

**Sec. 13-6. Curfew for minors.**

All children under the age of eighteen (18) are hereby prohibited from being on the public streets of the Town of Pooler, Chatham County, Georgia, after 11:00 p.m. unless accompanied by either a parent or guardian. This section shall become immediately effective upon its adoption by the mayor and aldermanic board of the Town of Pooler. (Ord. of 6-20-77)

**Sec. 13-18. Disorderly conduct.**

(a) Any person who knowingly does any act in such an unreasonable manner so as to disturb or alarm another, thereby provoking a breach of the peace shall be guilty of a violation of this Code.

(b) This section is intended and is enacted for the purpose of clarifying and defining any town ordinances relating to disorderly conduct.

State law reference—Public disturbance, Ga. Code Ann., § 26-2605.

**Sec. 13-22. Obscene material—Distributing generally—Unlawful.**

It shall be unlawful for any person to distribute obscene material in the town.

State law reference—See Ga. Code Ann., §§ 26-2101, 26-9901a et seq.

**Sec. 13-23. Same—Same—Definition of offense.**

(a) A person commits the offense of distributing obscene materials when he 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 herein, 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 has knowledge of facts which would put a reasonable and prudent person on notice as to the suspect nature of the material. Provided, however, the character and reputation of the individual charged with an offense under this section and section 13-22, 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 said sections. 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.

(b) 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 (i) through (v) below:
  - (i) acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;
  - (ii) acts of masturbation;
  - (iii) acts involving excretory functions or lewd exhibition of the genitals;
  - (iv) acts of bestiality or the fondling of sex organs of animals;
  - (v) sexual acts of flagellation, torture or other violence indicating a sadomasochistic sexual relationship;

(c) Additionally, any device designed or marketed as useful primarily for the stimulation of human genital organs is obscene material under this section.

(d) Material, not otherwise obscene, may be obscene under this section if the distribution thereof, or 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.

(e) It is an affirmative defense under this section that dissemination of 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.

**Sec. 13-24. Same—Distributing material depicting nudity or sexual conduct—Unlawful.**

It shall be unlawful for any person to distribute in the town any material depicting nudity or sexual conduct.

State law reference—See Ga. Code Ann., § 26-2102.

**Sec. 13-25. Same—Same—Definition of offense.**

(a) A person commits the offense of distributing material depicting nudity or sexual conduct when he sends unsolicited through the mail, or otherwise unsolicited causes to be de-

livered, material depicting nudity or sexual conduct to any person or residence or office unless there is imprinted upon the envelope or container of such material, in not less than eight (8) point boldface type, the following notice:

“Notice—The material contained herein depicts nudity or sexual conduct. If the viewing of such material could be offensive to the addressee, this container should not be opened but returned to the sender.”

(b) As used within this section “nudity” means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the depiction of covered male genitals in a discernibly turgid state, and “sexual conduct” means acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breast.

**Sec. 13-26. Same—Use of premises in violation.**

The use of any premises in violation of any of the provisions of sections 13-22 through 13-25 shall constitute a public nuisance.

**Sec. 13-27. Same—Declared contraband.**

Any materials declared to be obscene by the provisions hereinabove and advertisements for such materials are hereby declared to be contraband.

**Sec. 13-28. Lewdness or public indecency—Generally.**

It shall be unlawful for any person to commit any act of open lewdness or any notorious act of public indecency in the city.

State law reference—Similar provisions, Ga. Code Ann., § 26-2011.

**Sec. 13-29. Same—Lewd, immoral, indecent shows.**

It shall be unlawful for any carnival, side show, circus or other similar form of public show featuring or conducting lewd, immoral or indecent shows to operate within the city.

## **ARTICLE III. PROTECTION OF SCHOOL PROPERTY**

### **Sec. 13-60. Purpose.**

The purpose of this article is to provide for the protection of the health, safety, and welfare of the general public and for the protection of public school property.

