



**MAYSVILLE POLICE DEPARTMENT**  
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Chief of Police  
 Joshua B. White

Judge Scott Tolbert,

Chief Josh White is attempting to define and clarify the City of Maysville Local Ordinances that are already established. Chief White is requesting Judge Tolbert to review the following ordinances for approval:

- 36-32-6 Marijuana Possession
- 36-32-9 Shoplifting
- 36-32-10 Affray
- 36-32-10.1 Criminal Trespass
- 36-32-18 Discharge of Firearms within City Limits
- 36-32-20 Children Curfew
- 36-32-22 Underage Possession of Alcohol
- 36-32-24 Public Drunk
- 36-32-26 Disorderly Conduct
- 36-32-28 Loitering for Drugs
- 36-32-30 Tampering with City Property
- 36-32-32 Creating Hazardous Conditions
- 36-32-34 Failure to Secure Load
- 36-32-36 Contributing to the Delinquency of a Minor
- 36-32-38 Loitering and Prowling
- 36-101 Littering
- 36-102 Defective Equipment
- 36-103 Expired or No License
- 36-122 Noise Ordinance

I approve the definitions to the established City of Maysville Ordinances.

8<sup>th</sup> day of June, 2021

  
 Municipal Court Judge Scott Tolbert

## City of Maysville Local Ordinances

<b>Code</b>	<b>Charge</b>	<b>Cash Fine</b>	<b>Property Bond</b>
36-32-6	Marijuana Possession	\$1320.00	\$2640.00
36-32-9	Shoplifting	\$1505.00	\$3010.00
36-32-10	Affray	\$650.00	\$1300.00
36-32-10.1	Criminal Trespass	\$455.00	\$784.00
36-32-12	Animal Control Violation (1 <sup>st</sup> Offense)	\$100.00	\$200.00
36-32-14	Animal Control Violation (2 <sup>nd</sup> Offense)	\$150.00	\$300.00
36-32-18	Discharge of a Firearm within City Limits	\$500.00	\$1000.00
36-32-20	Children Curfew	\$660.00	\$1320.00
36-32-22	Underage Possession of Alcohol	\$350.00	\$700.00
36-32-24	Public Drunk	\$350.00	\$700.00
36-32-26	Disorderly Conduct	\$392.00	\$784.00
36-32-28	Loitering for Drugs	\$750.00	\$1500.00
36-32-30	Tampering with City Property	\$500.00	\$1000.00
36-32-32	Creating Hazardous Conditions	\$700.00	\$1400.00
36-32-34	Failure to Secure Load	\$350.00	\$700.00
36-32-36	Contributing to the Delinquency of a Minor	\$1000.00	\$2000.00
36-32-38	Loitering and Prowling	\$213.00	\$426.00
36-101	Littering	\$320.00	\$640.00
36-102	Defective Equipment	\$133.00	\$266.00
36-103	Expired or No License	\$82.00	\$164.00
36-122	Noise Ordinance	\$213.00	\$426.00

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-6- Marijuana Possession**

**(a) The municipal court of any municipality is granted jurisdiction to try and dispose of cases where a person is charged with the possession of one ounce or less of marijuana if the offense occurred within the corporate limits of such municipality. The jurisdiction of any such court shall be concurrent with the jurisdiction of any other courts within the county having jurisdiction to try and dispose of such cases.**

**(b) Any fines and bond forfeitures arising from the prosecution of such cases shall be retained by the municipality and shall be paid into the treasury of such municipality.**

**(c) Any defendant charged with possession of an ounce or less of marijuana in a municipal court shall be entitled on request to have the case against him or her transferred to the court having general misdemeanor jurisdiction in the county wherein the alleged offense occurred.**

**(d) Nothing in this Code section shall be construed to give any municipality the right to impose a fine or punish by imprisonment in excess of the limits as set forth in the municipality's charter.**

**(e) Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$1320.00 or Property Bond \$2640.00. Applicable court costs shall be levied in addition to any fine imposed. This charge has a mandatory court appearance.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-9- Shoplifting**

**36-32-9. Jurisdiction of shoplifting of \$300.00 or less; transfer of cases; penalties; retention of fines and forfeitures; reports**

