

ORDINANCE NO. 286

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS
WITHIN THE CITY OF GREENLAND, ARKANSAS, AND FOR
OTHER PURPOSES.

WHEREAS, the City Council for the City of Greenland, Arkansas, finds that special circumstances exists within the City that cause the need for special regulation of minors within the City in order to protect them from each other and from other persons on the street during the nocturnal hours, to aid in crime prevention, to promote parental supervision and authority over minors, and to decrease nocturnal crime rates;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GREENLAND, ARKANSAS, A curfew for minors is hereby established as follows:

- (a) Findings and purpose: The City Council for the City of Greenland, Arkansas, finds that special circumstances exist within the City that call for special regulation of minors within the City in order to protect them from each other and from other persons on the street during the nocturnal hours, to aid in crime prevention, to promote parental supervision and authority over minors, and to decrease nocturnal crime rates.
- (b) Definitions: For purposes of this curfew ordinance, the following terms, phrases, words, and their derivations shall have the meanings ascribed to them by this section:
 - 1. **City** is the City of Greenland, Arkansas.
 - 2. **Emancipated minor** means a minor who no longer has a parent-child

relationship as a result of marriage, or as a result of being recognized as an adult by order of a court of competent jurisdiction.

3. ***Legitimate parentally approved errand*** means a minor performing a necessary task at the direction of the minor's parent, and the nonperformance of the errand, or delay in performance until after curfew hours have abated, would result in injury or undue hardship.
4. ***Minor*** is any unemancipated or unmarried person under the age of 18 years of age.
5. ***Parent*** is any person having legal custody of a minor (i) as a parent, (ii) as an adoptive parent, (iii) as a legal guardian, (iv) as a person to whom legal custody has been given by the order of a Court.
6. ***Public places*** means a publicly or privately owned place to which the public or substantial numbers of people have access. A public place does not include the residence of a minor, or the residence of a minor's parent, or responsible adult.
7. ***Responsible adult*** means a person at least 21 years of age to whom a parent has expressly given permission to accompany a minor.

(c) Curfew for minors:

1. It shall be unlawful for any minor to be upon the streets, sidewalks, parks, playgrounds, public places and vacant lots, or to ride in or upon, drive or otherwise operate or be a passenger in any automobile, bicycle, or other vehicle in, upon, over or through the streets, or other public places between the following hours:

- (i) On Sunday through Thursday evenings from 11:00 p.m. through 5:00 a.m. (6 hours);
- (ii) On Friday and Saturday evenings beginning at midnight through 5:00 a.m. (5 hours).

2. It shall be unlawful for any parent to permit a minor to be upon the streets, sidewalks, parks, playgrounds, public places and vacant lots, or to ride in or upon, drive or otherwise operate, a vehicle in, upon, over or through the streets, or other public places in violation of paragraph (c)(1) above. The fact that a minor is in violation of the provisions of subsection (c)(1) hereinabove, without a defense as set forth in this ordinance, shall create a rebuttable presumption that a parent is in violation of this subsection.

(d) Exceptions to curfew:

- 1. Notwithstanding the provisions of this ordinance, the Minor Curfew Ordinance does not apply;
 - (i) At any time a minor is accompanied by a parent, or by a responsible adult authorized by a parent to take the parent's place to accompany the minor for a designated period of time and purpose within a specified area.
 - (ii) If the minor is employed, for a period of time 45 minutes after work, provided that circumstances suggest the minor is returning from work to a place of residence.
 - (iii) When a minor is returning home from an activity that is supervised by adults and sponsored by the city, a civic organization, a public or

private school, or any entity that takes responsibility for the minor, provided that the activity has not concluded for more than 45 minutes.

- (iv) At any time the minor is on a legitimate parentally approved errand.
- (v) At any time the minor is on a trip in interstate commerce.
- (vi) At any time the minor is required to leave a residence because of an emergency.
- (vii) At any time the minor is engaged in an activity that is protected by the First Amendment to the United States Constitution, or the freedom of speech, religion or expression provisions in Article II of the Arkansas Constitution.

2. If a minor being questioned about the possible violation of this Curfew Ordinance provides a law enforcement officer with sufficient reason to believe that the minor is entitled to an exemption under subsection (d) 1 above, the law enforcement officer shall take no enforcement action under this article, provided the officer may make a report of the minor's identity, the exemption claimed, and other necessary information to note the possible violation of this article.

(e) Penalties and law enforcement:

1. A parent or minor found to be in violation of this article shall be subject to a fine of not less than \$25.00 nor more than \$100.00.
2. At the discretion of the law enforcement officer, any minor receiving a citation for violation of this Curfew Ordinance may be released to immediately return home, may be escorted to their home, or may be taken

into custody and delivered to an appropriate juvenile authority to be held until a parent can be located to take custody of the minor.

3. 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.

PASSED AND APPROVED this 9th day of November, 2009.

John Gray - Mayor 11/09/2009
John Gray: Mayor

ATTEST:

Donna Cheevers
Donna Cheevers, City Recorder / Treasurer

