

**CITY OF WARD  
ORDINANCE O-2023-13**

**AN ORDINANCE TO ESTABLISH A CURFEW FOR MINORS; TO REPEAL AND REPLACE CITY OF WARD ORDINANCES, C-2-92, WP-2-93, AND O-4-98; TO ESTABLISH PENALTIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS, THE GOVERNING BODY OF THE CITY OF WARD** finds a failure in the supervision normally provided by parents of minors under 18 years of age results in a wide-range of unacceptable behavior including but limited to; vandalism, noisy and unruly behavior, breaking and entering, public drinking and littering, truancy, or absenteeism from school; and,

**WHEREAS,** offensive activities by minors are not easily controlled by existing laws and ordinances because the activities are concealed whenever police officers are present, and that the establishment of reasonable curfew regulations will enable the police to act reasonably and fairly to prevent the violation of law and ordinances by minors; and,

**WHEREAS, THE GOVERNING BODY OF THE CITY OF WARD** deems it necessary to impose legal sanctions to enforce parental responsibility decreases the likelihood of juvenile delinquency, and a curfew for minors will reinforce the primary authority and responsibilities of parents and guardians over minors in their care and custody.

**NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARD THAT:**

**SECTION 1 – DEFINITIONS**

1. City: The City of Ward, Arkansas.
2. District Court: The Lonoke County District Court – Northern District, has jurisdiction within the city limits of the City of Ward.
3. Minor: Any person who has not attained the age of eighteen (18)<sup>1</sup>.
4. Parent: Any person having legal custody of a minor, as in;
  - a. A natural parent, or
  - b. An adoptive parent, or
  - c. A legal guardian, or
  - d. A person to whom legal custody has been given by order of a court.
5. Public Places: Publicly or privately-owned places to which the public or substantial number of people have access. A public place does not include the residence of a minor, or the residence of a minor’s parent or responsible adult.
6. Streets: Any alley, thoroughfare, pathway or other course of travel open to the public.

---

<sup>1</sup> A.C.A. 9-25-101

7. Unoccupied premises or grounds: All areas and premises of the city except those premises designed as dwellings or places of residence and presently occupied by such residents.
8. Minor Curfew Ordinance: Short title for Ordinance O-2023-13

**SECTION 2 – NIGHTTIME CURFEW:** It shall be unlawful for any minor to congregate, loiter, or be on the streets, highways, in public places or upon unoccupied premises or grounds in the city or operate or be in physical control of a motor vehicle within the city limits of Ward, Arkansas as noted below:

1. Sunday through Thursday: 11:00 pm to 5:00 am
2. Friday, Saturday, and any day before a National Holiday: 12 midnight to 5:00 am

**SECTION 3 – DAYTIME CURFEW DURING SCHOOL YEAR<sup>2</sup>:**

1. While the Cabot Public School System<sup>3</sup> or a private school system in which the minor attends, is in session, it shall be unlawful for any minor to congregate, loiter, or be on the streets, highways, in public places or upon unoccupied premises or grounds in the city or operate or be in physical control of a motor vehicle within the city limits of Ward, Arkansas.

2. 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 state 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 place of schooling, provided that disciplinary suspension or expulsion is not deemed an excused absence for the purpose of this section.

**SECTION 3 – PERMITTING A MINOR TO VIOLATE CURFEW:** It shall be unlawful for any parent or guardian to willfully or negligently permit a minor who is subject to his or her custody to violate any of the provision of this ordinance, nor shall any such parent or guardian issue a written consent as provided in Section 4, except in cases of necessity. The fact that the minor is in violation of the provisions of this ordinance without a defense as set forth in Section 4, shall create a rebuttable presumption that a parent or guardian is in violation of this ordinance.

---

<sup>2</sup> This Section does not apply during Summer School

<sup>3</sup> Or other public school that the minor attends

**SECTION 4:** The following activities shall be exempt from the curfew requirements of this ordinance where the minor is:

1. Accompanied by his or her parent, guardian or any other person 21 years of ages or older, who is authorized by the parent or guardian as the caretaker of the minor;
2. On an errand, without any detour or stop, at the direction of his or her parent, guardian, or caretaker, in which case such person shall personally have with him or her the written consent of the parent, guardian, or caretaker.
3. In a vehicle involved in interstate travel.
4. Engaged in certain employment activity, or going to or from employment, without any detour or stop, and such minor has in his or her possession evidence of such employment;
5. Involved in an emergency;
6. On a sidewalk or driveway that abuts the minor's residence;
7. In attendance at an official school, religious or other recreational activity sponsored by the city, a civic organization or another similar entity that take responsibility for the minor, or going to or from such activity, without detours or stop, and supervised by adults.
8. At any time, the minor is engaged in an activity that is protected by the First Amendment of the U.S. Constitution, or the freedom of speech, religion, or expression provisions in Article II of the Arkansas Constitution.

**SECTION 5 – PENALTIES:**

1. A minor or parent or guardian of a minor found to be in violation of this ordinance may be cited into District Court subject to the following penalties if found guilty.
  - a. First Offence: \$100 fine, plus court costs
  - b. Second Offence: \$500 fine, plus court costs
  - c. Third Offence: \$1,000 fine, plus court costs and up to thirty (30) days in jail at the discretion of the District Judge.
2. In addition to the above fines and court costs, the District Judge may take any other actions concerning juvenile delinquency as allowed by law.

**SECTION 6 – LAW ENFORCEMENT:**

1. A parent or guardian of a minor charged with a violation of this Ordinance may be cited to appear in District Court for any hearing which involved the minor.
2. At the discretion of the law enforcement officer, any minor arrested or cited for violation of the Minor Curfew Ordinance may be
  - a. Released to immediately return home, or
  - b. May be escorted to their home or school, or
  - c. May be taken into custody and transported to an appropriate facility.
3. Nothing in this Ordinance shall preclude a law enforcement officer from taking any and all appropriate actions for a minor's violation of any other local or state law.

**SECTION 7 – SEVERABILITY:** If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions.

**SECTION 8 – EMERGENCY CLAUSE:** The Governing Body of the City of Ward has determined that this Ordinance is necessary to adequately protect the citizens and enforce parental responsibilities for the conduct of minors; therefore, any emergency is hereby declared and this Ordinance shall take effect upon passage and posting as required.

SAID ORDINANCE WAS ADOPTED ON 7/17/23.

YEAS: 5      NAYS: 1

APPROVED:

ATTEST:

  
\_\_\_\_\_  
Charles Gastineau, Mayor

  
\_\_\_\_\_  
Krystal Rummel, City Clerk