

Chapter 26 OFFENSES AND MISCELLANEOUS PROVISIONS¹

ARTICLE I. IN GENERAL

Sec. 26-1. Disorderly conduct.

- (a) *Prohibited.* It shall be unlawful for any person to create any disturbance that is contrary to the peace and tranquility enjoyed by the people; or interfere with the lawful movement of vehicular or pedestrian traffic; or ignore, interfere or disobey a lawful command from a law enforcement officer in the lawful performance of his duties; or engage in any of the following acts:
- (1) Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in fear for safety of his life, limb or health;
 - (2) Any person who shall act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
 - (3) Any person who shall endanger the lawful pursuits of another by acts of violence, threats of violence or abusive conduct;
 - (4) Any person who shall cause, provoke or engage in any fight, brawl, or riotous conduct so as to endanger the life, limb, health or property of another;
 - (5) Any person who shall assemble or congregate with another or others for the purpose of causing, provoking or engaging in any fight or brawl;
 - (6) Any person who shall be found jostling or roughly crowding or pushing any person in any public place;
 - (7) Any person who shall assemble or congregate with another or others for unlawful purposes as defined by the current ordinances of the City of Lawrenceville;
 - (8) Any person who shall assemble or congregate with another or others for the purposes or with the intent to engage in gaming;
 - (9) Any person who shall go to or be at any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices or devices;
 - (10) Any person who shall assemble or congregate with another or others for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in the City of Lawrenceville, or who shall aid or abet therein;
 - (11) Any person who shall, without provocation, use to or of another person in his presence "fighting words" that are opprobrious or abusive words which by their very utterance tend to incite an immediate breach of the peace or such words, and which, as a matter of common knowledge under ordinary circumstances will, when used to or of another person in his presence, naturally tend to provoke violent resentment;

¹State law reference(s)—Municipalities may proscribe certain conduct not already prohibited by state law, O.C.G.A. § 36-35-3.

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- (12) Any person operating 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;
 - (13) Any person operating a motor vehicle upon any parking facility, public or private, vehicle access or pedestrian walkway of any parking facility at a speed great enough to endanger the person or property of another;
 - (14) Any person who aids or abets or encourages a minor to do any act which constitutes disorderly conduct or a breach of the peace;
 - (15) Any person who, without authority of law, purposely or recklessly obstructs free pedestrian or vehicular access to any public school parking area or building designated for use of persons attending or participating in an athletic event in such a way as to deny access or in such a way as to create a hazard or fails or refuses to remove such obstruction after receiving a reasonable official request or order of a police officer or principal or his assistant, or duly authorized agent of such public school that he do so;
 - (16) Any person knowingly or willfully ignoring, interfering with or disobeying a lawful command from or obstructing a law enforcement officer in the lawful performance of his duties;
 - (17) Any person giving to any law enforcement officer or official of the City of Lawrenceville acting in the lawful discharge of his official duties a false name, address, date of birth, social security number, false identification document, or to otherwise fail to identify himself after a lawful request has been made for such information;
 - (18) Any person urinating or defecating on a public street, sidewalk, alleyway, or other place, public or private, within the view of the public; or
 - (19) Any person engaging in aggressive solicitation. For purposes of this subsection, the term "aggressive solicitation" includes actions seeking the immediate giving of money or other items of value from persons in any place in the City when:
 - a. The solicitor has initially been given a negative response;
 - b. The solicitor engages in uninvited touching or physical contact of any person while engaged in the solicitation;
 - c. Blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means while engaged in soliciting; or
 - d. Speaking in a loud boisterous voice, lacing speech with profane or vulgar language, or using threatening gestures while engaged in soliciting.

Any singular or combined presence of the acts stated in this subsection may constitute a violation of this section.

- (b) The safe operating environment of private or public educational institutions being a concern for the faculty, staff, and students and being necessary to foster a proper environment for learning, any person violating plainly posted and publicly visible rules and regulations of such schools regarding conduct of visitors to such campuses shall constitute a violation of this article.

(Code 2005, § 31-101; Ord. of 12-1-2008; Ord. of 9-24-2010)

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 relating to the following:

- (a) Sale or regulation of alcohol;
- (b) Gambling;
- (c) Prostitution, acts relating 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.

Sec. 26-3. Discharging firearms, air guns, etc.

- (a) It shall be unlawful for any person in the City to discharge any gun, pistol, or other firearm within 50 yards of any street, alley or building, or at any point upon the land of another person without the expressed consent of the owner or occupant thereof; or to discharge, at any time, any air gun, BB gun or toy gun which projects lead or any other missile.
- (b) This section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen from discharging a firearm when lawfully defending person or property; nor any person shooting for sport in an indoor place of amusement.

(Code 2005, § 31-102)

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.
- (b) Where there is no evidence to the contrary, the person performing any of the illegal acts set forth in subsection (a) of this section and/or the person who, with knowledge of such violation, receives the benefit

of such services without proper charge as a result of such improper action shall be presumed to be responsible for such acts of tampering or diversion.

- (c) Violation of this section shall constitute a misdemeanor. Additionally, any person violating this section may be ordered to pay restitution to the City in an amount equal to the value of the services unlawfully received and/or damage caused to the City's property.

Sec. 26-5. Use of tobacco products and other smoking devices is prohibited on the campus of Georgia Gwinnett College.

(a) *Purpose.*

- (1) Studies by the Surgeon General of the United States, the National Academy of Science and other health organizations have linked passive exposure to tobacco smoke (secondhand smoke) to a variety of negative health conditions in nonsmokers.
- (2) The Mayor and Council of the City of Lawrenceville, Georgia, seek to strike a reasonable balance between the rights of tobacco product users and nonusers by regulating tobacco product use on certain public properties located within the City of Lawrenceville.
- (3) In an effort to provide a safer and healthier environment on the campus of the Georgia Gwinnett College Campus within the City of Lawrenceville, the Mayor and Council of the City of Lawrenceville implement this section restricting tobacco product use on the campus of Georgia Gwinnett College.

