

ORDINANCE _____

ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA RELATED TO OFFENSES AND MISCELLANEOUS PROVISIONS TO UPDATE PROVISIONS RELATED TO OFFENSES AND MISCELLANEOUS PROVISIONS AND FOR OTHER PURPOSES

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

Section 1:

That a new section be added to be titled "Keeping disorderly houses prohibited: and to be numbered Sec. 26-2 to read as follows (existing sections will be renumbered and deleted as set out below):

Sec. 26-2. Keeping disorderly houses prohibited.

No person shall keep a disorderly house, room, building, or premises in a residentially zoned area within the city. For purposes of this article, "disorderly house" shall mean, except where the context clearly indicates a different meaning, any house, room, building, dwelling, place, establishment or other premises, in which actions or conduct occurs in violation of any law or ordinance related to the following:

- (a) Sale or regulation of alcohol;
- (b) Gambling;
- (c) Prostitution, acts related to prostitution, solicitation to vice, or lewd and indecent behavior;
- (d) Sale, possession or use of drugs or controlled substances as defined by state law;
- (e) Disorderly conduct as defined by city ordinance;
- (f) Public nuisance as defined by city ordinance;
- (g) Any other unlawful conduct or pattern of unlawful conduct pursuant to city ordinance.

Section 2:

That existing Sec. 26-2, related to Discharging firearms, air guns, etc., is hereby renumbered to be Sec. 26-3 and that existing Sec. 26-3, related to Tampering and/or diversion of City services, is hereby renumbered to be Section Sec. 26-4.

Section 3:

That existing Sec. 26-4, related to Possession of marijuana, is hereby deleted in its entirety.

Section 4:

That subsection (a) of (renumbered) Sec. 26-4, related to Tampering and/or diversion of City services, is hereby amended by deleting subsection (a) it in its entirety and replacing the language to read as follows:

Sec. 26-4. Tampering and/or diversion of City services.

- (a) It shall be unlawful for any person intentionally and without authority to injure or destroy any meter, pipe, conduit, wire, line, post or other apparatus belonging to the City of Lawrenceville and used by the City in the sale of electricity, gas, or other public service; or to intentionally and without authority prevent a meter from properly registering the quantity of such service supplied, or in any way to intentionally divert any services of the City or cause the services to be used without the consent of the City.

Section 5:

That subsection (a) of Sec. 26-6, related to Definitions for Street racing and reckless driving exhibitions, is hereby amended by deleting the opening paragraph of the definition of "Illegal street racing" and replacing the language to read as follows:

Sec. 26-6. Street racing and reckless driving exhibitions.

(a) Definitions.

Illegal street racing shall mean a motor vehicle speed contest using public highways, streets, rights-of-way, public or private driveways, airport runways, or parking lots in violation of applicable motor vehicle and traffic laws, O.C.G.A. § 40-6-186, drag racing or racing, O.C.G.A. § 40-6-390 reckless driving, and/or O.C.G.A. § 40-6-251, laying drags. Illegal street racing may include, but is not limited to, situations in which:

Section 6:

That sub-subsection (c)(4) of Sec. 26-6 related to Penalties for Street racing and reckless driving exhibitions, is hereby amended by deleting sub-subsection (c)(4) of Sec. 26-6 in its entirety and replacing the language to read as follows:

(c) Penalties.

- (4) Any motor vehicle used in illegal street racing or reckless driving exhibition as defined in this section may be removed and impounded by police to the extent authorized by applicable State law, or pursuant to a warrant issued by a court of competent

jurisdiction. An impounded vehicle may be held in impound for not less than 15 days or final adjudication of the case, to the maximum extent allowed under State law. A due process hearing may be requested with the Municipal Court for the return of the vehicle and must be requested within 10 days of impoundment.

Section 7:

That subsections (e), (f), and (g) of Sec. 26-6, related to Enforcement, Effective Date, and Conflict for Street racing and reckless driving exhibitions, are hereby deleted in their entirety.

Section 8:

That subsection (a) of Sec. 26-41, related to Appeals, is hereby to be amended by deleting it in its entirety and replacing the language to read as follows:

Sec. 26-41. Appeals.

(a) *Appeals process.* Assessments of fees, civil penalties, or other enforcement decisions made under this article may be appealed by filing a written notice of appeal electronically or in writing to the designated approved alarm administrator with the Records Division of the City Police Department within ten business days after the date of notification of the assessment or other enforcement decision. The written notice of appeal shall contain the reason for the appeal, the permit number, the name of the permit holder, the name of the alarm company, and any other pertinent information relevant to the case. The failure to give notice of appeal within the required time frame shall constitute a waiver of the right to contest the assessment or other enforcement decision. The Chief of Police shall designate a hearing officer from the police department to hear appeals under this article. The hearing officer shall render a decision within five business days and give written notification of the decision. The hearing officer's decision may be appealed to the Chief of Police by filing a written notice of appeal with the Records Division of the City Police Department within ten business days of the date of the hearing officer's decision. The decision of the Chief of Police is subject to review by the County Superior Court by a proceeding in the nature of writ of certiorari.

Section 9:

That subsection (2) of Sec. 26-71, related to Day labor prohibitions, is hereby to be amended by deleting it in its entirety and replacing the language to read as follows:

Sec. 26-71. Day labor prohibitions.

(2) Assemble on private property for the purpose of soliciting work as a day laborer without the permission of the property owner or where clearly posted signs prohibit such activity and after having been directed to cease such action by the property owner or other lawful authority.

Section 10:

That Sec. 26-124, related to Definitions for Criminal gang prohibitions, is hereby to be amended by deleting paragraph (11) of the definition of “Criminal gang activity” and relacing the language to read as follows:

Sec. 26-124. Definitions.

Criminal gang activity

- (11) Any offense defined in the Code of the City of Lawrenceville sections 26-1, 26-2, 26-3, 26-6, 26-7, articles IV and V of this chapter, 4-70, 4-72 and 4-73, and O.C.G. A. 16-5-1 through 16-5-11 or sections relating to general offenses.

Section 11:

That subsection (i) of Sec. 26-125, related to Unlawful acts and penalties, is hereby to be amended by deleting subsection (i) in its entirety and replacing the language to read as follows:

Sec. 26-125. Unlawful acts and penalties.

- i) It shall be unlawful for any person to communicate with another, directly or indirectly, any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to deter such person from assisting a member or associate of a criminal gang to withdraw from such criminal gang.

Section 12:

That subsection (j) of Sec. 26-125, related to Unlawful acts and penalties, is hereby to be amended by deleting subsection (j) in its entirety and replacing the language to read as follows:

Sec. 26-125. Unlawful acts and penalties.

- j) It shall be unlawful for any person to communicate with another, directly or indirectly, any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to punish or retaliate against such person for having withdrawn from a criminal gang.

Section 13:

That subsection (a) of Sec. 26-126, related to Forfeiture of contraband property, is hereby to be amended by deleting it in its entirety and replacing the language to read as follows:

- (a) The following are declared to be contraband, and no person shall have a property interest in them:

- (1) All property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of this article; and
- (2) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this article.

Section 14:

Except as specifically amended as set forth above, all other sections, subsections, sub-subsections, etc. of Chapter 26 shall remain materially unchanged and in full force and effect.

Section 15:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 16:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance or application thereof to any person circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declare it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 17:

This ordinance shall become effective upon its adoption by the City Council.

IT IS SO ORDAINED this _____ day of February, 2025.

David R. Still, Mayor

Attest:

Karen Pierce, City Clerk