

481

1192-5
ORDINANCE 1992-5

AN ORDINANCE TO PRESERVE THE PUBLIC PEACE AND SAFETY IN CRITTENDEN COUNTY AND FOR THE RESIDENTS THEREOF BY ESTABLISHING A CURFEW APPLICABLE TO JUVENILES AND REGULATING THEIR PRESENCE IN PUBLIC STREETS, HIGHWAYS, AND OTHER PLACES AND DEFINING THE DUTIES OF PARENTS AND GUARDIANS OF JUVENILES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE QUORUM COURT OF CRITTENDEN COUNTY, ARKANSAS:

Section 1. FINDING AND PURPOSE: The Quorum Court of Crittenden County hereby finds there has been a significant breakdown in the supervision normally provided by certain parents and guidance for juveniles under eighteen (18) years of age resulting in juveniles being involved in a wide range of unacceptable behavior including vandalism, noisy and rowdy behavior, breaking and entering, public drinking and littering, harassment of residents, and more serious violent crimes, including battery and murder.

The Quorum Court further finds that the offensive activities of juveniles are not easily controlled by existing laws and ordinances because the activities are concealed when police officers are present and that the establishment of reasonable curfew regulations will enable the county to better control the free and unobstructed access to the streets, roads, highways and public places by the majority of residents and will enable the police and Sheriff's deputies to act reasonably and fairly to prevent the violation of laws and ordinances by juveniles.

The Quorum Court further finds and has determined that a curfew meets a very real need and that curfew ordinances in other communities have been a factor in minimizing juvenile delinquency.

482

The Court also recognizes that there is a proper time for the cessation of outdoor activities of juveniles and this is reflected in the curfew hours declared by this Ordinance which takes into consideration the danger hours for nocturnal crime.

Parental responsibility for the whereabouts of children is the accepted norm by the majority of residents in the County. Legal sanctions to enforce such responsibility have had demonstrated effectiveness in many communities. the Quorum Court has determined that as parental control increases there is a likelihood that juvenile delinquency decreases and that there is a need for nocturnal curfew for juveniles in Crittenden County and that the establishment of a curfew applicable to juveniles will reinforce the primary authority of parents and guardians over juveniles in their care and custody.

Section 2: DEFINITIONS: For the purpose of the Curfew Ordinance the following terms , phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense including the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

(a) Juvenile or minor is any person under the age of eighteen (18), or, in equivalence phrasing often herein employed, 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) as a legal guardian, (iii) as a person who stands in loco parentis, (iv) as a person to whom legal

483

custody has been given by order of a court or competent jurisdiction.

(c) Remain means to stay behind, to tarry and to stay unnecessarily upon the streets, roads, and highways including the congregating of groups (or of interacting minors) totaling three or more persons in which any juvenile involved would not be using the streets roads, and highways for ordinary or serious purposes such as the mere passage or going home. To impliment that thought with additional precision and precaution, numerous exceptions are expressly defined in this ordinance so that this is not a mere prohibition of presence of juveniles. More and more exceptions become availabvle with increasaeing years and advancing maturity as appropriate in the interest of reasonable regulation.

(d) Street, road, or highway is a way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk, for pedestrian travel. The term street, road or highway includes that legal right of way, including but not limited to traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street, road or highway. The term street, road or highway applies irrespective of what it is called or formally named. The term street, road or highway also inculdes shopping centers, parking lots, parks, playgrounds, public buildings, the common areas of public housing, and similar areas that are open to the use of the public.

484

(e) Time of night referred to herein is based on the prevailing standard of time, whether Central Standard or Central Daylight Savings Time, generally observed at that hour by the public in the County, prima facie the time then observed in the Crittenden County Sheriff's Office.

(f) Years of age continues from one birthday to the next, such as the seventeenth birthday to the eighteenth birthday, making it clear that seventeen or less years of age be treated as "under eighteen (18) years of age.

Section 3: CURFEW FOR JUVENILES: It shall be unlawful for any person seventeen (17) or less years of age (under 18) to be or remain in or upon the streets, roads or highways of the unincorporated areas of Crittenden County at night during the period ending at 5:00 A.M. and beginning

(a) At 12:00 Midnight on Friday and Saturday nights and,

(b) 10:00 P.M. on all other nights.

Section 4: EXCEPTIONS: In the following exceptional cases a minor on a County Highway, Road, or street of the unincorporated areas of Crittenden County during the nocturnal hours prescribed for minors shall not however, 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, who is not the parent and who is authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

(c) When exercising First Amendment rights protecte^{ns}as the

491

1992-5

PROPOSED BUDGET FOR JANUARY 1, 1992, THROUGH DECEMBER 31, 1992
CRITTENDEN COUNTY DRUG TASK FORCE 01-011-XXX

	CURRENT YEAR APPROP.	ACTUAL PROJECT. EXPEND. CURRENT YEAR	AMOUNT REQUEST. NEXT YR.
<u>BUDGET LINE ITEM</u>			
<u>PERSONAL SERVICES</u>			
001 SALARIES, FULL TIME	54152.00	60200.00	
006 SOCIAL SECURITY MATCH	4221.00	4635.00	
007 RETIREMENT MATCH	3311.00	3809.00	
009 HEALTH INSURANCE MATCH	3460.00	4327.00	
010 WORKER'S COMP.	1394.00	2269.00	
011 UNEMPLOYMENT MATCH	216.00	437.00	
<u>TOTAL PERSONAL SERVICES</u>	<u>66754.00</u>	<u>75,677.00</u>	
<u>MISCELLANEOUS</u>			
087 OTHER MISCELLANEOUS	1000.00	1000.00	
<u>TOTAL MISCELLANEOUS</u>	<u>1000.00</u>	<u>1,000.00</u>	
<u>CAPITAL OUTLAYS</u>			
113 MACHINERY & EQUIP.	-0-	12047.00	
<u>TOTAL CAPITAL OUTLAYS</u>	<u>-0-</u>	<u>12,047.00</u>	
<u>GRAND TOTAL</u>	<u>67,754.00</u>	<u>88,724.00</u>	