

STATE OF GEORGIA
COUNTY OF FULTON

ORDINANCE NO. 2007-02-06

AN ORDINANCE TO AMEND CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF SANDY SPRINGS BY REPLACING ARTICLE 1, GENERAL PROHIBITIONS, SECTION 2, OFFENSES AGAINST PUBLIC MORALS WITH ARTICLE 1, GENERAL PROVISIONS, SECTION 2, OFFENSES AGAINST PUBLIC MORALS, AS ATTACHED HERETO

BE IT RESOLVED by the City Council for the City of Sandy Springs, Georgia while in regular session on February 6, 2007 at 7:00 p.m. as follows:

SECTION 1. That the Ordinance relating to amending Chapter 12, Offenses and Violations is hereby adopted and approved; and is attached hereto as if fully set forth herein; and,

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed; and,

SECTION 3. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 6th day of February, 2007.

Approved:


Eva Galambos, Mayor

Attest:


Christina V. Rowland, City Clerk

(Seal)



Chapter 12: Offenses and Violations

Section 2: Offenses against public morals

(a) House of ill fame.

- (i) A person, having or exercising control over the use of any place or conveyance within the city which would offer seclusion or shelter for the practice of prostitution, commits the offense of keeping a place of prostitution when such person knowingly grants or permits the use of such place for the purpose of prostitution;
- (ii) Those places or conveyances which have been adjudged to be places of prostitution as provided in this code may be abated as also provided in this code.

(b) Solicitation for an illicit sexual act.

- (i) It shall be unlawful for any person, while in any place open to the public and whether as a pedestrian or in a motor vehicle, to offer or consent to perform any illicit sexual act for money or any other thing of value. Furthermore, it shall be unlawful for any person while in a place open to the public and whether a pedestrian or in a motor vehicle, to attempt to induce, entice, solicit, pander, purchase or procure another to commit any illicit sexual act for money or other things of value. An illicit sexual act is defined as one or more of the following:

- (1) Prostitution
- (2) Sodomy for hire
- (3) Masturbation for hire

Any person engaging in violation of this Code section shall be guilty of the offense of Idling and loitering for the purposes of committing an illicit sexual act.

- (ii) For purposes of sub section (i), any person shall include solicitors of illicit sexual acts or panderers, who solicit, procure or purchase another to perform any illicit sexual act in exchange for money or other things of value, and who are commonly referred to as "johns" or "tricks".

(c) Criminal impersonation

- (i) 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:

Intent to defraud means the use of deception with the intention to injure another's interest which has economic value.

- (ii) Intent. A person is guilty of criminal impersonation if such person:

- (1) Assumes a false identity and does not act in such person's assumed character with the intent to defraud another; or

(2) Pretends to be a representative of some person or organization and does an act in such person's pretended capacity with the intent to defraud another.

(d) Indecency. It shall be unlawful for any person to perform any of the following acts in a public place:

- (i) An act, or simulated act of sexual intercourse;
- (ii) An exposure of one's genitals, or of one's breasts, if female;
- (iii) The touching, caressing or fondling of the genitals, or the breast, of a female.

(e) Defecating or urinating on public property or in areas. It shall be unlawful to defecate or urinate on the streets or sidewalks, or in the halls or elevator of public or commercial buildings, or on any property open to public view in the city.

(f) Spitting. It shall be unlawful for any person to spit upon sidewalks, or upon the floors of places of worship, buses, public halls, theaters or other public places.

(g) Obscenity and Related Offenses

(i) A person commits the offense of distributing obscene material when he or she sells, lends, rents, leases, gives, advertises, publishes, exhibits, or otherwise disseminates to any person any obscene material of any description, knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so, provided that the word 'knowing,' as used in this section, shall be deemed to be either actual or constructive knowledge of the obscene contents of the subject matter; and a person has constructive knowledge of the obscene contents if he or she has knowledge of facts which would put a reasonable and prudent person on notice as to the suspect nature of the material; provided, however, that the character and reputation of the individual charged with an offense under this law, and, if a commercial dissemination of obscene material is involved, the character and reputation of the business establishment involved may be placed in evidence by the defendant on the question of intent to violate this law. Undeveloped photographs, molds, printing plates, and the like shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.

(ii) Material is obscene if:

(1) To the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion;

(2) The material taken as a whole lacks serious literary, artistic, political, or scientific value; and

(3) The material depicts or describes, in a patently offensive way, sexual conduct specifically defined in subparagraphs (A) through (E) of this paragraph:

(A) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;

(B) Acts of masturbation;

(C) Acts involving excretory functions or lewd exhibition of the genitals;

(D) Acts of bestiality or the fondling of sex organs of animals; or

(E) Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

(iii) Any device designed or marketed as useful primarily for the stimulation of human genital organs is obscene material under this Code section.

(iv) Material not otherwise obscene may be obscene under this Code section if the distribution thereof, the offer to do so, or the possession with the intent to do so is a commercial exploitation of erotica solely for the sake of their prurient appeal.

(v) It is an affirmative defense under this Code section that selling, lending, renting, leasing, giving, advertising, publishing, exhibiting, or otherwise disseminating the material was restricted to:

(1) A person associated with an institution of higher learning, either as a member of the faculty or a matriculated student, teaching or pursuing a course of study related to such material; or

(2) A person whose receipt of such material was authorized in writing by a licensed medical practitioner or psychiatrist.

(f) A person who commits the offense of distributing obscene material shall be guilty of a misdemeanor of a high and aggravated nature.