- (b) *Prohibition.* The use of all forms of tobacco products on property owned, leased, rented, in the possession of, or in any way used by Georgia Gwinnett College or its affiliates within the City of Lawrenceville is expressly prohibited. For purposes of this section, "tobacco products" is defined as cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarettes and any other smoking devices that use tobacco such as hookahs or simulate the use of tobacco such as electronic cigarettes. Any advertising, sale, or free sampling of tobacco products on Georgia Gwinnett College properties unless specifically stated for approved educational purposes is prohibited. This prohibition includes, but is not limited to, all areas indoors and outdoors, buildings and parking lots owned, leased, rented or otherwise used by the Georgia Gwinnett College Community or its affiliates. The use of tobacco products is prohibited in vehicles—private or public vehicles—located on Georgia Gwinnett College campus and/or facilities within the operational control of Georgia Gwinnett College.

(c) *Violation, penalty and enforcement.*

- (1) The use of tobacco products on the campus of Georgia Gwinnett College shall be a violation of this section and shall be punishable by a civil penalty not to exceed \$100.00.
- (2) This section may be enforced by the City of Lawrenceville Police or the campus police of the Georgia Gwinnett College.
- (3) All citations issued under this section shall be directed to the Municipal Court of the City of Lawrenceville.

(Ord. No. 2011-1006, § 31-116, 1-9-2012; Ord. No. 2021-1, 1-25-2021)

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

- (a) *Definitions.* As used herein, the following terms shall have the meanings ascribed to them below.

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:

- (1) A group of motor vehicles or individuals has gathered at a location for the purpose of participating in such an event;
- (2) A group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in such an event;
- (3) One or more individuals has impeded the free public use of a public street, sidewalk, highway, public or private driveways, airport runways, or parking lots by actions, words, or physical barriers for the purpose of conducting such an event;
- (4) Two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed;
- (5) One or more drivers is revving his engine or spinning his tires in preparation for the event; or
- (6) An individual is stationed at or near one or more motor vehicles serving as a race starter.

Organizer shall mean any individual who in any manner knowingly takes part in the planning, organization, coordination, facilitation, or sharing of the location of any illegal street racing or reckless driving exhibition or collects money in connection with an illegal street racing or reckless driving exhibition, in violation of O.C.G.A. § 40-6-186, or of laying drags, in violation of O.C.G.A. § 40-6-251.

Participant shall mean any individual who is knowingly present at an illegal street racing or reckless driving exhibition for the purpose of actively taking part in the event, through conduct including, but not limited to: riding in a race vehicle as a passenger; assisting the organizers and/or drivers in carrying out the event; or exchanging money or anything of value with any driver, car owner, organizer or other participant in connection with the event. For the purpose of this definition, a person who is a mere bystander, passerby, or observer not aware of the illegal activity shall not be deemed a participant.

Promoter any person who knowingly promotes an exhibition of illegal drag racing, in violation of O.C.G.A. § 40-6-186, or of laying drags, in violation of O.C.G.A. § 40-6-251. The terms promote shall include, but not be limited to: advertising, posting, or sharing the location of any illegal street racing or reckless driving exhibition or taking video or photographic images for purpose of promoting and/or profiting from the event.

Reckless driving exhibition is when any person drives any vehicle in reckless disregard for the safety of persons or property.

Spectator is an individual person who is a bystander or observer of an illegal street racing or reckless driving exhibition.

(b) *Violations.*

- (1) No person shall knowingly act as an organizer of an illegal street racing or reckless driving exhibition.
- (2) Except as provided elsewhere in this section, no person shall knowingly act as a participant in, or spectator of, an illegal street racing or reckless driving exhibition, as defined herein.
- (3) Nothing in this section prohibits law enforcement officers or their agents from being participants or spectators at an illegal street racing or reckless driving exhibition in the course of their official duties.
- (4) This section shall not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes.
- (5) In all cases of violations of this ordinance, the person charged shall appear in the City Municipal Court.

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- (c) *Penalties.* Violations of this section shall be punished as follows:
- (1) Organizers, promoters, and those driving motor vehicles shall be punished by a fine not to exceed \$1,000.00, imprisonment for a term not to exceed six months, or any combination thereof, subject to all limitations contained in applicable State law.
 - (2) All other participants other than spectators shall be punished by a fine not to exceed \$500.00, imprisonment for a term not to exceed six months, or any combination thereof, subject to all limitations contained in applicable State law.
 - (3) Spectators shall be punished by a fine not to exceed \$300.00, imprisonment for a term not to exceed six months, or any combination thereof, subject to all limitations contained in applicable State law.
 - (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 5 days of impoundment.
- (d) *Proving a violation.* Notwithstanding any other provision of law, to prove a violation of this section, admissible evidence may include, but is not limited to, any of the following:
- (1) The time of day;
 - (2) The nature and description of the scene;
 - (3) The number of people at the scene;
 - (4) The location of the individual charged in relation to any individual or group present at the scene;
 - (5) The number and description of motor vehicles at the scene;
 - (6) That the individual charged drove or was transported to the scene;
 - (7) That the individual charged has previously participated in an illegal street racing or reckless driving exhibition;
 - (8) That the individual charged has previously aided and abetted an illegal street racing or reckless driving exhibition;
 - (9) That the individual charged has previously organized an illegal street racing or reckless driving exhibition; or
 - (10) That the individual charged previously was present at a location where preparations were being made for an illegal street racing or reckless driving exhibition or where an illegal street racing or reckless driving exhibition was in progress.

