

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

Chapter 3: LAW ENFORCEMENT

Article

I. COUNTY POLICIES

II. COUNTY JAILS

III. COURT COSTS

IV. COUNTY LAW

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

Article I. COUNTY POLICIES

Section

- | | |
|--------|--|
| 300.00 | Federal guide to equitable sharing for state and local law enforcement agencies. |
| 300.01 | Travel Policy. |

§ 300.00 FEDERAL GUIDE TO EQUITABLE SHARING FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

- 1) Miller County adopts, codifies, and implements the *Federal Guide to Equitable Sharing for State and Local Law Enforcement Agencies*, effective February, 2013.
- 2) The fifty (50) page Equitable Sharing Guide policy is hereby attached and incorporated into Miller County Ordinance No. 2013-003.
- 3) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 2013-003](#), passed 02-19-2013)

§ 300.01 TRAVEL POLICY.

- 1) County officials and employees shall be allowed reasonable travel expenses in connection with the conduct of county business in accordance with the provisions of Section III of Act 742 of 1977. Miller County will adopt the State of Arkansas Travel Regulations with the following exemptions.
- 2) There are two means by which an employee may travel on County business:
Reimbursement or Advance.
 - a) **Reimbursement – Vehicles**
 - i) Options regarding vehicles are as follows:
 1. County Vehicles – County vehicles should be utilized for travel whenever possible. There will not be a vehicle reimbursement when a county vehicle is used.
 2. Personal Vehicles – When a personal vehicle is used for allowable travel, mileage will be reimbursed at a rate of \$.50 per mile

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

computed by map mileage from County business location to designated meeting location and return.

3. Rental Vehicles – A vehicle could be utilized for travel for County business that would be the most cost efficient for the County. Reimbursement shall include vehicle rental and fuel cost. No mileage will be paid for travel in a rental vehicle. The elected official or County Judge shall give authorization in writing for the use of a rental vehicle.
- b) **Reimbursement – Air Travel** - Reimbursement for air travel must have prior approval by an Elected Official with documentation that this would be more cost efficient by the Elected Official.
 - c) **Reimbursement – Lodging** - Lodging will be reimbursed at a rate no higher than the actual cost per date with property documentation for the room and approved by the Elected Official.
 - d) **Reimbursement – Food** - Meals will be reimbursed when associated with any out-of-town travel. Meals (excluding alcoholic beverages) will be reimbursed up to fifty dollars (\$50.00) plus tax per day with proper documentation. Meal tips will be reimbursed, not to exceed fifteen percent (15%) of the purchase price of the meal. When attending official functions where meals are provided, no reimbursements will be made.
 - e) **Reimbursement – Expenses** - Required expenses associated with meetings and other official business may be reimbursed on actual expenses to the County official or designated County employee with proper supporting documentation, including an explanation of business conducted and expenses incurred.
 - i) All expenses documented must be accompanied by a warrant request and it must be signed by the Elected Official as well as the employee. No county official or employee who is reimbursed for travel expenses by virtue of any other legislative act, regulation or organization shall be entitled to reimbursement as forth herein.
 - f) **Travel – Advance** – In instances where one cannot afford to travel on critical county business by reimbursement, the travel advance may be utilized.
 - i) Travel Expense Projection Form. The travel advance funds shall only be used to make advances of expenses associated with authorized travel by the employees of Miller County in accordance with A.C.A. § 14-14-1203. The funds shall be requested on Miller County Travel Advance Form 1-2

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

(MCTAF 1-2) and submitted through the Department head to the custodian of the Travel Advance Funds in the County Judge’s office no later than three (3) work days prior to the travel date. Advance funds will be issued by check to the traveler by the custodian of the Travel Advance Funds. In the event of an emergency, a travel advance form (MCTAF 1-2) may be submitted in less than three days prior to travel time.

ii) Travel Expense Reconciliation Form. Upon completion of travel, the employee shall fill out the Miller County Travel Reconciliation Form (MCTRF 1-3) and provide full detailed and complete documentation of expenses associated with the travel to the custodian of the Travel Advance Fund.

