

ORDINANCE NO. 7042

AN ORDINANCE TO AMEND THE AUGUSTA-RICHMOND COUNTY CODE ARTICLE THREE CHAPTER ONE RELATING TO CURFEW FOR MINORS SO AS TO ESTABLISH REGULATIONS FOR TEEN SOCIAL CLUBS; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Augusta Richmond County citizens have a collective responsibility in the development and well being of the youth in its community

WHEREAS, The Augusta Richmond County Commission believes it has a duty to reinforce social norms of order, for the health, and welfare of not only its youth but for all citizens

WHEREAS, Augusta Richmond County Commission deems it necessary to deter juvenile delinquency and juvenile victimization by reinforcing hours of curfew for minors

WHEREAS, based on the foregoing, the Honorable Jerry Brigham, Commissioner, recommends additional regulation of teen clubs and or teen dance clubs in Augusta-Richmond County by ensuring that the time of operation for said teen facilities are in compliance with curfew set for minors within its jurisdiction.

THE AUGUSTA-RICHMOND COUNTY COMMISSION ordains as follows:

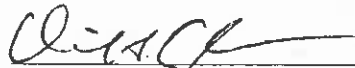
SECTION 1. Augusta Richmond-County Code Article 3 Section as set forth in Ordinance No. 5719, enacted October 4, 1993, is hereby amended by striking sections 3-1-1; 3-1-2, and 3-1-3 relating to teen curfew and inserting in lieu thereof sections 3-1-1 - 3-1-7 restated as set forth in "Exhibit A" hereto.

SECTION 2. This ordinance shall become effective upon its adoption in accordance with applicable laws.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this 5 day of April, 2008.

1st Reading April 1, 2008


David S. Copenhaver
As its Mayor

Attest:

Lena J. Bonner, Clerk of Commission

Seal:

Publish in the Augusta Chronicle April 24, 2008

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta-Richmond County Commission on _____, 2008 and that such Ordinance have not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

Exhibit A

Chapter 1

CURFEW FOR MINORS

~~Sec. 3-1-1. Hours of curfew; exceptions.~~

~~It shall be unlawful for any minor under the age of eighteen (18) years to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place in Augusta Richmond County, unsupervised by an adult having the lawful authority to be at such places, between the hours of 11:00 p.m. on any weekday and 5:00 a.m. on the following day; provided, however, that on Fridays and Saturdays the effective hours are between 12:00 midnight and 5:00 a.m. on the following day; and~~

~~provided further that the provisions of this section shall not apply in the following instances:~~

~~(a) When a minor is accompanied by his or her parent, guardian or other adult person having the lawful care and custody of the minor;~~

~~(b) When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;~~

~~(c) When the minor is returning directly home from lawful employment that makes it necessary to be in the above referenced places during the proscribed period of time;~~

~~(d) When the minor 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;~~

~~(e) When the minor is in a motor vehicle with parental consent for normal travel, with interstate travel through Augusta Richmond County being excepted in all cases from the curfew.~~

~~Sec. 3-1-2. Parent, guardian or other person having custody or control of child to permit violation prohibited.~~

~~It shall be unlawful for the parent, guardian, or other person having custody or control of any child under the age of eighteen (18) years to permit, or by insufficient control, to allow, such child to be in or upon the public streets or other places listed in section 3-1-1 above within Augusta Richmond County between the hours of 11:00 p.m. on any weekday and 5:00 a.m. the following day, or on Fridays and Saturdays, between the hours of 12:00 midnight and 5:00 a.m. the following day except in circumstances set out in subsections (a) through (e) of said section 3-1-1.~~

~~Sec. 3-1-3. Violation and penalty.~~

~~Any person found guilty of a violation of this chapter shall be charged with such violation and upon trial as a misdemeanor and conviction shall be subject to the penalties provided~~

~~in section 1-6-1; provided, however, that any such person under the age of seventeen (17) years who is charged with a violation of this article shall be referred to juvenile court for disposition pursuant to O.C.G.A. § 15-11-36.~~

Section 3-1-1

Definitions

For the purposes of this Article, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by context:

- (a) "Teen social club" shall mean any business establishment which advertises itself, holds itself out to the public as, or is operated primarily as a "Teen Club", "Teen Dance Club", and/or any business establishment which provides entertainment or social activities primarily to teenagers of the ages restricted by the Curfew Ordinance of the Augusta Richmond County regardless of whether such establishment is conducted, operated or maintained for a profit; "teen social club" does not include movie theaters, amusement parks or a sporting event or facility.
- (b) "Advertise" shall mean promotional signs on the premises, off-premise signs and any written, live, videotaped or audiotaped promotional presentations for the business establishment which feature or promote the attendance of teenagers.
- (c) "Alcoholic beverages" shall mean beer or other beverages of like alcoholic content regulated by Augusta Code § 6-2-1 et. al. and any establishment selling or serving liquor or wine regulated by the provisions of Augusta Code §6- 2-1 et.al.
- (d) "Curfew For Minors" shall mean Augusta Richmond County Code, Chapter 1 Sections 3-1-1 through 3-1- 7.
- (e) "Entertainment and social activities" shall mean activities at establishments which feature live music for attendance by teenagers, activities at establishments which feature recorded music activities attended by teenagers, and activities at establishments which provide dancing activities for teenagers.
- (f) "Licensed premises" shall include the building or facility in which the teen social club is located and any parking area provided by the establishment for its patrons.