**(a) The municipal court is granted jurisdiction to try and dispose of cases in which a person is charged with a first, second, or third offense of theft by shoplifting when the property which was the subject of the theft was valued at \$300.00 or less, if the offense occurred within the corporate limits of the municipality. The jurisdiction of such court shall be concurrent with the jurisdiction of any other courts within the county having jurisdiction to try and dispose of such cases.**

**(b) Any defendant charged in a municipal court with a first, second, or third offense of theft by shoplifting property valued at \$300.00 or less shall be entitled upon request to have the case against him or her transferred to the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred.**

**(c) A person convicted in a municipal court of a first, second, or third offense of theft by shoplifting property valued at \$300.00 or less shall be punished as provided in paragraph (1) of subsection (b) of Code Section 16-8-14, provided that nothing in this Code section or Code Section 16-8-14 shall be construed to give any municipality the right to impose a fine or punishment by imprisonment in excess of the limits as set forth in the municipality's charter.**

**(d) Any fines and forfeitures arising from the prosecution of such cases in such municipal court shall be retained by the municipality and shall be paid into the treasury of such municipality.**

**(e) It shall be the duty of the appropriate agencies of the municipality in which an offense under subsection (a) of this Code section is charged to make any reports to the Georgia Crime Information Center required under Article 2 of Chapter 3 of Title 35.**

**(f) Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$1505.00 or Property Bond \$3010.00. Applicable court costs shall be levied in addition to any fine imposed. This charge has a mandatory court appearance.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-10- Affray**

**An affray is the fighting by two or more persons in some public place to the disturbance of the public tranquility.**

**Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$650.00 or Property Bond \$1300.00. Applicable court costs shall be levied in addition to any fine imposed.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-10.1 - Criminal Trespass**

(a) A person commits the offense of criminal trespass when he or she intentionally damages any property of another without consent of that other person and the damage thereto is \$500.00 or less or knowingly and maliciously interferes with the possession or use of the property of another person without consent of that person.

(b) A person commits the offense of criminal trespass when he or she knowingly and without authority:

(1) Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person for an unlawful purpose;

(2) Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person after receiving, prior to such entry, notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant that such entry is forbidden; or

(3) Remains upon the land or premises of another person or within the vehicle, railroad car, aircraft, or watercraft of another person after receiving notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant to depart.

(c) For the purposes of subsection (b) of this Code section, permission to enter or invitation to enter given by a minor who is or is not present on or in the property of the minor's parent or guardian is not sufficient to allow lawful entry of another person upon the land, premises, vehicle, railroad car, aircraft, or watercraft owned or rightfully occupied by such minor's parent or guardian if such parent or guardian has previously given notice that such entry is forbidden or notice to depart.

(d) A person who commits the offense of criminal trespass shall be guilty of a misdemeanor.

(e) A person commits the offense of criminal trespass when he or she intentionally defaces, mutilates, or defiles any grave marker, monument, or memorial to one or more deceased persons who served in the military service of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof, or a monument, plaque, marker, or memorial which is dedicated to,

honors, or recounts the military service of any past or present military personnel of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof if such grave marker, monument, memorial, plaque, or marker is privately owned or located on land which is privately owned.

**Penalties:** Any person convicted of a violation of this ordinance shall be punished by a fine of \$455.00 or Property Bond \$784.00. Applicable court costs shall be levied in addition to any fine imposed.

**City of Maysville**

**It is hereby ordained by the governing authority of The City of Maysville**

**that the following Ordinance Number 98:2 be amended as follows only as to that portion of the City of Maysville that lies in Banks County, and not as to that portion of the City of Maysville that lies in Jackson County:**

**36-32-12 Animal Control Violation (1<sup>st</sup> offense)**

**36-32-14 Animal Control Violation (2<sup>nd</sup> offense)**

**98.2 Sec 1-1. Definitions**

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

*Abandonment of an animal* means the act of any person who abandons an animal by leaving an animal unattended for a period of time in excess of 24 hours without food, water, adequate ventilation or shelter on public or private property, including, but not limited to, the property of the owner/custodian.

