

AN ORDINANCE TO PRESERVE PEACE AND SAFETY IN THE CITY OF CLINTON BY ESTABLISHING A CURFEW APPLICABLE TO JUVENILES AND DEFINING THE DUTIES OF PARENTS AND GUARDIANS OF JUVENILES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON, ARKANSAS:

SECTION 1. Definitions:

- (a) Juvenile or Minor is any person under the age of eighteen (18) or, any person seventeen (17) years of age or less.
- (b) Parent is any person having custody of a juvenile (i) as a natural or adoptive parent, (ii) a legal guardian, (iii) as a person who stands in loco parentis, (iv) as a person to whom legal custody has been given by order of a court of competent jurisdiction.
- (c) Remain means to play, drive around, loiter, stay unnecessarily, visit, get together, stand or sit around, including but not limited to, the congregating of groups totaling three or more persons in which any juvenile involved would not be engaged in mere passage to or from home, school, employment, or an emergency.

SECTION 2. Curfew for Juveniles: It shall be unlawful for any person under the age eighteen (18) years to remain on the sidewalks, streets, highways, alleys, parking lots, parks, yards, shopping centers, playgrounds, public buildings, and similar areas in the City of Clinton between the hours of 11:00 o'clock p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and 6:00 o'clock a.m. of the next succeeding day, and between the hours of 12:00 o'clock a.m. on Friday and Saturday nights and 10:00 o'clock a.m. of the next succeeding day.

SECTION 3. Exceptions: In the following exceptional cases a juvenile remaining out during nocturnal hours as described in Section 2 herein for minors shall not be considered in violation of the Curfew Ordinance:

- (a) When accompanied by a parent of such minor;
- (b) When accompanied by an adult, at least 21 years of age and who is not the parent, but

who is authorized by the parent of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area;

- (c) When exercising First Amendment rights protected by the United States or Arkansas Constitutions, by first delivering to the person designated by the Clinton Chief of Police to receive such information at the City Hall, a written request signed by both the requesting juvenile and a parent of the juvenile with their home address, telephone number, and a statement of the purpose of such request including the date and time for the planned activity, which request may then be approved by signature of the Chief of Police or his designee;
- (d) In case of reasonable necessity for a juvenile to remain out past the curfew described herein, but only after delivery to the person designated by the Clinton Chief of Police to receive such information at the Police Department, a written request signed by both the requesting juvenile and a parent of the juvenile with their home address, telephone number, and a statement of the purpose of such request including the date and time for the planned activity, which request may then be approved by signature of the Chief of Police;
- (e) When returning home within one (1) hour after a school, church, City sponsored, or voluntary association activity encouraging responsible conduct on the part of juveniles involved in such activities;
- (f) When engaging in the duties of bona fide employment or traveling directly without delay or detour from home to the place of employment, or from the place of employment to home.
- (g) When the juvenile is in a motor vehicle for the purpose of travel from, to, or through Clinton on a trip.

SECTION 4. Parental Responsibility: It shall be unlawful for any parent of a juvenile to allow or permit said juvenile to remain out during the periods of curfew as described in Section 2 herein, except for those limited purposes described in Section 3 herein. It shall be no defense that a parent was indifferent to the activities, conduct, or whereabouts of such juvenile.

SECTION 5. Enforcement and Custody:

- (a) Each member of the Clinton Police force while on duty is authorized to detain any such juvenile willfully violating the provisions of Section 2 herein until the parent of the juvenile shall take him or her into custody. If the parent cannot be located or fails to take charge of the juvenile, the juvenile shall be released in accordance with Arkansas and federal law. The detaining officer shall immediately upon taking custody of the juvenile communicate with the juvenile's parent.
- (b) If a police officer reasonably believes that a juvenile is in violation of this Ordinance, the officer shall notify the juvenile that he or she is in violation of the Ordinance, detain the juvenile, and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent. In determining the age of the juvenile and in the absence of convincing evidence, a police officer shall use his or her best judgment in determining age.

SECTION 6. Penalties:

- (a) Any parent, guardian or other person having the legal care and custody of any juvenile, and/or any juvenile violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than (\$10.00) Ten Dollars nor more than (\$25.00) Twenty Five Dollars for the first offense, or be imprisoned in the County jail for a term of not less than one (1) day nor more than thirty (30) days, or both so fined and imprisoned, and for any subsequent conviction such parent and/or juvenile shall be fined not less than (\$25.00) Twenty Five Dollars and not more than (\$150.00) One Hundred Fifty Dollars, or be imprisoned in the County jail for a term of not less than one (1) day nor more than thirty (30) days, or both so fined and imprisoned.
- (b) Any juvenile who violates any provision of this Ordinance three (3) or more times shall be reported by the Chief of Police to appropriate juvenile authorities as a juvenile in need of supervision and refer the matter to

the Van Buren County Deputy Prosecuting Attorney for further action.

SECTION 7. Dates of Operation: In order to allow implementation of administrative procedures and to afford reasonable time for notice and warning to the public, this Ordinance shall be enforced as follows:

- (a) Prior to September 5, 1996, minors in violation hereof shall be advised of the provisions of this Ordinance, and shall be directed to return home or shall be escorted home; however, first offenses shall not be counted as violations and a warning shall be given to the juvenile and parent. However, all subsequent offenses shall count as violations.
- (b) Subsequent to September 5, 1996, all provisions of this Ordinance shall be fully enforced as provided herein.

SECTION 8. Construction: Severability is intended throughout and within the provisions of this Curfew Ordinance. If any provision, including an exception, part, phrase, or term, or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the Curfew Ordinance in any and all other respects shall not be affected thereby.

SECTION 9. Repealer: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. Emergency: It is hereby determined by the City Council of the City of Clinton, Arkansas, that a curfew for juveniles is a reasonable, effective, and necessary means of deterring and controlling juvenile delinquency, and that the passage of this Ordinance is necessary for the preservation of the public good; THEREFORE, an emergency is hereby declared to exist and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its passage and approval.

PASSED this 14th day of August, 1996.

APPROVED:


Mayor

ATTEST:


Clerk/Recorder