

Chapter 11

OFFENSES*

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***Cross references**--Cemeteries, Ch. 6; streets and sidewalks, Ch. 16; canvassers and solicitors, § 18-166 et seq.; going out of business sales, § 18-191 et seq.; traffic, Ch. 19.

State law references--Limitations on home rule powers of municipal corporations, O.C.G.A. § 36-35-6(a)(2); Criminal Code of Georgia, O.C.G.A. § 16-1-1 et seq.

Section 11-1 Consent required for utility to cross street.

It shall be unlawful for any person, for public or private use, to lay, stretch or in any manner place any wire, pipe or other conductor of power, light or water in, on, across, over, above, or beneath any street or sidewalk of the city without first obtaining upon written petition the consent of the city council, and notice of intention to apply for such consent shall be published in the newspaper used as the official organ of the city for fifteen (15) days prior to the time the application is presented to the city council.
(Code 1958, § 20-8)

Section 11-2 Excavations, openings or obstructions to be barricaded and lighted at night.

Whenever an opening or excavation of any kind is made in any of the streets, lanes or sidewalks of the city, and left open during the night, or any obstruction is left upon any of the streets or lanes or sidewalks of the city during the night, the persons leaving such opening or obstruction shall cause an appropriate barricade with warning lights or reflectorized surfaces to be placed at all approaches to the excavation or opening, with such barricade to be in place at all hours of darkness or semidarkness. Any person violating this section shall be punished as provided in section 1-6.

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(Code 1958, § 20-9)

Section 11-3 Interference with barrier or signal lights prohibited.

It shall be unlawful for any person to remove, change or in any manner whatsoever interfere with any barricade, barrier, signal light or any other device erected or placed upon any street or at any street crossing or intersection while any of such streets, crossings or intersections are under process of being paved or repaired or closed for any other reason.

(Code 1958, § 20-10)

Section 11-4 Public drunkenness; consumption of alcoholic beverages on municipal property.

(a) It shall be unlawful for any person while intoxicated or drunk to appear in any public place where one (1) or more persons are present or within the curtilage of any private residence not his own where one (1) or more persons are present and manifest a drunken condition by boisterous or indecent conduct or loud or profane discourse or both. Consumption or possession of open alcoholic beverages of any kind is prohibited on any municipal property located within the limits of the city, to include but not be limited to all streets, sidewalks and thoroughfares, all municipal parking lots, all municipal buildings and all public parks and recreational facilities. A person who violates this section shall be punished in accordance with the provisions of section 1-6.

(b) It shall be unlawful for any person to have in that person's possession any alcoholic beverage, whether opened or unopened, at any time within the confines of the following city parks: Remington Avenue Sports Complex, Weston Park, Northside Park, Varnedoe Stadium Sports Complex, and Balfour Pool. Any person who violates this section shall be punished in accordance with the provisions of Section 1-6.

(Code 1958, § 16-9; Ord. 2-12-90; Ord. 3-27-00; § I)
(2000 (11-04), Amended, 03/27/2000)

Section 11-5 Criminal Trespass Prohibited

(a) It shall be unlawful for any person to enter upon the land or premises of another person or entity or to enter into any vehicle, railroad car, aircraft or watercraft of another person or entity for any unlawful purpose.

(b) It shall be unlawful for any person to enter upon the land or premises of another person or entity or to enter into any vehicle, railroad car, aircraft or watercraft of another person or entity after having received, prior to such entry, notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of such owner or rightful occupant, that such entry is forbidden.

(c) It shall be unlawful for any person to remain upon the land or premises of another person or entity or within or on any vehicle, railroad car, aircraft or watercraft of another person or entity after having received notice to depart from the owner, rightful occupant, or upon proper identification, an authorized representative of the owner or rightful occupant.

(11-5(2007), added, 01/08/2007; 11-5-05, Repealed, 12/08/2003, transferred to Section 18-176; otherwise unchanged)

Section 11-6 Poison placed on roads, streets or on premises of another.

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It shall be unlawful for any person wilfully or wantonly to place or deposit any poison or poisoned substance in the yard or on other lands or premises of another without the consent of the owner thereof or in any street, road or other public place.

