

STATE OF GEORGIA

CITY OF SOCIAL CIRCLE

ORDINANCE NO. ORD-2021-8

AN ORDINANCE TO ADD A JUVENILE EVENING CURFEW ORDINANCE TO THE CODE OF ORDINANCES, CITY OF SOCIAL CIRCLE, GEORGIA, CHAPTER 9 GENERAL OFFENSES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Social Circle, Georgia is the Mayor and Council thereof; and

WHEREAS, the Mayor and Council are concerned about the safety of juveniles our late at night within the City;

WHEREAS, the Mayor and Council of the City of Social Circle, Georgia deem such amendment to be for the betterment, safety and general welfare of the City of Social Circle and its inhabitants;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SOCIAL CIRCLE, GEORGIA AS FOLLOWS:

Section 1. That Chapter 9 of the City Code be amended to add new Article V with the following:

"ARTICLE V- JUVENILE EVENING CURFEW

Sec 9-140 Purposes.

The Mayor and Council of Social Circle has determined that there has been an increase in juvenile crime by persons 17 years of age and under in the City Of Social Circle resulting in juveniles being involved in a wide range of unacceptable behavior by juveniles; that there has been a significant breakdown in the supervision and guidance normally provided by parents for minors resulting in an increase in the crimes, substance abuse, and school dropout rates, juvenile pregnancy, and other illicit behavior. The City of Social Circle has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the public, and for the reduction of the incidents involving juvenile criminal activities that are not easily controlled by existing laws and ordinances. The Mayor and Council of Social Circle has determined a curfew for those 17 years of age and under will promote the public good, safety and welfare.

Sec. 9-141 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- (a) *Emergency*: A mission that results from an unforeseen combination of circumstances that call for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (b) *Minor*: Any unemancipated person 17 years of age and under.
- (c) *Public place*: Any place to which the public has access and includes, but is not limited to, streets, highways, alleys, or rights-of-way, to include sidewalks, parks, playgrounds, malls, or other places or buildings open to the public; any cemeteries, school yards, bodies of water or watercourses; any privately or publicly owned places of amusement, entertainment or public accommodation including parking lots; and any vacant lot or land.

Sec. 9-142 Minors prohibited from being upon streets and other public places at certain evening hours, exceptions.

(i) It shall be unlawful for any minor 17 years of age and under to be in public place unsupervised by his/her parent, legal guardian, or another adult over the age of 21, having the lawful care and custody of the minor and having the lawful authority to be at such places between the hours of 11:00 p.m. on any day and 5:00 a.m. of the following day; provided, however, that on Fridays and Saturdays the evening curfew shall begin at 12:00 midnight rather than 11:00 p.m.; and provided further that the provisions of this section shall not apply in the following instances:

- (a) When the minor is upon an errand directed by his/her parent, guardian, or other adult person 21 years of age or older having the lawful care and custody of the minor.
- (b) When the minor is returning directly home from a school activity, religious, or other recreational activity sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor
- (c) When the minor is traveling to, or returning directly home from, lawful employment that makes it necessary to be in above referenced places during the proscribed period.
- (d) 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.
- (e) When the minor is engaged in intrastate vehicular travel through the City of Social Circle with parental consent.
- (f) When the minor is engaged in interstate vehicular travel.
- (g) When the minor is involved in an emergency.
- (f) When the minor is on the sidewalk adjoining the property where the minor resides or on the property where the minor resides or on either side of or across the street from

the property where the minor resides, and the adult owner or resident of that property has had not complained to the police; or

(g) When the minor is married or has been married pursuant to state law.

(ii) A person charged with violation of this section for the first time shall be given a warning citation. Upon subsequent violation, the person shall be charged with such violation and, if found guilty, such person may be subject to punishment as provided in Section 1.5 of the Code of Social Circle, Georgia

Sec. 9-143 Parental responsibility.

It shall be unlawful for the parent, guardian, or other person having custody or control of any child 17 years of age and under to permit or, by insufficient control, to allow such minor to violate Section 9-142 above. A person charged with violation of this section for the first time shall be given a warning citation. Upon subsequent violation, the person shall be charged with such violation and, if found guilty, such person may be subject to punishment as provided in Section 1.5 of the Code of Social Circle, Georgia

Sec. 9-144 Jurisdiction of municipal courts.

Any minor 17 years of age who violates Section 9-142 shall be subject to the jurisdiction of municipal court. “

Section 2. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Social Circle.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

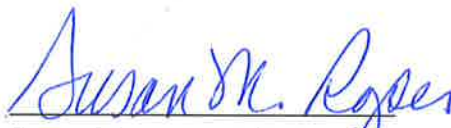
(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

SO ORDAINED this 17th day of August 2021.


David L. Keener, Mayor

ATTEST:


Susan M. Roper, City Clerk

APPROVED AS TO FORM:


Anthony O. I. Powell, City Attorney
Powell & Edwards

John J.
Crowley

Adopted by the City Council at a regular meeting on August 17, 2021.

 4 Council members voting in favor

 0 Council members voting against

 0 Council members abstaining