STATE OF GEORGIA
CITY OF DORAVILLE

ORDINANCE NO. 2010-__

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA TO AMEND CHAPTER 11 OFFENSES, ARTICLE IV MINORS BY ADDING A NEW SUBSECTION (e)(1) TO SECTION 11-151; TO PROVIDE SEVERABILITY TO PROVIDE PROOF AND DISPLAY OF STATE REQUIRED LICENSES; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and Council in the early 1990s determined that punishments for repeat curfew violations by minors should carry heavy penalties;

WHEREAS, O.C.G.A. § 36-35-6 provides that local governments are generally preempted from taking any action that would provide for a fine in excess of $1,000.00;

WHEREAS, the existing Code of Ordinances contains a fine penalty in excess of the state law maximum for repeat curfew violations by minors;

WHEREAS, the Mayor and Council have determined that it is in the best interest of the City to appropriately modify the Code of Ordinances to include an appropriate fine for repetitive curfew violations of minors; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1.

That Section 11-151 of Article IV Minors, Chapter 11 Offenses of the Code of Ordinances of the City of Doraville, Georgia is hereby amended to read as follows:

"Chapter 11. Offenses.

. . .

Article IV. Minors.

. . .

Sec. 11-151. Curfew hours for minors.

. . .

(e) Penalties.

1. A person who violates a provision of the section is guilty of a separate offense for each day or part of day during which the violation is committed, continued, or permitted. The first offense, upon conviction, is punishable by a fine not to exceed five hundred dollars ($500.00). The second offense and any subsequent offense, upon conviction, are punishable by a fine not to exceed one thousand dollars ($1,000.00).

. . ."

Section 2.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor or Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this

Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3.

Penalties provided for violations of this Ordinance are set out in Section 1-12, as amended hereby, of the Code of Ordinances, City of Doraville, Georgia and are herby incorporated as if set out fully.

Section 4.

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

Section 5.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 7.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this ___ day of _____, 2010.

CITY OF DORAVILLE, GEORGIA

_____
Ray Jenkins, Mayor

_____
First Reading

_____
Second Reading

ATTEST:

_____(SEAL)
Rhonda Blackmon, City Clerk

APPROVED AS TO FORM:

_____
Murray J. Weed, City Attorney

	Yea	Nay
Maria Alexander	☐	☐
Brian Bates	☐	☐
Pam Fleming	☐	☐
Karen Pachuta	☐	☐
Donna Pittman	☐	☐
Bob Roche	☐	☐