3) EMERGENCY CLAUSE. An emergency is hereby declared to exist as this Ordinance is necessary for the proper and timely conduct of county operations and this Ordinance shall be in force and take effect upon passage and publication.
([Ord. 2015-021](#), passed 09-21-2015; Am. [Ord. 2017-020](#), passed 08-21-2017)

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

Article II. COUNTY JAILS

A.C.A. § 12-41-502. Supervision.

The county sheriff of each county in this state shall have the custody, rule, and charge of the jail within his or her county and all prisoners committed in his or her county, and he or she may appoint a jailer for whose conduct he or she is responsible.

A.C.A § 12-41-503(a)-(b). Management of local jail populations.

- (a) County sheriffs and other keepers or administrators of jails within the State of Arkansas are responsible for managing the populations and operations of their respective facilities in compliance with the laws and the Arkansas Constitution and within the requirements of the United States Constitution.

- (b) Neither a county sheriff nor another keeper or administrator of a jail shall refuse to accept any prisoner lawfully arrested or committed within the jurisdiction of the supporting agency of the jail except as necessary to limit prisoner population in compliance with subsection (a) of this section.

A.C.A. § 12-41-506(a). Municipal prisoners; expenses.

- (a) (1) In the absence of an agreement on jail costs between a county and all municipalities having law enforcement agencies in the county, the quorum court in a county in this state may by Ordinance establish a daily fee to be charged municipalities for keeping prisoners of municipalities in the county jail.

- (2) The fee shall be based upon the reasonable expenses which the county incurs in keeping such prisoners in the county jail.

Section

Reserved.

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

Article III. COURT COSTS

A.C.A. § 16-10-305(a), (c)-(d). Court costs.

(a) There shall be levied and collected the following court costs from each defendant upon conviction, each plea of guilty or nolo contendere, or each forfeiture of bond:

(1) In circuit court, one hundred fifty dollars (\$150) for a misdemeanor or felony violation of state law, excluding a violation of:

(A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;

(B) The Underage DUI or BUI Law, § 5-65-301 et seq.;

(C) Section 5-75-101 et seq.;

(D) Section 27-23-114;

(E) Section 15-42-127; or

(F) Section 27-37-701 et seq.;

(2) In district court, one hundred dollars (\$100) for an offense that is a misdemeanor or violation of state law, excluding a violation of:

(A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;

(B) The Underage DUI or BUI Law, § 5-65-301 et seq.;

(C) Section 5-75-101 et seq.;

(D) Section 27-23-114;

(E) Section 15-42-127; or

(F) Section 27-37-701 et seq.;

(3) In circuit court or district court, seventy-five dollars (\$75.00) for a traffic offense that is a misdemeanor or violation under state law or local Ordinance, excluding a violation of:

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

- (A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;
 - (B) The Underage DUI or BUI Law, § 5-65-301 et seq.;
 - (C) Section 5-75-101 et seq.;
 - (D) Section 27-23-114;
 - (E) Section 15-42-127; or
 - (F) Section 27-37-701 et seq.;
- (4) In district court, for a nontraffic offense that is a misdemeanor or violation under local Ordinance, twenty-five dollars (\$25.00);
- (5) In circuit court or district court, three hundred dollars (\$300) for violations of:
- (A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;
 - (B) The Underage DUI or BUI Law, § 5-65-301 et seq.;
 - (C) Section 5-75-101 et seq.;
 - (D) Section 27-23-114;
 - (E) Section 15-42-127; or
 - (F) Section 27-37-701 et seq.;
- (6)
- (A) In circuit court or district court, twenty-five dollars (\$25.00) for a violation of the mandatory seat belt use law, § 27-37-701 et seq.
 - (B) A defendant is not required to pay the court costs under subdivision (a)(6)(A) of this section if he or she pays the applicable fines under §§ 27-37-706 and 16-17-129 before his or her first appearance and shall not be assessed any additional court costs associated with the violation; and

