

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ROME, GEORGIA, AND MORE PARTICULARLY, CHAPTER 14, ARTICLE I, SECTION 14-22; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**SECTION I.**

**BE IT ORDAINED** by the Rome City Commission, and it is ordained by authority of the same, **Chapter 14, Article I, Section 14-22** of the Code of the City of Rome, Georgia, be amended and added so that it reads as follows:

**Sec. 14-22. Curfew for minors.**

(a) *Purposes.* The Mayor and Commission for the city have determined that there has been an increase in juvenile violence and crime by persons under the age of seventeen (17) in Rome resulting in juveniles being involved in a wide range of unacceptable behavior by juveniles; that persons under the age of seventeen (17) are particularly susceptible by their lack of maturity and experience to participate in unlawful activity and to be victims of older perpetrators of crime; that there has been a significant breakdown in the supervision and guidance normally provided by parents for juveniles resulting in an increase in the crimes, substance abuse, school dropout rates, juvenile pregnancy, and other illicit behavior. The city has an obligation to provide for the protection of juveniles from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities that are not easily controlled by existing laws and ordinances. The Mayor and Commission have determined that a curfew for those under the age of seventeen (17) will be in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the city and will promote the public good, safety, and welfare. Parental responsibility for the whereabouts of children is the accepted norm and legal sanction to enforce such responsibility have had demonstrated effectiveness in many cities. The Mayor and Commission have determined that a curfew ordinance will increase parental responsibility for juveniles within their control and decrease juvenile delinquency.

(b) *Definitions.* For the purposes of this section, the following definitions shall apply:

*Adult:* Any person twenty-one (21) years of age or older.

*Emergency errand:* A mission that results from an unforeseen combination of circumstances that call for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

*Juvenile:* Any unemancipated person under the age of seventeen (17).

(c) It is unlawful for any person under the age of seventeen (17), unless said person is actively supervised by an adult, to be present at, in, or upon the public streets, highways, roads, sidewalks, alleys, parks, school grounds, playgrounds or other public grounds, public places, public buildings, malls, cemeteries, public or privately owned places of amusement, eating places, parking lots, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places, between the hours of 10:00 p.m. on any day and 5:00 a.m. of the following day. The provisions of this section shall not apply in the following instances:

- (1) When a juvenile is accompanied by his parent, guardian or other adult person twenty-one (21) years of age, or older having the lawful care and custody of the juvenile;
- (2) When the juvenile is upon an emergency errand directed by his parent, or guardian or other adult person twenty-one (21) years of age, or older having the lawful care and custody of such juvenile;
- (3) When the juvenile is returning directly home from a school activity or entertainment, school-sponsored or school-related sports event, recreational activity, or school-sanctioned extra-curricular activities, organized and sanctioned non-school sports, volunteer work or church affiliated activities;
- (4) When the juvenile is returning directly home from lawful employment that makes it necessary to be in the above-referenced places during the proscribed period of time;
- (5) When the juvenile 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; or
- (6) When the juvenile is engaged in interstate and intrastate vehicular travel through the city with parental consent.

Any acts made unlawful by the provisions of this section shall be subject to the juvenile code of this State. Upon violation of this section for the first time, a juvenile shall be given a warning

citation. Upon further violations and conviction, a juvenile shall be subject to such punishment as the juvenile court may impose. *See, e.g.*, O.C.G.A. §15-11-2(11)(A) (child in need of services).

(d) It shall be unlawful for the parent, guardian or other person having custody or control of any child under the age of seventeen (17) to permit, or by insufficient control, to allow such child to be in or upon the public streets or any other places listed in subsection (c) of this section within the city between the hours of 11:00 p.m. on any day and 5:00 a.m. of the following day, except in circumstances set out in subsection (c). Upon violation of this section for the first time, a person shall be given a warning citation. Upon further violations and conviction, a person shall be subject to such punishment as the municipal court may impose, subject to all limitations contained in the Charter of the city. Each violation of this section shall constitute a separate offense.

(e) The chief of police shall be required to submit a quarterly report for up to one year after the effective date of the ordinance from which this section derives to the city Commission to monitor the continuing need and effectiveness of this section.

**SECTION 2:**

**BE IT FURTHER ORDAINED** that all ordinances, or parts of ordinances in conflict herewith be, and the same are hereby, repealed.

ADOPTED, this 13<sup>th</sup> day of August, 2018.

(SEAL)

CITY OF ROME

By:

Jamie Doss, Mayor

Attest:

Joe Smith, Secretary  
Rome City Commission