

CHAPTER 31: GENERAL OFFENSES

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Section 31-101 Disorderly Conduct

It shall be unlawful for any person in the city to engage in any violent, tumultuous, obstreperous, or similar disorderly conduct tending to infringe on the peace and repose of the citizens of the city. Fighting between two (2) or more persons in which physical contact is made, except that which occurs at boxing or wrestling exhibitions duly authorized by the city, shall be deemed to be disorderly conduct within the meaning of this section.

NOTE: The state's disorderly conduct statutes expressly provide that they are not to be construed as preventing municipalities from passing or enforcing their own laws punishing disorderly conduct within their respective jurisdictions. See *O.C.G.A.*, §§ 16-11-34 and 16-11-41.

Section 31-102 Discharging Firearms, Air Guns, Etc.

1. It shall be unlawful for any person in the city to discharge any gun, pistol, or other firearm within three hundred fifty (350) yards of any street, alley, or building, or at any point upon the land of another person without the express consent of the owner or occupant thereof; or to discharge any air gun, BB gun, or other toy gun which projects lead or any other missile.

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 prohibit any citizen from discharging a firearm when lawfully defending person or property.

2. It shall be unlawful for any person to discharge a firearm while:
 - A. Under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is unsafe for the person to discharge such firearm except in the defense of life, health, and property;
 - B. The person's alcohol concentration is 0.08 grams or more at any time while discharging such firearm or within three (3) hours after such discharge of such firearm from alcohol consumed before such discharge ended; or
 - C. Subject to the provisions of subsection (3) of this Code section, there is any amount of marijuana or a controlled substance, as defined in *O.C.G.A.* § 16-13-21, present in the person's blood or urine, or both, including the metabolites and derivatives of each or both without regard to whether or not any alcohol is present in the person's breath or blood.
3. The fact that any person charged with violating this section is or has been legally entitled to use a drug shall not constitute a defense against any charge of violating this section; provided, however, that such person shall not be in violation of this section unless such person is rendered incapable of possessing or discharging a firearm safely as a result of using a drug other than alcohol which such person is legally entitled to use.
4. Any person convicted of violating subsection (2) of this section shall be guilty of a misdemeanor of a high and aggravated nature.

Section 31-103 Report of Treatment of Wounds

All physicians and all hospital superintendents in the city are hereby required to report to the Police Department of the city all patients treated by physicians or diagnosed or known to be suffering from wounds inflicted by a dangerous or deadly weapon of any kind. Such report may be made in writing or by telephone, giving the name of the reporting person and the patient and any other pertinent data requested by the Police Department. All reports shall be made within twenty-four (24) hours after treatment by a physician or after admission to the hospital. (See *O.C.G.A.* § 31-7-9, reports by physicians and other personnel of nonaccidental injuries to patients).

Section 31-104 Throwing of Missiles

It shall be unlawful for any person in the city to throw any stone, rock, or other missile upon or at any vehicle, building, tree, or other public or private property, or upon or at any person in any public or private way or place.

Section 31-105 Ball Playing

It shall be unlawful for any person to play ball by throwing, catching, pitching, or batting a ball on any public street, alley, or sidewalk of the city.

Section 31-106 Bonfires

It shall be unlawful for any person or group, during a holiday or at any other time, to build a bonfire of any description within the city limits, except at places approved and designated by the Fire Chief.

Section 31-107 Drinking in Public

It shall be unlawful for any person to consume any spirituous malt or alcoholic beverage in or upon any street, alley, sidewalk, or other public way or place in the city, or within any public building.

Section 31-108 Reserved

Section 31-109 Abandonment of Motor Vehicles

1. Duty of owner or custodian; penalty.

- A. It shall be unlawful for any person or entity within in the city limits to store, possess, keep, or otherwise display any discarded, dismantled, wrecked, scrapped, mined, or junked motor vehicles or parts thereof when such motor vehicles are in such a condition that they are inoperable and/or constitute a health hazard or unsightly nuisance.
- B. Subsection (A) does not apply to any motor vehicle which are located within the premises of any junkyard complying with the laws of the State of Georgia relating to the licensing and regulating of motor vehicle junkyards.
- C. The City of Bowman shall have the power and authority of contract with private individuals and firms for the removal of discarded, dismantled, wrecked, scrapped, ruined or junked motor vehicles or parts thereof.
- D. Any person violating subsection (A) of this section shall be fined in the amount of two hundred dollars (\$200.00) and shall be liable for any and all costs, associated with the removal of said junked motor vehicle, to include towing, storage, etc.
- E. The owner or custodian of any vehicle removed pursuant to subsection (C) of this section shall have ten (10) days to claim, sell, take delivery for repair, or otherwise take possession of said vehicle upon proof that said possession will not be in further violation of this ordinance. If said owner or custodian does not take possession of the junk vehicle within seven day as provided by this subsection, the vehicle shall be disposed of by the City of Bowman.
- F. If the City of Bowman disposes of the junk motor vehicle as provided in subsection (E) of this section and receives pecuniary value therefor, the proceeds shall be applied towards any fines and costs associated with the removal as provided in subsection (D) and any remaining proceeds shall be paid to the owner or custodian of the junk motor vehicle upon request and proof of ownership.