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

- (7) In circuit court or district court, twenty-five dollars (\$25.00) for failure to present proof of insurance at the time of a traffic stop, §§ 27-22-103, 27-22-104, and 27-22-111.
- (b)
- (1) The costs set forth in this section shall be imposed at the conclusion of any criminal case enumerated in subsection (a) of this section that does not end in an acquittal, dismissal, or, with the consent of the prosecution, an order nolle prosequi.
- (2) The costs shall be imposed at the conclusion of cases involving a suspended or probated sentence even though that sentence may be expunged or otherwise removed from the defendant's record.
- (c) No county, city, or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.
- (d) No town, city, or county shall authorize, and no district court or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

Section

- 340.00 Additional \$20.00 fine to help defray the expense of incarcerating prisoners.
- 340.01 Collection of delinquent court fines, fees, and court costs.

§ 340.00 ADDITIONAL \$20.00 FINE TO HELP DEFRAY THE EXPENSE OF INCARCERATING PRISONERS.

- 1) Under authority of Act 209 of 2009, there is hereby levied and shall be collected an additional fine in the amount of twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first and second class of accounting records as described in A.C.A. § 16-17-707. The additional fine shall apply to each charge, count, violation, or offense that a defendant

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for, including each misdemeanor or violation.

- 2) The additional fine levied in Section 1 herein above shall apply to all applicable cases brought before all District Courts and departments thereof that now exist and are in operation, or may hereafter be created and placed into operation, within Miller County.
- 3) All additional fines levied and collected under the provisions of this Ordinance shall be deposited into a fund within the County Treasury to be used for the maintenance, operation, and capital expenditures of the County Jail or as otherwise specifically permitted under the provisions of Act 209 of 2009.
- 4) REPEALER. All ordinances or parts of ordinances found to be in conflict herewith, including specifically County Ordinance No. 2003-15 in its entirety, are hereby repealed.
- 5) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and effect from and after its date of passage and approval.
([Ord. 2009-009](#), passed 05-18-2009)

§ 340.01 COLLECTION OF DELINQUENT COURT FINES, FEES AND COURT COSTS.

- 1) The Quorum Court hereby designates the responsibility for the collection of delinquent fines (as defined under A.C.A § 16-13-701) assessed in circuit court to the Association of Arkansas Counties, a private contractor, properly registered and bonded with the Secretary of State in accordance with A.C.A. § 16-13-709, and its employees, agents, and subcontractors.
- 2) The County Judge of Miller County shall enter into a contract with the Association of Arkansas Counties on behalf of Miller County, in accordance with the terms and provisions set forth in A.C.A. § 16-13-709, designating the Association of Arkansas Counties and its employees, agents, and subcontractors as the private contractor responsible for the collection of delinquent circuit court fines.
([Ord. 2019-011](#), passed 10-16-2019)

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

Article IV. COUNTY LAW

Section

- 360.00 Sexually oriented businesses restrictions.
- 360.01 Prohibition against serving or consuming alcohol in private clubs at specified times.
- 360.02 Curfew for minors.
- 360.03 Prohibition against firearm discharge within 0.5 miles of Swan Lake and Gold Point Churches.
- 360.04 Prohibition against nudity on premises where alcoholic beverages are sold.

§ 360.00 SEXUALLY ORIENTED BUSINESSES RESTRICTIONS.

1) PURPOSE AND FINDINGS.

- a) PURPOSE. It is the purpose of this Ordinance to restrict sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform restrictions to prevent the deleterious location and concentration of sexually oriented businesses within the County. The provisions of this Ordinance have neither the purpose nor effect of communicative materials including sexually oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

2) DEFINITIONS.