*Abused animal* means any animal that has been harmed by an act, an omission or neglect, including, but not limited to, any animal that has been:

- (1) Deprived of adequate food, water, shelter, ventilation, care, space, or veterinary care.
- (2) Physically harmed, tortured, mutilated, beaten, or illegally killed.
- (3) Trained/used for fighting other animals.
- (4) Used as bait to train/lure other animals to fight/kill.
- (5) Been left in a cage or crate for long periods of time in unsanitary conditions.
- (6) Mistreated to the extent that said mistreatment would constitute cruelty to animals, as set forth in O.C.G.A. § 16-12-4.

*Adequate* means sufficient, commensurate, equally efficient, equal to what is required, suitable to the case or occasion, satisfactory.

*Animal* does not include fish or any pests that might normally be exterminated or removed from a business, a residence or other structure.



*Animal bite* means any physical contact of the teeth, nails, or claws of an animal with human flesh, including, but not limited to, a scrape, puncture, pierce, scratch or tear, so long as bleeding results.

*Attacking or biting animal* means any animal which poses a physical threat to human beings or domestic animals by, when unprovoked, inflicting an animal bite on a human, or while off the owner's premises causing severe injury or death to a domestic animal.

*Dangerous dog* means any dog that, according to the records of the city and county has without provocation either:

- (1) Inflicted severe injury on a human being on public or private property; or
- (2) Aggressively bitten, attacked or endangered the safety of humans after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

*Nuisance animal* means any animal that:

- (1) Damages, soils, defiles, eliminates or defecates on private property other than its owner's property or on public property, without said elimination or defecation being picked up and disposed of by the animal's owner;
- (2) Causes unsanitary or offensive conditions or otherwise endangers public health, welfare or safety;
- (3) Causes an unreasonable disturbance to persons other than the owner of the animal by barking, howling or other noisemaking for a period of more than 15 minutes, without reasonable justification for such noisemaking;
- (4) Chases vehicles, bicycles, or people;
- (5) Is in estrus and not confined in a manner which can keep it away from intact males of the same species; or
- (6) Causes serious annoyance to a neighboring residence and interferes with the reasonable use and enjoyment of that property.

*Owner* means any person owning, possessing, harboring, keeping or having custody or control of any animal subject to this chapter for five or more days. This definition is intended to embrace any person who is a custodian.

*Potentially dangerous dog* means any dog that has without provocation bitten a human being on public or private property.

*Primary enclosure* means any structure or device used to restrict an animal to a limited amount of space, such as a fence, building, room, pen, run, cage, stall, paddock, or pasture, that provides adequate space and shelter.

*Proper enclosure* means an enclosure for keeping a dangerous dog, potentially dangerous dog or vicious animal securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of another animal or any person other than the owner or caretaker. The enclosure must:

- (1) Be designed to prevent the animal from escaping; and:
  - (a) If the enclosure is a fence, the fence must be high enough to keep the animal from climbing over and must be secured at the bottom to keep the animal from digging under;
  - (b) If the enclosure is a pen or structure other than a fence, the pen or structure must have secure sides, top and bottom constructed or secured in such a manner to prevent the animal's escape, and be of a height and strength to maintain the animal within it.
- (2) Provide adequate shelter; and
- (3) Provide adequate space for the animal.

*Vicious animal* means any animal which:

- (1) Constitutes a physical threat to human beings or other animals by virtue of an attack of such severity or intensity as to cause severe property or physical damage;
- (2) Makes an unprovoked attack on animals or on human beings; or
- (3) Intentionally attacks physical property in an effort to cause harm to a human or other animal.

#### **98.2 Sec. 1-2. - Penalties.**

Any person convicted of a violation of this ordinance shall be punished by a fine of \$100.00 for the first offense. A second offense shall be punished by a fine \$150.00. Any subsequent offense may be punished by the maximum amount allowed for the violation of city ordinances by state law. Applicable court costs shall be levied in addition to any fine imposed.

#### **98.2 Sec. 1-3. - Interpretation of ordinance.**

- (a) Nothing in this ordinance shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law.

