

City of Wrens
Ordinance to Amend Title 3, Chapter 6
of the Code of the City of Wrens
Ordinance Number 01-007-2009

AN ORDINANCE TO AMEND AND RESTATE TITLE 3, CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF WRENS, GEORGIA; TO PROVIDE FOR CODIFICATION; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WRENS, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME, AS FOLLOWS:

Section 1. Title.

This Ordinance shall be known and referred to as the City of Wrens Juvenile Curfew Ordinance.

Section 2. Purpose.

To amend and restate Title 3, Chapter 6 of the Code of Ordinances of the City of Wrens, Georgia regarding the City's juvenile curfew.

Section 3. Amendment of City Code; Title 3, Chapter 6.

Title 3, Chapter 6 of the Code of the City of Wrens, Georgia is hereby amended and restated in its entirety as follows:

"CHAPTER 6

Juvenile Evening Curfew

Sec. 3-6-1 Title.

This chapter shall be known and referred to as the "City of Wrens Juvenile Evening Curfew Ordinance."

Sec. 3-6-2 Purpose.

The mayor and council have determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City resulting in juveniles being involved in a wide range of unacceptable behavior, that persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful activity and to be victims of older perpetrators of crime; that there has been a significant breakdown in the supervision and guidance normally provided by parents for minors resulting in an increase in crime, substance abuse, school drop out rates, juvenile pregnancy, and other illicit behavior. The City 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 general public, and for the reduction of the incidence of juvenile criminal activities which are not easily controlled by existing laws and ordinances. The mayor and council have determined that a curfew for those under the age of 17 will be in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Wrens and will promote the public good, safety and welfare. Parental responsibility for the whereabouts of children is the accepted norm and legal sanctions to enforce such responsibility have had demonstrated effectiveness in many cities. The mayor and council have determined that a curfew ordinance will increase parental responsibility for minors within their control and decrease minor delinquency.

Sec. 3-6-3 Definitions.

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

- a. *Emergency Errand* – 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 under the age of seventeen (17).
- c. *Person having lawful custody or control* – shall include, in addition to the parent or guardian of the person of the minor, any person who is over twenty-one (21) years of age or any public or private agency or other legal entity authorized by a parent, guardian of the person of the minor, or Court to have the custody or control of such child.
- d. *Public Place* – any place to which the public has access and includes, but is not limited to, public streets, highways, roads, alleys, parks, eating establishments, 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. 3-6-4 Hours of Curfew; Exceptions.

It shall be unlawful for any minor under the age of seventeen (17) years to loiter, wander, stroll, or play in any public place unsupervised by his/her parent, legal guardian, or other adult over the age of twenty-one (21) years having the lawful custody or control of the minor and having the lawful authority to be at such places, between the hours of 10:00 p.m. and 5:00 a.m. on weekdays (not to include Friday) and Sunday evening; provided, however, that on Friday and Saturday evening the effective curfew hours are between 12:00 midnight and 5:00 a.m.; and provided further that the provisions of this section shall not apply in the following circumstances:

- a. When a minor is accompanied by his/her parent, guardian, or other adult over the age of twenty-one (21) years having the lawful custody or control of the minor; or
- b. When the minor is upon an emergency errand directed by his/her parent, guardian, or other adult over the age of twenty-one (21) years having the lawful custody or control of the minor; or
- c. When the minor is traveling to, or returning directly home from, lawful employment that makes it necessary to be in the above-referenced places during the proscribed period of time; or
- d. When the minor is attending an official school, religious, or recreational activity or any activity involving the exercise of first amendment rights of free speech, freedom of assembly, or free exercise of religion, provided such activity is supervised by adults and sponsored by an entity which takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or recreational activity or any activity involving the exercise of first amendment rights of free speech, freedom of assembly, or free exercise of religion, provided such activity is supervised by adults and sponsored by an entity that takes responsibility for the minor; or
- e. When the minor is engaged in interstate and intrastate vehicular travel through the City of Wrens with parental or guardian consent; or
- f. When the minor is legally emancipated.

Sec. 3-6-5 Parent, Guardian or Other Person Having Custody or Control of Child to Permit Minor's Violation Prohibited.

It shall be unlawful for the parent, guardian of the person of the minor, or other person having lawful custody or control of any child under the age of seventeen (17) years, to permit, or by insufficient control, to allow such minor to violate the provisions of this Ordinance. 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 shall be subject to punishment as provided in Section 3-6-6 of this Chapter.

Sec. 3-6-6 Violation and Penalty.

Any person, agency or other legal entity violating this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine in the amount of \$1,000.00 or imprisonment for 180 days or both such fine and imprisonment; provided, however, that any person under seventeen (17) years of age shall be referred to the Juvenile Court of the county in which the crime was committed for disposition pursuant to O.C.G.A. § 15-11-30.4.

Sec. 3-6-7 Jurisdiction.

Any minor under the age of seventeen (17) who violates the provisions of this Ordinance shall be subject to the jurisdiction of the Juvenile Court of Jefferson County. Any parent, guardian, or other person having custody or control of a minor who violates this Ordinance shall be subject to the jurisdiction of the City of Wrens Municipal Court.

Sec. 3-6-8 Review After Adoption.

By December 31st of each year following the effective date of this Ordinance, the Police Chief shall review this Ordinance and report and make recommendations to the City Council concerning the effectiveness of and the continuing need for the Ordinance. In addition to any other information the Police Chief deems relevant or appropriate, the Police Chief's report may include the following information:

- a. the practicality of enforcing the Ordinance and any problems with enforcement;
- b. the impact of the Ordinance on crime statistics;
- c. the number of persons successfully prosecuted for a violation of the Ordinance; and
- d. the net cost of enforcing this Ordinance.

Failure of the Police Chief to provide such report or any of the above information in such report shall not affect the validity of this Ordinance.

Section 4. Codification.

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Wrens.

Section 5. Supercede.

The chapter in Title 3 above shall supercede and replace the former Title 3, Chapter 6 of the Code of Ordinances of the City of Wrens.

Section 6. Ordinances Repealed.

All City Code provisions, ordinances, parts of ordinances, or resolutions in conflict with the provisions of this Ordinance are hereby repealed.

Section 7. Severability.

If any part of this Ordinance is determined by a Court of competent jurisdiction to be invalid, only such part of this Ordinance declared to be invalid shall become void and all other parts shall remain valid and enforceable.

Section 8. Effective Date.

This Ordinance shall become effective on the 15th day of July, 2009.

Read, passed and adopted this 14th day of July, 2009.

(Signatures on following page)

Mayor and City Council of Wrens, Jefferson County, Georgia.

William L. Hadden
WILLIAM L. HADDEN, Mayor

Wayne Favors
WAYNE FAVORS, Council Member

Ceola B. Hannah
CEOLA B. HANNAH, Council Member

Willie Huntley
WILLIE HUNTLEY, Council Member

TOMASENIA JACKSON, Council Member

Erskine Lane
ERSKINE LANE, Council Member

Attest: Jane Hodge
JANEE HODGE, City Clerk

First Reading: 9 July 2009
Second Reading: 14 July 2009