- a) “*Adult Cabaret, Theater, Arcade, or Motion Picture Theater*” means a club, bar, theater, restaurant, auditorium, or similar commercial establishment which regularly features:
 - i) Persons who appear in a state of nudity or semi-nude either in person or by film; or
 - ii) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

- b) “***Establishment***” means and includes any of the following:
- i) The opening or commencement of any sexually oriented business as a new business;
 - ii) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - iii) The addition of any sexually oriented business to any other existing sexually oriented business; or,
 - iv) The relocation of any sexually oriented business.
- c) “***Nude Model Studio***” means any place where a person appears semi-nude, in a state of nudity, or displays “specified anatomical areas,” and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. “Nude model studio” shall not include a proprietary school licensed by the State of Arkansas or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
- i) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - ii) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.
- d) “***Nudity***” or “***State of Nudity***” means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than fully opaque coverage, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discerning turgid state.
- e) “***Person***” means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- f) “***Semi-Nude***” or in a “***Semi-Nude Condition***” means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female, exhibited by a dress, blouse, skirt, leotard, bathing

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

- g) “***Sexual Encounter Center***” means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - i) Physical activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
 - h) “***Sexually Oriented Business***” means an adult cabaret, adult motion picture theater, adult theater, nude model studio, sexual encounter center, adult arcade, adult bookstore, adult novelty store, or adult video store.
 - i) “***Specified Anatomical Areas***” means:
 - i) The human male genitals in a discerning turgid state even if completely or opaquely covered; or
 - ii) Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
 - j) “***Specified Sexual Activities***” means any of the following:
 - i) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
 - ii) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.
- 3) CLASSIFICATION. Sexually Oriented Businesses are classified as follows:
 - a) Adult Arcades;
 - b) Adult bookstores with adult novelties stores or adult video stores;
 - c) Adult cabarets;
 - d) Adult motion picture theaters;
 - e) Adult theaters;
 - f) Nude model studios; and
 - g) Sexual encounter centers.

MILLER COUNTY **CODE OF ORDINANCES**
Chapter 3 – Law Enforcement

- 4) **APPLICABILITY.** This Ordinance shall be applicable to all of the unincorporated areas of Miller County, Arkansas.
- 5) **PERMITS.** Every owner of a sexually oriented business shall apply for a permit prior to the opening of any new sexually oriented business in the unincorporated areas of Miller County, Arkansas. The permit application shall be accompanied by a one hundred dollar (\$100.00) non-refundable permit and investigation fee. The permit application and fee shall be delivered to the office of the Miller County Judge. The Miller County Judge shall issue the permit within ten (10) business days from the receipt of the application and fee unless the County Judge determines that the owner’s proposed business location is in conflict with this Ordinance. If the proposed business location is in conflict with this Ordinance, the County Judge shall notify the applicant of the conflict within ten (10) business days from the receipt of the application and fee. The applicant shall have the right to appeal any adverse decision to the Quorum Court at its next regularly scheduled monthly meeting. The decision of the Quorum Court shall be final.
- 6) **LOCATION OF SEXUALLY ORIENTED BUSINESS.**
 - a) A person commits an offense if the person operates or causes to be operated, a sexually oriented business within two thousand feet (2000’) of:
 - i) A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities; or
 - ii) A public or private educational facility, including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; “school” includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school; or
 - iii) A public park or recreational area which has been designed for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian or bicycle paths, wilderness areas, or other similar public land within Miller County which is under the control, operation, or management of any governmental authority; or
 - iv) The property line of a lot devoted to residential use when said lot is in a platted subdivision; if said residential use is not in a platted subdivision, then for purposes of this Ordinance, the property line shall be one hundred feet (100’) in any direction from a residence.

