

# GEORGIA, Murray County

## MINUTES

The Murray County Commissioner held a meeting on Monday, March 8, 2016 at 9:00 a.m. in the hearing room of the Murray County Courthouse Annex.

Commissioner Pittman called the meeting to order and welcomed those in attendance.

With no additions or deletions to the agenda, Commissioner Pittman adopted the agenda as presented.

Under new business the following items were addressed and approved.

### A. Amendment: Chapter 42, Article 1, Section 42-1, Disorderly Conduct – 2nd Reading

#### AMENDMENT

#### TO

#### THE CODE OF MURRAY COUNTY

#### STATE OF GEORGIA

#### COUNTY OF MURRAY

WHEREAS, the Commissioner of Murray County has determined that it is in the best interest of the public to amend the Murray County Code, and

WHEREAS, the Commissioner of Murray County finds such amendments to be useful, necessary, and proper, and protective of the environment, and the health, welfare, and safety of the public, and

NOW THEREFORE BE IT SO RESOLVED, by the Murray County Commissioner, that the Murray County Code be amended as follows:

*Chapter 42, Offenses and Miscellaneous Provisions, Article 1, Disorderly Conduct, Section 42-1, add items Punishment, Destruction of Public Property, which was ordained by the Murray County Commissioner on February 1, 2016, shall be deleted in its entirety and replaced by the following Code amendment:*

*Under Chapter 42, Offenses and Miscellaneous Provisions, Article 1, In General, Section 42-1, Disorderly Conduct, shall be deleted in its entirety and amended to read as follows:*

#### **Sec. 42-1 Disorderly Conduct.**

(a) Any person who shall do or engage in any of the following acts or things within the unincorporated area of Murray County, Georgia, shall be guilty of disorderly conduct and shall be punished in accord with the provisions of this section. Such acts or things which shall constitute disorderly conduct are more particularly described as follows:

- (1) Fighting or quarreling or acting in such a manner as to annoy or disturb the peace, quiet, comfort or repose of persons in any office, school building, hospital or in any dwelling, hotel, or other type residence, or of any persons in the vicinity.
- (2) Using any indecent, vulgar, opprobrious, obscene, threatening or abusive words which by their very utterance tend to incite to an immediate breach of the peace, that's to say words that are common knowledge and under normal circumstance will when used to or in front of another person naturally tend to provoke violent resentment that is words commonly called "fighting words".
- (3) Striking or attempting to strike another.
- (4) Assemble or congregate with another or with others to cause, provoke, or engage in any fight or brawl.
- (5) Collect in bodies or in crowds and engage in unlawful activities and fail to withdraw from the assembly on being lawfully commanded to do so by a peace officer.
- (6) Create by or in any manner loud noises which disrupt, disturb, or otherwise interfere with the peace and tranquility of the public.

(7) Interfere, by acts of violence, with another's pursuit of a lawful occupation.

(8) Without provocation, uses obscene and vulgar or profane language in the presence of or by telephone to a person under the age of 14 years which threatens an immediate breach of the peace.

(9) Defecating or urinating or exposing genitals or female breast; on or adjacent to any street or sidewalk or in any public or quasi-public parking lot or in the halls, elevators, stairways, or any other area designated for public passage within any public or commercial buildings or on any property open to public view.

(10) For any person to peddle or sell door to door his or her service or the services of another or any item without a county, state, business, professional or other legal and binding license or permit; unless said individual is raising money for a local not for profit event such as for his/her school, church, etc.

(11) Knowingly invite, allow, permit, a person(s) under the age of 21 to gather, collect, assemble in any building or upon any land for the purpose of consuming alcoholic beverages in violation of state law and or any person(s) to keep and maintain a common, ill-governed, disorderly place which encourages gaming, drinking, misbehavior or disturbance of any neighborhood or orderly citizen(s).

(12) Any person who commits any act against public safety, morality and decency, or who exhibits any other conduct that is manifestly disorderly that tends to disturb or debauch the morals of any person or persons anywhere in the county.

Under Chapter 42, Offenses and Miscellaneous Provisions, Article 1, In General, Section 42-4, shall be amended to read as follows:

**Sec. 42-4 Obstruction of Law Enforcement Officer or County Official.**

(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:

"*Law Enforcement Officer*" means any and all employees of Murray County, Georgia which have valid powers of arrest, including but not limited to code enforcement officers, police officers, and animal control officers.

"*County Official*" means any and all employees of Murray County which do not have powers of arrest, including, but not limited to tax assessors, land use officials, building inspectors and public works employees, fire fighters paramedics, and emergency medical technicians.

"*Lawful discharge*" means, as used within this Code section, this term shall mean a person, with valid arrest powers, performing duties and job obligations related to the enforcement of local, state, and federal laws.

(b) It shall be unlawful for any person to obstruct, interfere, or hinder any law enforcement officer, or County official in any form or fashion, while the officer or official is engaged in the lawful discharge of their duties pursuant to the terms and provisions of the Murray County, Georgia Code of Ordinances.

Under Chapter 42, Offenses and Miscellaneous Provisions, Article 1, In General, Add Sec. 42-6, and shall read as follows:

**Sec. 42-6 Harassment of a 911 Operator, Law Enforcement Officer, Firefighter or Emergency Medical Technician.**

(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:

*"Call"* means any communication, message, signal, or transmission.

*"False report"* means the fabrication of an incident or crime or of material information relating to an incident or crime which the person making the report knows to be false at the time of making the report.