(b) Nothing in this ordinance shall be interpreted or applied so as to create any liability on the part of the city or county, or any employee, board or official which enforces or fails to enforce any of the provisions provided in this ordinance or any provisions in the state dangerous dog law.

**98.2 Sec. 1-4. - Incorporation of state law; construction; other regulations.**

(a) *Incorporation.* The state law known as the Responsible Dog Ownership Law is incorporated in this ordinance by reference and made part of this ordinance.

(b) *Construction.* This ordinance shall be construed to effectuate its purposes and policies and to supplement such existing state laws as may relate to animals.

(c) *Other regulations.* Other provisions of law or regulations relating to this ordinance shall apply when any provisions of this ordinance shall conflict with the laws of the state or the United States of America. The laws of the state or the United States of America shall apply when this ordinance is silent.

**98.2 Sec. 1-5. - Jurisdiction.**

The jurisdiction for enforcement of this ordinance shall be enforced within those portions of the City of Maysville located in Banks County, but not those portions of the City of Maysville located in Jackson County, by the City of Maysville Police Department.

**98.2 Sec. 1-6. - Animals creating nuisances.**

The owner of any animal shall be in violation of this ordinance if the animal exhibits any behavior or engages in any activity defined under section 1-1 as a nuisance animal.

**98.2 Sec. 1-7. - Control of animal.**

(a) *General control.*

(1) It shall be unlawful for the owner of any animal to permit such animal to be out of his immediate control and restraint, or to be left unattended off the premises of the owner, or to be upon the property of another person without the permission of the owner or person in possession of such other property. For the purposes of this ordinance, condominium and apartment common property shall not be considered to be the premises of the animal owner. Voice control may constitute control of an animal.

(2) Restraint of dogs and/or animals shall be maintained as follows:

(a) When upon the premises of the owner, all animals shall be kept indoors or in a primary enclosure as defined by this ordinance in such a manner as to contain the animal within the bounds of the owner's premises, or on a leash in the hands

of a person that possesses the ability to restrain the animal. When upon the premises of the owner, animals may also be kept on the premises under voice control of the owner and/or contained by use of an invisible electric fence.

(b) When off the premises of the owner, all animals shall at a minimum be maintained on an appropriate chain, leash or tie not exceeding 12 feet in length, and in the hands of a person who possesses the ability to restrain the animal.

(3) The requirements of subsection (a)2 of this section shall not apply in the areas zoned for agricultural purposes or where the owner of the dog is using the dog for hunting or working purposes on property with the permission of the owner or person in possession of such other property. If the dog is being used for hunting purposes the owner shall have on his person a valid hunting license. Dogs, while hunting, or show dogs while being shown, are not required to wear a collar or dog tag; but the owner shall have the dog tag in his possession where it may be shown upon demand of a representative of the Maysville Police Department.

(4) No person shall tie, stake or fasten any animal within any street, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, alley, sidewalk or other public place.

(5) Every female dog and cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with an intact male of the same species except for planned breeding.

(6) Every animal shall be restrained and/or controlled so as to prevent it from causing property damage, harassing pedestrians or bicyclists, molesting passersby, chasing vehicles, or attacking persons or other animals.

(7) Nothing in this ordinance shall be construed to prohibit the control of animals on leashes exceeding 12 feet in length, in the event that animals are working animals, animals in sanctioned competitions, and animals in training.

*(b) Control of attacking or biting animal, vicious animals, potentially dangerous dogs and dangerous dogs.*

(1) The provisions concerning general control in subsection (a) of this section are applicable to attacking or biting animals, vicious animals and dangerous dogs and potentially dangerous dogs.

(2) When upon the premises of the owner, attacking or biting animals, vicious animals, potentially dangerous dogs and dangerous dogs shall be kept indoors or in a proper enclosure as defined by this ordinance. Permanent or temporary tethering as a means of enclosure is not permissible.

