

ORDINANCE NO. 2013-10-4345

AN ORDINANCE AMENDING ARKANSAS CITY MUNICIPAL CODE SECTION 42-24 RELATING TO CURFEW.

WHEREAS, current Municipal Code has curfew provisions for minors under the age of 16; and

WHEREAS, the City of Arkansas City desires to expand those provision to include persons under the age of 18 who are in violation of any court-ordered curfew.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

Section 1. AMENDMENT TO MUNICIPAL CODE. The Board of Commissioners amends Section 42-24 of the Arkansas City Municipal Code as follows (new provisions in italics; deleted provisions struck through):

Sec. 42-24. - Curfew.

(a) It shall be unlawful for any minor under the age of 16 years of age, or for any parent, guardian or other adult person having the care and custody of such minor to permit a minor under the age of 16 years of age, to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment or any establishment, vacant lots or other unsupervised places between the hours of 11:00 p.m. and 6:00 a.m. of the following day, except for Fridays and Saturdays, when the hours shall be 12:00 midnight to 6:00 a.m., except under the following circumstances:

- (1) When such minor is going to or from a place of lawful employment by way of the most direct route;
- (2) When such person is engaged in normal travel through, to or from the city to another destination; or
- (3) When such person is accompanied by his parent, guardian or other adult person having the care and custody of such minor, or where such minor is on an emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of such minor.

(b) It shall be unlawful for any person, or for any parent, guardian or other adult person having the care and custody of any person under the age of 18 to permit that person, to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment or any establishment, vacant lots or other unsupervised places in violation of any court-ordered curfew.

~~(c) A parent, guardian or other adult having the care and custody of a minor under 16 years of age shall be deemed to have "permitted" a violation of: (i) subsection (a) such child to violate subsection (a) of this section, when the minor under the age of 16 such minor has previously violated this section and has been released to the custody of such parent, guardian or other adult person having care or custody of subject minor child; or (ii) subsection (b) when the minor under the age of 18 is subject to a court-ordered curfew, and the parent, guardian or other adult person has been notified of same. A juvenile form, completed by the police department, evidencing the prior violation, including signature of the person to whom the minor is released, shall be prima facie evidence of intent to violate subsection (a) the provisions of this section in any prosecution against a parent, guardian or other adult person having the care and custody of a minor under 16 years of age.~~

Section 2. If any particular section of this ordinance is declared to be unconstitutional or void, only that particular section is affected, and all other sections of this ordinance shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect from and after its publication in the official City newspaper.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this 15th day of October, 2013.

Jay Warren, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Tamara L. Niles, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2013-10-4345 of the City of Arkansas City, Kansas adopted by the Board of Commissioners on October 15, 2013 as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk