ORDINANCE NO. 89-12

AN ORDINANCE REGULATING THE PRESENCE OF MINORS UNDER THE AGE OF 18 YEARS ON THE STREETS, ALLEYS OR IN PUBLIC PLACES AFTER CERTAIN HOURS, DEFINING THE DUTIES OF PARENTS OR OTHERS IN CARE OF MINORS, AND PROVIDING FOR THE ARREST AND PENALTIES FOR VIOLATION THEREOF; REPEALING ORDINANCE NO. 124; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF MULBERRY, ARKANSAS:

SECTION 1: That it shall be unlawful for any person under the age of 18 years to be, or to remain in or upon any of the streets, alleys or public places in the City of Mulberry, Arkansas, at night between 11:00 p.m. and daylight, Sunday through Thursday nights, and 12:00 a.m. (midnight) and daylight on Friday and Saturday nights, unless such person is accompanied by a parent, guardian, or other adult person responsible for or having legal custody of such minor person; or such minor's gainful employment makes it necessary for such minor to be upon said streets, alleys or other public places after the said specified hours; or on a bona fide emergency errand sanctioned by the parent, guardian or other adult person responsible for or having legal custody of the said minor,

SECTION 2: The fact said minor, unaccompanied by parent, guardian or other adult person having legal custody or responsible for said minor is found upon any street, alley or other public place after the specified hours, as set forth in Section 1, shall be prima facie evidence that the minor is there unlawfully and that no reasonable excuse exists therefor.

SECTION 3: It shall be unlawful for any parents, guardians, or other adult persons responsible for or having the lawful care, custody and control of any person under the age of 18 years of age to allow, permit or suffer such minor to violate the provisions of Section 1.

SECTION 4: It shall be unlawful for any person, firm or corporation operating or in charge of any place of amusement, entertainment or refreshment, or other place of business, to permit any minor under the age of 18 years to loiter, loaf or idle in such place or on the premises during the hours prohibited by this ordinance when such person, owner or operator in charge of such place of business shall find such a minor under the age of 18 on the premises, he shall forthwith order such person to leave and if such minor shall fail and refuse to leave said premises the owner or operator shall report such violation to the Police Department.

SECTION 5: Any person under the age of 18 years who shall violate Section 1 of the ordinance shall upon conviction be fined in any sum not to exceed $25.00 plus court costs for each offense.

SECTION 6: Any parent, guardian, or other adult person responsible for or having the legal custody of a minor under the age of 18 years, who permits, allows or suffers said minor to violate the provisions of Section 1 of this ordinance shall upon conviction be fined not more than $25.00 plus court costs for the first offense, and upon conviction of any subsequent violation shall be fined in a sum of not more than $50.00 plus court costs.

SECTION 7: Any person, firm or corporation operating or in charge of any place of amusement, entertainment, refreshment or other place of business who shall violate Section 4 of this ordinance shall upon conviction be fined in a sum of not more than $25.00 plus court costs.

SECTION 8: Ordinance No. 124 and any other curfew ordinances, amendments thereto, or parts thereof enacted previously by the City Council of Mulberry, Arkansas in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9: If any provision of this ordinance is held to be void, it shall not affect the validity of the remainder, but the remainder shall stand.

SECTION 10: That Ordinance No. 124 has parts that are no longer valid and an urgent need exists for an enforceable curfew ordinance, and this ordinance being necessary for the immediate preservation of the public peace, health and safety an emergency is declared and this ordinance shall take effect and be in full force from and after its passage and approval.

PASSED AND APPROVED THIS 3RD DAY OF OCTOBER, 1989.

APPROVED:

Arnold D. Feller

Arnold D. Feller, Mayor

ATTEST:

Joe Benham

Joe Benham, Recorder-Treasurer