(Ord. No. 2022-12, 12-14-2022)

Secs. 26-7—26-34. Reserved.

ARTICLE II. FALSE EMERGENCY SERVICES ALARMS²

Sec. 26-35. Purpose and intent.

- (a) The purpose of this article is to encourage alarm owners and alarm companies to properly use and maintain operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms. The City finds that excessive false alarms unduly burden the limited resources of the City Police Department.
- (b) This article governs alarm systems intended to summon a public safety department and requires registration, assessment of fees/civil penalties for excessive false alarms, provides procedures for repeat offenders, provides for severability of the parts hereof, and provided an effective date. This article shall apply to calls made to an emergency call center by contracted third parties not physically present at the alarm site.
- (c) This article establishes minimum standards applicable to alarm systems, alarm users and alarm companies as defined herein.

(Ord. No. 2021-9, 9-27-2021)

Sec. 26-36. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm Administrator means a person or persons designated by the City to administer the provisions of this article. Said alarm administrator may be a vendor contracted by the City to administer the provisions of this article.

Alarm company means a person, company, firm, corporation, or other entity which has the contractual agreement with the alarm user and is subject to the licensing requirements, and engaged in selling, leasing, installing, servicing, or monitoring alarm systems; this entity shall be licensed in compliance with City and State rules, regulations, and laws.

Alarm permit means a permit issued to an alarm user by the City allowing the operation of an alarm system within the City.

Alarm signal means a notification to the City that an alarm has been activated at a particular alarm site and that City emergency service is requested.

Alarm site means a single premises or location served by an alarm system or systems. Each tenancy, if severed by a separate alarm system in a multitenant building or complex, shall be considered a separate alarm site.

Alarm system means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual, or electronic signal indicating an alarm condition and intended to

²Editor's note(s)—Ord. No. 2021-9, adopted September 27, 2021, repealed art. II, §§ 26-35—26-40, and enacted a new art. II as set out herein and later amended. Former art. II pertained to false alarms and derived from 2005 Code § 31-117(1)—(6).

summon a City emergency service response, including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity, or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm User Awareness Class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Cancellation means termination of response by the Police Department when the alarm company notifies the Police Department that there is not an existing situation at the alarm site requiring emergency services response after an alarm dispatch request. If cancellation occurs within two minutes of dispatch and prior to police arriving at the scene, no penalty will be assessed.

City means the City of Lawrenceville and/or its designee.

Chief of Police means the Chief of Police of the City of Lawrenceville Police Department or his designee.

Compliance Standards means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

Enhanced Call Confirmation (ECC) means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails. EXCEPT in case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).

False alarm means an alarm dispatch request, that has generated a City emergency service response, which is canceled, or when no emergency condition is found at the alarm site. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by violent conditions of nature, nor does it include other extraordinary circumstances not reasonably subject to the control by the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm company is notified in advance that the alarm system is being tested and no public safety department response is requested by the alarm company.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Permit year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Runaway alarm means an alarm system that produces three or more unfounded alarm signals in a 24-hour period. The City emergency services may in its discretion discontinue responses to these alarm signals until the alarm system is corrected.

(Ord. No. 2021-9, 9-27-2021)

Sec. 26-37. Alarm permit.

- (a) *Permit required.* No alarm user shall operate, or cause to be operated, a monitored alarm system at its alarm site without a valid alarm permit. A separate alarm permit is required for each alarm site. An annual permit is required for the initial registration and annual renewals. A fee for registration and renewal may be required. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number

to the alarm company to facilitate law enforcement dispatch. An alarm permit shall expire 12 months from the date of issuance and must be renewed annually by submitting an updated application and permit renewal fee to the City. Failure to renew will be classified as a non-permitted alarm system and additional fees may be assessed. A late fee will be assessed if the renewal is more than 30 days late. An alarm permit cannot be transferred to another person or alarm site. An alarm user shall inform the City of any change that alters any of the information listed on the alarm permit application within ten business days of such change.

- (b) *Application.* The permit shall be requested on an application form provided by the City. An alarm user has the duty to obtain an application from the City within five business days of the alarm system installation or an alarm system transfer. The completed application shall be filed with the City within ten business days of the alarm system installation or an alarm system transfer.
- (c) *Transfer of possession.* An alarm permit cannot be transferred to another person or alarm site. When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within ten business days of obtaining possession of the property.
- (d) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.
- (e) *Confidentiality.* In the interest of public safety, all information contained in and gathered through the alarm permit applications and applications for appeals shall be held in confidence by all employees or representatives of the City and by any third-party administrator or employees of a third-party administrator with access to such information to the maximum extent permitted by State law.

(Ord. No. 2021-9, 9-27-2021)

Sec. 26-38. Duties of the alarm user.

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.
- (b) Respond or cause a representative to respond to the alarm system's location within 30 minutes when notified by City emergency services.
- (c) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (d) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of the location of the alarm system.
- (e) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 15 minutes.
- (f) An alarm user shall not use automatic voice dialers.
- (g) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (h) Alarmed locations are subject to fees for services, as established by the City Council, depending on the number of false alarms within the preceding 12 month period.
- (i) An alarm user shall notify the City of any special or dangerous conditions present at the alarm site.

(Ord. No. 2021-9, 9-27-2021)

Sec. 26-39. Duties of the alarm company.

