

**ORDINANCE 504**  
**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF COLLINS, MISSISSIPPI,**  
**RELATING TO JUVENILES NOCTURNAL CURFEW**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF COLLINS, MISSISSIPPI, in regular meeting assembled as follows:

**Sec. 14-40. Purposes and findings.**

The Board of Aldermen has determined that large numbers of juveniles have been congregating in the City of Collins after dark causing general disturbances to residents, and contributing to an excessive number of incidents of drug and alcohol related crimes, thefts, homicides and assaults, including a high percentage of crimes committed by and against juveniles; and

The Board of Aldermen finds and determines that special and extenuating circumstances presently exist within this City that call for special regulation of minors within the City in order to protect them from each other and from other persons on the street during the nocturnal hours, to aid in crime prevention, to promote parental supervision and authority over minors and to decrease nocturnal juvenile crime rates; and

In accordance with the prevailing community standards, this ordinance serves to regulate the conduct of juveniles on streets during nocturnal hours, to be effectively and consistently enforced for the protection of the juveniles in Collins from each other and from other persons on the streets during the nocturnal hours, for the enforcement of parental control of, authority over and responsibility for their children, for the protection of the public from nocturnal mischief by juveniles, for the reduction in the incidents of juvenile criminal activity, for the furtherance of family responsibility and for the public good, safety and welfare.

**Sec. 14-41. Definitions.**

For purposes of this chapter the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

- i. *City* is the City of Collins, Mississippi, with administrative offices at City Hall, 300 Main Street, Post Office Box 400, Collins, Mississippi 39428.
- ii. *Minor or juvenile* is any un-emancipated person under the age of eighteen (18) years or, in equivalent phrasing often herein employed, any person seventeen (17) or less years of age.
- iii. *Parent* is any person having legal custody of a minor (i) as a natural or adoptive parent; (ii) as a legal guardian; or (iii) as a person to whom legal custody has been given by order of the court.
- iv. *Remain* means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling two or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exemptions are expressly defined in Section 5 so that this is not a mere prohibitory or presence type curfew ordinance.
- v. *Street* is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof, for pedestrian travel. The term street includes the legal right-of-way, including, but not limited to, the traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass, plots or other grounds found within the legal right-of-way of the street. The term street applies irrespective of what it is called or formerly named, whether alley, avenue, court, road, dedicated or otherwise.
- vi. *Time of night* referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Savings Time, generally observed at that hour by the public in the City, prima facie the time when observed in the City administrative offices and Police Department.
- vii. *Year of age* continues from one birthday, such as the seventeenth to (but not including the day of) the next, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age".
- viii. *The Police Department* shall refer to the Police Department Headquarters located at 202 Arrington Ave, Collins, Mississippi, or any officially designated precinct of said Department.

**Sec. 14-42. Restrictions.**

- (a) It shall be unlawful for any minor under eighteen (18) years of age to remain in or upon any public street, highway, park, vacant lot or other public place within the City during period ending at 6:00 a.m. and beginning at:
  - i 12:00 a.m. on Saturday and Sunday mornings, and
  - ii 10:00 p.m. on Sunday night through Thursday night.

- (b) It shall further be unlawful for a parent of a minor to knowingly permit or by inefficient control to allow such minor to be or remain upon any City street under circumstances not constituting an exception to, or otherwise beyond the scope of, the curfew ordinance. 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. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child.

**Sec. 14-43. Exceptions.**

The following shall constitute valid exceptions to the operations of the curfew.

