

City of Rector Juvenile Safety Ordinance # 5815

An ordinance to establish a safety protocol applicable to juveniles and regulating their presence on public streets and other places providing penalties for those violations.

Be it ordained by the City Council for the City of Rector, Arkansas:

Section one: For the purposes of this ordinance the following terms, words, and their derivations shall have the meaning given herein.

- A) **Juvenile/Minor...**Any person under the age of eighteen (18)
- B) **Parent...**Any person having custody of a juvenile as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis, or as a person to whom legal custody has been given by order of a court of competent jurisdiction.
- C) **Remain...** To stay behind, linger or to stay unnecessarily upon the streets, public property, or uninvited private property.
- D) **Street...** Is a right of way or place of whatever nature open to the use of the public as matter of right for purposes of vehicular travel or in the case of a sidewalk for pedestrian travel. The term street includes that legal right of way including but not limited to traffic lanes, the curb, the sidewalks and any grass plots or other grounds found within the legal right of way of a street. The term street applies to alley, avenue, drive, road or otherwise. The term street for the purposes of this ordinance shall include areas of parking lots, stores, parks, playgrounds public buildings, common areas of public housing and similar areas that are open to the use of the public.
- E) **Years of age...** Continues from one birthday to the next not including the day of said birthday making it clear that 17 or less years of age be treated as equivalent to the phrase "under 18 years of age".

Section two: It shall be unlawful for any person under the age of 18 (eighteen) to remain upon the streets within the City of Rector at night during the following times as dictated by age:

16-17 year old	11pm to 5am Sun. – Thu. and 12am to 5am Fri. and Sat.
14-15 year old	9:30pm to 5am Sun.-Thu. and 10:30pm to 5am Fri. and Sat.
13 years or younger	9pm to 5am Sun. to Sat.

Section three: The following exceptions to this ordinance shall allow a minor on a city street during the hours prescribed and shall not be considered a violation of the Juvenile Safety 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 the 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 protected by the United States Constitution, such as free exercise of religion, freedom of speech, and the right of such exercise by first delivering a written communication to the person designated by the Chief of Police to receive such information at the police department. This document will be signed by the juvenile and countersigned by a parent or guardian of the juvenile to include their home address and telephone number specifying when, where, and in what manner the juvenile will be on the streets at night during the hours when the Juvenile Safety Ordinance is otherwise applicable to said minor.
- D) When returning home from a school or city sponsored activity or an activity of a religious or other similar event. (Within one hour of termination of event.)
- E) When engaging in the duties of legitimate employment, or traveling directly without undue delay or detour from minor's home to the place of employment or from the place of employment to minor's home.
- F) When the minor is in a motor vehicle for the purpose of interstate travel, either through, beginning, or ending in Rector, Arkansas.

Section four: It shall be unlawful for a parent of a juvenile to permit or allow the juvenile to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of the JSO. This ordinance is intended to protect the juvenile population of the City of Rector, Arkansas as well as to hold neglectful and careless parents to a reasonable community standard of parental responsibility. It shall be no defense that a parent was indifferent to the activities of conduct or whereabouts of such juvenile.


- A.) Police procedures shall be refined with experience and may provide that the police officer may deliver a juvenile to the parent or guardian of the juvenile under appropriate circumstances.
- B.) When a parent or guardian has come to take charge of a juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of the minor's parent. If the parent cannot be located or fails to take charge of the juvenile, the minor shall be released in accordance with Arkansas and Federal Law.
- C.) In the case of a first violation by a juvenile the police department shall deliver to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of parental responsibility and of applicable penalties.

Section five: If a police officer reasonably believes that a juvenile is on the streets in violation of the 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 judgement in determining age.)

Section six: If after the warning notice pursuant to section four (4) of a first violation by a juvenile, a parent violates section five (5) (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 \$100.00, nor more than \$500.00 for the first offense, not less than \$200.00, nor more than \$500.00 for a second offense, and not less than \$300.00, nor more than \$500.00 for a third offense. Any juvenile who shall violate any of the provisions of the JSO more than three (3) times shall be reported by the Chief of Police to the juvenile authorities as a juvenile in need of supervision.

Section seven: That it is hereby determined by the City Council of the City of Rector, Arkansas that the passage of this ordinance is necessary for the preservation of the public health, safety and welfare of the citizens of Rector, and that therefore an emergency is declared to exist and this ordinance shall be in full force and effect from and after the date of its adoption.

Passed and adopted this 13th day of February 2025

Mayor 

Recorder 