- (a) Any person engaged in the alarm business in the City shall comply with the following:
 - (1) Obtain and maintain the required State, County and/or City license(s).
 - (2) Provide name, address, and telephone numbers of the alarm company license holder or a designee who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.
 - (3) Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.
 - (4) Provide new and cancelled alarm sites in the format required by the City every 30 days or upon request by the City.
 - (5) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the City of such purchase and provide details as may be requested by the City.
- (b) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user. Ensure that all alarm users of alarm systems equipped with a duress, holdup, or panic alarm are given adequate training as to the proper use of the duress, holdup, or panic alarm.
- (c) After completion of the installation of an alarm system, the alarm company employee shall review with the alarm user the false alarm prevention checklist (Appendix A, attached to the ordinance from which this article derived) or an equivalent checklist approved by the City. The alarm company employee shall complete, sign and date the false alarm prevention checklist and maintain a copy for a period of two years.
- (d) An alarm company performing monitoring services shall:
 - (1) Attempt to confirm, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone confirmation shall require, as a minimum that a second call also known as Enhanced Call Confirmation (ECC), be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).
 - (2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
 - (3) Communicate any available information about the location of the alarm.
 - (4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.
 - (5) Maintain for a period of at least one year from the date of the alarm dispatch request, records relating to the alarm dispatch. Records must include name, address and telephone number of the alarm user, the alarm system zones activated, the time of alarm dispatch request and evidence of an attempt to verify the alarm. The alarm administrator may request copies of such records for individually name alarm users. If the request is made, the alarm monitoring company shall provide requested information within (10) business days of receiving the request.

(Ord. No. 2021-9, 9-27-2021)

Sec. 26-40. Enforcement provisions.

- (a) *Excessive false alarms/Failure to register.* All fees and penalties are set by the City Council and must be paid before an alarm permit may be issued or renewed. An alarm user shall be subject to fees or penalties, depending on the number of false alarms within any 12-month period. Any person operating a non-permitted alarm system will be subject to a penalty for each false alarm in addition to any other fees or penalties.
- (b) All fees and penalties are due within 30 days of notification.
- (c) *Fee Schedule.*

- (1) Non-residential Fee Schedule.

- Alarm System Permit Fee: \$0.00

- Alarm System Annual Renewal Fee: \$0.00

- Late Fee after 30 days \$25.00

- False Alarm Fees:

- 1st alarm No Charge

- 2nd alarm \$50.00

- 3rd alarm \$200.00

- 4th alarm and subsequent \$400.00

- Any false alarm occurring without a valid alarm permit will be assessed in addition to the false alarm fee an additional \$100.00 for each false alarm.

- Late fee for payment after 30 days \$25.00

- Appeal Hearing Fee* \$25.00 plus assessed fee

- *(Fee and fine shall be refunded in its entirety if appeal is upheld)

- (2) Residential Fee Schedule.

- Alarm System Permit Fee: \$0.00

- Alarm System Annual Renewal Fee: \$0.00

- Late Fee after 30 days \$0.00

- False Alarm Fees:

- 1st alarm No Charge

- 2nd alarm No Charge

- 3rd alarm \$25.00

- 4th alarm and subsequent \$100.00

- Late fee for payment after 30 days \$25.00

- Appeal Hearing Fee* \$25.00 plus assessed fee

- *(Fee and fine shall be refunded in its entirety if appeal is upheld)

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- (d) The response to any alarm signal at any alarm site located within the City shall cause the automatic registration of the alarm system located at said address.

(Ord. No. 2021-9, 9-27-2021)

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.
- (b) *Appeal standard.* The hearing officer shall review an appeal using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment or other enforcement action(s), the hearing officer shall have the discretion to dismiss or reduce the assessment or reverse any other enforcement action(s) where warranted.
- (c) *Responsibility for fees/costs.* In the event the appeal is not upheld, the owner or alarm company shall also be responsible for any fee assessed to reimburse the City for any costs incurred in hearing an appeal under this article.

(Ord. No. 2021-9, 9-27-2021)

Sec. 26-42. Confidentiality, immunity, and severability.

- (a) *Confidentiality.* To the extent allowed by law, information gathered as part of the alarm registration process or contained in any application for a permit will be held in confidence by the City.
- (b) *Governmental immunity.* Alarm registration is not intended to, nor will it, create a contract, duty, or obligation, either express or implied, of response. Any and all liability and consequential damages resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm system registration or permit, the alarm user acknowledges that the police department response may be influenced by various factor including, without limitation, the availability of units to respond, staffing levels, priority of calls, emergency conditions, traffic conditions, weather conditions, and prior response history.
- (c) *Severability.* The provisions of this article are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

(Ord. No. 2021-9, 9-27-2021)

Secs. 26-43—26-68. Reserved.

ARTICLE III. LOITERING

Sec. 26-69. Engaging in drug-related activity.

- (a) It shall be unlawful for any person to loiter in or near any thoroughfare, place open to the public, or any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of O.C.G.A. Title 16, Chapter 13.
- (b) Among the circumstances which may be considered in determining whether such purpose is manifested are:
 - (1) Such person is a known unlawful drug user, possessor, or seller. For purposes of this section, the term "known unlawful drug user, possessor, or seller" means a person who has, within the knowledge of the arresting officer, been convicted in any court within this State of any violation involving the use, possession or sale of any controlled substances as defined in O.C.G.A. Title 16, Chapter 13, or such person has been convicted of any violation of any substantially similar laws of any political subdivision of this State or of any other state; or a person who displays physical characteristics of drug intoxication or usage, such as needle tracks, burned or callused thumb and index fingers, underweight, nervous and excited behavior.
 - (2) Such person is currently subject to a court order prohibiting his presence in a high drug activity geographic area.
 - (3) Such person behaves in such a manner as to raise a reasonable suspicion that he is about to engage in or is then engaged in an unlawful drug-related activity, including, by way of example only, such person acting as a lookout hailing or stopping cars, or repeatedly beckons to, stops, or attempts to stop or engage in conversation with passersby whether such passersby are on foot or in a motor vehicle.
 - (4) Such person is physically identified by the officer as a member of a gang or association which has as its purpose illegal drug activity.
 - (5) Such person transfers small objects or packages in a furtive fashion.
 - (6) Such person takes flight or manifestly endeavors to conceal himself upon the appearance of a police officer.
 - (7) Such person manifestly endeavors to conceal any object which reasonably could be involved in an unlawful drug-related activity.
 - (8) Such person possesses any instrument, article, or thing whose customary or primary purpose is for the sale, administration or use of controlled substances, such as, but not limited to, crack pipes, push wires, scales, hypodermic needles, razor blades, or other cutting tools.
 - (9) The area involved is by public repute known to be an area of unlawful drug use and trafficking.
 - (10) Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.
- (c) No arrest shall be made for a violation of subsection (a) of this section unless the arresting officer first affords the person an opportunity to explain his conduct, and no one shall be convicted of violating subsection (a) of this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

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- (d) Any person who violates any provisions of this division shall, upon conviction, be punishable as provided in section 26-74.