*"Harass"* means to knowingly and willingly engage in any conduct directed toward a communications officer that is likely to impede or interfere with such communications officer's duties, that threatens such communication officer or any member of his or her family, or that places any member of the public served or to be served by 9-1-1 service in danger of injury or delayed assistance.

*"Harassing"* means the willful use of opprobrious and abusive language which has no legitimate purpose in relation to imparting information relevant to an emergency call.

*"9-1-1"* means a public safety answering point or the public safety agency which receives incoming 9-1-1 telephone calls and dispatches appropriate public safety agencies to respond to such calls.

The term "9-1-1" also means the digits, address, Internet Protocol address, or other information used to access or initiate a call to a public safety answering point.

(b) It shall be unlawful to knowingly and willfully harass or attempt to harass or mislead any E-911 operator or law enforcement officer or firefighter or emergency medical technician by false alarms or repeatedly dialing 911 and hanging up or any unauthorized use of any device of whatever nature to summon law enforcement, firefighters, or emergency medical provider aid without reasonable cause.

(c) A person commits the offense of unlawful conduct during a 9-1-1 telephone call if he or she:

(1) Without provocation, uses obscene, vulgar, or profane language with the intent to intimidate or harass a 9-1-1 communications officer;

(2) Calls or otherwise contacts 9-1-1, whether or not conversation ensues, for the purpose of annoying, harassing, or molesting a 9-1-1 communications officer or for the purpose of interfering with or disrupting emergency telephone service;

(3) Calls or otherwise contacts 9-1-1 and fails to hang up or disengage the connection for the intended purpose of interfering with or disrupting emergency service;

(4) Calls or otherwise contacts 9-1-1 with the intention to harass a communications officer; or

(5) Calls or otherwise contacts 9-1-1 and makes a false report.

(d) Any violation of subsection (b) of this Code section shall be considered to have been committed in any county where such call to or contact with 9-1-1 originated or in any county where the call to or contact with 9-1-1 was received.

Under Chapter 42, Offenses and Miscellaneous Provisions, Article 1, In General, Add Sec. 42-7, and shall read as follows:

**Sec. 42-7 Giving false name, address, or birthdate to a Law Enforcement Officer, 911 Operator, Firefighter or Emergency Medical Technician or other County official.**

(a) It shall be unlawful to knowingly and willfully provide a false name, address, date of birth or social security number or any personal identification information in an effort to mislead as to his or her identity or personal identification to the county sheriff, his or her lawful deputies, the county marshal, his or her lawful deputies, a county code enforcement or land development officer, animal control officer, animal shelter staff, firefighter, emergency medical technician, paramedic or other arresting officer.

Under Chapter 42, Offenses and Miscellaneous Provisions, Article 1, In General, Add Sec. 42-8, and shall read as follows:

**Sec. 42-8 Destruction of Property.**

(a) It shall be unlawful for any person(s) to intentionally damage or deface property owned by any other person(s) in any form, fashion or by any means.

Under Chapter 42, Offenses and Miscellaneous Provisions, Article 1, In General, Add Sec. 42-9, and shall read as follows:

**Sec. 42-9 Landlords Duties as to Utilities.**

(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:

*Landlord(s).* A landlord is the owner of a house, apartment, condominium, land or real estate which is rented or leased to an individual or business.

*Tenant.* One that pays rent to use or occupy land, a building, or other property owned by another. A person who has the use of a house, flat, etc., subject to the payment of rent. Any holder or occupant.

*Utilities.* As used in this code section, "utilities" means heat, light, and water service.

(1) It shall be unlawful for any Landlord, knowingly and willfully to suspend the furnishing of utilities to a tenant until after the final disposition of any dispossession proceedings by the landlord against such tenant. Upon a perceived violation of this section, the authorized law enforcement officer shall attempt to allow Landlord to remedy the same in an expedient fashion without citation. However, within the discretion of the authorized law enforcement officer a citation shall issue and the Landlord shall be subjected to an emergency Rule Nisi hearing for the Landlord to show cause why immediate compliance should not be afforded due to the extreme gravity of the nature of non-compliance and to assess any fines associated with said violation at any time after the Landlord is given twenty four (24) hour notice, by personal service as the Court may demand.

(2) Any person who violates subsection (9) of this Code section shall, upon conviction, be assessed a fine not to exceed \$500.00.

Under Chapter 42, Offenses and Miscellaneous Provisions, Article 1, In General, Add Sec. 42-10, and shall read as follows:

**Sec. 42-10. Enforcement.**

This article shall be enforced by any authorized Law Enforcement Officer of the County or the County Commissioner.

Under Chapter 42, Offenses and Miscellaneous Provisions, Article 1, In General, Add Sec. 42-11, and shall read as follows:

**Sec. 42-11. Penalty.**

Any person violating any provision of this article, except for Sec 42-9 which carries its own penalty section, shall be punished as provided in section 1-19 of this Code.

**Secs. 42-12—42-30. Reserved.**

FIRST READING, this the 1st day of March, 2016

SECOND READING, this the 8th day of March, 2016

SO ORDAINED AND EFFECTIVE, this the 8th day of March, 2016

BY: Brittany D. Pittman  
Brittany D. Pittman, Sole Commissioner

ATTEST: Tommy Parker  
Tommy Parker, Clerk

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Documents are located in the auxiliary file.

ATTEST:

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Tommy Parker, County Clerk

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Brittany Pittman, Commissioner

In Attendance: Brittany Pittman, Tommy Parker, Matthew Sanford, Eric Hooker, Dickie Barnes, Steven Johnson