

AN ORDINANCE AMENDING CHAPTER 7.08 OF THE MUNICIPAL CODE OF EUREKA SPRINGS, ARKANSAS, WITH RESPECT TO CURFEWS FOR PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS, EXCEPTIONS THERETO AND PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

SECTION 1. Sections 7.08.04, 7.08.05, 7.08.06 and 7.08.07 of the Eureka Springs Municipal Code are hereby amended to read, in their respective entireties, as follows, to-wit:

7.08.04 Curfew for persons under the age of eleven (11) years. It shall be unlawful for any person under the age of eleven (11) years to be on or in any city street, alley, reservation, park or any other public place within the corporate limits of the City of Eureka Springs, Arkansas, either as a pedestrian or as an occupant of any motor vehicle or other vehicle, unless accompanied by a parent or guardian, between the hours of 9:00 o'clock p.m. and 6:00 o'clock a.m.

7.08.05 Curfew for persons at least eleven (11) years old but under the age of fourteen (14) years. It shall be unlawful for any person at least eleven (11) years old but under the age of fourteen (14) years to be on or in any city street, alley, reservation, park or any other public place within the corporate limits of the City of Eureka Springs, Arkansas, either as a pedestrian or as an occupant of any motor vehicle or any other vehicle, unless accompanied by a parent or guardian, between the hours of 10:00 o'clock p.m. and 6:00 o'clock a.m.

7.08.06 Curfew for persons at least fourteen (14) years old but under the age of sixteen (16) years. It shall be unlawful for any person at least fourteen (14) years old but under the age of sixteen (16) years to be on or in any city street, alley, reservation, park or any other public place within the corporate limits of the City of Eureka Springs, Arkansas, either as a pedestrian or as an occupant of any motor vehicle or any other vehicle, unless accompanied by a parent or guardian, between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m.

7.08.07 Curfew for persons at least sixteen (16) years old but under the age of eighteen (18) years. It shall be unlawful for any person at least sixteen (16) years of age but under the age of eighteen (18) years to be on or in any city street, alley, reservation, park or any other public place within the corporate limits of the City of Eureka Springs, Arkansas, either as a pedestrian or as an occupant of any motor vehicle or any other vehicle, unless accompanied by a parent or guardian, between the hours of 12:00 o'clock midnight and 6:00 o'clock a.m.

SECTION 2. Chapter 7.08 of the Eureka Springs Municipal Code is hereby further amended by adding the following three (3) sections thereto, to-wit:

7.08.08 Exceptions. The only exceptions to the respective curfew hours specified in Sections 7.08.04, 7.08.05, 7.08.06 and 7.08.07 shall be in the events of an official school function, a church function or gainful employment which actually extends past the respective curfew hours hereinabove specified, provided that it shall be unlawful for any person to whom any of the hereinabove

specified respective curfew hours pertain to be on or in any city street, alley, reservation, park or any other public place within the corporate limits of the City of Eureka Springs, Arkansas, either as a pedestrian or as an occupant of any motor vehicle or other vehicle, unless accompanied by a parent or guardian, later than thirty (30) minutes after the conclusion of such official school function or church function, or later than thirty (30) minutes after the conclusion of such gainful employment for the day, and prior to the hour of 6:00 o'clock a.m.

7.08.09 Culpability of parents and guardians. It shall be unlawful for any parent or guardian of any person to whom Sections 7.08.04, 7.08.05, 7.08.06, 7.08.07 and/or 7.08.08 pertain to purposely or knowingly permit such person to violate the respective curfew provisions of said Sections. For the purposes of this section, the terms "purposely" and "knowingly" shall be construed as defined in Section 203 of the Arkansas Criminal Code, presently codified as Ark.Stat. Ann. §41-203 (1977 Repl.).

7.08.10 Penalties. Any person convicted of violating Sections 7.08.04, 7.08.05, 7.08.06, 7.08.07, 7.08.08 and/or 7.08.09 in the Eureka Springs Municipal Court shall be subject to a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each separate violation. With respect to a conviction of violating Section 7.08.04, Section 7.08.05, Section 7.08.06, Section 7.08.07 or Section 7.08.08, the parent(s) or guardian(s) of a child or ward so convicted shall be liable for the payment of any fines imposed upon such child or ward, provided that nothing in this section shall be construed as prohibiting any such parent or guardian from reasonably requiring such child or ward to reimburse such parent or guardian for any fine so paid. The presiding judge of the Eureka Springs Municipal Court may, in his or her discretion, in lieu of or in addition to the imposition of any fine hereunder, place any minor so convicted on supervised probation, for a specified period of time not to exceed one (1) year, under the supervision of the Juvenile Probation Officer of Carroll County, Arkansas.

SECTION 3. The City Council has found and hereby declares that an emergency exists and that this Ordinance is essential to the public peace, safety, health and general welfare of the City of Eureka Springs, Arkansas. Accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

SECTION 4. If any part or parts of this Ordinance shall be held to be unenforceable by a court of competent jurisdiction, the remaining parts of this Ordinance shall be deemed separable therefrom and shall continue to be in full force and effect.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 2ND DAY OF MARCH, 1979, WITH SECTION 3 SEPARATELY PASSED AND DECLARED. *6th April 1979*

APPROVED:

Marcile Davis

Marcile Davis, Mayor

ATTEST:

Vesta C. Johnson

Vesta Johnson, City Clerk-Treasurer

(SEAL OF THE CITY)