

## CHAPTER 12

### OFFENSES - MISCELLANEOUS

#### **Sec. 12-1. Damaging, defacing public property; posting bills.**

No person or persons shall deface or in any manner injure any public property, street or sidewalk by writing, cutting, painting or posting bills, advertisements or other devices thereon, or in any other manner, without the consent of the mayor and council.

#### **Sec. 12-2. Damaging signs.**

It shall be unlawful for any person to damage, deface, remove or otherwise interfere with any railroad or traffic sign or signal, street name sign or signal or marker erected or installed by the City. (Ord. of 12-11-72, Ch. IX, {3})

#### **Sec. 12-3. Dangerous excavations on private property.**

All persons owning property immediately adjacent to any street or sidewalk which is below the level of said street or sidewalk, so as to make it dangerous for passersby, and all persons having on unenclosed lots open wells, cellars, or other excavations, shall place secure guards or railings along or around such dangerous places. On failure of the owner to do so it shall be the duty of the police to report all such places to the chief of police, who shall cause the work to be done at the owner's expense as provided in case of a nuisance. The owner of the lot having on it the dangerous place, if shown to have knowledge of same, shall be guilty of a misdemeanor. (Ord. of 12-11-72, Ch. IX, {4})

#### **Sec. 12-4. Disorderly conduct.**

Any person who shall make any unnecessary noise within the city, calculated to disturb the peace, quiet or good order of the city, or of any person, or shall use loud boisterous or obscene language, or who shall fight, shall be guilty of disorderly conduct and a misdemeanor. (Ord. No. 102, 5-12-55; Ord of 12-11-72, Ch. IX, {5})

#### **Sec. 12-5. Disorderly house.**

Any person who shall permit disorderly conduct or unlawful assembly in his premises or building to the disturbance of persons in the city shall be guilty of keeping a disorderly house and shall be guilty of a misdemeanor. (Ord. of 12-11-Ch. IX, {6})

#### **Sec. 12-6. Disturbing engineer's stakes.**

It shall be unlawful for any person to tamper with, interfere with, remove or drive below the surface of the ground any peg or stake driven in any street, sidewalk, park or reserve by the City engineer or his assistants or employees. (Ord. of 12-11-72, Ch. IX, {7})

**Sec. 12-7. Disturbing schools, Sunday schools.**

It shall be unlawful for any person or persons, by congregating in the neighborhood, or by loud talking, laughing, playing or another noisy or indecorous behavior at or near a Sunday school or any public or private school in the city to disturb the students or teachers thereof. (Ord. of 12-11-72, Ch. IX, {8})

**Sec. 12-8. Disturbing worship.**

It shall be unlawful for any person or persons to congregate and laugh or talk in a loud or boisterous manner at or near any church during divine service therein, or to congregate about or near a church door, either before or after service, in such a manner as to disturb those entering or leaving same. (Ord. of 12-11-72, Ch. IX, {9})

**Sec. 12-9. Drunkenness.**

No person shall be in a state of intoxication on the streets, lanes, alleys or in any public place. (Ord. No. 103, 5-12-55; Ord. of 12-11-72, Ch. IX, {10})

**Sec. 12-10. Fortune-telling.**

It shall be unlawful for any person to engage in the practice of fortune-telling, phrenology, clairvoyance, palmistry or other kindred and similar practices, businesses or professions, including the giving of advice concerning vocational guidance when based solely on the study of the hand or palm, where charge is made or donation or contribution accepted for such service or services. (Ord. of 12-11-72, Ch. IX, {12})

**Sec. 12-11. Gambling - Possession of devices.**

It shall be unlawful for any person to own, to have, to keep in his possession or control, to conduct or to engage in playing any slot machine, punch board, drawing board, faro table, roulette wheel, wheel of fortune, crap table or any other wheel, machine, implement, board or device whatever designed for the purpose of gambling or gaming, or actually used for gambling or gaming although not primarily so designed; provided, when any of said gambling devices are seized and held by an officer of the law, said officer may hold the same solely to be used as evidence in the trial of any case in court. (Ord. of 12-11-72, Ch. IX, {13})

**Sec. 12-12. Same - Seizure of devices.**

It shall be the duty of the chief of police and members of the police force to seize all devices prohibited by the preceding section whenever the place in which said devices may be located is searched, or whenever the location of such devices comes to the knowledge of the chief of police or the members of the police force, or whenever an affidavit, in writing, is made by any person designating and describing the locality in which said devices may be located and the names of the person or persons having control of the same, if said names can be ascertained. (Ord. of 12-11-72, Ch. IX, {14})