(Code 2005, § 31-118(1))

Sec. 26-70. Loitering for purposes of procuring others to engage in sexual acts for hire.

It shall be unlawful for any person to loiter in public for the purpose of soliciting or procuring others to engage in any sexual acts for hire. Any person who violates any provisions of this section shall, upon conviction, be punishable as provided in section 26-74.

(Code 2005, § 31-118(2))

Sec. 26-71. Day labor prohibitions.

It shall be unlawful for any person to:

- (1) Pick up or hire day laborers on private property without the permission of the property owner.
- (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.
- (3) Any person who violates any provisions of this section shall, upon conviction, be punishable as provided in section 26-74.

(Code 2005, § 31-118(3))

Sec. 26-72. Urban camping and improper use of public places.

- (a) *City parks.* It shall be unlawful to sleep, lie down, reside or store personal property in any park owned by the city.
- (b) *Sidewalks.* It shall be unlawful to sleep, reside, store personal property, or sit or lie down on any sidewalk.
- (c) *Other public property; blocking ingress and egress.* It shall be unlawful to sleep, reside, store personal property, or sit or lie down on any public property so as to interfere with the ingress or egress from the building.
- (d) *Other public property; urban camping.* It shall be unlawful to use any public place, including city parks and sidewalks, for living accommodations purposes or camping, except in areas specifically designated for such use or specifically authorized by permit.
- (e) *Private property; urban camping without owner's permission.* It shall be unlawful for anyone other than the owner, a leaseholder, an employee, or other rightful occupant to camp, sleep, reside, store personal property, or lie down, outside on any private property without the owner's or leaseholder's permission.
- (f) *Exceptions.* Notwithstanding anything in this section to the contrary, this section shall not apply to nor be construed to prohibit the following behavior:
 - (1) Persons sitting or lying down as a result of a medical emergency;
 - (2) Persons sitting in wheelchairs while using parks, sidewalks, or other public places;
 - (3) Persons sitting down while attending parades for which valid permits have been issued;

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- (4) Persons sitting down while patronizing outdoor cafes;
 - (5) Persons sitting down, lying down or napping while attending performances, festivals and concerts taking place in any park, street or sidewalk closed by permit for such purpose;
 - (6) Persons sitting on chairs or benches supplied by a public agency or abutting private property owner;
 - (7) Persons sitting on seats in bus zones occupied by people waiting for the bus;
 - (8) Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event; or
 - (9) Children under the age of 13 years sleeping in parks, or sleeping anywhere else while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage.
- (g) Any person who violates any provisions of this section shall, upon conviction, be punishable as provided in section 26-74.
- (Code 2005, § 31-118(4))

Sec. 26-73. Prowling and loitering.

- (a) It shall be unlawful for any person to loiter or prowl 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 or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person with an opportunity to dispel any alarm or immediate concern by requesting the person to identify himself and explain his presence and conduct.
 - (c) Any person who violates any provisions of this section shall, upon conviction, be punishable as provided in section 26-74.
- (Code 2005, § 31-118(5))

Sec. 26-74. Penalties.

Any person convicted of violating the provisions of this article shall be subject to a fine not to exceed \$1,000.00 and/or imprisonment not to exceed 180 days.

(Code 2005, § 31-118(6))

Secs. 26-75—26-91. Reserved.

ARTICLE IV. GRAFFITI AND VANDALISM

Sec. 26-92. Purpose and intent.

It is the purpose and intent of this article to prevent graffiti and to promote its eradication and to prevent related vandalism, as they adversely affect property, both public and private, including, but not limited to, trees,

signs, poles, fixtures, utility boxes, walls, paths, walks, streets, buildings and/or any other structures or surfaces which contain graffiti or are subject to graffiti-related vandalism. It is the further intent of this article to fight against blight, to preserve the value of property, both public and private, and to promote the security of the community, all of which are threatened by the spread of graffiti and graffiti-related vandalism.

(Code 2005, § 31-119; Ord. of 2-6-2006)

Sec. 26-93. 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:

Aerosol paint container means any canister, can, bottle, container, or other receptacle which contains any substance commonly known as paint, stain, dye and/or any other pigmented substance which is and/or can be modified to contain pressure, or be pressurized, in order to impel and/or propel any such substance.

Etcher means any tool, device, and/or other mechanism, including, but not limited to, any tool, device, and/or other mechanism commonly known as glass etcher, metal etcher, cutting instrument or drill bit or any other instrument that can be applied by pressure or any other contact with any surface, including, but not limited to, glass, mirrors, windows, steel, aluminum, brass, tin, fiberglass, wood, plastic, concrete or any other surface which can cause any markings commonly known as graffiti or related vandalism.

Graffiti and related vandalism means any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of real property or improvements thereon without prior authorization of the owner or occupant of the property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface.

Graffiti implements or paraphernalia means any substance or material, such as, but not limited to, aerosol paint containers, markers, paint sticks, etchers, gum labels; also including, but not limited to, tips (or nozzles) which can be applied to aerosol paint containers; any records of graffiti or related vandalism, including, but not limited to, pictures, photographs, drawings, scrap books and/or other records depicting or illustrating any forms of graffiti or related vandalism.

