

ORDINANCE NO. 24-1618

AN ORDINANCE TO AMEND CHAPTER 18, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF FITZGERALD, GEORGIA, SPECIFICALLY SECTION 18-67. "CURFEW" OF ARTICLE III. "MISCELLANEOUS," THEREOF; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to update and amend Section 18-67 "Curfew" of Article III "Miscellaneous" of Chapter 18 "Offenses and Miscellaneous Provisions" of the Code of Ordinances of the City of Fitzgerald, Georgia, in the interest of public safety and general welfare; and

WHEREAS, the Mayor and Council of the City of Fitzgerald, Georgia, for such stated reasons find it necessary and proper to amend said code section;

NOW, THEREFORE, it is hereby ordained by Mayor and Council of the City of Fitzgerald, Georgia, as follows:

**SECTION 1:** That Section 18-67. "Curfew", of Article III "Miscellaneous" of Chapter 18, "Offenses and Miscellaneous Provisions", of the Code of Ordinances of the City of Fitzgerald, Georgia, is hereby deleted and replaced by the addition of a new Section 18-67 "Curfew," which shall read as follows:

**Sec. 18-67. Curfew.**

- (a) For purposes of this code section, the term '*minor*' shall be defined as any person seventeen (17) years of age and/or younger.
- (b) It is unlawful for any minor to loiter, wander, stroll, play or be present in or upon the public streets, highways, roads, alleys, playgrounds or other public grounds, public places, public buildings, places of amusement,

eating places, vacant lots or any public place between the hours of 11:00 p.m. on any day 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 parent, guardian or other adult person having the lawful care and custody of the minor;
  - (2) 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;
  - (3) When the minor is going directly to or returning directly home from a school sanctioned activity;
  - (4) When the minor is returning directly home from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time; and
  - (5) 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.
- (c) It shall be unlawful for the parent, guardian, or other person having custody or control of any minor to permit, or by insufficient control, to allow, such minor person to be in or upon the public streets or any other public places between the hours of 11:00 p.m. on any day and 6:00 a.m. the following day, except in circumstances set forth in subsections (a)(1)-(5) of this section.
- (d) The penalty for violation of any provision of this code section shall be a fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00), and/or imprisonment for not more than sixty (60) days. Each violation shall constitute a separate offense.

**SECTION 2:** This Ordinance shall become effective immediately upon its final approval.

**SECTION 3:** In the event that any provision or portion of this ordinance shall be deemed unconstitutional or invalid, the remaining portion shall remain in full force and effect.

**SECTION 4:** Any portion of any ordinance in conflict with this ordinance is hereby repealed.

DATE OF FIRST READING: May 13, 2024

DATE OF SECOND READING: June 10, 2024

PASSED BY THE FOLLOWING VOTE:

“YES” 7

“NO” 0

“ABSTAIN” 0



APPROVED: *[Signature]*  
MAYOR

ATTEST: *[Signature]*  
CITY CLERK