



AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE 1 OF CHAPTER 30 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA TO ADD PROVISIONS RELATED TO DESTRUCTION OF PROPERTY, DEFACING BUILDINGS, UNAUTHORIZED ENTRY OF PROPERTY, CREATING HAZARDOUS OR OFFENSIVE CONDITIONS, KEEPING A DISORDERLY HOUSE, MAKING FALSE REPRESENTATIONS, AND FURNISHING ALCOHOL TO A MINOR; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of Alpharetta; and

WHEREAS, the City Council has adopted Chapter 30 of the Code of the City of Alpharetta, Georgia (“City Code”) regarding offenses and miscellaneous provisions; and

WHEREAS, the City Council is charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and the City Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to its needs; and

WHEREAS, the City of Alpharetta maintains a Municipal Court that is authorized to try and punish certain violations of city ordinances and such other offenses as allowed and provided by general law; and

WHEREAS, adding certain violations to the ordinances would provide the Police Department and Municipal Court greater discretion to issue citations for violations of city ordinances rather than levy state level charges; and

WHEREAS, the City Council deems it appropriate to amend Chapter 30 of the City Code to add provisions for additional violations;

NOW THEREFORE, the Council of the City of Alpharetta hereby ordains, as follows:

Section 1: Section 30-9 of the Code of the City of Alpharetta, Georgia, which is currently reserved, is hereby amended by inserting a new Section 30-9 to read as follows:

Sec. 30-9. Destruction of property.

(a) Public property.

1. It shall be unlawful for any person to willfully damage, destroy, mar, deface, or vandalize any public property or property in the city.
2. It shall be unlawful for any unauthorized person to tamper with, to open, or to paint any equipment of the departments and bureaus of the city, including fire hydrants and water mains.

(b) Private property

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1. It is unlawful for any person to vandalize, deface, or in any way alter the appearance or operation of any private property without the consent of the owner.
 2. This subsection shall not be construed as affecting any remedy the private property owner may have at law.

Section 2: Section 30-10 of the Code of the City of Alpharetta, Georgia, which is currently reserved, is hereby amended by inserting a new Section 30-10 to read as follows:

Sec. 30-10. Defacing Buildings.

It shall be unlawful for any person to write, paint, or draw upon, to carve any letter, word or design upon or deface in any way a wall, fence, public building, private building, institution of learning, place of worship, statue or monument within the city.

Section 3: Section 30-11 of the Code of the City of Alpharetta, Georgia, which is currently reserved, is hereby amended by inserting a new Section 30-11 to read as follows:

Sec. 30-11. Unauthorized entry of occupied property.

- (a) It shall be unlawful to enter 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.
- (b) It shall be unlawful to enter 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 by the posting of a notice which is easily seen from a distance of at least fifty (50) feet that informs the public.
- (c) It shall be unlawful to remain 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.
- (d) For the purposes of this 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.

Section 4: Section 30-12 of the Code of the City of Alpharetta, Georgia, which is currently reserved, is hereby amended by inserting a new Section 30-12 to read as follows:

Sec. 30-12. Unauthorized entry of vacant property.

It shall be unlawful for any person to enter or to remain in a vacant or unoccupied building or on any portion of vacant land upon which such vacant building is located unless with the permission of an authorized agent of such property, provided such building or vacant property is

prominently marked by a posted notice, which is easily seen from a distance of at least 50 feet, that informs the public such property is vacant or unoccupied and unauthorized persons are prohibited from entering. Further, it shall be unlawful for any person to be on such property lines that are prominently marked by a fence, chain or other means and by a posted notice that communicates to the public that unauthorized persons are not allowed on such premises. Contemporaneously with the posting of such notice, a sworn authorization must be filed with the city police department, stating that persons without written permission on their person are not allowed on the property at a specified address; and any such trespasser will be prosecuted by the police as the property's own agent.

Section 5: Section 30-13 of the Code of the City of Alpharetta, Georgia, which is currently reserved, is hereby amended by inserting a new Section 30-13 to read as follows:

Sec. 30-13. Creating hazardous or offensive conditions.

