

TITLE 7**PUBLIC PEACE, SAFETY AND MORALS****Chapters:**

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Fireworks
- 7.16 Foreman City Library
- 7.20 Jake-Braking
- 7.24 Destruction of Property
- 7.28 Firearms
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CHAPTER 7.04**STATE CRIMINAL STATUTES AND PENALTIES****Sections:**

- 7.04.01 State criminal statutes adopted
- 7.04.02 Criminal laws adopted
- 7.04.03 State penalties adopted

7.04.01 State criminal statutes adopted Each and every act, matter or thing which the laws of the state of Arkansas make misdemeanors or violations is hereby prohibited within the corporate limits of the city of Foreman, Arkansas, and made unlawful under this ordinance. The Arkansas Criminal Code, Title 41 of the Arkansas Statutes Annotated are hereby adopted by reference. (Ord. No. 216, Sec. 1.)

STATE LAW REFERENCE - See A.C.A. 14-55-501

7.04.02 Criminal laws adopted The criminal laws of the state of Arkansas, as now existing and as hereafter may be provided, insofar as same may make any act, matter or thing a misdemeanor or violation, are hereby adopted and incorporated into the Criminal Code of the ordinances of the city of Foreman, Arkansas. (Ord. No. 216, Sec. 2.)

7.04.03 State penalties adopted Each and every person who shall, within the corporate limits of the city of Foreman, Arkansas, violate any provisions of the laws into this ordinance incorporated and adopted shall on conviction thereof be punished by fine or imprisonment, or

both, as the case may be, together with the costs of the proceeding of not less than the minimum nor more than the maximum penalty as prescribed by the corresponding state law in such cases make and provide; which penalty shall be enforced in the manner now prescribed by the law for the enforcement and collection of the fines, forfeitures and penalties. (Ord. No. 216, Sec. 3.)

STATE LAW REFERENCE - A.C.A. 14-55-502

CHAPTER 7.08

CURFEW

Sections:

7.08.01	Purpose
7.08.02	Findings
7.08.03	Definitions
7.08.04	Offenses
7.08.05	Exceptions; defenses
7.08.06	Parental responsibility
7.08.07	Supplemental effect
7.08.08	Enforcement

7.08.01 Purpose The purposes of this ordinance are to:

- A. protect minors from criminal activity that occurs after the curfew hours;
- B. protect minors from improper influences that prevail after the curfew hour;
- C. protect the public from illegal acts of minors committed after the curfew hour;
and,
- D. help parents, guardians, custodians, and other responsible persons in carrying out their responsibility to exercise reasonable supervision of the children entrusted to their care. (Ord. No. 235, Sec. 1.)

7.08.02 Findings The city of Foreman hereby finds that there has been a significant breakdown in the supervision normally provided by certain parents and guidance for juveniles under eighteen (18) years of age, resulting in juveniles being involved in a wide range of unacceptable behavior including vandalism, noisy and rowdy behavior, breaking and entering, public drinking and littering, harassment of residents, and more serious violent crimes.

The city of Foreman further finds that the offensive activities of the juveniles 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 community to better control the free and unobstructed access to the streets and public places by the majority of residents and will enable the police to act reasonably and fairly to prevent the violation of laws and ordinances by juveniles.

The city of Foreman further finds and has determined that a curfew meets a very real local need and that curfew ordinances in other communities have been a factor in minimizing juvenile delinquency. A curfew in Foreman is particularly appropriate in view of the basic residential nature of the community and the sense of the community that there is a proper time for the cessation of outdoor activities of juveniles. That this attitude of the community is reflected in the curfew hours declares by this ordinance which takes into consideration the danger hours for nocturnal crime. (Ord. No. 235, Sec. 2.)

7.08.03 Definitions For purposes of this article the following words, terms, and phrases shall have the meanings associated to them in this section:

Curfew hours means

- A. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. the following day; and,
- B. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.
- C. 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday while Foreman, Arkansas School District is in session.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Minor means any person under eighteen (18) years of age.

