15-22.

State law reference—Municipal courts, OCGA § 36-32-1 et seq.

Sec. 15-23. Non-profit food sales and food service; permits and inspection.

“Non-profit food sales and food service” as defined by Official Code of Georgia Annotated Section 26-2-390, and the inspection and permitting thereof as authorized by Official Code of Georgia Annotated Section 26-2-391, and that the Monroe County Board of Health, by and through its duly authorized representatives, subject to the supervision and direction of the Georgia Department of Human Resources,

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shall be assigned the matters of inspection and permitting as set out in said Georgia Code sections and as set out in H.B. No. 1576 as adopted by the 1998 Georgia General Assembly.
[Res. Of 10-6-98(2)]

Sec. 15-24. Prohibition of certain types of movie theaters, movie houses, and movie rental businesses.

(a) *Definitions.* As used in this section, the following words shall have the meaning as set forth below unless otherwise required by context:

Adult movie house or adult movie theater or adult movie rental business shall mean any movie house or movie theater or movie rental business which on a regular, continuing basis shows, sells, rents, or loans for monetary consideration or otherwise furnishes or disseminates films and movies rated "X" by the Motion Picture Association of America or which presents, sells, rent, or loans for monetary consideration or otherwise furnishes on a regular, continuing basis so-called "adult films" depicting sexual conduct as hereafter defined.

Premises means the entire business establishment, whether wholly or partially used for an "adult movie house," or "adult movie theater" or "adult movie rental business."

Sexual conduct means acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or breasts, if female, which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominately appeals to the prurient interest, that is, a shameful or morbid interest in nudity or sex.

(b) *Conduct prohibited.* The following types of conduct are prohibited upon any premises within the City of Forsyth:

(1) The employment or use of any person under eighteen (18) years of age in any capacity in any adult movie house, adult movie theater or adult movie rental business, whether for the sale, loan, rental, distribution, exhibition or otherwise furnishing or disseminating with or without monetary consideration the adult films as defined herein.

(2) The allowing by any proprietor of an adult movie house, adult movie theater or adult movie rental business of any person under eighteen (18) years of age within such premises.

(c) *Penalties.* It shall be unlawful for any person or entity to violate the "conduct prohibited" section hereof, and any such conduct will be a violation of this Code punishable in the city court as provided under the general penalty provisions of the city Charter and City Code.

(d) *Effective date.* The effective date of this amendment shall be upon its passage and adoption [Jan. 4, 2000] by the mayor and council of the City of Forsyth.

(Ord. of 1-4-00, § A)

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Sec. 15-25. Weeds and undergrowth.

- (a) 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 other deleterious flora to obtain a height exceeding ten (10) inches on such property. For the purpose of this Code section, the terms “weeds” and “deleterious flora” shall be deemed to mean jimson, burdock, ragweed, thistle, cocklebur, dandelion or other similar growth.
- (b) It shall be the duty of the city administrator, or his designee, to notify in writing the owner or occupant of any premises upon which weeds, grass or other deleterious flora are permitted to grow in violation of the provisions of this section that such growth must be removed and cut within seven days from the date of the notice. The notice shall be by registered mail, addressed to the owner or occupant, at the last known address, or by statutory overnight delivery, or by hand-delivery by an officer of the Forsyth Police Department.
- (c) Upon the failure, neglect, or refusal of any owner or occupant so notified to remove and cut such weeds or grass or deleterious flora within the designated time period, the city administrator is authorized and empowered to provide for the removal and cutting of such growth by or for the city. The actual cost of such removal shall be assessed against the property owner upon whose premises the work is done, and in the event the assessment for such charges remains unpaid for thirty days after it has been rendered, shall become a lien upon the premises enforceable in the same manner as provided for the collection of unpaid taxes.

(Ord. of 1-4-05, § 1)

ARTICLE II. PROSTITUTION AND OFFENSES RELATING THERETO*

Sec. 15-26. 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:

House of prostitution. The term “house of prostitution” shall mean any place where prostitution or promotion is carried on by a person under the control, management, or supervision of another.

Prostitute. The word “prostitute” means a person who engages in sexual conduct or other immoral act with another person for money or other thing of value.

Prostitution. The word “prostitution” means the activity of a person in engaging or agreeing or offering to engage in sexual conduct or other immoral act with another person for money or other thing of value.

Sexual conduct or other immoral act. The words “sexual conduct or other immoral act” include, but are not limited to, the following activities: Heterosexual intercourse; sodomy; cunnilingus; fellatio; masturbation; and sadistic, masochistic, or coprophilic sexual activity.

(Code 1967, § 15-71)

*State law reference—Prostitution and similar offenses, OCGA § 16-6-9 et seq.

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Sec. 15-27. Soliciting by prostitutes.