### **Sec. 13-61. Hours schools are closed.**

All public schools shall be closed between the hours of 12:01 a.m. and 7:00 a.m. and no person shall be authorized to be in said schools during those hours, except authorized public school system employees, board of education employees, members of the board of education, and persons engaged in activities authorized by the public school superintendent, the principal of the individual school, or the board of education.

### **Sec. 13-62. Days schools are closed; persons authorized to enter.**

All public schools shall be closed on Saturdays, Sundays, and all authorized holidays and vacation periods, and no person shall be in said schools on the days and during the periods enumerated above, except authorized public school system employees, board of education employees, members of the board of education, and persons engaged in activities authorized by the superintendent of schools, the principal of the individual school, or the board of education.

### **Sec. 13-63. Hours school property adjacent to schools is closed; persons authorized to enter.**

No person shall be authorized to be on the premises owned by the public school system adjacent to any public school between the hours of 12:01 a.m. and 7:00 a.m., except authorized public school system employees, board of education employees, members of the board of education, and persons engaged in activities authorized by the superintendent of schools, the principal of the individual school or the board of education.

### **Sec. 13-64. Persons authorized to be in school buildings during school sessions.**

No person shall enter or remain in any public school building between the hours of 7:00 a.m. and 6:00 p.m. on days that schools are in session, (or until 12:00 midnight at those schools which have extended sessions) who is not a regularly enrolled student, teacher, or employee at such school unless

said person shall have first and immediately proceeded to the administrative office and identified himself to the principal or said principal's agent and received written permission to remain in said building.

**Sec. 13-65. Entry after notice not to do so.**

No person shall enter or remain on the premises owned by the public school system adjacent to any public school between the hours of 7:00 a.m. and 12:00 midnight who is notified by the school principal, his authorized agents, or any other authorized agent or employee of the public school system that said entry is forbidden, or after receiving notice from the persons enumerated above to depart said premises.

**Sec. 13-66. Acts disruptive of school sessions.**

No person shall come upon the premises or into a building of a public school and wrecklessly and knowingly commit any act which may reasonably be expected to prevent or disrupt the discipline, decorum and peaceableness of the school, nor shall any person commit any act or use any abusive, loud, or vulgar language for the purpose of disrupting classes in said school.

**Sec. 13-67. Illegal driving on school property.**

It shall be unlawful for any person to drive any vehicle upon or across any part of any public school property except upon roadways laid out and maintained for vehicular travel. This section shall not apply to public school system employees whose duties require them to drive maintenance equipment over said school property.

**Sec. 13-68. Parking of motor vehicles—Generally.**

The parking of licensed motor vehicles during authorized school functions including student parking while school is in session, shall be permitted at the public schools as long as such parking is in accordance with the traffic laws, rules and regulations of the school, and the occupants of licensed motor vehicles do not create a disturbance or violate any law or ordinance of the town, or the state. Vehicles in violation of this section will be removed and impounded at owner's expense. School rules and regulations shall not control parking on public thoroughfares.

**Sec. 13-69. Same—Hours prohibited.**

It shall be unlawful for any automobiles or trucks to be parked on any of the drives, avenues, or parking lots, at any public school between the hours of 12:01 a.m. and 7:00 a.m. daily. Such illegally parked vehicles will be removed and impounded at owner's expense. This section shall not apply to vehicles owned by the public school system.

**Sec. 13-70. Same—By unauthorized persons.**

It shall be unlawful for any person to park any vehicle upon any of the drives, avenues, or parking lots, or at any other place within any school site when such person is not a user of the facility during an authorized function. Vehicles in violation of this section will be removed and impounded at owner's expense.

**Sec. 13-71. Commercial activities.**

No person shall sell, offer to sell, operate a concession, or engage in any commercial activity in any public school facility, or on any property owned by the board of education, without an approval and consent of the superintendent of schools, the principal of the individual school, or board of education.

**Sec. 13-72. Alcoholic beverages and drugs.**

No alcoholic beverages or illegal drugs shall be possessed or consumed upon the premises of any public school.

**Sec. 13-73. Enforcement of laws on school property.**

Sworn peace officers shall enforce all laws on public school property.