Gum label means any substance consisting of a material, such as, but not limited to, paper, fabric, cloth, plastic, vinyl and/or any other similar material, where the material also contains one or more surfaces containing a substance, such as, but not limited to, any material commonly known as an adhesive or glue, which cannot be removed from the surface in an intact condition and with minimal efforts, including, but not limited to, decals, stickers, patches, stamps or labels.

Marker means any implement commonly known as an indelible or permanent ink marker and/or marking pen and/or any similar implement which contains any pigmented substance, including, but not limited to, ink or any other substance, which can not be easily and completely removed with water after said substance has dried and where the width of the marking is 1/16 of one inch or greater.

Paint balloon means any canister, can, container, bottle or other receptacle, including, but not limited to, anything commonly known as a balloon or other receptacle made of any material, such as, but not limited to, latex, plastic, rubber, paper, glass or other material, which contains any substance commonly known as paint, stain, dye or any other pigmented substance intended for the purpose of defacing any property, public or private, upon impact or contact of any surface, including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, buildings and/or any other structures or surfaces, regardless of the material of the component.

Paint stick means any device which contains any substance, solid or liquid, including, but not limited to, any form of any substance commonly known as paint, stain, ink, chalk, wax, epoxy and/or any other similar substance, which can be applied to any surface by such means as applying pressure to and/or contacting any surface in such a way as to leave any visible mark measuring at least 1/16 of one inch at any point, otherwise described as graffiti or related vandalism.

Stamp or stamping device means any tool, device or implement which can cause, upon impact or contact, any mark by means of ink, paint, stain or any other substance or material, including, but not limited to, any device commonly known as a rubber stamp or similar device, whether manufactured, handmade or devised, for the purpose of defacing property, public or private.

Supplier means any person or entity, such as, but not limited to, any business, company, co-op, corporation, enterprise, manufacturer, organization, partnership, proprietor, retail or wholesale store or outlet, which sells, trades, donates, gives or requisitions to the public in any capacity whatsoever any graffiti implements.

(Code 2005, § 31-119; Ord. of 2-6-2006)

Sec. 26-94. Interpretation.

This article shall be interpreted so as to work with and in conjunction with, when and where applicable, any and all State and/or local ordinances relating to the control of graffiti and/or related vandalism.

(Code 2005, § 31-119; Ord. of 2-6-2006)

Sec. 26-95. Penalties for violations.

(a) A violation of this article is punishable in any of the following ways:

- (1) A violation of this article shall be punishable as provided in section 1-16. Payment of any fine or completion of a jail term shall not relieve a person from the responsibility of correcting the violation and the Court may, in addition to any fine imposed or in lieu of imposing a fine, order the party to perform community service.
- (2) A violation for a first time offense only may be charged as a minor infraction and can be punishable by a fine not exceeding \$500.00. This option can be granted by the Court at the Judge's discretion. Payment of any penalty shall not relieve a person from the responsibility of correcting the violation and the Court may, in addition to any fine imposed or in lieu of imposing a fine, order the party to perform community service.

(b) As a part of any sentence imposed, the Court may also order that restitution be paid to the victim by the admitted or convicted perpetrator and, in the case of a perpetrator who is a minor, by the minor's parent or lawfully designated guardian or custodian.

(c) Upon conviction, the perpetrator and/or parent or lawfully designated guardian or custodian may be required to enroll in and attend a diversionary program, possibly requiring liability waivers and/or payment towards all or a portion of the cost of the program, as such costs shall have been established by the City Council.

(d) Upon conviction, the Court may, on its own motion or at the request of the City, issue an order directing the City to remove the graffiti from the property on such terms as the Court deems appropriate. The Court may also specify that the property owner may be liable for the cost incurred in the removal of the graffiti.

(Code 2005, § 31-119; Ord. of 2-6-2006)

Sec. 26-96. Prohibition of graffiti and related vandalism.

- (a) It is unlawful for any person or group of persons to commit any act resulting in or attempting to result in the application of graffiti or the engaging in or attempting to engage in an act of related vandalism, including, but not limited to, any of the following:
- (1) Any act, such as drawing, scribing, etching, marking, painting, staining, sticking on or adhering to any surface, public or private, including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, buildings and/or any other structures or surfaces.
 - (2) Any act of participation in applying graffiti, such as, but not limited to, conspiring to commit or assist in the applying of graffiti or engaging in or assisting in an act of related vandalism, including, but not limited to, acting as a lookout, regardless of the fact the act was not actually witnessed.
 - (3) Any person who knowingly allows any acts of graffiti or related vandalism to occur on or to any property over which he has control as owner, tenant or possessor and who thereafter fails to promptly report such acts to the proper authorities is guilty of being a principal to the offense.

Exceptions: Any mural or work of art approved by the City or other governmental agency through a design review or planning process and requiring proper permits prior to commencement of any work shall not constitute graffiti.

- (b) It shall be unlawful for any person having legal or equitable interest in a parcel of real property to permit graffiti to remain on a structure located thereon for a continuous period of more than three days.
- (c) Graffiti and/or graffiti-related vandalism which appears on property and/or structures shall be deemed to be a public nuisance and shall be subject to abatement.

(Code 2005, § 31-119; Ord. of 2-6-2006)

Sec. 26-97. Possession of graffiti implements or paraphernalia.