**Sec. 12- 13. Same - Destruction of devices.**

Every gambling device is hereby declared to be contraband and subject to seizure and confiscation by any State or local authority within whose jurisdiction the same may be found. At such time as there shall be a final judgment entered in any case or cases in which a seized gambling device is necessary evidence or at such time as the State shall determine that the continued physical existence of such seized gambling device is no longer necessary, the same shall be turned over by that person having custody of such device to the sheriff of the county wherein such device was confiscated. The sheriff shall within ten (10) days after receiving said device destroy the same in the presence of the solicitor general of the circuit in which such county is located and shall forward to the State Revenue commissioner a certificate so stating which shall include the serial number of the device so destroyed. (Ord. of 12-11-72, Ch. IX, {15})

**Sec. 12-14. Assembly for purpose of gambling.**

It shall be unlawful for any two (2) or more persons to assemble on the streets, lanes or other public places, or in any woods, or on the premises of another, within the limits of the city for the purpose of engaging in any game of matching, skinning or any game played with money, cards, dice or balls, or any other game, on which money or other things of value are bet or gambled, or to assemble as aforesaid for the purpose of betting money or anything of value on any such game, whether such person is a party to such game or such game is wholly played by others. (Ord. No. 110, 5-26-55)

**Sec. 12-15. Indecency generally.**

- (a) It shall be unlawful for any person to commit any act of public indecency by making an indecent exposure of the person, or appear in any public place in any indecent costume or while naked or indecently clothed, or by using obscene or profane language on the streets or in any public place; or by exhibiting or selling, or offering to sell, any obscene books, papers or pictures, or putting up, exposing, exhibiting, showing or having on the person or on property occupied by him open to public gaze, anything that is obscene.
- (b) For the purposes of this section, "obscene" shall mean obscene as defined by state and federal law. (Ord. No. 102,5-12-55; Ord. of 12-11-72, Ch. IX, {18})

**Sec. 12-16. Knives, etc. - Carrying in public places.**

It shall be unlawful for any person to have, possess or carry upon any of the streets, alleys or sidewalks of the city or in any hotel lobby, theater, railroad depot, bus station or terminal, poolroom, billiard parlor or room, dance hall, beer parlor, nightclub, tap room, baseball park, fairgrounds, bus, taxicab or in any other public place in the city which is patronized or frequented by the public, any of the following implements, unless the same are securely wrapped so as not to be readily available for harmful use:

- (1) Any knife which has a blade which opens automatically by hand pressure being applied

to a button, spring or other device in the handle the blade of which, when open, projects from the handle more than two (2) inches.

- (2) Any knife which has an obstruction or other device of any kind which holds the blade partly open, the blade of which, when open, projects from the handle more than two (2) inches.
- (3) Any knife of any kind, the blade of which, when open, projects from the handle more than three (3) inches. This provision includes all knives such as butcher knives and other knives which do not close; however, this provision shall not apply to butcher knives which do not close when the same are in use or are held or possessed for use in the performance of the lawful business or practice of business and professional establishments and offices duly licensed by the City or otherwise lawfully authorized to transact business or practice professions in the City.
- (4) Any razor, but this provision shall not apply to barbers, beauticians and similar artisans when actually engaged in the practice of their respective vocations or trades, or when held or possessed for such purposes.
- (5) Any ice pick or similar device having a sharp point, but this provision shall not apply to any person actually engaged in delivering ice or in the actual performance of his or her trade or other vocation. (Ord. of 12-11-72, Ch. IX, {19})

**Sec. 12-17. Same - Held for sale.**

The provisions of the preceding section shall not apply to the implements described therein, when the same are held or possessed for purposes of sale by business establishments or individuals duly licensed by the City to sell the same, but shall apply to business establishments and individuals that hold or possess any of said implements for sale and are not duly licensed by the City to sell the same. (Ord. of 12-11-72, Ch. IX, {19})

**Sec. 12-18. Same - Duty of recorder.**

The recorder shall have power and authority, and it shall be his duty upon finding that any of the devices and implements described in Section 12-16 have been unlawfully held, possessed or carried in violation of the provisions of such section, unless said devices or implements are required as evidence in state courts, to condemn the same as a nuisance, being contrary to the peace and good order of the City and the safety of its citizens, and the recorder shall order the destruction of the same and said order shall immediately be executed by the clerk of the recorder's court. (Ord. of 12-11-72, Ch. IX, {19})