Parent means a person who is the natural parent, adoptive parent, or the step-parent of a person. As used herein, "parent" shall also include a court appointed guardian or other person twenty-one (21) years of age or older and authorized by the parent, by a custodial order, or by the court appointed guardian to have the care and custody of a person.

Public place means any place to which the public or a substantial group of this public has access and includes, but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops. (Ord. No. 235, Sec. 3.)

7.08.04 Offenses

- A. It shall be unlawful for any minor to intentionally or knowingly remain, walk, run, stand, drive, or ride about in or upon any public place in this city of Foreman, Arkansas, during curfew hours.
- B. It shall be unlawful for the parent of a minor to knowingly permit, or by insufficient control to allow such minor to remain, walk, run, stand, drive, or ride about, in or upon any public places in the city of Foreman, Arkansas, during curfew hours. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. (Ord. No. 235, Sec. 4.)

7.08.05 Exceptions; defenses

- A. It is a defense to prosecution under 7.08.09 of this ordinance that, at the time of the act that otherwise would constitute an offense:
 - 1. the minor was accompanied by his or her parent;
 - 2. the minor was accompanied by an adult twenty-one (21) years of age or older designated by his or her parent;
 - 3. the minor was on an errand made necessary by an emergency;
 - 4. the minor was attending a school, religious activity, or government sponsored activity, or going to or coming from a school, religious, or government sponsored activity;
 - 5. the minor was engaged in a lawful employment activity or volunteer work at a recognized charity institution, or going to or coming from such activity without detour or stop;
 - 6. the minor was attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Foreman, Arkansas, a civic organization, or another similar entity that take responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Foreman, Arkansas, a civic organization, or another similar entity that takes responsibility for the minor;
 - 7. the minor was, with parental consent, in a motor vehicle engaged in interstate travel, beginning, ending, or passing through Foreman, Arkansas;

8. the minor was on an errand at the direction of the minor's parent, without any detour or stop;
9. the minor was on the property or the sidewalk directly adjacent to the place where such minor resides or the place immediately adjacent thereto if the owner or occupant of the adjacent building does not communicate an objection to the minor or the Police Department;
10. the minor was attending or traveling directly to or from an activity involving the exercise of First and Fourteenth Amendment rights protected by the U.S. Constitution, including, but not limited to the free exercise of religion, freedom of speech, and the right of assembly;
11. the minor is married and/or is living independently and self-sufficiently;
12. the minor was following the direction of a peace officer;
13. with respect to the hours between 9:00 a.m. and 2:30 p.m. only, that the offense occurred during the school summer vacation break period of the school in which the minor is enrolled or on a holiday observed by the closure of classes in the school in which the minor is enrolled.

B. Each of the foregoing exceptions, and their several limitations, are severable, as hereinafter provided, but re-emphasized here. (Ord. No. 235, Sec. 5.)

7.08.06 Parental responsibility 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, this curfew ordinance. This ordinance is intended to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was indifferent to the activities or conduct or whereabouts of such juvenile.

- A. Police procedures shall be refined in light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances.
- B. When a parent or guardian has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be held in accordance with Arkansas and federal law.
- C. In the case of a first violation by a juvenile, the citation issued shall constitute first written notice of the violation and subject the juvenile to the penalties in this curfew ordinance. (Ord. No. 235, Sec. 6.)

7.08.07 Supplemental effect The provisions of this article are supplemental and shall be cumulative with all other laws and ordinances applicable in any manner to juveniles. (Ord. No. 235, Sec. 7.)

7.08.08 Enforcement Before taking any enforcement action under this article, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this article unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in this ordinance is present. (Ord. No. 235, Sec. 8.)

CHAPTER 7.12

FIREWORKS

Sections:

7.12.01 Illegal

7.12.01 Illegal It shall be unlawful for any person to display for retail sale, offer for retail sale, sell at retail, or give away or discharge, any fireworks of any kind or character whatsoever within the limits of this city. (Ord. No. 201, Sec. 1.)

