

PASSED: 3-19-09

ORDINANCE NO. 2007-003

AN ORDINANCE TO ESTABLISH A JUVENILE EVENING CURFEW FOR THE TOWN OF MAYSVILLE, GEORGIA; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Town Council of Maysville, Georgia as follows:

SECTION 1. The City Council of Maysville has determined that there has been an increase in juvenile violence and crime by persons under the age of eighteen (18) resulting in juveniles being involved in a wide range of unacceptable behavior by juveniles; that persons under the age of eighteen (18) 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 the crimes, substance abuse, school dropout rates, juvenile pregnancy, and other illicit behavior. The City Council of Maysville 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 City Council of Maysville has determined a curfew for those under the age of eighteen (18) 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 Maysville, 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 City Council of Maysville has determined that a curfew ordinance will increase parental responsibility for minors within their control and decrease minor delinquency.

SECTION 2.

- (a) Emergency errand shall mean 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 shall mean any unemancipated person under the age of eighteen (18).
- (c) Public place shall mean any place to which the public has access and includes, but is not limited to, streets, highways, alleys or right of ways, 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.

SECTION 3. It shall be unlawful for any minor under the age of eighteen (18) 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), having the lawful care and custody of the minor and having the lawful authority to be at such places between the hours of 10:00 p.m. on any day and five a.m. of the following day; provided, however, that on Fridays and Saturdays the evening curfew shall begin at 11:00 p.m. rather than 10:00 p.m.; and provided further that the provisions of this section shall not apply in the following instances:

- (a) when the minor child is upon an emergency errand directed by his/her parent, guardian, or other adult person twenty-one (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;
- (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 of time;
- (d) when the minor is attending or traveling directly to or from any 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 interstate and intrastate vehicular travel through the City of Maysville with parental consent;
- (f) when the minor is on the sidewalk adjoining 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 given permission for the minor to be there; and
- (g) when the minor is married or has been married pursuant to state law.

SECTION 4. It shall be unlawful for the parent, guardian, or other person having custody or control of any child under the age of eighteen (18) years, to permit, or by insufficient control, to allow such minor to violate Section 3 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 shall be subject to punishment up to \$500.00 fine and/or imprisonment for not more than thirty (30) days.

SECTION 5. Any minor under the age of seventeen (17) years who violates Section 3 above shall be subject to the jurisdiction of the juvenile court. Any minor seventeen (17) years of age who violates Section 3 shall be subject to the jurisdiction of municipal court.

SECTION 6. If any provision, including any exception, section, subsection, part, sentence, clause, phrase, term, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 8. The effective date imposed by this ordinance shall be March 19, 2007, upon passage.

SO ORDAINED this 19th day of March, 2007.

MAYSVILLE TOWN COUNCIL

By: Jerry Baker
Mayor

James Redhill
Councilperson

Just Stahl
Councilperson

Rebecca Mahoney
Councilperson

Bob [unclear]
Councilperson

[unclear]
Councilperson

Attest:

Barbara Thomas
Town Clerk