(g) "Minor" shall mean a nonemancipated person who has not attained their eighteenth birthday.

Sec. 3-1-2 Hours of curfew; exceptions.

It shall be unlawful for any minor under the age of eighteen (18) years to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place in Augusta-Richmond County, unsupervised by an adult having the lawful authority to be at such places, between the hours of 11:00 p.m. on any weekday and 5:00 a.m. on the following day; provided, however, that on Fridays and Saturdays the effective hours are between 12:00 midnight and 5:00 a.m. on the following day; and provided further that the provisions of this section shall not apply in the following instances:

- (a) When a minor is accompanied by his or her parent, guardian or other adult person having the lawful care and custody of the minor;
- (b) When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;
- (c) When the minor is returning directly home from lawful employment that makes it necessary to be in the above referenced places during the proscribed period of time;
- (d) When the minor 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;
- (e) When the minor is in a motor vehicle with parental consent for normal travel, with interstate travel through Augusta-Richmond County being excepted in all cases from the curfew.

Section 3-1-3 Parent, guardian or other person having custody or control of child to permit violation prohibited

It shall be unlawful for the parent, guardian, or other person having custody or control of any child under the age of eighteen (18) years to permit, or by insufficient control, to allow, such child to be in or upon the public streets or other places listed in section 3-1-1 above within Augusta-Richmond County between the hours of 11:00 p.m. on any weekday and 5:00 a.m. the following day, or on Fridays and Saturdays, between the hours of 12:00 midnight and 5:00 a.m. the following day except in circumstances set out in subsec-tions (a) through (e) of said section 3-1-2.

That Chapter 1, Article Three of the Augusta Richmond County Code is amended by adding a new Section 3-1-4- as follows:

Sec. 3-1-4 .Location restrictions.

No part of the licensed premises of a teen social club operating within the Augusta Richmond County shall be located within five hundred feet (500') of the nearest property line of any property on which alcoholic beverages are served or sold or within five hundred feet (500') of the nearest property line of any property on which is located an adult oriented establishment as defined in § 6-1-1 et. al. of this Code.

Sec. 3-1-5. Revocation of license or permit.

(a) The Sheriff shall recommend revocation of a license granted to any teen social club for any of the following reasons:

(1) The operator, or any employee of the operator, violates any provision of this Article, provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Sheriff shall find that the operator had no actual or constructive notice of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge.

(2) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(3) Any operator allows continuing violations of the rules and regulations of the Augusta Richmond County Health Department.

(4) More than five violations of the Curfew Ordinance occur on the licensed premises in a twelve-month period.

(b) Before revoking or suspending the license of any teen social club, Augusta-Richmond County Commission, the Sheriff or his or her designee shall give written notice to the person or company in whose name such license is issued notifying such license holder of the charges against the teen social club and setting a hearing date not less than five (5) business days in advance in which the licensee may appear and be heard. The decision of the Augusta Richmond County Commission shall be final.

Section 3-1-6 Hours of Operation; Inspection by Sheriff's Department or Juvenile Justice Department.

- (a) Teen social clubs shall be closed between the hours of half past ten at night (10:30 p.m.) to seven o'clock (7:00 a.m.) provided that on Friday and Saturday nights such clubs may remain open until half past eleven (11:30 p.m.), and provided further that on Sunday mornings such clubs shall be closed until twelve o'clock (12:00) noon to half past ten (10:30 p.m.).**
- (b) Teen social clubs shall be open to inspection at all reasonable times by any officer of the Augusta Richmond County Sheriff's Department or agent of the Richmond County Juvenile Justice Department.**

Section 3-1-7 Responsibilities of Operators; exemptions; identification of minors.

- (a) No teen social club within the Augusta Richmond County shall allow a teenager under the age of 16 years to enter the licensed premises during any hours in violation of the Curfew Ordinance.**
- (b) No teen social club within the Augusta Richmond County shall allow any teenager under the age of 16 years to remain on the licensed premises during any hours in violation of the Curfew Ordinance.**
- (c) All teen social clubs shall post in a visible location at the entrance and inside the establishment upon signage approved by the Sheriff's Department the applicable curfew hours for teenagers as specified by the Curfew Ordinance.**
- (d) All operators of teen social clubs shall be personally responsible and vicariously liable without proof of intent for any violations of the Curfew Ordinance occurring during any hours of operation during which teenagers would be prohibited from being present on the licensed premises under the provisions of the Curfew Ordinance.**
- (e) Each teen social club operator shall be required at all times to identify by wristband any individuals on the licensed premises under the age of sixteen (16) years. Photo identification shall be required of all minors under the age of sixteen (16) years admitted into a teen social club and an entry log shall be kept of the information contained within the photo identification, including the name, age and birth date of all patrons under the age of sixteen (16) years. Such log shall be provided to any officer of the Richmond County Sheriff's Department**

or agent of the Richmond County Juvenile Justice Department upon request.

Section 3-1-8 Severability.

If any provision of this Article is held by a court of competent jurisdiction to be illegal or in conflict with an applicable law, the validity of the remaining provisions of this Article shall not be affected thereby.