

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 **ORDINANCE NO. 2015-17**

4 AN ORDINANCE TO AMEND CHAPTER 12, OFFENSES AND
5 MISCELLANEOUS PROVISIONS, OF ARTICLE V, TRUANCY, OF THE
6 CODE OF ORDINANCES, CITY OF COLLEGE PARK, GEORGIA TO
7 REVISE THE PENALTY AND ENFORCEMENT PROVISIONS OF SAID
8 ARTICLE; TO PROVIDE FOR SEVERABILITY; TO REPEAL
9 CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND
10 FOR OTHER PURPOSES.
11

12 **WHEREAS**, the duly elected governing authority of the City of College Park, Georgia
13 (the “City”) is the Mayor and Council thereof;

14 **WHEREAS**, Georgia law grants cities the authority to adopt regulations governing the
15 health, safety, and welfare of their citizens, not inconsistent with state law;

16 **WHEREAS**, Chapter 12, Article V of the Code of Ordinances, City of College Park,
17 Georgia, also known as the Truancy Ordinance (the “Ordinance”), provides the regulations,
18 rules, procedures, and penalties for minors engaged in certain prohibited acts within the
19 municipal limits of the City; and

20 **WHEREAS**, the Mayor and Council find it desirable and in the interest of the health,
21 safety, and welfare of the citizens of the City to amend certain provisions of the Ordinance
22 concerning police procedures and penalties.

23 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE**
24 **CITY OF COLLEGE PARK, GEORGIA**, and by the authority thereof:

25 **Section 1.** That Chapter 12, Article V of the Code of Ordinances, City of College Park,
26 Georgia is hereby amended by striking the existing text in Subsection (e) of Section 12-86 in its
27 entirety and inserting the following text in lieu thereof:

28 “(e) In the case of a first violation by a minor, the city, at its discretion, may
29 issue: (1) a warning citation to the minor’s parent so as to apprise the parent that
30 any subsequent violation will result in full enforcement of the truancy ordinance,
31 including enforcement of the parental responsibility provisions in section 12-85
32 and the penalties in section 12-87; or (2) an actual citation to the minor’s parent
33 fully enforcing the truancy ordinance, including enforcement of the parental
34 responsibility provisions in section 12-85 and the penalties in section 12-87.
35 Where the parent has failed to enroll the minor in a public school, a private
36 school, or a home study program that meets the requirements for a public school,
37 a private school, or a home study program in violation of O.C.G.A. § 20-2-690.1,
38 the parent shall be issued a citation under that statute instead of this ordinance.”
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40 **Section 2.** That Chapter 12, Article V of the Code of Ordinances, City of College Park,

41 Georgia is hereby amended by striking the existing text in Section 12-87 in its entirety and
42 inserting the following text in lieu thereof:

43 “Prevailing community standards, as to when minors should be off the streets and
44 in school as reflected in this truancy ordinance, are the basis for the following
45 legal sanctions.

46
47 “(1) For the first violation by a parent of section 12-85, the parent shall be
48 fined one hundred dollars (\$100.00) and, for each subsequent violation of 12-85
49 by that parent, the fine shall be increased by an additional one hundred dollars
50 (\$100.00), i.e., two hundred dollars (\$200.00) for the second offense, three
51 hundred dollars (\$300.00) for the third offense. For purposes of this section, a
52 warning citation given to a parent pursuant to section 12-86(e)(1) shall not
53 constitute the first violation by that parent. The city judge, upon finding a parent
54 guilty, or upon acceptance of a plea of guilty or nolo contendere, shall sentence
55 the parent to pay such fine and the costs of prosecution, and upon refusal to pay
56 such fine and costs, the parent may be imprisoned for a period not exceeding ten
57 (10) days.

58
59 (2) Any minor who shall violate any of the provisions of the truancy
60 ordinance more than two (2) times shall be reported to the juvenile court in the
61 county of his residence with an appropriate petition filed pursuant to O.C.G.A. §
62 15-11-1 et seq.”
63

64 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby
65 incorporated by reference as if fully set out herein.

66 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
67 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
68 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

69 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
70 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
71 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
72 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
73 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
74 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
75 of this Ordinance.

76 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
77 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
78 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
79 express intent of the Mayor and Council that such invalidity, unconstitutionality or
80 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
81 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
82 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
83 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
84 enforceable, and of full force and effect.

85 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby
86 expressly repealed.

87 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless
88 otherwise specified herein.

89 ORDAINED this 15th day of June, 2015.

90 CITY OF COLLEGE PARK, GEORGIA

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95 ATTEST:

96

97 M Brooks
98 MELISSA BROOKS, City Clerk

99 APPROVED AS TO FORM:

100

101

102 Steve Fincher
STEVE FINCHER, City Attorney

103

Jack P. Longino
JACK P. LONGINO, Mayor