

**ORDINANCE NO. 330**

**AN ORDINANCE  
PROHIBITING DISORDERLY CONDUCT; LISTING SUCH CONDUCT;  
ESTABLISHING A STANDARD; REPEALING ORDINANCES IN CONFLICT; PROVIDING  
FOR SEVERANCE; PROVIDING A PENALTY; NEGATING THE REQUIREMENT OF  
CUPABLE MENTAL STATE; AND PROVIDING FOR PUBLICATION**

WHEREAS, disorderly conduct is detrimental to the health, safety and welfare of the citizens;

WHEREAS, the Town Council has determined it is necessary to regulate disorderly conduct for the health safety and welfare of the citizens;

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULTON:

Section 1: That the Town Council of the Town of Fulton passes, ordains and establishes a prohibition of disorderly conduct as Section 30-2, Town of Fulton Code of Ordinances to read as follows:

“Section 30-2.-Disorderly Conduct.

No person, acting alone or in concert with others, shall engage in disorderly conduct. Disorderly conduct consists of any of the following:

- (1) Behavior of a boisterous and tumultuous character in a residential area or a public place such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists; or
- (2) Interfering with the peaceful and lawful conduct of persons in or about their homes or public places under circumstances in which such conduct tends to cause or provoke a disturbance; or
- (3) 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 be incapacitated in the lawful exercise of business or amusement, or;
- (4) Behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or affrays; or
- (5) In a public or private place, engaging in violent, abusive, indecent, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or
- (6) Willful and malicious behavior that interrupts the speaker of any lawful assembly or impairs the lawful right of others to participate effectively in such assembly or meeting when such conduct tends to cause or provoke a disturbance; or
- (7) Behavior near a courthouse wherein judicial or official proceedings are being held, designed or having the effect of interfering with the administration of justice, whether by disrupting the courts, or by intimidating judges, public officials, witnesses, jurors or other persons having business with the courts; or
- (8) Behavior near any public building wherein matters affecting the public are being considered or deliberated, designed or having the effect of interfering with such proceedings under circumstances in which such conduct tends to cause or provoke a disturbance; or

- (9) Willful and malicious behavior which obstructs or causes the obstruction of any doorway, hall or any other passageway in a public building to such an extent that the employees, officers, and other persons, including visitors and tourists, having business with the government are denied entrance into, exit from or free passage in such building; or
- (10) Behavior involving the display of any deadly weapon in a public place in such a manner as to alarm or frighten other persons present; or
- (11) Public Urination and Defecation-

It shall be unlawful for any person to urinate or defecate in or on a public place or within public view. It is an exception to this section that the person used a receptacle designed to collect human waste inside a designated restroom and where such waste is removed in a timely/appropriate manner (i.e. public restrooms, porta potty).

Section 2. Offenses in this Ordinance shall be judged by the standard of an ordinary person of ordinary sensibilities.

Section 3. A violation of this Ordinance, upon conviction shall be a misdemeanor with a fine not to exceed \$500.00. The requirement of a culpable mental state in Penal Code Section 6.02 is hereby negated.

Section 4. Any previously adopted ordinance, resolution, rule, regulation or policy in conflict with this Ordinance is hereby repealed.

Section 5. If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 6. This Ordinance shall be published by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

PASSED AND APPROVED this the 20th day of May, 2026.

TOWN OF FULTON

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Kelli Cole, Mayor

ATTEST:

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Stephanie Garcia, City Secretary