(Code 1958, § 16-25)

State law reference--Penalty for abandonment of poisons, O.C.G.A. § 16-13-3.

Section 11-7 Public or private property, injuring or defacing.

It shall be unlawful for any person wilfully to injure or deface any church or schoolhouse, or buildings or property belonging to the state, county or city or to any person.

(Code 1958, § 16-29)

State law reference--Damaging, injuring, or interfering with property of public utility companies, municipalities, or political subdivisions, O.C.G.A. § 16-7-25.

Section 11-8 Disturbing religious worship unlawful.

It shall be unlawful for any person wilfully to interrupt or disturb any assemblage of people met for religious worship, by noise, profane discourse, rude or indecent behavior, or any other act, at or near the place of worship.

(Code 1958, § 16-30)

State law reference--Preventing or disrupting lawful meetings, gatherings or processions, O.C.G.A. § 16-11-34.

Section 11-9 Disturbing school students unlawful.

It shall be unlawful for any person, at or near any public or private schoolhouse in the city, to engage by conversation, signs or otherwise, the attention of any of the pupils at such schoolhouse, to the disturbance of any of the pupils and to the detriment and discipline of such schools.

(Code 1958, § 16-31)

Section 11-10 Discharging firearms and air rifle.

It shall be unlawful for any person to shoot or discharge within the city limits of the city or its police jurisdiction any firearm, pistol, rifle, shotgun, air gun, air rifle, BB gun, or other like instrument of any nature without first having obtained a permit from the police department. This section shall not apply at an official shooting range.

(Code 1958, § 16-42)

State law references--Discharge of gun or pistol near public highway or street, O.C.G.A. § 16-11-103; discharge of firearms on property of another, O.C.G.A. § 16-11-104; discharge of firearm on Sunday, O.C.G.A. § 16-11-105.

Section 11-11 Creation of loud or unnecessary noise prohibited.

(a) It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any other noise which either disturbs, injures or endangers the comfort, repose, health, peace, or safety of other persons within the city. This prohibition shall include, but is not limited to, the playing of portable radios or recording playback devices and the playing of radios and recording playback devices in automobiles, trucks, and other motor vehicles, as set out more particularly in subsection (d).

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(b) It shall be unlawful for any person to disturb, tend to disturb or aid in disturbing the peace of others, or endanger the comfort, repose, health, or safety of others by violent, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by any person or under that person's control.

(c) It shall be unlawful for any person to yell, shout, or sing on the public streets of the city, particularly between the hours of 9:00 p.m. and 7:00 a.m. or at any other time or place so as to disturb the quiet, comfort, repose, health, or peace of persons in any office, or in any dwelling, hotel, or other type of residence or other place of abode, or in any church or other place of worship, or of persons in the vicinity.

(d) It shall be unlawful for any person to use, operate, or permit to be played, used or operated any radio or television receiving set, musical instrument, phonograph or other recording playback machine or device for the producing or reproducing of sound in such a manner as to disturb the quiet, comfort, repose, health, or peace of the neighboring inhabitants or at any time with louder volume than is necessary for the convenient hearing of the person who is in the room, vehicle or immediate vicinity in which such machine or device is operated and who is a voluntary listener thereto.

(e) The city council delegates to the city manager the authority to permit outdoor functions and activities which are nontraditional, such as street dances, parking lot dances, and promotions, and similar activities and which might tend to produce high noise levels by way of amplified music or other sources. The intent of this subsection is to allow such activities under controlled conditions and where appropriate steps have been taken to reduce the likelihood of annoying or disturbing the peace and comfort of persons in the immediate vicinity of the proposed activity. This subsection is not intended to address or control traditional outdoor activities such as ballgames, picnics, church related, and civic gatherings. The decision of whether to permit an activity covered by this section shall be that of the city manager under such terms and conditions as he deems necessary to meet the intent of this section.

(Ord. of 7-1-88, § I; Ord. of 8-22-88(2), § I)

Section 11-12 Sound trucks and sound-amplifying devices.

It shall be unlawful for any person to operate or permit to be operated in the city any sound-amplifying devices or equipment for any purpose whatever, whether the same be stationary or operated from a vehicle or carriage, provided this section shall not apply to licensed musical machines or to events sponsored by the public.

