

## **ARTICLE V. OFFENSES BY AND AGAINST MINORS**

### **Sec. 106-226. Reserved.**

Editor's note(s)—Ord. No. 2001-57, § 2, adopted July 24, 2001, repealed § 106-226 in its entirety. Formerly said section pertained to frequenting of dancehalls as related to offenses by and against minors. The user of this Code is directed to ch. 14, art. IX, div. 1 and 2 for similar provisions. See the Code Comparative Table.

### **Sec. 106-227. Curfew—Authorized.**

It is unlawful for any minor 16 years of age or younger 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 11:00 p.m. on any day and 6:00 a.m. of the following day; however, on Fridays and Saturdays, the effective hours are between 12:00 midnight and 6:00 a.m. of the following day; and provided, that the provisions of this section shall not apply in the following instances:

- (1) When a minor is accompanied by such minor's parent, guardian or other adult person having the lawful care and custody of the minor.
- (2) When the minor is upon an emergency errand directed by such minor's parent or guardian or other adult person having the lawful care and custody of such minor.
- (3) When the minor is returning directly home from a school activity, entertainment, recreational activity or dance.
- (4) When the minor is returning directly home from lawful employment that makes it necessary to be in the places referenced in this section during the proscribed period of time.
- (5) 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.
- (6) When the minor is in a motor vehicle with parental consent for normal travel, with interstate travel through the city, excepted in all cases from the curfew.
- (7) When the minor is a homeless child or youth.
  - a. For the purposes of this subsection, the term "homeless children and youth"
    1. Means individuals who lack a fixed, regular, and adequate nighttime residence...; and
    2. Includes
      - i. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
      - ii. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

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- iii. And children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
  - b. This exemption shall not exempt the parents or guardians of homeless children and youth from their responsibilities under section 106-228.
  - (8) When the individual is legally emancipated pursuant to a court order.
  - (9) When the individual is married.

(Code 1977, § 17-7002; Ord. No. 2022-09(22-O-1076) . § 1, 4-27-22)

**Sec. 106-228. Same—Responsibility of parents.**

- (a) *Generally.* It shall be unlawful for the parent, guardian or other person having custody or control of any child 16 years of age or younger 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 106-227 within the city between the hours of 11:00 p.m. on any day and 6:00 a.m. the following day, or on Fridays and Saturdays, between the hours of 12:00 midnight and 6:00 a.m. the following day, except in circumstances set out in subsections (1) through (6) of section 106-227.
- (b) *Violation.* Upon conviction of violation of this section for the first time, a person shall be given a warning citation. Upon further convictions, a person shall be subject to a fine not to exceed \$1,000.00 and costs, or imprisonment in the city jail for not more than 60 days, or work on the public streets or work on the public works of the city for not more than 60 days, or be subject to any one or more of the punishments, subject to all limitations contained in the Charter of the city. Each violation of this section shall constitute a separate offense.

(Code 1977, § 17-7003; Ord. No. 2009-60(09-O-1560), § 1, 10-13-09)

**Sec. 106-229. Child in need of supervision.**

- (a) Any minor age six through 15 years old who loiters, wanders, strolls or plays 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, unsupervised by an adult having the lawful authority to be at such places, between the hours of 8:30 a.m. and 2:30 p.m. on any school day shall be considered a child in need of supervision.
- (b) A minor shall not be considered a child in need of supervision under the circumstances set forth in items (1) through (6) of section 106-227 of this chapter, or in the following instances:
  - (1) When the minor is enrolled in a valid home study program as authorized by O.C.G.A. Section 20-2-690;
  - (2) When the minor has completed all course study requirements for high school graduation;
  - (3) When the minor is married in accordance with applicable law;
  - (4) When the minor has written proof from school authorities that he/she is excused from school attendance at that particular time; or
  - (5) When the minor is participating in an approved school or study activity which requires the minor to be off school property.
- (c) A police officer shall transport any minor charged with being a child in need of Supervision, as defined in subsection (a), to a designated school district facility. A minor transported to the school district facility will be released to the custody of the school officials or to the custody of the minor's parent or legal guardian.

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- (d) It shall be unlawful for the parent, legal guardian or other person having custody or control of any minor, age six through 15 years old, to knowingly commit an act or knowingly fail to act when such an act or omission would cause the minor to be found to be a child in need of supervision as defined in subsection (a).
- (1) It shall be an affirmative defense to this section if the parent or legal guardian has invoked the jurisdiction of the juvenile court with regard to the minor prior to the time that the minor was charged with being a child in need of supervision.
  - (2) It shall not be a defense to the offense provided for in subsection (b) that the minor has not been formally found to be a child in need of supervision.
  - (3) Any person who violates this ordinance shall, upon conviction, be punished as provided in the general penalty provision currently designated as section 1-8.

(Ord. No. 2009-46(09-O-0824), § 1, 8-25-09; Ord. No. 2012-02(12-O-0077), § 1, 2-15-12)

**Secs. 106-230—106-250. Reserved.**