

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 ORDINANCE NO. 2016-16

4 AN ORDINANCE TO AMEND CHAPTER 12, OFFENSES AND MISCELLANEOUS  
5 PROVISIONS, OF ARTICLE V, TRUANCY, OF THE CODE OF ORDINANCES, CITY OF  
6 COLLEGE PARK, GEORGIA TO REVISE PROVISIONS AS TO THE AGES OF MINORS  
7 SUBJECT TO SAID ARTICLE TO MATCH THE AGES OF MINORS SUBJECT TO  
8 MANDATORY EDUCATION UNDER STATE LAW; TO PROVIDE FOR SEVERABILITY;  
9 TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND  
10 FOR OTHER PURPOSES.

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

13 WHEREAS, Georgia law grants cities the authority to adopt regulations governing the  
14 health, safety, and welfare of their citizens, not inconsistent with state law; and  
15 WHEREAS, Chapter 12, Article V of the Code of Ordinances, City of College Park,  
16 Georgia, also known as the Truancy Ordinance, provides the regulations, rules, procedures, and  
17 penalties for minors between the ages of seven (7) and seventeen (17) years of age who engaged  
18 in certain prohibited acts within the municipal limits of the City; and

19 WHEREAS, Section 20-2-690.1 of the Official Code of Georgia Annotated requires,  
20 with certain exceptions, minors between the ages of six (6) and sixteen (16) years of age to  
21 attend a public school, private school, or a home study program; and

22 WHEREAS, the Mayor and Council, in Ordinance Number 2015-17, enacted June 15,  
23 2015, amended the Truancy Ordinance to revise certain penalty and enforcement provisions

24 contained therein but did not otherwise alter the age ranges of minors subject to its provisions;  
25 and

26 **WHEREAS**, the Mayor and Council now find it desirable and in the interest of the  
27 health, safety, and welfare of the citizens of the City to revise certain sections in the Truancy  
28 Ordinance regarding the ages of minors subject to its provisions to match the requirements of  
29 Section 20-2-690.1 of the Official Code of Georgia Annotated.

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

32 **Section 1.** That Chapter 12, Article V of the Code of Ordinances, City of College Park,  
33 Georgia is hereby amended by striking the existing text in Section 12-81 in its entirety and  
34 inserting the following text in lieu thereof:

35 “The mayor and council after having received and studied reports compiled  
36 by the police department are alarmed and concerned for the safety and well-being  
37 of juveniles within the city, as well as with the high number of incidents of thefts,  
38 including but not limited to burglary and motor vehicle thefts being perpetrated by  
39 juveniles within the city. With the interstate highways, rapid transit system, and  
40 Hartsfield-Jackson Atlanta International Airport bringing thousands of  
41 nonresident transient people into and through the city at all hours of the day and  
42 night, juveniles are found to be at a high risk. The national epidemic of drugs and  
43 crimes of violence are of such nature that all reasonable and constitutional efforts  
44 must be employed to insulate and protect our youthful citizens from the influence  
45 and dangers associated with such activities. It is the intent of this article to make  
46 the parents the primary agents of enforcement, and, in addition, to enforce the  
47 mandatory education requirements in the State of Georgia.

48 The Official Code of Georgia Annotated provides that any child between the  
49 ages of six (6) and sixteen (16) shall be enrolled in and attend a public school,  
50 private school, or a home study program. While this requirement supports the  
51 state's goal of providing an education to its residents, information has been  
52 provided to the mayor and council which indicates an extremely high truancy rate  
53 in the metropolitan Atlanta area. The goal of this article, therefore, is to support  
54 compulsory education and to reduce the truancy rate within the city.

55 Parental responsibility for enrolling children in school is required. Legal  
56 sanctions to enforce such responsibility have had a demonstrated effect and, as  
57 parental control increases, the likelihood of school absences, juvenile  
58 delinquency, and danger to minors decreases. The cooperative enforcement of this  
59 article by the city, the parents, and the minor will support the Mandatory  
60 Attendance Law, will provide for a more safe and healthy community  
61 environment, and will achieve the purposes hereinbefore stated.”

62 Section 2. That Chapter 12, Article V of the Code of Ordinances, City of College Park,

63 Georgia is hereby amended by striking the existing text in Subsection (2) of Section 12-82 in its  
64 entirety and inserting the following text in lieu thereof:

65 “*Minor* is any person between their sixth and sixteenth birthdays, or, in equivalent  
66 phrasing often herein employed, between the ages of six (6) and sixteen (16) years  
67 of age.”  
68

69 Section 3. That Chapter 12, Article V of the Code of Ordinances, City of College Park,

70 Georgia is hereby amended by striking the existing text in Section 12-83 in its entirety and  
71 inserting the following text in lieu thereof:

72 “It shall be unlawful for any person between the ages of six (6) and sixteen (16)  
73 years of age to be or remain in or upon the streets within the City of College Park  
74 during the hours of 8:30 a.m. and 2:30 p.m. on any school day.”  
75

76 Section 4. The preamble of this Ordinance shall be considered to be and is hereby  
77 incorporated by reference as if fully set out herein.

78 Section 5. (a) It is hereby declared to be the intention of the Mayor and Council that all  
79 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
80 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

81 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
82 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
83 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
84 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the

85 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this  
86 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase  
87 of this Ordinance.

88 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
89 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
90 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the  
91 express intent of the Mayor and Council that such invalidity, unconstitutionality or  
92 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional  
93 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or  
94 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,  
95 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,  
96 enforceable, and of full force and effect.

97 Section 6. All ordinances and parts of ordinances in conflict herewith are hereby  
98 expressly repealed.

99 Section 7. The effective date of this Ordinance shall be the date of adoption unless  
100 otherwise specified herein.

101 [SIGNATURES ON FOLLOWING PAGE]

102 ORDAINED this 2<sup>nd</sup> day of May, 2015.

103 CITY OF COLLEGE PARK, GEORGIA

104   
105 JACK P. LONGINO, Mayor  
106

107  
108 ATTEST:

109   
110 MELISSA BROOKS, City Clerk  
111

112

113 APPROVED AS TO FORM:

114   
115 STEVEN M. FINCHER, City Attorney  
116  
117