(Code 1958, § 3-7)

Section 11-13 Parking or repeatedly driving motor vehicle through parking area located on privately owned property after having been requested not to do so

(a) A person commits the offense of parking or repeatedly driving motor vehicle through parking area located on privately owned property after having been requested not to do so when the person, after having been requested not to do so by a law enforcement officer or by the owner or authorized agent of the owner, parks or stands an occupied motor vehicle in, or repeatedly drives a motor vehicle through or within, a parking area which is located on privately owned property and is provided by a merchant, a group of merchants, or shopping center or other similar facility for customers if:

- (1) The parking area is identified by at least one (1) sign as specified in this subsection, and if the parking area contains more than one hundred fifty (150) parking spaces, by at least one (1) such sign for every one hundred fifty (150) parking spaces, each such sign containing the following information in easy-to-read printing:
 - a. Notice of the elements of the crime of parking or repeatedly driving motor vehicle through parking area located on privately owned property after been requested not to do so.
 - b. Identification of the property which is reserved for customers' use only;
 - c. Identification of the merchant, group of merchants, or shopping center or other similar facility

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- providing the parking area; and
 - d. Warning that violators will be prosecuted; and
- (2) The motor vehicle is parked, is standing, or is being operated other than for the purpose of:
- a. Transporting some person to or from the interior of the place of business of a merchant identified by sign in the parking area or to or from the interior of the shopping center or other facility so identified;
 - b. Making use of a telephone, vending machine, automatic teller machine, or other similar facility located in the parking area;
 - c. Meeting the requirements of a situation in which it has unexpectedly become impossible or impractical for the motor vehicle to continue to travel on the public roads; or
 - d. Carrying out an activity for which express permission has been given by the owner of the parking area or an authorized representative of the owner.
- (b) A person commits a parking violation by parking in any city cemetery after established hours or by parking in any city park, public recreation area, playground or ball field, after nightfall and before dawn, unless a park has been designated by the City Manager for extended hours and as indicated by signage located at the entrance to the park. Excepted from this provision is any parking done in association with any organized event or any recognized group activity permitted by the city. Such recognized group activities and organized events include, but are not limited to:
- (1) Scheduled athletic events;
 - (2) Scheduled social events, including, but not limited to, family reunions and parties, outdoor concerts and crafts and art exhibitions;
 - (3) Political rallies;
 - (4) Religious observances.
- (c) A person who is convicted of or pleads guilty or nolo contendere to a violation of this section shall be punished by a fine:
- (1) Not to exceed fifty dollars (\$50.00) for the first such violation;
 - (2) Not to exceed one hundred dollars (\$100.00) for the second such violation; and
 - (3) Not to exceed one hundred fifty dollars (\$150.00) for the third or subsequent such violation.
- (Ord. of 1-28-88, § I; Ord. of 5-8-95, § I; Ord of 6-30-08)

State law reference--O.C.G.A. § 40-6-252 Parking or repeatedly driving motor vehicle through parking area located on privately owned property after having been requested not to do so (cc 2006, misprint corrected, 01/05/2006; section title & OCGA reference, Added, 09/29/2003, OCGA reference updated; section title changed to reflect OCGA update)

Section 11-14 Prohibited distribution of printed matter; littering.

- (a) It shall be unlawful to distribute to pedestrians upon any street, park or other public place in the city, or to distribute to passengers in any bus, or to throw or place into or upon any bus or automobile or other vehicle, any material which is a communication of information or dissemination of opinion in such manner as to:
 - (1) Obstruct or partly obstruct the passage of pedestrians or to intimidate, harass, or abuse such pedestrians so as to cause them to accept such communication unwillingly;
 - (2) Create any condition on a public or private way within the city which would amount to a nuisance per se;
 - (3) Amount to solicitation or advertising for commercial purposes.
- (b) It shall be unlawful for any person to distribute or deposit any handbills, advertisements or printed matter upon any real property located in the city, without the consent of the owner thereof.
- (c) It shall be unlawful to paste, glue or affix to any vehicle parked upon any street or public place in the city any handbill, dodger or advertising notice without the consent of the owner of such vehicle.
- (d) No notice, sign or any advertising matter shall be posted on any tree or telegraph or telephone pole erected on the streets of the city nor on the walls of any city building nor on any property of the city,

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except that legal, election and similar notices may be posted on bulletin boards.

