



**CITY COUNCIL
ATLANTA, GEORGIA**

23-O-1306

AN ORDINANCE BY COUNCILMEMBERS ANTONIO LEWIS, ANDREA L. BOONE, DUSTIN HILLIS, MICHAEL JULIAN BOND AND KEISHA SEAN WAITES AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO ENFORCE AND PROMOTE THE CITY OF ATLANTA CODE OF ORDINANCES, PART II (ORDINANCES), CHAPTER 106 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE V (OFFENSES BY AND AGAINST MINORS), SECTION 106-228 (SAME—RESPONSIBILITY OF PARENTS), TO REMOVE PROVISIONS IMPOSING A FINE NOT TO EXCEED \$1,000.00 AND COSTS, OR IMPRISONMENT IN THE CITY JAIL FOR NOT MORE THAN 60 DAYS; TO ADD REQUIREMENTS FOR ATTENDANCE AT CERTAIN EDUCATIONAL PROGRAMS AS A CONDITION OF ANY PROBATION; AND FOR OTHER PURPOSES.

WHEREAS, the safety and well-being of children in the City of Atlanta are of utmost importance; and

WHEREAS, it is essential to provide guidance and structure to ensure the welfare and positive development of children under the age of 16; and

WHEREAS, a curfew ordinance can help mitigate potential risks, protect children from harmful activities, and promote a safer community environment; and

WHEREAS, it is necessary to implement measures that encourage parental responsibility and engagement, as well as promote community support through participation in programs aimed at positive youth development; and

WHEREAS, the current Curfew ordinance shall be punishable as set forth in Section 106-228, which because there is no Municipal Court jurisdiction over persons under the age of 17 provides that it shall be unlawful for the parent, guardian or other person having custody or control of any child 16 years of age or younger to permit or by insufficient control to allow such child to be out of compliance with the City's Curfew Ordinance at Section 106-227; and

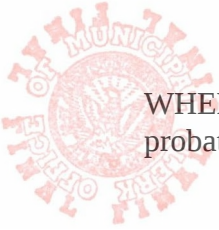
WHEREAS, Section 106-228 provides that upon conviction of a violation for the first time, a person shall be given a warning citation and upon further convictions, a person shall be subject to a fine not to exceed \$1,000.00 and costs, or imprisonment in the city jail for not more than 60 days, or work on the public streets or work on the public works of the city for not more than 60 days, or be subject to any one or more of the punishments, subject to all limitations contained in the Charter of the city; and

WHEREAS, the City desires to amend Section 106-228 to remove provisions imposing a fine not to exceed \$1,000.00 and costs, or imprisonment in the city jail for not more than 60 days; and

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WHEREAS, the City desires to amend Section 106-228 to expressly permit the imposition a sentence of probation and to require as condition thereof, attendance at certain education programs; and

WHEREAS, the Atlanta City Council desires to work in collaboration with community organizations, schools, and law enforcement agencies to identify and provide appropriate educational programs for children and their guardians in accordance with this ordinance.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Chapter 106 (Offenses and Miscellaneous Provisions), Article V (Offenses By And Against Minors), Section 106-228 (Same-Responsibility of parents), of the City of Atlanta Code of Ordinances is hereby amended such that they shall thereafter read as follows (with permanent additions in underline font and permanent deletions in strikethrough font):

Sec. 106-228. Same-Curfew Responsibility of parents.

- (a) *Generally.* It shall be unlawful for the parent, guardian or other person having custody or control of any child 16 years of age or younger to permit or by insufficient control to allow such child to be in or upon the public streets or any other places listed in section 106-227 within the city between the hours of 11:00 p.m. on any day and 6:00 a.m. the following day, or on Fridays and Saturdays, between the hours of 12:00 midnight and 6:00 a.m. the following day, except in circumstances set out in subsections (1) through (6) of section 106-227.
- (b) *Violation.* Upon conviction of violation of this section for the first time, a person shall be given a warning citation. Upon further convictions, a person shall be subject to a sentence of probation as provided in this section. ~~fine not to exceed \$1,000.00 and costs, or imprisonment in the city jail for not more than 60 days, or work on the public streets or work on the public works of the city for not more than 60 days, or be subject to any one or more of the punishments, subject to all limitations contained in the Charter of the city.~~ Each violation of this section shall constitute a separate offense.
- (c) *Probation.* The sentencing court shall require that any person convicted and sentenced to probation, as a special condition of thereof, to attend educational programs designed to address specific issues relevant to the child's circumstances.

SECTION 2: That the Atlanta City Council hereby requests that the Atlanta Municipal Court and the City Solicitor establish a process to track and monitor curfew violations and program attendance, ensuring appropriate follow-up measures are taken.

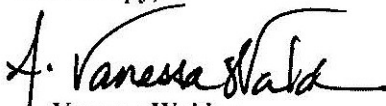
SECTION 3: That all conflicting ordinances are hereby waived to the extent of the conflict.

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SECTION 4: This ordinance shall take effect immediately upon becoming law.

A true copy,



A. Vanessa Waldon
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED per City Charter Sec 2-403

JUN 20, 2023
JUN 29, 2023