(a) It shall be unlawful for any person to be present in a public place in a manner and under circumstances manifesting a purpose of being hired to commit an act of prostitution. Among the circumstances which may be considered in determining whether such a purpose is manifested are:

(1) That such person is a known prostitute or procurer.

(2) That such person repeatedly beckons to, stops or attempts to stop or engage passersby in conversation.

No arrest shall be made for a violation of this subsection, unless the arresting officer first affords the suspended person an opportunity to explain his conduct and no conviction shall result, if it appears at trial that such explanation was true and disclosed a lawful purpose.

(b) It shall be unlawful for any person to make known or attempt to make known, by any means, his or her desire to be hired to commit an act of prostitution.

(c) For the purpose of this section:

(1) The term "known prostitute or procurer" means a person who, within one year prior to the date of the suspected violation of this section has, within the knowledge of the arresting officer, been convicted of violating any statute or ordinance of any jurisdiction which makes soliciting for the purpose of prostitution unlawful.

(2) The words "public place" means any place where the public or any substantial group thereof has access to.

(Code 1967, § 15-73)

State law reference—Authority of city to proscribe loitering or related activities for purposes of procuring others to engage in sexual acts for hire, OCGA § 16-6-24.

Sec. 15-28. Patronizing house of prostitution or soliciting a prostitute.

(a) It shall be unlawful for any person to enter or remain in a house of prostitution for the purpose of hiring a prostitute to engage in an act of prostitution with him or with another person.

(b) It shall be unlawful for any person to solicit, or attempt to solicit, another to engage in an act of prostitution with him or with another person.

(Code 1967, § 15-74)

Sec. 15-29. Promoting prostitution.

It shall be unlawful for any person to knowingly promote prostitution. The following activities shall constitute a violation of this section.

(1) Voluntarily being an inmate of a house of prostitution.

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- (2) Owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution.
- (3) Procuring an inmate for a house of prostitution or assisting a person in becoming or remaining an inmate in a house of prostitution.
- (4) Encouraging, inducting or otherwise purposely causing another to become or remain a prostitute.
- (5) Owning, controlling, leasing, managing, supervising or otherwise keeping alone or in association with others, a place or service which aids or facilitates the coming together of prostitute and patron.
- (6) Transporting a person into or within this city with the purpose of promoting that person's engaging in prostitution, or procuring or paying for transportation with that purpose.
(Code 1967, § 15-75)

Sec. 15-30. Examination for venereal disease of persons arrested under article.

- (a) Every person arrested for a violation of any provision of this article shall be examined by competent medical personnel for the presence of venereal disease and shall be detained until the results of such examination are known. The examination shall be made and its results reported within twenty-four (24) hours after the arrest is made.
- (b) If the results of the examination provided for in this section show the absence of venereal disease, the arrested person may be released or held as provided by the normal rules of release and detention of persons accused of crime in effect of this city. If the results of the examination show the presence of venereal disease, such person shall not be released from custody except under such terms and conditions as a court shall determine will assure the treatment of such person and prevent the spread of the disease until such time as others can no longer be infected.
(Code 1967, § 15-76)

Sec. 15-31. Injunction and abatement proceedings when article violated.

- (a) Any place or service existing or operating within the city which aids or facilitates the coming together of a prostitute and patron is declared to be a public nuisance and may be enjoined and abated as provided in this section.
- (b) The city attorney may bring an action in the name of the city to perpetually enjoin such place or service and the person owning, controlling, leasing, managing, supervising, or otherwise keeping, along or in association with others, such place or service.
- (c) In action pursuant to this section, the court may issue a preliminary injunction, if the evidence shows the existence of such nuisance. Three (3) days notice, in writing, of the hearing on the application shall be given the defendant or his agent.
- (d) Within ten (10) days after the granting of a preliminary injunction under this section, a trial shall be held to determine if a permanent injunction should be granted. If a permanent injunction is granted, the court may, at the same time, issue an order of abatement directing that all fixtures, furniture or

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movable property used in such place of service be removed and sold in the same manner as provided for the sale of chattels under execution. The order of abatement may also provide for the closing of such place of service for a period of one year, unless sooner released. The proceeds of the sale shall be applied towards payment of the costs of the action and abatement and the balance, if any, shall be paid to the defendant.

(e) If the owner or his agent appears and pays the full costs of the proceedings pursuant to this section and files a bond in such amount as the court shall direct, conditioned that he will immediately abate the nuisance, the court may, if satisfied of his good faith, cause the injunction or order of abatement, or both, to be quashed.

(f) In case of the violation of any injunction or order of abatement granted pursuant to this section, the court may summarily try and punish the violator for contempt.

(Code 1967, § 15-77)

State law reference—Abatement of houses of prostitution and similar places as nuisances, OCGA § 41-31 et seq.

Secs. 15-32—15-45. Reserved.

ARTICLE III. PERSONAL PROPERTY STORED ON PUBLIC PROPERTY*

Sec. 15-46. Prohibited.

