

FIRST READING Nov. 1, 2005

PUBLISHED Nov. 1, 2005

PASSED Dec. 13, 2005

AN ORDINANCE NO. _____

AN ORDINANCE TO EXERCISE THE POLICE POWERS BY THE CITY OF BLUE RIDGE, GEORGIA, FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE; TO PROVIDE FOR A TITLE; TO PROHIBIT LITTERING ON PUBLIC AND PRIVATE PROPERTY; TO PREVENT CROWDING AND PUSHING OTHER PERSONS IN PUBLIC PLACES; TO PROHIBIT PUBLIC INTOXICATION; TO PREVENT LOITERING; TO PROHIBIT AND REGULATE NOISE WHICH DISTURBS THE PUBLIC PEACE; TO PROHIBIT THE DISRUPTION OR PREVENTION OF LAWFUL MEETINGS; TO PREVENT RECKLESS THROWING OF OBJECTS; TO PREVENT DEFECATION OR URINATION IN PUBLIC; TO PROHIBIT FALSE POLICE ALARMS; TO PROHIBIT UNAUTHORIZED PERSONS FROM ENTERING UPON THE AREAS OR PREMISES OF SCHOOLS; TO PROHIBIT DISORDERLY CONDUCT; TO PROHIBIT UNAUTHORIZED PERSONS ENTERING VACANT BUILDINGS; TO PROHIBIT THE RECKLESS OPERATION OF A MOTOR VEHICLE UPON A PARKING FACILITY; TO PREVENT THE CREATION OF HAZARDOUS OR PHYSICALLY OFFENSIVE CONDITIONS BY PERSONS; TO PROHIBIT AIDING AND ENCOURAGING MINORS TO COMMIT UNLAWFUL ACTS; TO PROHIBIT THE DISCHARGE OF WEAPONS WITHIN THE INCORPORATED AREA OF THE CITY; TO PROHIBIT HALTING OR IMPEDING THE FLOW OF PUBLIC TRAFFIC; TO PROHIBIT SOLICITING AND BEGGING ON CITY PROPERTY; TO PROVIDE PENALTIES FOR VIOLATION OF THE ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Art. IX, § II, ¶ III of the Georgia Constitution (1983), as amended, and pursuant to Section 1.12 of the City Charter, as amended, the City of Blue Ridge, Georgia is authorized to exercise police powers for the public health, safety, and welfare;

WHEREAS, the City Council of the City of Blue Ridge, Georgia, finds that it is in the interest of the citizens of the City of Blue Ridge, Georgia, for the City to enact an ordinance

exercising the police powers in order to regulate and prohibit certain acts detrimental to the public health, safety, and welfare.

THEREFORE, BE IT ORDAINED by the City Council of Blue Ridge, Georgia, and it is hereby ordained by authority of the City Charter and the above-referenced authority, as amended:

SECTION 1. AMENDMENT TO THE CODE OF THE CITY OF BLUE RIDGE.

This ordinance shall amend the prior ordinances regarding general offenses within the City of Blue Ridge, Georgia, and shall also amend the Code of Ordinances of the City of Blue Ridge, known and designated as the "Code of Blue Ridge, Georgia". Although this ordinance amends the prior ordinance or ordinances regarding general offenses within the City of Blue Ridge, Georgia, in order to facilitate public awareness of the provisions of the ordinances of the City of Blue Ridge, the amendments of this ordinance shall be referenced to the arrangement to the Code of Ordinances.

SECTION 2. AMENDMENT TO CHAPTER 130 OF THE CODE OF ORDINANCES.

The ordinances regarding general offenses within the City of Blue Ridge, Georgia, and as designated and referenced as Chapter 130 of the Code of Ordinances, are hereby amended, as well as the Code of Ordinances, by striking in their entirety Sections 130-01, 130.02, 130.04, and 130.15, and substituting in lieu thereof new Sections 130.01, 130.02, 130.04, and 130.15, and also by adding Sections 130.17 through 130.37. Chapter 130 of the Code of Ordinances shall also now be designated as: "Chapter 130: Blue Ridge Police Powers". The new chapter and new sections shall read as follows:

CHAPTER 130: BLUE RIDGE POLICE POWERS

Section 130.01. TITLE.

This chapter shall be entitled and known as the "Blue Ridge Police Powers Chapter."