(e) It shall be unlawful to post advertising matter on any unoccupied building or on any temporary structure in the city. This section shall not apply to any owner or to any person acting under authority of the owner of such building.

(Code 1958, §§ 3-1--3-5)

State law references--Prohibited placements of campaign posters, signs and advertisements, O.C.G.A. § 21-1-1; unlawful placement of signs within right-of-way of public road, O.C.G.A. § 32-6-51.

Section 11-15 Disorderly conduct.

(a) Any person shall be guilty of disorderly conduct if he:

- (1) Acts in a violent or tumultuous manner toward another, whereby any person is placed in fear of safety for his life, limb or health;
- (2) Acts 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) Endangers lawful pursuits of another by acts of violence, angry threats and abusive conduct;
- (4) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property;
- (5) Assembles or congregates with another or others for the purpose of causing, provoking or engaging in any fight or brawl;
- (6) Jostles or roughly crowds or pushes any person in any public place;
- (7) Collects in bodies or in crowds for unlawful purposes;
- (8) Assembles or congregates with another or others for the purpose of or with the intent to engage in gaming;
- (9) Frequents any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice or device;
- (10) Assembles with another or others for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in the city or aids or abets therein;
- (11) Utters, while in a state of anger, in the presence of another, any lewd or obscene words or epithets;
- (12) Frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated;
- (13) Acts in a dangerous manner toward others;
- (14) Uses "fighting words" directed towards any person who becomes outraged and thus creates turmoil;
- (15) Assembles or congregates with another or others for the purpose of doing bodily harm to another;
- (16) By acts of violence, interferes with another's pursuit of a lawful occupation;
- (17) Congregates 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;
- (18) Makes any unreasonably loud and unnecessary noise;
- (19) Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
- (20) Enters upon the premises of any business establishment carrying any broken or unbroken packages of alcoholic beverages for the purpose of consumption thereon, unless the owner of the establishment is licensed by the city to sell beer or wine or mixed drinks.

(b) Any person convicted of disorderly conduct, as defined in this section, shall be punished as provided in section 1-6.

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(Code 1958, § 16-8)

Section 11-16 repealed

(11-16, Repealed, 12/08/2003)

Section 11-17 Permit for parades, marches and demonstrations.

It shall be unlawful for any person to organize, hold, or in any manner participate in a parade, march or organized demonstration for any purpose without having first obtained a permit so to do from the city manager at least forty-eight (48) hours in advance of the time and date of the parade, march or demonstration. The application seeking such permit shall include the point and place of its beginning, the route it will follow in its course, the place of termination, the exact starting time, the ending time, and the number of police officers needed to assist with the handling of the traffic during the time of such parade, march or demonstration.

(Code 1958, § 16-45)

Section 11-18 Littering public property prohibited.

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

(1) Litter means all sand, gravel, slag, brickbats, rubbish, waste material, cans, refuse, garbage, trash, debris, dead animals, or discarded materials of every kind and description.

(2) Public property means the right-of-way of any road, or highway; any body of water or watercourse or the shores or beaches thereof; and any park, playground, building, refuge, or conservation or recreation area.

(b) 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 property as defined by subsection (a) of this section, unless the litter is placed into a litter receptacle or container installed on such property.

(c) Any material of any kind or description transported in a pickup truck bed or other open vehicle must be covered or secured so as to prevent any such material being deposited on public or private property as litter, even if such deposit was unintentional.

(d) Any person found guilty of violating subsection (b) or (c) of this Code section shall be punished according to section 1-6 of this Code.

Cross references--Prohibited distribution of printed matter, littering, § 11-14; solid waste management, Ch. 15.

Section 11-19 Curfew for minor children.

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

Minor shall mean any unemancipated person below the age of eighteen (18) years.