# **The City of Maysville**

## **City Ordinances Definitions**

**36-32-18 - Discharge of firearms, air guns, etc within Maysville City Limits.**

**(a)Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:**

**Firearms includes pistols, rifles, and shotguns, whether operated by the discharge of an explosive powder, air or gas.**

**(b) Act prohibited. No person shall discharge any firearm within the city except:**

**Law enforcement officers of the city, county, state or federal agencies who are engaged in the line of duty.**

**(c)Penalties.**

**Any person convicted of a violation of this ordinance shall be punished by a fine of \$500.00 or Property Bond \$1000.00. Applicable court costs shall be levied in addition to any fine imposed.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-26 - Disorderly Conduct.**

Any person who shall do or engage in any of the following in the incorporated area of the city shall be guilty of disorderly conduct:

(1) Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in danger of safety of his life, limb or health.

(2) Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged.

(3) Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm.

(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 or public property.

(5) Any person who shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.

(6) Any person who shall collect in bodies or in crowds and engage in unlawful activities.

(7) Any person who shall assemble or congregate with another or others and engage or attempt to engage in gaming.

(8) Any person who shall frequent public place and obtain money for another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.

(9) Any person who assembles with another or others and engages in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person, or attempts to do so.

(10) Any person who utters, in a public place or any place open to the public, any obscene words or epithets.

**(11) Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.**

**(12) Any person who shall use fighting words directed towards any person who becomes outraged and thus creates turmoil.**

**(13) Any person who shall assemble or congregate with another or others and do bodily harm to another.**

**(14) Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.**

**(15) Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other person having authority.**

**(16) Any person who damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physical offensive condition.**

**(17) Penalties.**

**Any person convicted of a violation of this ordinance shall be punished by a fine of \$392.00 or a Property Bond of \$784.00. Applicable court costs shall be levied in addition to any fine imposed.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-20- Children Curfew**

It is unlawful for any minor 16 years of age or younger to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day; however, on Fridays and Saturdays, the effective hours are between 12:00 midnight and 6:00 a.m. of the following day; and provided, that the provisions of this section shall not apply in the following instances:

- (1) When a minor is accompanied by such minor's parent, guardian or other adult person having the lawful care and custody of the minor.
- (2) When the minor is upon an emergency errand directed by such minor's parent or guardian or other adult person having the lawful care and custody of such minor.
- (3) When the minor is returning directly home from a school activity, entertainment, recreational activity, or dance.
- (4) When the minor is returning directly home from lawful employment that makes it necessary to be in the places referenced in this section during the proscribed period of time.
- (5) When the minor is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion.
- (6) When the minor is in a motor vehicle with parental consent for normal travel, with interstate travel through the city, excepted in all cases from the curfew.

It shall be unlawful for the parent, guardian or other person having custody or control of any child 16 years of age or younger to permit or by insufficient control to allow such child to be in or upon the public streets or any other places within the city between the hours of 11:00 p.m. on any day and 6:00 a.m. the following day, or on Fridays and Saturdays, between the hours of 12:00 midnight and 6:00 a.m. the following day, except in circumstances set out in subsections (1) through (6).

Penalties: Any parent, guardian, or other person having custody or control of any child 16 years of age or younger convicted of a violation of this ordinance shall be punished by a fine of \$660.00 or Property Bond \$1320.00. Applicable court costs shall be levied in addition to any fine imposed.



# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-22 - Underage Possession of Alcohol**

**(1) No person under 21 years of age shall purchase, attempt to purchase, or knowingly possess any alcoholic beverage;**

**(2) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of illegally obtaining any alcoholic beverage;**

**(3) No person under 21 years of age shall misrepresent his or her identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.**

**Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$350.00 or Property Bond \$700.00. Applicable court costs shall be levied in addition to any fine imposed.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-24 - Public Drunk**

**Any person who shall do or engage in any of the following in the incorporated area of the city shall be guilty of Public Drunk:**

- (a) A person who shall be and appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language.**
  
- (b) A person who is under the influence of intoxicating liquor or any drug to a degree which renders them a hazard shall not walk or be upon any roadway or the shoulder of any roadway.**

**Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$350.00 or Property Bond \$700.00. Applicable court costs shall be levied in addition to any fine imposed.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-28 – Loitering for Drugs**

- (a) It is unlawful for any person to loiter in, on or near any public or private property or thoroughfare in a manner and under circumstances manifesting the purpose or the intent to engage in drug-related activity.
- (b) The person enters and remains on any public or private property or thoroughfare under such circumstances that a reasonable person will conclude that the person who has entered and remained on said premises:
  - (1) does not have a purpose legitimately connected with the business or activity of the legal occupant on or near the premises.
  - (2) does not have a bona fide intent to exercise a constitutional right.
  - (3) does manifest the purpose of engaging in drug-related activities.

**Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$750.00 or Property Bond \$1500.00. Applicable court costs shall be levied in addition to any fine imposed.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-30- Tampering with or Destroying city property.**

No person shall injure, destroy, deface, tamper, or attach signs to any property belonging to the city, including shade trees planted by the city and vehicles owned by the city.

**Penalties.** Any person convicted of a violation of this ordinance shall be punished by a fine of \$500.00 or Property Bond \$1000.00. Applicable court costs shall be levied in addition to any fine imposed.

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-32- Creating Hazardous Conditions**

**It shall be unlawful for any person to create or permit to be continued a nuisance, hazardous or physically offensive condition, including, but not limited to, actions or conditions offensive to the senses of sight, sound and smell, by any act which serves no legitimate purpose, whether or not the act is otherwise legal or not.**

**A nuisance is anything that causes hurt, inconvenience, or damage to another and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance. Such acts shall include anything that is hazardous or a nuisance under State or federal law, including but not limited to the provisions of O.C.G.A. sec. 41-1-1, as amended from time to time. Such acts shall also include any actions or conditions that would constitute disorderly conduct as defined in O.C.G.A. sec. 16-11-39, as amended from time to time, and maintaining a disorderly house as defined in O.C.G.A. sec. 16-11-44, as amended from time to time.**

**Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$700.00 or Property Bond \$1400.00. Applicable court costs shall be levied in addition to any fine imposed.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-34 - Failure to Secure Load**

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of such load onto the roadway in such a manner as to create a safety hazard.

**Penalties:** Any person convicted of a violation of this ordinance shall be punished by a fine of \$350.00 or Property Bond \$700.00. Applicable court costs shall be levied in addition to any fine imposed.

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-36 – Contributing to the Delinquency of a Minor**

**(a) As used in this Code section, the term:**

**(1) "Delinquent act" means a delinquent act as defined in Code Section 15-11-2.**

**(2) "Felony" means any act which constitutes a felony under the laws of this state, the laws of any other state of the United States, or the laws of the United States.**

**(3) "Minor" means any individual who is under the age of 17 years or any individual under the age of 18 years who is alleged to be a deprived child as such is defined in Code Section 15-11-2, relating to juvenile proceedings.**

**(4) "Serious injury" means an injury involving a broken bone, the loss of a member of the body, the loss of use of a member of the body, the substantial disfigurement of the body or of a member of the body, an injury which is life threatening, or any sexual abuse of a child under 16 years of age by means of an act described in subparagraph (a)(4)(A), (a)(4)(G), or (a)(4)(I) of Code Section 16-12-100.**

**(b) A person commits the offense of contributing to the delinquency, unruliness, or deprivation of a minor when such person:**

**(1) Knowingly and willfully encourages, causes, abets, connives, or aids a minor in committing a delinquent act as such is defined in Code Section 15-11-2, relating to juvenile proceedings;**

**(2) Knowingly and willfully encourages, causes, abets, connives, or aids a minor in committing an act which would cause such minor to be found to be an unruly child as such is defined in Code Section 15-11-2, relating to juvenile proceedings;**

**(3) Willfully commits an act or acts or willfully fails to act when such act or omission would cause a minor to be found to be a deprived child as such is defined in Code Section 15-11-2, relating to juvenile proceedings;**

**(4) Knowingly and willfully hires, solicits, engages, contracts with, conspires with, encourages, abets, or directs any minor to commit any felony which encompasses force or violence as an element of the offense or delinquent act which would constitute a felony which encompasses force or violence as an element of the offense if committed by an adult;**

**(5) Knowingly and willfully provides to a minor any weapon as defined in paragraph (2) of subsection (a) of Code Section 16-11-127.1 or any weapon as defined in Code Section 16-11-121 to commit any felony which encompasses force or violence as an element of the offense or delinquent act which would constitute a felony which encompasses force or violence as an element of the offense if committed by an adult; or**