- (a) It is unlawful for any person under the age of 18 years to possess any graffiti implement or paraphernalia with the intent of applying graffiti markings or engaging in related vandalism. Exceptions to this subsection are as follows:
- (1) Any minor enrolled in any education class which requires otherwise legal possession of any graffiti implement or paraphernalia, provided that the minor is carrying written verification of any such requirements, including color, size, and quantity, and written consent from his parent or lawfully designated custodian, dated and signed.
 - (2) Any minor whose employment requires possession of any graffiti implement or paraphernalia, provided that the minor is carrying written verification of any such job requirements, including color, size, quantity, job information and purpose, and written consent from the employer, dated and signed.
- (b) It is unlawful for any unauthorized person to possess any graffiti implement or paraphernalia while in, on, at or about any public property, including, but not limited to, public parks, playgrounds, swimming pools, recreation facilities, schools, school district facilities, libraries, court houses, utility stations, storm drains or any other publicly owned, operated and/or maintained facility.

(Code 2005, § 31-119; Ord. of 2-6-2006)

Secs. 26-98—26-122. Reserved.

ARTICLE V. CRIMINAL GANG PROHIBITIONS³

Sec. 26-123. Short title; legislative intent.

- (a) This article shall be known and may be cited as the "Lawrenceville Criminal Gang Ordinance."
- (b) The Mayor and City Council find and declare that it is the right of every person to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. The Mayor and City Council are determined to stop the property damage to private property that is being inflicted by the planned criminal activities of gangs. It is not the intent of this article to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The Mayor and City Council recognize the constitutional right of every association. The Mayor and City Council recognize the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to associate lawfully with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.
 - (1) The Mayor and City Council, however, further find that the City of Lawrenceville and its citizens are being adversely impacted by violent and destructive criminal gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected.
 - (2) The Mayor and City Council find that there are criminal gangs operating in the City and that the number of gang-related crimes is increasing. It is the intent of the Mayor and City Council in enacting this article to seek the eradication of criminal activity by gangs by focusing upon patterns of criminal gang activity and upon the organized nature of gangs which together are the chief source of terror created by street gangs.
 - (3) The Mayor and City Council further find that an effective means of punishing and deterring the criminal activities of gangs is through forfeiture of the profits, proceeds, and instrumentalities acquired, accumulated, or used by gangs.

(Code 2005, § 31-120; Ord. of 5-7-2007; Ord. of 9-10-2007; Ord. of 12-1-2008)

Sec. 26-124. 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:

Criminal gang means a group of three or more persons associated for some criminal purpose, including committing crimes of any nature or conspiring to damage public and private property and to inflict intentional injury to other people. The term "criminal gang" includes any organization, association, or group of three or more persons associated in fact, whether formally or informally, to engage in criminal gang activity as defined in this section. The existence of such a criminal gang organization, association, or group of individuals shall be established by demonstrating evidence of activities that are commonly performed by criminal gangs to the Court. The proof of

³State law reference(s)—Local gang ordinances consistent with state law are not preempted, O.C.G.A. § 16-15-6.

the existence of two or more of the following activities defining criminal gangs as established by the City of Lawrenceville Police Department, other law enforcement agencies and regional gang intelligence associations shall establish adequate proof of the existence of a criminal gang:

- (1) The group has initiation rights that include physical beatings, rituals requiring criminal conduct or sexual activity.
- (2) Members identify themselves and admit that the association is a criminal gang.
- (3) Members engage in the conduct of painting or marking buildings with letters, signs and symbols that reflect identification of the association, warnings and other territorial limits, including items commonly referred to as graffiti. The same markings and lettering of identification may be displayed on clothing worn by the gang members.
- (4) The association members participate in hand signs and stacking.
- (5) The association members wear colors or other attire to identify their association.
- (6) The association members pledge and execute statements of affiliation which may be written or may be executed by conduct described in subsection (1) of this definition.
- (7) The association appears on a gang list of a State or federal law enforcement agency as an identified criminal gang and the local association has adopted and implemented the letters, symbol, colors, tattoos or conduct of the larger identified criminal gang.
- (8) Members of the association have been involved in or convicted of crimes as defined in the Official Code of Georgia.
- (9) The association members are marked with branding or tattoos for the purpose of confirming membership in the group.
- (10) Members have been identified in written correspondence or communications as being members of the association.
- (11) Members have been identified at least two or three times by other individuals as recruiting prospective members for the association and in the communication identified their association as a criminal gang.
- (12) The association members have engaged in a pattern of planning and executing actions that are crimes.
- (13) The members have in their possession organizational information in the form commonly referred to as a book of knowledge.

The term "criminal gang" shall not include three or more persons, associated in fact, whether formal or informal, who are not engaged in criminal gang activity.

Criminal gang activity means the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit any of the following:

- (1) Any offense defined as racketeering activity by O.C.G.A. § 16-14-13;
- (2) Any offense defined in O.C.G.A. §§ 16-5-90—16-5-96, related to stalking;
- (3) Any offense defined in O.C.G.A. § 16-6-1 as rape, O.C.G.A. § 16-6-2 as aggravated sodomy, O.C.G.A. § 16-6-3 as statutory rape, or in O.C.G.A. § 16-6-22.2 as aggravated sexual battery;
- (4) Any offense defined in O.C.G.A. §§ 16-10-50—16-10-56, relating to escape and other offenses related to confinement;
- (5) Any offense defined in O.C.G.A. §§ 16-11-100—16-11-173, relating to dangerous instrumentalities and practices;

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- (6) Any offense defined in O.C.G.A. §§ 42-5-15, 42-5-16, 42-5-17, 42-5-18, or 42-5-19, relating to the security of State or County correctional facilities;
 - (7) Any offense defined in O.C.G.A. § 49-4A-11, relating to aiding or encouraging a child to escape from custody;
 - (8) Any offense of criminal trespass or criminal damage to property resulting from any act of gang-related painting on, tagging, marking on, writing on, or creating any form of graffiti on the property of another;
 - (9) Any criminal offense committed in violation of the laws of the United States or its territories, dominions, or possessions, any of the several states, or any foreign nation which, if committed in this State, would be considered criminal gang activity under this section; and
 - (10) Any criminal offense in the State of Georgia, any other state, or the United States, that involves violence, possession of a weapon, or use of a weapon, whether designated as a felony or not, and regardless of the maximum sentence that could be imposed or actually was imposed; and
 - (11) Any offense defined in the Code of the City of Lawrenceville sections 26-1, 26-2, 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.

