

ORDINANCE NO. 04- 01

AN ORDINANCE PROVIDING PROTECTION FOR MINORS UNDER THE AGE OF 18 YEARS SO AS TO PROHIBIT SUCH MINORS FROM BEING UPON THE STREETS AND IN OTHER PUBLIC PLACES DURING EVENING HOURS; MAKING IT UNLAWFUL FOR A PARENT OR GUARDIAN TO PERMIT SAME; REPEALING PRIOR ORDINANCES IN CONFLICT; AND FOR OTHER PURPOSES.

WHEREAS, it is the intent and responsibility of the City Council of the City of Fort Gaines to protect the health, safety, and welfare of the citizens of the City; and

WHEREAS, after careful study and deliberation, the City Council has determined it in the best interest of the citizens of the City to provide and enforce a curfew within the corporate limits of the City for minors under the age of 18 years;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fort Gaines as follows:

Section 1. For the purpose of this ordinance, the following definition shall apply: "Public place" shall mean any street, highway, alley, or right-of-way, to include sidewalks, any park, playground, mall, or other place or building open to the public; any cemetery, school yard, body of water or watercourse, any privately or publicly owned place of amusement, entertainment, or public accommodation, including parking lots and other areas adjacent thereto; and any vacant lot or land.

Section 2. It shall be unlawful for any minor under the age of 18 years to loiter, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, or any place unsupervised by an adult having the lawful authority to be at such places between the hours of 11 p.m. on any day and 6 a.m. of the following day; provided, however, that on Fridays and Saturdays the effective hours are between 12 midnight and 6 a.m. of the following day; and provided further that the provisions of this section shall not apply in the following instances:

- A. When a minor is accompanied 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 upon an emergency 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;

C. When the minor is returning directly home from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time;

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; and

E. When the minor is in a motor vehicle with parental consent for normal travel with interstate and intrastate travel through the City of Fort Gaines being excepted in all cases from this ordinance.

Section 3. It shall be unlawful for the parent, guardian, or other person having custody or control of any child under the age of 18 years to permit or by insufficient control, to allow such child to be in or upon the public streets or any other places listed in Section 2 above within the City of Fort Gaines between the hours of 11 p.m. or any day and 6 a.m. the following day, or on Fridays and Saturdays between the hours of 12 midnight and 6 a.m. the following day except in circumstances set out in subsections A through E of Section 2 hereof. A person charged with violation of this section for the first time shall be given a warning citation. Upon a subsequent violation, the person shall be charged with such violation and, if found guilty, such person shall be subject to punishment as provided in the Code of Ordinances of the City of Fort Gaines, Georgia.

Section 4. This ordinance shall take effect on the 17th day of FEBRUARY, 2004.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SO ORDAINED, this 17th day of FEBRUARY, 2004.

CITY OF FORT GAINES

By: David Wetherby
Mayor, David Wetherby

(SEAL)

Attest: Marion Lindsey
Clerk, Marion Lindsey