Section 130.02. LITTERING ON PUBLIC AND PRIVATE PROPERTY.

(a) Definitions:

(1) City means the City of Blue Ridge, Georgia.

(2) Litter means all sand, gravel, slag, brickbats, rubbish, waste material, tin cans, aluminum cans, including but not limited to, soft drink cans, beer cans, liquor bottles, glass bottles, glass containers, refuse, garbage, trash, debris, dead animals or discarded materials of every kind and description.

(3) Public or private property means the right-of-way of any road or highway, any body of water or watercourse or the shores of beaches thereof, any park, playground, building, refuge, or conservation or recreation area; and residential, commercial, governmental, farm properties, timberlands or forests.

(3) Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential, commercial, governmental, farm properties, timberlands or forests.

(b) **Prohibitions.** It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property or waters in the incorporated area of the City, unless:

(1) The property is designated by the City for the disposal of litter and the person is authorized by the proper public authority to use such property;

(2) The litter is placed into a litter receptacle or container installed on such property;

or

(3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Section 130.04. CROWDING, PUSHING OTHER PERSONS.

No person shall jostle or roughly crowd or push any person in any public place within the City of Blue Ridge, Georgia (hereinafter referred to as "City").

Section 130.15. PUBLIC INTOXICATION.

(a) It shall be unlawful for any person to be and appear in an intoxicated condition in any public place, including but not limited to any public street, the parking area or lot of any commercial establishment including a shopping center, other public area, 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 unlawful for any person to be and appear in an intoxicated condition which renders the person a hazard, by unsteady gait, weaving, staggering, falling or otherwise, to walk or be upon any roadway, road, street, alley, or the shoulders of any such public way.

Section 130.17. LOITERING - GENERALLY.

(a) It shall be unlawful for any person after having been directed by an officer or member of the police department to move away therefrom, to remain or loiter in front of any church or other place of public worship during services therein or in front of any theater, concert hall, ballroom, coffee house, tavern or other public place, or on or within the parking area or lot of any shopping center or other business establishment providing parking for its patrons, or to loiter or idle away time around the hotels or on the sidewalks or public streets or roads of the City.

(b) A person commits the offense or act (as partially described by, but not limited to subsection (a) of Section 130.17 of loitering when the person 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.

(c) 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 herself, or manifestly endeavors to conceal himself or herself or any object. 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 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 or herself and explain his or her 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.

Section 130.18. SAME - MINORS.

It shall be unlawful for any parent, guardian or other person having the custody or control of any minor to permit, allow or encourage such minor to violate Section 130.17.

Section 130.19 SAME - RESPONSIBILITY OF PROPRIETORS, MANAGERS, ETC.

It shall be unlawful for the proprietor, manager or other person having charge or control of any public or other place, to permit, allow or encourage any minor to violate Section 130.17.

Section 130.20. NOISE.

(a) It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual sound or noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the City, and which is audible to a person of normal hearing ability more than fifty (50) feet from the point of origin of the sound or noise.

(b) The following acts among others are declared to be loud, disturbing and unnecessary sounds or noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(1) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the City, except as a danger warning, the creation of any unreasonably loud or harsh sound by means of such signaling device and the sounding of such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity, the use of any horn, whistle or other device operated by engine exhaust and the use of such signaling device when traffic is held up for

any reason.

(2) **Radios, phonographs, similar devices.** The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of this set, instrument, phonograph, machine or device between the hours of 11:00 p.m. to 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the room, building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) **Loudspeaker, amplifiers for advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

(4) **Yelling, shouting, etc.** Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. to 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence or of any persons in the vicinity.

(5) **Animals, birds.** Anyone who keeps or maintains an animal or bird that disturbs the comfort or repose of any person because the animal or bird is emitting frequent or long-

continued sound or noise, and who continues to keep, maintain or allow any animal or bird to disturb the comfort or repose of any person shall be deemed in violation of this section: provided, the person keeping or maintaining such animal or bird has been first notified in writing by certified mail, return receipt requested, by the complaining party that the animal or bird being kept by the addressee is disturbing such person's comfort or repose. This section shall be liberally construed to accomplish the objectives thereof and the person making the written notification need not use the exact words of this section to the addressee so long as the notification sufficiently informs the addressee of the nature of the disturbing noise emitted by any animal or bird.

