

ORDINANCE 2003-04

AN ORDINANCE ESTABLISHING A CURFEW FOR JUVENILES UNDER THE AGE OF EIGHTEEN (18) YEARS OF AGE, SETTING PENALTIES, ENFORCEMENT, PARENTAL RESPONSIBILITY AND FOR OTHER PURPOSES.

SECTION 1

The Perryville City Council finds that the activities of juveniles are not easily controlled by existing laws or ordinances and has determined that a curfew meets a very real local need. Juvenile curfew regulations in other communities seem to be successful in helping juveniles stay out of trouble, improve parental involvement and minimize juvenile delinquency. The Perryville City Councils goal with this ordinance is to be able to protect the citizens of the city and help juveniles and their families.

SECTION 2

DEFINITIONS

- A. Juvenile or Minor is any person under the age of eighteen (18) years of age.
- B. Parent is any person having custody of a juvenile as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis, as a person to whom legal custody has been given by order of a court of competent jurisdiction.
- C. Remain means to stay behind, to tarry and stay unnecessarily upon the streets, parking lots, etc. including the congregating of groups in which any juvenile involved would not be using the streets, parking lots, etc. for ordinary or serious purposes such as a mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined in this ordinance so that it is not a mere prohibition of the presence of juveniles.
- D. Street is a way or place, of whatever nature, open to the public as a matter of right for the purpose of vehicular travel or in the case of the right of way for pedestrian travel. The term street includes the legal right of way, including but not limited to traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street. The term street applies irrespective of what it is formally named, whether alley, cove, road, or otherwise. This shall include parking lots to public buildings, private business, and public housing developments.

- E. Time of night referred to herein is based upon the prevailing standard of time, whether Central Standard Time or central daylight savings time.

SECTION 3

It shall be unlawful for any person under the age of eighteen (18) years of age to be or remain in or upon the streets or other places set forth in this ordinance within the city of Perryville between the hours of:

- A. Friday and Saturday nights—1:00AM and 5:00AM
- B. Sunday through Thursday nights—11:00PM and 5:00AM
- C. The night before a state or federal holiday shall be considered the same as Friday and Saturday night.

SECTION 4

In the following exceptions a minor on a city street during the hours described in section three shall not be considered in violation of the curfew ordinance.

- A. When accompanied by the parent of such minor.
- B. When accompanied by an adult at least twenty one years of age who is not the parent and who is authorized by the parent of the minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
- C. When returning home within one hour after the termination of a school, church or city sponsored activity or an activity of a religious or other voluntary association encouraging responsible conduct on the part of juveniles involved in such activity.
- D. When engaged in the duties of bona-fide employment or traveling directly without undue delay or detour from home to the place of employment or from the place of employment to home.

SECTION 5

It shall be unlawful for a parent of a juvenile to permit or allow the juvenile to be or remain upon any city street or other places specified in this ordinance in violation of the ordinance. This ordinance is intended to hold neglectful or careless parents to a reasonable community standard of parental responsibility. It shall be no defense that a parent was indifferent to the activities, conduct or whereabouts of such juvenile.

- A. Police procedures may be refined in light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances.

- B. When a parent or guardian has come to take charge of the juvenile and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be released in accordance with Arkansas law after first contacting the Department of Human Services and/or Juvenile Officer and apprising them of the situation.
- C. In the case of a first violation by a juvenile the police department shall deliver to the parent written notice of the violation with a warning that any subsequent violations will result in full enforcement of the curfew ordinance, including enforcement of parental responsibility and of applicable penalties.

SECTION 6

If a police officer reasonably believes that a juvenile is on the streets or other places specified in this ordinance in violation of the curfew, the officer shall notify the juvenile that he or she is in violation of the ordinance and shall require the juvenile to provide name, address and phone number and how to contact the juvenile's parent or guardian. In determining the age of the juvenile and in the absence of convincing evidence, a police officer shall use his best judgement in determining age.

SECTION 7

- A. If after the warning procedures specified in section five have been followed for a first violation, a parent violates the curfew ordinance with a second violation by the juvenile, this shall be treated as an offense by the parent. For parental offenses a parent shall be fined not less than \$100.00 and not more than \$500.00.
- B. Any juvenile who shall violate any of the provisions of this curfew ordinance more than three times shall be reported by the chief of police to the juvenile authorities as a juvenile in need of supervision and the chief of police shall refer the matter to the Perry County prosecuting attorney and/or the Arkansas Department of Human Services.

SECTION 8

If any section of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction such invalidity shall not affect the validity of other sections of this ordinance.

SECTION 9

The health and safety of persons in the city of Perryville and the desire to protect property in the city being of urgent and great concern and this city council declares this to be an emergency and this ordinance will be full force and effect from and after its adoption and publication.

PASSED ON THIS 14th DAY OF AUGUST IN THE YEAR 2003 BY A VOTE OF
5 YES 0 NO

ATTEST

Kenneth Brandon
MAYOR

Joel D. Woolf
RECORDER/TREASURER