- (a) At any time, if a minor is accompanied by his or her parent;
- (b) When accompanied by an adult authorized by a 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) If the minor is legally employed, for the period from thirty minutes before to thirty minutes after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in public place during curfew hours in the course of his or her employment, to come within this exception, the minor must be carrying a written statement of employment issued by employer pursuant to the authorization of the Chief of Police to expire within ninety (90) days;
- (d) When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will or does end, the sponsoring organization must register the event with the Chief of Police of the City of Collins, Mississippi Collins Police Department (or his assigned representative) at least 24 hours in advance, informing the Police Department of the time such event is scheduled to begin, the place at which it shall be held, the time at which it shall end and the name of the sponsoring organization;
- (e) In the case of reasonable necessity, but only after such minor’s parent has communicated to the Collins Police Department personal the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including place or origin and destination. A copy of such communication, or the police record thereof, duly certified by the Chief of Police to be correct, an appropriate notation of the time it was received and of the names and addresses of such parent and minor shall constitute evidence of qualification under this exception;
- (f) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and right of assembly. Such minor shall evidence the bona fides of such exercise and provide notice to City Officials by first delivering to the Collins Police Department written communication, signed by such minor and countersigned if practicable by a parent of such minor, with their home address and telephone number, addressed to the Mayor of the City specifying night (during hours when the curfew ordinance is still otherwise applicable to said minor) in the exercise of a First Amendment right specified in such communication.
- (g) Each of the foregoing exceptions, and their several limitations, such as provisions for notification, are severable, as hereinafter provided but here re-emphasized.

**Sec. 14-44. Violations.**

- (a) A police officer of the City who has probable cause to believe that a minor is in violation of this ordinance shall
  - i. ascertain the name and address of the minor;
  - ii. transport the minor to the Collins Police Department.
- (b) When a minor is taken to the Collins Police Department the minor’s parents shall be immediately contacted. If after this contact there is still probable cause to believe that the minor was violating this ordinance, the minor shall be held until the parent or the parent’s assigned representative comes to take the minor home. When the parent or the parent’s assigned representative arrives, he or she shall be given a copy of this ordinance. If no parent has arrived within one hour, the minor may be turned over to custody of the local juvenile authorities until a parent or the parent’s assigned representative can take custody of him or her. (The parent’s assigned representative must be over the age of eighteen (18) years of age).
- (c) For the first offense the minor parent will receive one warning for violation of this ordinance. For such second parental offense a parent shall be fined twenty-five dollars (\$25.00). For each subsequent offense by a parent the fine shall be increased by additional twenty-five dollars (\$25.00), e.g. fifty dollars (\$50.00) for the third, seventy-five dollars (\$75.00) for the fourth offense. The fifth or more offense will be a minimum of a hundred dollars (\$100.00) and the maximum penalty up to one thousand dollars (\$1000.00) and/or one (1) year in jail.
- (d) Any minor who shall violate any of the provisions of this ordinance more than two (2) times shall be dealt with according to the Youth Court Law of the State of Mississippi and in accordance with the directives of the Youth Court of Covington County, Mississippi, or such other court as shall have jurisdiction of said minor.

**Sec. 14-45.** That this Ordinance shall be effective immediately upon passage, the public welfare and necessity requiring the same.

**Sec. 14-46.** The City Clerk be and she is hereby authorized to cause this Ordinance to be published at least one time in The News Commercial, a newspaper published in the City of Collins, Mississippi.

**Sec. 14-47.** That upon passage of this Ordinance, all prior Ordinances relating to Nocturnal Curfew be null and void.

The above Ordinance was reduced to writing, read and considered paragraph by paragraph, and section by section and then as a whole at this regular meeting of the Mayor and Board of Aldermen on July 16, 2019, whereupon, **Alderman Mooney** made a motion which was seconded by **Alderman Lundy** to adopt the Ordinance, was submitted for a vote of all Aldermen present and voting and the following vote was recorded, to-wit:

VOTING AYE:  
Alderman Magee  
Alderman Thompson  
Alderman Buffington  
Alderman Mooney  
Alderman Lundy

VOTING NAY:  
None

WHEREUPON, the Mayor declared the Ordinance duly adopted and enacted on this the 16<sup>th</sup> day of July, 2019.

Hope Magee Jones  
MAYOR

ATTEST:

Suzette Davis  
CITY CLERK

STATE OF MISSISSIPPI  
COUNTY OF COVINGTON

CERTIFICATE

I, Suzette Davis, City Clerk in and for the City of Collins, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of ORDINANCE NUMBER 504 ADOPTED BY THE Mayor and Board of Aldermen at its Regular Meeting of July 16, 2019, and is duly of record in the office of the City Clerk, City Hall, 300 Main Street, Collins, Mississippi, in Minute book #25.

Witness my Signature and Official Seal of Office on the 16<sup>th</sup> day of July, 2019.

Suzette Davis, City Clerk  
City of Collins, Mississippi

Publish One Time: July 24, 2019