No person shall store, place, or allow to remain, on the public streets, alleys, or other public places in the city, any personal property, other than motor vehicles. A violation of this section is hereby declared to be a nuisance.

(Code 1967, § 15-55)

Sec. 15-47. Removal and impoundment.

The chief of police is authorized to remove or cause to be removed any personal property found on the public streets, alleys, or other public places within the city in violation of Section 15-46, and to store and impound the same until the expenses or removal and storage are paid by the owner of such property. Such expenses shall be paid by the owner of the property and may be assessed against the owner and collected as city taxes are assessed and collected.

(Code 1967, § 15-56)

***Cross references**—Disabled, abandoned, etc., vehicles on public property, § 13-86 et seq.; crates, boxes, and other containers on streets or other public property, § 20-38.

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Sec. 15-48. Sale or other disposition generally.

If the owner of any personal property under this article does not appear to redeem such property or cannot be located, by the exercise of reasonable diligence, within thirty (30) days after such property was impounded, the chief of police may sell or otherwise dispose of the same after first giving the opportunity for competitive bidding, at least three (3) bids being required. Notice by certified mail shall be sent, at least ten (10) days prior to such disposition, to the owner of such property, if his address is known or can be ascertained by reasonable diligence. If such address cannot be ascertained, notice shall not be required.

(Code 1967, § 15-57)

Sec. 15-49. Disposition of proceeds of sale.

The proceeds of any sale pursuant to Section 15-48 shall be applied first to pay the expenses incurred in connection therewith, and the balance, if any, shall be paid into the city treasury.

(Code 1967, § 15-57)

ARTICLE IV. SYNTHETIC MARIJUANA AND RELATED SUBSTANCES.

Sec. 15-50. Definitions.

The following words and phrases as used in this section shall have the meanings as set forth in this subsection.

Persons shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

Illegal Smoking Product shall mean any plant or other substance, whether described as tobacco, herbs, incense, spoce, or any blend thereof, regardless of whether the substance is marked for the purpose of being smoked, which included any one or more of the following substances or chemicals:

Salvinorin A: Contained within the Salvia Divinorum plant, whether growing or not; pr possessed as an extract, compound, manufacture, derivative, mixture, or preparation of such plant; or

2-[(1R, 3S)-3-hydroxycyckihexyl]-5-(2-methylcatan-2-yl) phenol (also known as CP 47, 497) and homologues; or

I-Pentyl-3-(1-naphthoyl) indole (also known as JWH-018); or

Butyl-3-(1-naphthoyl) indole (also known as JWH-073); or

Any product sold, distributed or possessed in the form of incense or herbal smoking blends under the names such as "K-2," "K-2 Summit," "K-2 Sex," "Genie," "Spice," "Dascents," "Zohai," "Sage," "Pep Spice," "Solar Flare," "K-O Knockout 2," "Spice Gold," "Spice Diamond," "Spice Cannabinoid," "Yucantan Fire," "Fire N Ice," "Salvia Divinorum," "Bath Salts," "Blizzard," "Blue Silk," "Charge+," "Ivory Snow," "Ivory Wave," "Ocean Burst," "Pure Ivory," "Purple Wave," " Snow Leopard," "Stardust," "Vanilla Sky," "White Dove," "White Knight," and "White Lightning," or related products or chemicals which when ingested produce intoxication effects similar to marijuana and methamphetamine.

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Ingestion Device shall mean equipment, a product or material that is used or intended for use in ingesting, inhaling, or otherwise introducing an illegal smoking product into the human body, including a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or puncture metal bowl; a water pipe; a carburetion tube or device; a smoking or carburetion mask; a chamber pipe; a carburetor pipe; an electric pipe; an air-driven pipe; a chillum; a bong; or an ice pipe or chiller.

Sec. 50-51. Violations and penalty.

- (a) It shall be unlawful for any Person to use, possess, purchase, barter, give, publicly display, sell or offer for sale any Illegal Smoking Product.
- (b) It shall be unlawful for any Person to use or possess an Ingesting Device with the intent to inject, ingest, inhale or otherwise introduce into the human body an Illegal Smoking Product.
- (c) Any Person, firm or corporation found to be violating any term or provision of this Ordinance shall be subject, upon conviction thereof, to punishment not exceeding a fine of one thousand dollars or imprisonment for not more than six months, or both such fine and imprisonment, as provided by Section 4.103(c) of the Charter of the City of Forsyth for offenses in the municipal court of the City, or as otherwise provided by law. Each day a violation continues shall constitute a specific separate offense.

Sec. 50-52. Affirmative defenses.

- (a) It shall be an affirmative defense for a Person charged with an offense for possession or use of an Illegal Smoking Product that the use or possession was pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act.
- (b) It shall be a primary affirmative defense that the sale or possession by a person of Salvinorin A was in conjunction with ornamental landscaping and used solely for that purpose.