(6) **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler, except to give notice to the time to begin or stop work, or as a warning of fire or danger or as a warning of a train approaching a vehicle crossing or upon request of proper City authorities.

(7) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. The use of special or modified standard equipment exhaust devices on automotive vehicles to increase or modify the sound emitted by the exhaust is prohibited.

(8) **Defect in vehicle or load.** The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(9) **Loading, unloading, opening boxes.** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(10) **Construction or repair of buildings.** The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 10:00 p.m. to 7:00 a.m. on weekdays; except that the City may determine when the loss or inconvenience that would result to any party in interest is of such nature as to warrant special consideration, then the City may grant a permit for a period not to exceed ten (10) days or less for this work to be done within the hours of 10:00 p.m. and 7:00 a.m.

(11) **Schools, courts, churches, hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while it is in use, or adjacent to any hospital, which unreasonably interferes with the working of the institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in these streets indicating that it is a school, hospital or court street.

(12) **Hawkers, peddlers, vendors.** The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(13) **Noises to attract attention.** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(14) **Transportation of metal rails, similar materials.** The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of the streets or other public places.

(15) **Pile drivers, hammers, similar equipment.** The operation, between the hours of 10:00 p.m. to 7:00 a.m., of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual sounds or noises.

(16) **Blowers.** The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden this noise.

(17) **Sound trucks.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes; the use of sound trucks for noncommercial purposes during such hours and in such places and with such volume as would constitute this use as a public nuisance.

(c) The provisions of this section shall not apply to or be enforced against:

(1) Any vehicle of the City while engaged in necessary public business.

(2) Excavations or repairs of streets by or on behalf of the City or state at night when public welfare and convenience renders it impossible to perform this work during the day.

(3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

(d) Notwithstanding the foregoing provisions, the City may regulate noise further due to the operation of an arcade or gameroom, or both, by proper ordinance.

Section 130.21. **PREVENTING OR DISRUPTING LAWFUL MEETINGS,
GATHERINGS OR PROCESSIONS.**

It shall be unlawful for any person to recklessly or knowingly commit any act which may reasonably be expected to prevent or disrupt a lawful meeting, gathering or procession.

Section 130.22. THROWING OBJECTS.

No person shall recklessly or knowingly, from any vehicle, either moving, stopped, or parked, or otherwise throw or propel any stone, brick, piece of wood, missile or other object upon or at any person, vehicle, structure, building, tree, sign or other public or private property.

Section 130.23. DEFECATING OR URINATING ON PUBLIC PROPERTY OR IN CERTAIN AREAS.

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

Section 130.24. FALSE POLICE ALARMS.

No person shall knowingly or willfully harass or attempt to harass or mislead any police officer by false alarms or unauthorized use of any device of whatever nature to summon police aid without reasonable cause.

Section 130.25. SCHOOLS - UNAUTHORIZED PERSONS ENTERING SCHOOL BUILDINGS.

No person shall enter or remain in any public, private or parochial school building between the hours of 7:00 a.m. and 6:00 p.m. on days that school is in session (or until 10:00 p.m. at those schools which have extended sessions), who is not a regularly enrolled student, teacher or employee at that school, unless the person shall have first and immediately proceeded to the administrative offices and identified himself to the principal or principal's agent and receives permission to remain on the premises.

Section 130.26. **SAME - UNAUTHORIZED PERSONS NOT TO REMAIN IN SCHOOL BUILDINGS OR ON SCHOOL GROUNDS AFTER BEING REQUESTED TO LEAVE.**

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

Section 130.27. **SAME - CREATING A DISTURBANCE.**

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

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

Section 130.28. **DISORDERLY CONDUCT.**

(a) It shall be unlawful for any person to commit an act of disorderly conduct, as further described within subsection (b) of Section 130.28 of this ordinance, in the City of Blue Ridge, Georgia.