CHAPTER 7.16

FOREMAN CITY LIBRARY

Sections:

7.16.01 Board of Trustees

7.16.02 Duties

7.16.01 Board of Trustees The Mayor of the city of Foreman, with the approval of the City Council shall and hereby is authorized to appoint not less than five (5) persons nor more than seven (7) persons to act as Trustees for the Foreman City Library. The Trustees shall be chosen from the citizens at large within the city of Foreman, Arkansas. (Ord. No. 250, Sec. 1.)

7.16.02 Duties The duties, terms of office and other matters relating to the said Trustees shall be pursuant to A.C.A. 13-2-502 et sec. (Ord. No. 250, Sec. 2.)

CHAPTER 7.20

JAKE-BRAKING

Sections:

- 7.20.01 Unlawful
- 7.20.02 Fine
- 7.20.03 Enforcement

7.20.01 Unlawful It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the city of Foreman, Arkansas, any mechanical exhaust device, or motor brake, designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle, or otherwise engage in what is known as "jake-braking." However, it is an affirmative defense to a violation of this ordinance that motor-braking was used on an emergency basis to avoid damage to property, or a personal injury. (Ord. No. 270, Sec. 1.)

7.20.02 Fine Any person, firm or corporation violating this ordinance shall be guilty of a misdemeanor and upon conviction hereof shall pay a fine not exceeding Two Hundred Dollars (\$200.00) for each offense. (Ord. No. 270, Sec. 2.)

7.20.03 Enforcement Enforcement of this ordinance shall be delayed until signs have been posted on the north and south entrances in the city of Foreman on Arkansas State Highway 41 and the east and west entrances on Arkansas State Highway 32. Said signs shall be posted on or near said highways stating in language similar to:

NO JAKE-BRAKING

BY ORDER OF ORD. NO. 270 UNLESS FOR EMERGENCY PURPOSES

(Ord. No. 270, Sec. 3.)

CHAPTER 7.24

DESTRUCTION OF PROPERTY

Sections:

- 7.24.01 Unlawful
- 7.24.02 Fine
- 7.24.03 Penalty

7.24.01 Unlawful It is hereby declared unlawful for a person to purposely or recklessly destroy or damage any property of another or public property, including streets signs. (Ord. No. 143, Sec. 1.)

7.24.02 Fine Any person who shall violate 7.24.01 of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) and shall also be liable for any damage done to said property by reason of the violation of this ordinance. (Ord. No. 143, Sec. 2.)

CHAPTER 7.28

FIREARMS

Sections:

7.28.01	Discharging
7.28.02	Fine
7.28.03	Definition
7.28.04	Exceptions

7.28.01 Discharging All persons are hereby prohibited from discharging a firearm of any kind within the city limits of Foreman, Arkansas, and that discharging any such firearm is now deemed to be unlawful. (Ord. No. 283, Sec. 1.)

7.28.02 Fine All persons found guilty of violating the terms of this ordinance shall be guilty of a misdemeanor and shall pay a fine not to exceed the sum of Two Hundred Fifty Dollars (\$250.00). (Ord. No. 283, Sec. 2.)

7.28.03 Definition

Firearm shall be defined as any pistol, handgun, rifle, shotgun or other such device wherein the explosion of gunpowder causes the propulsion of a bullet, slug or pellet or any other projectile from its barrel. (Ord. No. 283, Sec. 3.)

7.28.04 Exceptions This ordinance shall not apply to law enforcement officers in the course of their lawful duties. Further, it shall be an affirmative defense for any person prosecuted for violating the terms of this ordinance that said person was defending himself or his home from an intruder. (Ord. No. 283, Sec. 4.)

CHAPTER 7.32

POSTING OF ORDINANCES

Sections:

- 7.32.01 Places
- 7.32.02 Notice of adoption

7.32.01 Places The following places, which are hereby found to be five (5) of the most public places in the city are hereby designated for the posting of notice of the adoption of ordinances of the city:

- City Hall
- Post Office
- Foreman Public Library
- Young's Foods
- Walnut Hill Telephone
- (Ord. No. 287, Sec. 1.)

7.32.02 Notice of adoption Notice of the adoption of ordinances of the city shall be effected by the posting of ordinances at the locations set forth in 7.32.01 hereof. (Ord. No. 287, Sec. 2.)