

ORDINANCE 2006- 7

AN ORDINANCE REPEALING ORDINANCE 75-4; AND ESTABLISHING AN ORDINANCE IMPOSING A NOCTURNAL CURFEW AS WELL AS A CURFEW FOR MINORS DURING NORMAL SCHOOL HOURS ON WEEKDAYS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the city of Vilonia, Arkansas has found and determined that it is necessary to repeal ordinance 75-4, currently in force, which imposed a nocturnal curfew and provided penalties for violation and no longer sufficiently meets the public health and safety concerns the city has for minor citizens thereof; and

WHEREAS, A.C.A. 9-27-306, provides that juvenile court shall have concurrent jurisdiction with district/city court for juvenile curfew (ordinance/violations), and

WHEREAS, the city of Vilonia, Arkansas has a strong desire to enact an ordinance that will reduce juvenile crime and victimization during both daylight and nocturnal hours, and to promote juvenile safety and well being for persons under the age of 18 years, whether these persons are in public school, private school, home school, or involved in other activities, and

WHEREAS, the city of Vilonia, Arkansas has recognized there has been an increase in criminal offenses occurring during normal school hours and during nocturnal hours that often involve minors either as perpetrators or as victims, and

WHEREAS, current state laws on truancy do not deal with juveniles that have been expelled from school.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VILONIA, ARKANSAS:

Section 1. Definitions.

- (A) **MINOR / JUVENILE** means any person under the age of 18 years.
- (B) **PARENT** means a person who is:
 - (1) a natural parent, adoptive parent, or step parent of another person or is at least 18 years of age and authorized by a parent or guardian to have custody and care of a minor

- (C) **GUARDIAN** means:
- (1) a person who, under court order, is the guardian of the person of a minor; or
 - (2) a public or private agency with whom a minor has been placed by court.
- (D) **PUBLIC PLACE** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, shops, alleys or the other common places within the city of Vilonia.

Section 2. OFFENSES

- (A) It shall be unlawful for any person under full legal age to loiter, ramble, play upon, or frequent the sidewalks, streets, highways, alleys or other public places within the city of Vilonia, Arkansas, between the hours of 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday until 6:00 a.m. of the following day; and between the hours of 11:00 p.m. until 6:00 a.m. on Friday and Saturday.
- (B) It is hereby declared to be unlawful for any parent, guardian, or other person having the legal care or custody of any minor person to allow or permit any such minor person to loiter, ramble, play upon or frequent the sidewalks, streets, highways, alleys or other public places within the city of Vilonia, Arkansas, between the hours of 10:00 p.m. and 6:00 a.m. the following day, Sunday, Monday, Tuesday, Wednesday, and Thursday and between the hours of 11:00 p.m. and 6:00 a.m. on Friday and Saturday.
- (C) It shall be unlawful for any person under full legal age to loiter, ramble, play upon or frequent the sidewalks, streets, highways, alleys or other public places within the city of Vilonia, Arkansas, during normal school hours on any given weekday while school is in session.
- (D) It shall be unlawful for any parent, guardian, or other person having the legal care or custody of any minor person to allow or permit any such minor person to loiter, play upon, or frequent the sidewalks, streets, highway, alleys, or other public places within the city of Vilonia, Arkansas, during normal school hours on any given weekday while school is in session.

Section 3. DEFENSES

- (A) It is a defense to a prosecution under Section 2 that the minor was:
- (1) accompanied by the minor's parent or guardian;
 - (2) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (4) involved in an emergency;
 - (5) attending or going to or returning home from an official school, religious, or other recreational activity supervised by adults, a civic organization, or another similar entity that takes responsibility for the minor, without detour or stop;

Section 4. ENFORCEMENT

- (A) Every member of the police force is hereby authorized to detain any such minor willfully violating the provisions set forth in the above, Section 2, until at the discretion of the officer, the parent or guardian shall take the minor into custody, or if necessary, the minor is incarcerated or delivered to the appropriate juvenile authority until a parent or guardian can be located.
- (B) Nothing in this section shall preclude a law enforcement officer from taking any and all appropriate actions for a minor's violations of any other state or local laws.

Section 5. PENALTIES

- (A) In addition to any other criminal or traffic penalties that may be imposed, any minor found to be in violation of this ordinance shall be cited for such violations and referred to the appropriate juvenile authority.
- (B) Any parent, guardian or other person having legal care or custody of any person under full legal age and/or any minor person 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 one hundred dollars, (\$100.00) and not more than five hundred dollars, (\$500.00) for the first offense;

(B) (Penalties paragraph continued)

a fine of not less than two hundred fifty dollars, (\$250.00) and not more than five hundred dollars, (\$500.00), or be imprisoned in the county jail for a term of not less than one, (1) day nor more than seven, (7) days, or both fined and imprisoned for the conviction of a second subsequent offense; a fine of not less than, five hundred dollars, (\$500.00); 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 fined and imprisoned for any third or subsequent conviction.

Section 6. SEVERABILITY


- (A) If any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance. To this end, the provisions of this ordinance are declared to be severable.

Section 7. REPEALER

- (A) Ordinance 75-4 is specifically repealed, as well as any other ordinances and parts of ordinances in conflict herewith.

Section 8. EMERGENCY

- (A) It is ascertained and declared that it is necessary for the protection and preservation of the public peace, welfare, safety and property of the citizens of the city of Vilonia, Arkansas that the foregoing ordinance be passed and adopted; that an emergency exists; and that this ordinance shall take effect and be in force from and after its' passage and publication.



Mayor



Recorder/Treasurer

Date 09-19-06