Public place means any street, highway, alley or right-of-way to include sidewalks, parks, playgrounds, cemeteries, school grounds and any other place or building open to the public, to include any body of water or water course, any privately or publicly owned place of amusement, entertainment or public accommodation, including parking lots and other areas adjacent thereto, and any vacant lot of land whether publicly or privately owned.

(b) It shall be unlawful for any minor to wander about, stroll upon, play in or upon or otherwise be at any public place while unsupervised by an adult or adults having the lawful authority to be at such place, between the hours of 11:00 p.m. and 5:00 a.m. on the following day from Sunday through Thursday and

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between the hours 12:00 midnight on Friday and 5:00 am. on Saturday and between the hours of 12:00 midnight on Saturday and 5:00 a.m. Sunday; and provided further, that the provisions of this section shall not apply in the following instances:

- (1) When a minor is accompanied by his or her 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 the 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 or entertainment, school sponsored or school related sports event, recreational activity, dance or similar activity;
- (4) When the minor is returning directly home from lawful employment which makes it necessary for the minor to be at one (1) or more of the above-referenced places 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;
- (7) When the minor is on the property of or the sidewalk immediately adjacent to the building in which the minor resides;
- (8) The minor is accompanied by the minor's parent or parents, legal guardian or other adult person having the legal care or custody of the minor, or by the minor's spouse who is eighteen (18) years of age or older.

(c) It shall be unlawful for the parent, guardian or other adult person having custody or control of any minor to knowingly and willfully allow such minor to be in or upon any public place within the city between the hours of 11:00 p.m. and 5:00 a.m. the following day from Sunday through Thursday and between the hours of 12:00 midnight on Friday and 5:00 a.m. on Saturday and between the hours of 12:00 midnight on Saturday and 5:00 a.m. on Sunday, except in the circumstances set out in subsections (b)(1) through (8), above. Upon a violation of this subsection for the first time, such a person shall be given a warning in writing by the law enforcement officer who has determined that such a violation has taken place. Such a warning shall be entered on the computer records of the city police department. Within thirty-six (36) months of the date of the issuance of any warning citation as described herein, an adult person who is again in violation of this subsection shall be subject to such punishment as the municipal court of the city may impose, subject to all limitations contained in the charter of the city. Each violation of this subsection shall constitute a separate offense.

(d) Any police officer of the city while on duty is hereby empowered to take into custody any minor who violates any provision of subsection (b). Upon a police officer's taking into custody such a minor, the minor shall be returned immediately to the custody of the parent, guardian or other person charged with the care and custody of the minor. If the police officer taking such a minor into custody is unable to locate the parent, guardian or other person charged with the custody and care of the minor as called for herein, the minor may be detained under the provisions of O.C.G.A. 15-11-19(e). The provisions of this article shall not be read or interpreted to contravene any provision of O.C.G.A. 15-11-1 et seq. or to limit the authority of the city police department thereunder.

(Ord. of 9-11-95, § I)

Section 11-20 Parental responsibility.

(a) For the purposes of the ordinance codified in this section, "public place" means any street, highway, alley or right-of-way, to include sidewalks, any park, playground, shopping center, or other place or building open to the public; any cemetery, school yard, body of water or watercourse; any privately or publicly owned place of amusement, entertainment or public accommodation, including parking lots and other areas adjacent thereto and any vacant lot or land, whether publicly or privately

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owned.

(b) It shall be unlawful for any minor between the ages of seven (7) and fifteen (15) years to loiter, wander, stroll, or play in or upon the public streets, highway, 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 8:00 a.m. and 3:00 p.m. on any school day; provided, however, that this section shall not apply in the following instances:

- (1) When a minor is accompanied by his or her parent, guardian, or other adult person twenty-one (21) years of age or older having the legal care or custody of the minor;
- (2) When the minor is upon an emergency errand directed by the minor's parent, guardian, or other adult person having the legal care or custody of the minor.
- (3) When the minor is returning directly home from lawful employment that makes it necessary to be in the above referenced places during the prescribed period of time;
- (4) When the minor is in a motor vehicle with parental consent for normal travel with interstate and intrastate travel through the City of Thomasville;
- (5) When the minor is enrolled in a valid home study program as authorized by O.C.G.A. section 20-2-690;
- (6) When the minor has completed all course study requirements for high school graduation;
- (7) When the minor is married in accordance with applicable law;
- (8) When the minor has written proof from school authorities that the minor is excused from school attendance at that particular time;
- (9) 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; or
- (10) When the minor serves as a page of the General Assembly, as set forth in O.C.G.A. §20-2-692.

