

ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I - IN GENERAL, OF THE CODE OF ORDINANCES OF THE CITY OF VALDOSTA.

BE IT ORDAINED by the Mayor and Council of the City of Valdosta, Georgia, and it is hereby ordained by authority of same as follows:

That Chapter 70, *Offenses and Miscellaneous Provisions*, Article I, *In General*, of the Code of Ordinances for the City of Valdosta, Georgia is hereby amended by adding Section 70-15 - *Juvenile Curfew and Parental Responsibility* as follows:

Sec. 70-15. - Juvenile Curfew and Parental Responsibility.

(a) For the purpose of this section, the term "Public Place" means any street, highway, alley or right-of-way, including sidewalks; any park, playground, shopping center or other place or building open to the public; any cemetery, schoolyard, body of water or watercourse; any privately-owned or publicly-owned place of amusement, entertainment or public accommodation, including, parking lots and other areas adjacent thereto; any vacant lot or land, whether publicly-owned or privately-owned; and any private property where the minor does not have consent from the rightful owner or occupant to be.

(b) Between the hours of Midnight and 5:00 a.m. on all days, it shall be unlawful for any minor between the ages of seven (7) and sixteen (16) years to be found upon a Public Place unsupervised by an adult having the lawful authority custody of said minor; provided, however, that this subsection shall not apply when the minor:

(1) Is accompanied by his parent, guardian or other adult

person 21 years of age or older having legal custody of the minor;

(2) 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) Is returning directly home from lawful employment that makes it necessary to be in the places referenced in subsection (b) of this section during the prescribed period of time;

(4) Is in a motor vehicle with parental consent for normal interstate and intrastate travel through the city;

(5) Is married in accordance with applicable law;

(6) Is attending or returning home within one hour of the conclusion of a school sanctioned or approved event;

(7) When the minor is attending or traveling directly to or from an activity involving the free exercise of religion.

(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 prohibited hours provided for in subsection (b), except in the circumstances set out in subsections (b)(1)-(7) of this section.

(d) (1) *First Offense*: A parent, guardian or other adult person having legal custody or control of any minor who is in violation of this sub-section (c) of this section shall be given a warning which shall be recorded in accordance with the Valdosta Police Department's protocols;

(2) *Second and Subsequent Offenses*: A parent, guardian or other adult person having legal custody or control of any minor who is in violation of this sub-section (c) of this section shall be summoned to appear before the Valdosta Municipal Court and

shall be punished as follows:

- First offense- Mandatory attendance and completion of a parental responsibility class approved by the court for parent/guardian and juvenile;
- Second offense- Minimum fine of \$200 plus forty (40) hours community service for adult
- Third offense- Minimum fine of \$500 fine plus eighty (80) hours community service for adult
- Fourth and subsequent offenses- \$1000 fine and a minimum of two (2) days incarceration.

(e) It shall be an affirmative defense if the parent or legal guardian of the minor has invoked 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. Any minor who violates subsection (b) of this section is subject to the jurisdiction of the juvenile court.

(f) Any police officer who takes into custody a minor in violation of subsection (b) of this section shall contact either the parent, guardian or other person having control or charge of the minor and arrange for the minor to be transferred to their care.

The effective date of this Ordinance is _____, 2017.

SO ORDAINED, this ____ day of _____, 2017.

Mayor, City of Valdosta

ATTEST:

Clerk of Council