



The Office of The Chief of Police

CITY OF STONE MOUNTAIN
POLICE DEPARTMENT
875 Main Street
Stone Mountain, GA 30083
(770) 879-4980

Proposed Ordinance Amendment (Chapter 17, Article 1, Sec. 17-36-17-39)

Chapter 17, Article 1, Sec. 17-36. -Definitions.

Words or terms not defined in this section but defined in applicable state law or this Code shall be given that meaning. All other words or phrases shall be given their common, ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

Adult means a person who is at least 18 years of age and authorized by a parent or guardian to have the lawful care and custody of a minor, or an emancipated minor.

Emancipated minor means any person under the age of 18 who has had the disabilities of minority removed and been declared an emancipated minor by a court of competent jurisdiction.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term "emergency" includes, but is not limited to, a serious or life threatening medical problem/condition, a fire, natural disaster, automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Guardian means a person who is the caregiver and custodian of the person of a minor or a public or private agency with whom a minor has been placed by a court or other adult.

Minor means any person under the age of 17 years. When used in this Article, "minor" does not include an emancipated minor as defined herein.

Parent means a person who is a natural parent, an adopted parent or step-parent of a minor.

Sec. 17-37. - Responsibility of parents.

It shall be unlawful for any parent, guardian, or other person having the custody of or control of any minor to permit, or by inefficient control, allow a violation of this ordinance by a minor in his or her custody.

Sec. 17-38. - Responsibility of proprietors.

It shall be unlawful for the proprietor, manager or other person having charge or control of any public or other place to permit, allow or encourage any minor to violate this article in or around such place.

Sec. 17-39. - Curfew; persons age 16 years of age or younger.

- (a) It shall be unlawful for any minor sixteen (16) years of age or younger to loiter, wander, stroll or play in or upon the public streets, highways, roads, lanes, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place in the city unsupervised by an adult having the lawful authority to be at such places, between the hours of 09:00 pm on any day and 6:00 a.m. of the following day; provided, however, that on Fridays and Saturdays the effective hours are between 10:00 pm 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 his or her parent, guardian, or other adult person having lawful care and custody of the minor;
 - (2) When the minor is upon an emergency errand by his or her parent or guardian or other adult person having the lawful care and custody of the minor;
 - (3) When the minor is departing or returning home from a school or church activity;
 - (4) When the minor is departing to or returning from lawful employment that makes it necessary to be in the above referenced places during the proscribed period;
 - (5) When the minor is attending or traveling directly to or from activity involving the exercise of first amendment rights of speech, freedom of assembly, or free exercise of religion;
- (b) Failure to comply with any of the requirements and provisions of this article shall constitute a violation and any parent or guardian, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the county jail for not more than thirty (30) days or any or all of these penalties, in the discretion of the municipal court judge. A fine and imprisonment not to exceed five hundred dollars (\$500.00) and thirty (30) days may be ordered for violators at the discretion of the court.