**Sec. 12-19. Loitering.**

No person shall loiter in, about or upon any street, alley or other public way or public place, or at any public gathering or assembly, or in or around any store, shop or business or commercial

establishment, or on any private property or place without lawful business, and cause any obstruction to or interference with persons or property in the vicinity. (Ord. of 12-11-72, Ch. IX, {21})

**Sec. 12-20. Loudspeakers, amplifiers, etc.**

It shall be unlawful for any person to use any megaphone, loudspeaker or other sound-producing or sound-amplifying device in such a manner as to be audible on the streets of the city without having first obtained the permission of the chief of police. The chief of police may attach such conditions to said permission as to location, volume, times of use or otherwise, as he deems necessary to preserve the peace of the City. (Ord. of 12-11-72, Ch. IX, {22})

**Sec. 12-21. Slingshots, spring guns.**

No person shall use or fire on, into or across any street, sidewalk or public square of the city any slingshot, spring gun or similar thing. (Ord. of 12-11-72, Ch. IX, {28})

**Sec. 12-22. Motion pictures.**

It shall be unlawful for any person to operate any motion picture show during the hours of darkness, unless the last feature film shall begin not later than 1:00 a.m. This section shall not apply to sound-insulated indoor locations to which the public is not invited.

**Sec. 12-23. Wearing masks, hoods in public places.**

It shall be unlawful for any person to be and appear on any of the public streets of the city or in any of the public places of the city wearing a mask, hood or other apparel or regalia in such manner as to conceal his identity, or in such manner that his face is not fully visible, or in such manner that he may not be recognized; provided, that the provisions of this section shall not be applicable to or enforced against persons sixteen (16) years of age and under who may participate in traditional Halloween activities on the evening of the last day in October of each year, and who may be garbed in the usual or customary children's Halloween costumes. (Ord. of 12-11-72, Ch. IX, {30})

**Sec. 12-24. Discharging firearms, etc.**

Except in cases permitted by law, no person shall discharge a firearm or air gun within the city. (Ord. of 12-11-72, Ch. IX, {{28, 31})

**Sec. 12-25. Obstructing officer.**

It shall be unlawful for any person in any manner to interfere with, oppose or obstruct by acts or menaces the chief of police, the assistant chief of police or any police officer in the discharge of his duties, or strike or assault, molest or abuse said officer. (Ord. of 8-23-55)

**Sec. 12-26. Swimming.**

Swimming and wading in the Oconee River at the Boat Ramp located in Buckeye Park within the City Limits of East Dublin is hereby prohibited and it is hereby made unlawful for any person to do any of the aforesaid acts and shall be punishable as a misdemeanor as is provided for in the City Code. (Ord of 7-14-86).

**Sec. 12-27. Unlawful use of services; injury to and interference with property of utilities.**

- (a) It shall be unlawful for any person to:
  - (1) Intentionally and without authority and permission from the owner thereof to injure or destroy any motor, pipe, conduit, wire, pole, lamp, manhole cover, fireplug or any accessories thereto belonging to the City or any other public or private utility (hereinafter called owner) engaged in the manufacture or sale of electricity, gas, water, telephone, the furnishing of sanitary sewer service, or other public services without the intent to pay the fair cost of repair or replacement thereof;
  - (2) Intentionally and without authority and permission from the owner utilize any such service or consume any such product with intent to not pay the regular charge therefor to the owner, but with the intent to deprive the owner thereof;
  - (3) Intentionally and without authority prevent a meter from registering the quantity of such service or product supplied with the intent to deprive the owner of its regular charge therefor;
  - (4) In any way interfere with the proper action of any such owner with intent to divert any service or product so as to deprive the owner of the regular charge therefor; or
  - (5) Otherwise intentionally and without authority use or cause to be used, without the consent of such owner, any product or service furnished, manufactured, sold or distributed by such owner with intent to deprive the owner of its regular charge therefor.
- (b) Proof that a person performed any of the acts set forth in subsection (a) of this section or proof that a person knowingly received the benefits of such acts or proof that any of the acts specified in subsection (a) of this section were done on the premises in possession of a person, with that person's knowledge, shall be prima facie evidence that such person is responsible for such prohibited acts.
- (c) Every person convicted in the municipal court of the city of a violation of any provision of subsection (a) or (b) hereof shall be punished as follows:

- (1) By a fine of not more than \$1,000.00;
- (2) Imprisonment not to exceed twelve (12) months; or
- (3) Any combination of (1) and (2).