**(6) Knowingly and willfully hires, solicits, engages, contracts with, conspires with, encourages, abets, or directs any minor to commit any smash and grab burglary which would constitute a felony if committed by an adult.**

**(c) It shall not be a defense to the offense provided for in this Code section that the minor has not been formally adjudged to have committed a delinquent act or has not been found to be unruly or deprived.**

**Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$1000.00 or Property Bond \$2000.00. Applicable court costs shall be levied in addition to any fine imposed.**



# **The City of Maysville**

## **City Ordinances Definitions**

### **36-32-38- Loitering and Prowling**

**(1) It shall be unlawful for any person to remain, loiter or prowl 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.**

**(2) 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 by the person or other circumstances make it impractical, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct.**

**Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$213.00 or Property Bond \$426.00. Applicable court costs shall be levied in addition to any fine imposed.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-101 - Littering**

It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property or roadway in the City of Maysville.

**Penalties:** Any person convicted of a violation of this ordinance shall be punished by a fine of \$320.00. Applicable court costs shall be levied in addition to any fine imposed.

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-102 - Defective Equipment**

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer, or pole trailer, or any combination thereof, unless the equipment upon any and every such vehicle is in good working order and the vehicle is in such safe mechanical condition as not to endanger the driver, other occupant, or any person upon the highway.

Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$133.00. Applicable court costs shall be levied in addition to any fine imposed.

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-103 – Expired or No Driver's License**

**No person shall drive any motor vehicle upon a highway, road, or street in the City of Maysville unless such person has a valid driver's license for the type or class of vehicle being driven.**

**Penalties: Any person convicted of a violation of this ordinance shall be punished by a fine of \$82.00. Applicable court costs shall be levied in addition to any fine imposed.**

# **The City of Maysville**

## **City Ordinances Definitions**

### **36-122 - Noise Ordinance**

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

(b) Restrictions of 50 feet for 11:00 p.m. through 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Friday and Saturday.

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

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

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

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

(4) *Yelling, shouting and the like.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to unreasonably annoy

or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence or of any persons in the vicinity is prohibited.

(5) *Animals or birds.* Anyone who keeps or maintains an animal or bird that unreasonably disturbs the comfort or repose of any person because the animal or bird is emitting frequent or long continued sound or noise, and who continues to keep, maintain, or allow any animal or bird to so disturb the comfort or repose of any person shall be deemed in violation of this article.

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

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

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

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

(10) *Sound trucks.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes is prohibited. The use of sound trucks for noncommercial purposes during such hours, and with such unreasonable volume as would constitute a public nuisance, is prohibited.

(11) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler is prohibited; except to give notice of the time to begin or stop work or as a warning of fire or danger upon request of proper authorities.

(12) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat is prohibited, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

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

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

(15) *Schools, courts, churches, hospitals.* The creation of any unreasonably excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of the institution, or which disturbs or

unduly annoys patients in the hospitals, is prohibited, provided that conspicuous signs are displayed in the streets indicating that it is a school, hospital or court street.

**(16) *Hawkers, peddles, vendors.*** The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood is prohibited.

**(17) *Noises to attract attention.*** The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale is prohibited.

**(18) *Operation of motor vehicles.*** The operation of motor vehicles, including cars, trucks, and motorcycles, upon any parking facility, public or private, vehicle access or pedestrian walkway, or street, public or private, so as to create unreasonable noise and to disturb the peace, quiet and comfort of the inhabitants of the neighborhood.

**(19) *Consumer fireworks.*** The use or exploding of consumer fireworks between the hours of 9:00 p.m. and 10:00 a.m., except on the following dates, and at the following times:

a. On January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, and December 31 of each year after the time of 10:00 a.m. and up to and including the time of 11:59 p.m.; and

b. On January 1 of each year beginning at the time of 12:00 midnight and up to and including the ending time of 1:00 a.m.

**Penalties:** Any person convicted of a violation of this ordinance shall be punished by a fine of \$213.00 or Property Bond \$426.00. Applicable court costs shall be levied in addition to any fine imposed.