

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 **ORDINANCE NO. 2015-18**

4 AN ORDINANCE TO AMEND CHAPTER 12, OFFENSES AND  
5 MISCELLANEOUS PROVISIONS, OF ARTICLE IV, CURFEW FOR  
6 MINORS, OF THE CODE OF ORDINANCES, CITY OF COLLEGE PARK,  
7 GEORGIA TO REVISE THE PENALTY AND ENFORCEMENT  
8 PROVISIONS OF SAID ARTICLE; TO PROVIDE FOR SEVERABILITY; TO  
9 REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE  
10 DATE; AND FOR OTHER PURPOSES.  
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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 IV of the Code of Ordinances, City of College Park,  
17 Georgia, also known as the Curfew for Minors Ordinance (the “Ordinance”), provides the  
18 regulations, rules, procedures, and penalties for minors engaged in certain prohibited acts within  
19 the 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 IV of the Code of Ordinances, City of College Park,  
26 Georgia is hereby amended by striking the existing text in Subsection (e) of Section 12-66 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 curfew ordinance,  
31 including enforcement of the parental responsibility provisions in section 12-65  
32 and the penalties in section 12-67; or (2) an actual citation to the minor’s parent  
33 fully enforcing the curfew ordinance, including enforcement of the parental  
34 responsibility provisions in section 12-65 and the penalties in section 12-67.”  
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36 **Section 2.** That Chapter 12, Article IV of the Code of Ordinances, City of College Park,

37 Georgia is hereby amended by striking the existing text in Subsection (1) of Section 12-67 in its  
38 entirety and inserting the following text in lieu thereof:

39 “(1) For the first violation by a parent of section 12-65, the parent shall be  
40 fined one hundred dollars (\$100.00) and, for each subsequent violation of 12-65  
41 by that parent, the fine shall be increased by an additional one hundred dollars  
42 (\$100.00), i.e., two hundred dollars (\$200.00) for the second offense, three  
43 hundred dollars (\$300.00) for the third offense. For purposes of this section, a  
44 warning citation given to a parent pursuant to section 12-66(e)(1) shall not  
45 constitute the first violation by that parent. The city judge, upon finding a parent  
46 guilty, or upon acceptance of a plea of guilty or nolo contendere, shall sentence  
47 the parent to pay such fine and the costs of prosecution, and upon refusal to pay  
48 such fine and costs, the parent may be imprisoned for a period not exceeding ten  
49 (10) days.”  
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51 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby  
52 incorporated by reference as if fully set out herein.

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

56 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
57 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
58 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
59 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
60 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this

61 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase  
62 of this Ordinance.

63 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
64 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
65 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the  
66 express intent of the Mayor and Council that such invalidity, unconstitutionality or  
67 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional  
68 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or  
69 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,  
70 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,  
71 enforceable, and of full force and effect.

72 Section 5. All ordinances and parts of ordinances in conflict herewith are hereby  
73 expressly repealed.

74 Section 6. The effective date of this Ordinance shall be the date of adoption unless  
75 otherwise specified herein.

76 **ORDAINED** this 15<sup>th</sup> day of June, 2015.

77 **CITY OF COLLEGE PARK, GEORGIA**

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80 **JACK P. LONGINO, Mayor**

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ATTEST:

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\_\_\_\_\_  
MELISSA BROOKS, City Clerk

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APPROVED AS TO FORM:

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STEVE FINCHER, City Attorney

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