

ORDINANCE NUMBER 07- 03

AN ORDINANCE ESTABLISHING A CURFEW DURING SCHOOL HOURS; DECLARING AN EMEGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to uphold the health, safety and welfare of the citizens of the City of East Camden; and,

WHEREAS, the City Council previously created a nighttime curfew for juveniles; and,

WHEREAS, a curfew for juveniles is also necessary during school hours.

NOW, THEREFORE, BE AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST CAMDEN, ARKANSAS, THAT:

Section 1. DAYTIME CURFEW

It shall be unlawful for any minor under the age of eighteen (18) 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 of any automobile, bicycle, or other vehicle in, upon, over or through the streets, or other public places between the hours of 9:00 a.m. and 3:00 p.m., Monday, Tuesday, Wednesday, Thursday, or Friday.

Section 2. PARENTAL RESPONSIBILITY

It shall be unlawful for any parent to permit a minor to be upon the streets, sidewalks, parks, playgrounds, public places or 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 between the hours of 9:00 a.m., and 3:00 p.m., Monday, Tuesday, Wednesday, Thursday, or Friday.

Section 3. EXCEPTIONS

With respect to the hours between 9:00 a.m. and 3:00 p.m., on Monday, Tuesday, Wednesday, Thursday or Friday only, it is a defense that the public or private school which the minor attends was not in session, that the minor

is being home schooled in accordance with Arkansas law and a recess has been declared by the home school teacher, that the minor is a high school graduate or has an equivalent certification, or that the minor is on an excused absence from his or her place of schooling, it being understood that a disciplinary suspension or expulsion is not deemed an excused absence for the purposes of this section.

Section 4. ENFORCEMENT

If a police officer reasonably believes that a juvenile is on the streets in violation of the daytime curfew ordinance, the officer shall notify the juvenile that he or she is in violation of the ordinance and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent or guardian. 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 5. PENALTIES

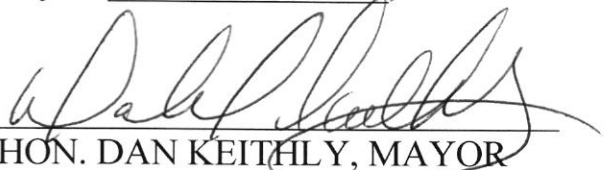
(a) If, after the warning notice of a first violation by a juvenile, a parent violates the daytime curfew ordinance in connection with a second violation by the juvenile, this shall be treated as a first offense by the parent. For parental offenses, a parent may be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00).

(b) Any juvenile who shall violate any of the provisions of the daytime curfew ordinance more than three (3) 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 Ouachita County Prosecuting Attorney and/or the Arkansas department of Human Services and/or other appropriate authorities.

Section 6. EMERGENCY DECLARED

It being necessary to immediately enact this Ordinance to preserve the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its date of passage, approval and publication.

Passed and approved this 16th day of October, 2007.


HON. DAN KEITHLY, MAYOR

ATTEST:


ANN NORDMEYER,
CITY RECORDER

