

ORDINANCE NO. 2018-14

AN ORDINANCE TO AMEND ORDINANCE 72-5.5 TO ESTABLISH A CURFEW IN THE CITY OF FARMINGTON, ARKANSAS, AND FOR OTHER PURPOSES.

WHEREAS, a failure in the supervision normally provided by parents for minors under 18 years of age results in a wide range of unacceptable behavior including vandalism, noisy and unruly behavior, breaking and entering, public drinking and littering, and truancy or absenteeism from school; and

WHEREAS, the offensive activities of minors are not easily controlled by existing laws and ordinances because the activities are concealed whenever police officers are present, and that the establishment of reasonable curfew regulations will enable the police to act reasonably and fairly to prevent the violation of laws and ordinances by minors; and

WHEREAS, imposing legal sanctions to enforce parental responsibility decreases the likelihood of juvenile delinquency, and a curfew for minors will reinforce the primary authority and responsibility of parents and guardians over minors in their care and custody.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, WASHINGTON COUNTY, ARKANSAS:

SECTION 1. Definitions. For the purposes of this ordinance, the following terms, phrases and words shall have the meanings ascribed to them by this section.

- A. *City* is the City of Farmington, Arkansas.
- B. *District Court* means the District Court of Washington County, Farmington Department, which has jurisdiction only within the city limits of the City of Farmington.
- C. *Minor* is any person under the age of eighteen (18) years of age.
- D. *Parent* is any person having legal custody of a minor (i) as a natural parent, (ii) as an adoptive parent, (iii) as a legal guardian, (iv) as a person to whom legal custody has been given by order of a court.
- E. *Public places* means a publicly or privately owned place to which the public or substantial numbers of the people have access. A public place does not include the residence of a minor, or the residence of a minor's parent or a responsible adult.
- F. *Streets* means any alley, thoroughfare, pathway or other course of travel open to the public.
- G. *Unoccupied premises or grounds* means all areas and premises of the city except those premises designed as dwellings or places of residence and presently occupied by such residents.

SECTION 2. Curfew Established. It shall be unlawful for any person under the age of 18 years to congregate, loiter or be on the streets, highways, in public places or upon unoccupied premises or grounds in the city or operate or be in actual physical control of a motor vehicle within the city after the hour of 10:00 p.m. through 5:00 a.m. on Sunday through Thursday and 11:00 p.m. through 5:00 a.m. on Friday and Saturday.

SECTION 3. Permitting minor to violate curfew. It shall be unlawful for any parent or guardian to willfully or negligently permit a minor under the age of 18 years who is subject to his or her custody to violate any of the provisions of this ordinance, nor shall any such parent or guardian issue a written consent as provided in Section 4, except in cases of necessity. The fact that a minor is in violation of the provisions of this ordinance without a defense as set forth in Section 4 shall create a rebuttable presumption that a parent is in violation of this ordinance.

SECTION 4. The following activities shall be exempt from the curfew requirements of this ordinance where the minor is:

- A. Accompanied by his parent, guardian or any other person 21 years of age or older who is authorized by a parent as the caretaker for the minor;
- B. On an errand, without any detour or stop, at the direction of his or her parent, guardian or caretaker, in which case such person shall personally have with him or her the written consent of the parent, guardian or caretaker;
- C. In a vehicle involved in interstate travel;
- D. Engaged in a certain employment activity, or going to or from employment, without any detour or stop, and such minor has in his or her possession evidence of such employment;
- E. Involved in an emergency;
- F. On the sidewalk that abuts the minor's residence;
- G. In attendance at an official school, religious or other recreational activity sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor, or going to or from such activity, without any detour or stop, and supervised by adults.

SECTION 5. Penalties and law enforcement.


- A. A minor or parent of a minor found to be in violation of this ordinance may be cited into Juvenile or District Court subject to penalties as follows:
 - i. First offense \$100 fine, plus court costs
 - ii. Second offense \$500 fine, plus court costs
 - iii. Third offense Up to \$1,000 fine and court costs, and up to thirty (30) days in jail at the discretion of the District Court Judge.

- B. A parent of a minor charged with violation of this article may be notified of such violation and may be cited to appear before the District Court for any hearing which involves the minor.
- C. At the discretion of the law enforcement officer any minor arrested or cited for violation of the Minor Curfew Ordinance may be released to immediately return home or may be escorted to their home or school, or may be taken into custody and delivered to an appropriate location or juvenile authority to be held until a parent can located to take custody of the minor.
- D. Nothing in this section shall preclude a law enforcement officer from taking any or all appropriate actions for a minor's violation of any other local or state law.

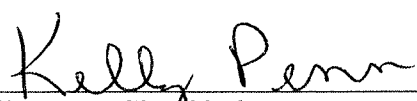
SECTION 6. Emergency Clause. That the City Council of the City of Farmington, Arkansas, further determines that this ordinance is necessary to adequately protect the citizens and enforce parental responsibility for the conduct of minors; therefore, an emergency is hereby declared and this ordinance shall be become effective after its passage and publication.

PASSED, APPROVED AND IN EFFECT this 19th day of November, 2018.

APPROVED:

By: 
Ernie Penn, Mayor

ATTEST:


Kelly Penn, City Clerk