(Code 2005, § 31-120; Ord. of 5-7-2007; Ord. of 9-10-2007; Ord. of 12-1-2008)

Sec. 26-125. Unlawful acts; penalties.

- (a) It shall be unlawful for any person employed by, associated with or a member of a criminal gang to conduct or participate in criminal gang activity through the commission of any offense enumerated in section 26-124.
- (b) It shall be unlawful for any person employed by, associated with, or a member of a criminal gang to plan or assist other members of the association to commit any offense enumerated in section 26-124 with knowledge that members of such criminal gang have committed one or more of such offenses.
- (c) It shall be unlawful for any person to commit any offense enumerated in section 26-124 with the intent to maintain or increase his status or position in a criminal gang.
- (d) It shall be unlawful for any person to acquire or maintain, directly or indirectly, through criminal gang activity or proceeds derived therefrom any interest in or control of any real or personal property of any nature, including money.
- (e) It shall be unlawful for any person who occupies a position of organizer, supervisory position, or any other position of management with regard to a criminal gang to engage in, directly or indirectly, or conspire to engage in criminal gang activity.
- (f) It shall be unlawful for any person to cause, encourage, solicit, or coerce another to participate in a criminal gang.
- (g) It shall be unlawful for any person to knowingly assist, encourage, aid, house or support a criminal gang or criminal gang activity.
- (h) It shall be unlawful to fail to report criminal gang activity.
- (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.

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- (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.
 - (k) Any person who violates subsection (a), (b), (c), or (d) of this section shall, in addition to any other penalty imposed by law, be punished as provided for in this section.
 - (l) Any crime committed in violation of this section shall be considered a separate offense.

(Code 2005, § 31-120; Ord. of 5-7-2007; Ord. of 9-10-2007; Ord. of 12-1-2008)

Sec. 26-126. Forfeiture of contraband property.

- (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.
- (b) The Police Chief or other appropriate City official may take the necessary steps to initiate forfeiture proceedings as allowed by law.
- (c) Abatement of nuisances; actions for damages or injunctions.
 - (1) Any real property which is erected, established, maintained, owned, leased, or used by any criminal gang for the purpose of conducting criminal gang activity shall constitute a public nuisance and may be abated as provided by Title 41 of the Official Code of Georgia, relating to nuisances.
 - (2) An action to abate a nuisance pursuant to this section may be brought by the district attorney, solicitor-general, prosecuting attorney of a municipal court or city, or county attorney in any superior, state, or municipal court.

(Code 2005, § 31-120; Ord. of 5-7-2007; Ord. of 9-10-2007; Ord. of 12-1-2008)

Sec. 26-127. Civil suits for damages and restitution for victims of criminal gang activities.

- (a) Any person who is injured by reason of criminal gang activity shall have a cause of action for three times the actual damages sustained and, where appropriate, punitive damages; provided, however, that no cause of action shall arise under this subsection as a result of an otherwise legitimate commercial transaction between parties to a contract or agreement for the sale of lawful goods or property or the sale of securities regulated by Chapter 5 of Title 10 of the Official Code of Georgia Annotated or by the federal Securities and Exchange Commission. Such person shall also recover attorney's fees in the trial and appellate court and costs of investigation and litigation reasonably incurred. All averments of a cause of action under this subsection shall be stated with particularity. No judgment shall be awarded unless the finding of fact determines that the action is consistent with the intent of the General Assembly as set forth in O.C.G.A. § 16-15-2.
- (b) Upon identification of a criminal gang by conviction in a court of competent jurisdiction, the City of Lawrenceville may initiate a civil cause of action on behalf of the City and/or the injured victims for restitution, damages, attorney fees and punitive damages against all parties legally responsible, including, but not limited to, the gang member convicted; all gang members conspiring with the convicted gang member; in the case of minors, the parents of the convicted gang members; and any other conspirators or legally liable parties.

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- (c) The State, any political subdivision thereof, or any person aggrieved by a pattern of gang activity may bring an action to enjoin violations of this section in the same manner as provided in O.C.G.A. § 16-14-6.

(Code 2005, § 31-120; Ord. of 5-7-2007; Ord. of 9-10-2007; Ord. of 12-1-2008)

Sec. 26-128. Effect of conviction of criminal gang activity on subsequent civil action.

A conviction of an offense defined as criminal gang activity shall estop the defendant in any subsequent civil action or proceeding as to matters proved in the criminal proceeding.

- (1) *Certain offenses admissible as evidence.* The commission of any offense enumerated in section 26-124 by any member of a criminal gang shall be admissible in any trial or proceeding for the purpose of proving the existence of the criminal gang and criminal gang activity.
- (2) *Penalty and minimum sentences for conviction of a violation under this section or for conviction of a crime by a gang member in the commission of criminal gang activity.* Any person found guilty of violating this section shall be punished by a fine not to exceed \$1,000.00 or six months in jail, or both. The minimum sentence imposed by the City of Lawrenceville Municipal Court for conviction of a first offense under this section shall be a six-month sentence, of which two months are required to be served in jail. Upon a second conviction in a separate incident, a minimum sentence of six months shall be imposed, of which six months are required to be served in jail. Upon conviction of three or more times in separate incidents, a minimum of six months sentence shall be served in jail.

(Code 2005, § 31-120; Ord. of 5-7-2007; Ord. of 9-10-2007; Ord. of 12-1-2008)