(b) A person commits an act of disorderly conduct when the person knowingly:

1. Acts in a violent or tumultuous manner toward another person whereby such person is placed in reasonable fear of the safety of such person's life, limb, or health; or
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; or

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"; or

4. 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; or

5. Telephones another repeatedly, whether not conversation ensues, for the purpose of annoying, harassing or molesting another or his family, or uses over the telephone language threatening bodily harm, or telephones and intentionally fails to hang up or disengage the connection, or knowingly permits any telephone under his control to be used for any purpose prohibited by this subsection; or

6. Uses violent and forceful behavior at any time in or near a public place, such that there is a clear and present danger that free movement of other persons will be arrested or restrained, or other persons will incapacitated in the lawful exercise of business or amusement; or

7. Without provocation, uses or makes any comment, request, suggestion, or proposal in the presence of another person, or by telephone to another person, which is obscene, lewd, lascivious, filthy, or indecent; or

8. Causes, provokes, or engages in any fight, brawl or riotous conduct so as to

endanger the life, limb, health or property or another; or

9. Assembles or congregates with another or others for the purpose of causing, provoking or engaging in any fight or brawl, or does enact or engages in conduct which urges, counsels, or advises others to fight, brawl, or engage in riotous conduct, at a time and place and under circumstances which produce a clear and present danger of inciting such conduct; or

10. Threatens to commit any crime of violence or to burn or damage property with the purpose of terrorizing another or of causing the evacuation of a building, place of assembly, or facility of public transportation or otherwise causing serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience, but upon the condition that no person shall be convicted under this subsection unless the testimony of the party to whom the threat is communicated is corroborated; or

11. Uses a burning or flaming cross or other burning or flaming symbol or flambeau with the intent to terrorize another or another's household, or while not in the commission of a lawful act, shoots at or throws an object at a conveyance which is being operated or which is occupied by passengers; or

12. Without authority of law, purposely or recklessly obstructs any highway, street, sidewalk, or other public passage in such a way as to render it impassable without unreasonable inconvenience or hazard and fails or refuses to remove the obstruction after receiving a reasonable official request or the order of a duly authorized law enforcement officer that he do so; or

13. Plays and bets for money or other thing of value at any game (not including participation within the lottery games authorized by the State of Georgia) on any public street, road, highway, alley, or sidewalk in the City of Blue Ridge, Georgia; or

14. Displays any firearm, gun, or other deadly weapon in a public place in a manner which is calculated to alarm or frighten other persons present; or

15. Prowls or wanders upon the private property of another, peaks in the door or window of any inhabited building or structure located thereon without visible or lawful business with the owner or occupant thereof; or

16. Interrupts the speaker of any lawful assembly or impairs the lawful rights of others to participate effectively in such assembly or meeting when such conduct is calculated to provoke or tend to cause turmoil or disturbance; or

17. Frequents any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices or devices; or

18. Assembles for the purpose of engaging in any fraudulent scheme, devise or trick to obtain any valuable thing in any place or from any person in the City, or who shall aid and abet therein.

Section 130.29. UNAUTHORIZED PERSONS ENTERING VACANT BUILDING.

It shall be unlawful for any person to enter or to remain in a vacant or unoccupied building or on any portion of vacant land upon which such vacant building is located unless with permission of an authorized agent of said property; provided, such building or vacant property is prominently marked by a posted notice which is easily seen from a distance of at least fifty (50) feet that informs

the public such property is vacant or unoccupied and unauthorized persons are prohibited from entering.

SECTION 130.30. DISORDERLY ACTS WITHIN PARKING AREAS.

(a) No person shall, after having been requested not to do so by a law enforcement officer or an authorized agent of the owner, park or stand an occupied or unoccupied motor vehicle in or repeatedly drive a motor vehicle through or within a parking area located on privately owned property and provided by a merchant, group of merchants, or shopping center or other facility for customers if:

1. The parking area is identified by at least one sign as specified in this paragraph, and if the parking area contains more than 150 parking spaces then by at least one such sign at each entrance to the parking area, each such sign containing the following information in easy-to-read printing:

- A. Notice of this ordinance section;
- B. Identification of the property which is reserved for customers' use only;
- C. Identification of the merchant, group of merchants, or shopping center or other similar facility providing the parking area; and
- D. Warning that violators will be prosecuted; and

2. The motor vehicle is parked, is standing, or is being operated other than for the purpose of:

A. Transporting some person to or from the interior of the place of business of a merchant identified by the sign or signs in the parking area or to or from the interior of the shopping center or other facilities so identified;

B. Making use of a telephone, vending machine, automatic teller machine, or other similar facility located in the parking area;

C. Meeting the requirements of a situation in which it has unexpectedly become impossible or impractical for the motor vehicle to continue to travel on the public roads;
or

D. Carrying out an activity for which express permission has been given by the owner of the parking area or an authorized representative of the owner.