(c) It shall be unlawful for the parent, guardian or other adult person having legal custody or control of any minor to allow such minor to be in or upon any public place within the city between the hours of 8:00 a.m. and 3:00 p.m. on any school day, except in the circumstances set out in subsections (1) through (10) of subsection (b), above. An adult person who is in violation of this subsection shall be subject to such punishment as the municipal court of the City of Thomasville may impose, subject to all limitations contained in the Charter of the City and O.C.G.A. §§ 20-2-699 and 700. Each violation of this subsection shall constitute a separate offense.

(d) It shall be an affirmative defense if the parent or legal guardian of the minor has initiated the jurisdiction of the juvenile court against the minor prior to the time that the minor was found in violation of subsection (b) of this section, above. Any minor who violates subsection (b) of this section, above, is subject to the jurisdiction of the juvenile court.

(e) Any police officer who takes into custody a minor in violation of subsection (b) of this section, above, shall comply with the requirements of O.C.G.A. §§ 20-2-699 and 700.

(f) If a minor is suspended or expelled from school, that minor's parent or legal guardian, for the duration of the suspension or expulsion, shall:

- (1) Personally supervise the minor or arrange for a responsible adult twenty-one (21) years of age or older to supervise the minor at the times that the minor would have been required to be in attendance at school had the minor not been expelled or suspended; and
- (2) Prohibit the minor from being in any public place at the times that the minor would have been required to be in attendance at school had the minor not been suspended or expelled, unless:
 - a. The minor is accompanied by the minor's parent or legal guardian or a responsible adult, twenty-one (21) years of age or older, selected by the parent or legal guardian to supervise the minor, or
 - b. The minor is employed pursuant to an age or schooling certificate during the actual working hours or traveling directly to or from the job site.

(g) A person who is in violation of subsection (f) of this section, above, shall be subject to such punishment as the municipal court of the City of Thomasville shall impose, subject to all limitations

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contained in the Charter of the City and O.C.G.A. § 20-2-690.1, and in the case of conflict the latter shall control. Each violation of this section shall constitute a separate offense.

(h) Any minor who violates subsection (b) of this section, above, while under suspension or expulsion shall be subject to the jurisdiction of the juvenile court.

(i) It shall be an affirmative defense if the parent or legal guardian has invoked the jurisdiction of the juvenile court against the minor prior to the time that the minor violated subsection (f) of this section, above.

(Ord. of 2-26-96, § I)

Section 11-21 Gang activity prohibited.

(a) As used in this section, the term "street gang" or "gang" means as any ongoing organization, association in fact or group of three (3) or more persons, whether formally or informally organized, or any subgroup or affiliated group thereof, having as one (1) of its activities the commission of criminal or illegal acts, including, but not limited to, illegal drug distribution, and whose members individually or collectively engage in or have engaged in a pattern of criminal or illegal acts, and which group frequently, though not necessarily, claims one (1) or more particular geographic territory or turf as its exclusive realm of influence and operations.

(b) It shall be unlawful for any person within the City of Thomasville to knowingly use, display or wear colors, emblems or insignia on or about their person in public for the purposes of promoting any gang or street gang activity.

(c) It shall be unlawful for any person within the City of Thomasville to knowingly do or make any act, utterance, gesture or display for the purpose of communicating membership of, affiliation with, association with, support of, identification with, sympathy toward or affront or insult toward any gang or street gang, or with actual knowledge that the subject act, utterance, gesture or display is used and recognized as communicative of street gang membership, affiliation, association, support, identification, sympathy or affront.

(d) *Penalty.* Any person who is in violation of this section shall be subject to such punishment as the municipal court of the City of Thomasville may impose, subject to all limitations contained in the Charter of the city.

(Ord. of 1-8-96(1), § I)