No person shall create a hazardous or physically offensive condition by an act which serves no legitimate purpose.

Section 6: Section 30-14 of the Code of the City of Alpharetta, Georgia, which is currently reserved, is hereby amended by inserting a new Section 30-14 to read as follows:

Sec. 30-14. Disorderly house.

(a) No person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control of any premises shall keep a disorderly house in a residentially zoned area within the city.

(b) A 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 law or ordinances relating to:

1. Alcohol regulations.
2. Gambling.
3. Prostitution or solicitation to vice.
4. Sale, possession, or use of drugs or controlled substances as defined by state law.
5. Disorderly conduct as defined by city ordinance.
6. Public nuisance as defined by city ordinance.
7. Any other unlawful conduct or pattern of unlawful conduct pursuant to city ordinances.

Section 7: Section 30-15 of the Code of the City of Alpharetta, Georgia, which is currently reserved, is hereby amended by inserting a new Section 30-15 to read as follows:

Sec. 30-15. False representations to police or any city department.

It shall be unlawful for any person, knowingly and willfully and with intent thereby to mislead, either on such person's own behalf or on behalf of others, as principal or as agent, to make or file orally or in writing any false representations of fact to any city police officer or to any department of the city government.

Section 8: Section 30-16 of the Code of the City of Alpharetta, Georgia, which is currently reserved, is hereby amended by inserting a new Section 30-16 to read as follows:

Sec. 30-16. Furnishing to, purchasing by or possession by a person under 21 years of age.

(a) Except as otherwise authorized by law:

1. No person, directly or through another person, shall furnish, cause to be furnished or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age.
2. No person under 21 years of age shall purchase, drink or knowingly possess any alcoholic beverage.
3. No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage.
4. No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age.
5. No person under 21 years of age shall misrepresent such person's identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.
6. No person shall keep or maintain a place where persons under 21 years of age are allowed and permitted to come and purchase, drink or possess any alcoholic beverage.

(b) The prohibitions contained in subsections (a)(1), (a)(2), (a)(4), and (a)(6) of this section shall not apply with respect to the sale, purchase or possession of alcoholic beverages for consumption:

1. For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state; or
2. At a religious ceremony.

(c) The prohibitions contained in subsections (a)(1), (a)(2), (a)(4), and (a)(6) of this section shall not apply with respect to the possession of alcoholic beverages for consumption by a person under 21 years of age when the parent or guardian of the person under 21 years of age gives the alcoholic beverage to the person and when possession is in the home of the parent or guardian and such parent or guardian is present.

(d) The prohibition contained in subsection (a)(1) of this section shall not apply with respect to sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license or an identification card authorized under O.C.G.A. §§ 40-5-100—40-5-104. The term "proper identification" shall not include a birth certificate.

(e) If such conduct is not otherwise prohibited pursuant to O.C.G.A. § 3-3-24, nothing contained in this section shall be construed to prohibit any person under 21 years of age from:

1. Dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishments;
2. Being employed in any establishment in which alcoholic beverages are distilled or manufactured; or

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3. Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.

(f) Testimony by any person under 21 years of age, when given in an administrative or judicial proceeding against another person for violation of any provision of this section, shall not be used as an admission in any administrative or judicial proceedings brought against such testifying person under 21 years of age.

Section 9: Secs. 30-17 – 30-32 of the Code of the City of Alpharetta, Georgia shall remain as Reserved.

Section 10: It is the intention of Council, and it is hereby ordained by the authority of Council, that the provisions of this Ordinance shall become and be made a part of the Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

Section 11: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 12: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 13: This Ordinance shall be effective immediately upon its adoption by the City Council.

SO ORDAINED, the _____ day of _____, 2023.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Donald F. Mitchell

Brian Will

Douglas J. Derito

John Hipes

Jason Binder

Dan Merkel

ATTEST:

APPROVED AS TO FORM:

Lauren Shapiro, City Clerk

Melissa Tracy, City Attorney