(b) Any person violating Section 130.30(a) shall be subject to a monetary fine as follows:

1. Not to exceed \$50.00 for the first such violation;
2. Not to exceed \$100.00 for the second such violation; and
3. Not to exceed \$150.00 for the third or subsequent such violation.

**Section 130.31 RECKLESS OPERATION OF MOTOR VEHICLE UPON
PARKING FACILITY OR WALKWAY.**

No person shall operate a motor vehicle upon any parking lot, parking facility, public or private, vehicle-access or pedestrian walkway of any parking facility, in reckless disregard for the safety of persons or property including but not limited to intentionally and unnecessarily causing the vehicle to move in a zigzag or circular course or to gyrate or spin around, except to avoid a collision or injury or damage, to intentionally and unnecessarily cause the wheels of any

motor vehicle to spin, or to cause the tires of the motor vehicle to slide or skid on the surface of such parking area or lot, or other part of said premises.

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

Section 130.32. CREATING HAZARDOUS OR OFFENSIVE CONDITION.

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

Section 130.33. AIDING, ENCOURAGING MINOR TO COMMIT UNLAWFUL ACT.

No person shall aid, abet or encourage a minor to do any act which constitutes disorderly conduct or a breach of the peace.

Section 130.34. DISCHARGE OF WEAPONS.

It shall be unlawful for any person to fire a gun, rifle, pistol, revolver, cannon, air rifle, firearm of any type or shoot a slingshot or bow and arrow within the incorporated area of the City, within fifteen hundred (1,500) feet of any residence, place of worship, business or public meeting place. This section shall not apply to any law enforcement officer while in the discharge of official duties, nor to any person hunting upon such person's premises or the premises of another with the owner's consent in that area of the City zoned for agriculture by a zoning ordinance, order or resolution of the City Council, nor to any person, or group of persons, who has first obtained the written permission for this from the City Council. Permission will be granted upon a showing that the public safety will not be endangered. This section shall also not apply to the discharge of a

weapon by a person in the person's residence and discharged in defense of the residents within the residence against any intruder into the residence.

Section 130.35. HALTING OR IMPEDING FLOW OF TRAFFIC.

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

Section 130.36. SOLICITING, BEGGING ON CITY PROPERTY.

Without the express written consent of the City Council, it shall be unlawful for any person to beg, solicit, or sell goods, wares or other objects or services within any building, or on any grounds, sidewalks or other ways owned by or under control of the City, its agencies, departments, authorities, commissions, boards, bureaus or other City entities.

Section 130.37. PENALTIES.

Any person that shall plead guilty to a violation of the provisions of this chapter, without an appearance before the Municipal Court of the City of Blue Ridge, Georgia, or any other court of proper jurisdiction, shall pay a fine for the particular offense as set and provided by the current fine schedule which has been approved by the Municipal Court of the City of Blue Ridge, Georgia, or other court of appropriate jurisdiction. Any person having been found guilty of a violation of the provisions of this chapter by the Municipal Court of the City of Blue Ridge, Georgia, or any other court of proper jurisdiction shall be assessed a fine, penalty, or punishment up to the maximum fine, penalty, or punishment or any combination thereof, as provided by the Charter of the City of Blue Ridge, Georgia, as amended, or as provided by state law, and as determined to be appropriate in the

discretion of the Judge of the Municipal Court of the City of Blue Ridge, Georgia or other court of proper jurisdiction.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

All prior ordinances, or all parts of prior ordinances, in conflict with the terms of this Ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this Ordinance on behalf of the City of Blue Ridge, Georgia.

SECTION 4. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the 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 to be the intent of the City Council of the City of Blue Ridge, Georgia, to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 5. EFFECTIVE DATE.

The effective date of this ordinance shall be upon its passage by the City Council.

This 13th day of December, 2005.

BLUE RIDGE CITY COUNCIL

By: Robert Greene
Mayor

Wayne F. Giffin
Councilperson

John Pearson
Councilperson

Reid Walker
Councilperson

Alton P. A.
Councilperson

Sandra S. Quinn
Councilperson

ATTEST:

Bill Sowers
Bill Sowers, City Clerk

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