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

- b) A person commits an offense if that person owns, operates, or establishes a sexually oriented business within one (1) mile of another sexually oriented business.
 - c) For the purpose of subsection (a) and (b) of this section, measurement shall be made in a straight line without regard to the intervening structures or objects from the nearest portion of the building or structure used as the part of the premises where sexually oriented business is conducted to the nearest property line of the premises of a use listed in subsection (a). Division boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
 - d) A sexually oriented business lawfully operating in accordance with this Ordinance will not be considered as a violation of this Ordinance by the subsequent location of those uses outlined in subsections (a) and (b) in this section.
- 7) **ADDITIONAL REQUIREMENTS FOR NUDE MODEL STUDIOS AND SEXUALLY ORIENTED BUSINESSES.**
- a) No person under the age of eighteen (18) shall be employed by a person to appear semi-nude or in a state of nudity in a sexually oriented business or in a nude model studio. Any person who knowingly violates this subsection shall be guilty of an offense.
 - b) A person under the age of eighteen (18) years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio or a sexually oriented business. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or visible to any other person.
 - c) A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio or a sexually oriented business premises which can be viewed from the public right-of-way.
- 8) **ADDITIONAL RESTRICTIONS CONCERNING PUBLIC NUDITY.** It shall be an offense for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.
- 9) **EXEMPTIONS.**
- a) It is a defense to prosecution under section (7) that a person appearing in a state of nudity did so in a modeling class operated:

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

- i) By a proprietary school, licensed by the State of Arkansas, a college, junior college, or university supported entirely or partly by taxation;
- ii) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- iii) In a structure:
 - 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - 2. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.

10) INJUNCTION. A person who operates or causes to be operated a sexually oriented business in violation of this Ordinance will be subject to a suit for injunction as well as a prosecution for criminal violations.

11) CRIMINAL PENALTIES. A person who operates or causes to be operated a sexually oriented business in violation of any provision of this Ordinance shall be guilty of a misdemeanor and shall be fined in an amount not to exceed two hundred fifty dollars (\$250.00). Each day or part of a day during which a violation is continued or repeated shall constitute a separate offense.

12) SEVERABILITY. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

13) REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

14) CODIFICATION. This Ordinance shall be codified in the Miller County Code of Ordinances and the section may be re-numbered and re-lettered to accomplish such intention.

15) EMERGENCY CLAUSE. This Ordinance being necessary for the health and protection of the citizens of Miller County shall be in full force and effect from and after passage and approval.

[Ord. 2006-020](#), passed 12-07-2006)

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

§ 360.01 PROHIBITION AGAINST SERVING OR CONSUMING ALCOHOL IN PRIVATE CLUBS AT SPECIFIED TIMES.

- 1) It shall be unlawful for the owner, operator, or any employee of a private club to serve or permit the consumption of mixed drinks, beer, or wine on the premises of said private club between the hours of 2:00 a.m. and 7:00 a.m. on any day. Any person convicted of violating this section shall be punished by a fine of five hundred dollars (\$500.00) for each violation; and, for second and subsequent convictions of this section involving the same private club, the local permit shall also be suspended for a number of days equivalent to the total number of convictions involving said club. During such suspension, it shall be unlawful for the owner, operator, or any employee of such private club to mix, serve, or permit the consumption of alcoholic beverages on the premises of said private club. Any person convicted of serving or permitting the consumption of alcoholic beverages at a private club for which the local permit has been suspended shall be punished by a fine of five hundred dollars (\$500.00) for each violation.
- 2) SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable. In the event any provision hereof is declared to be unconstitutional or otherwise invalid, said declaration shall not affect the validity of the remaining provisions.
- 3) EMERGENCY CLAUSE. An emergency is hereby declared to exist and this Ordinance being necessary for the public health, safety, welfare, and morals shall be in full force and effect from and after its passage and approval.
([Ord. 1997-013](#), passed 05-19-1997)

§ 360.02 CURFEW FOR MINORS.

- 1) PURPOSES. The purposes of this Ordinance are to:
 - a) Protect minors from criminal activity that occurs after the curfew hour;
 - 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, or other responsible persons, in carrying out their responsibility to exercise reasonable supervision of the children entrusted to their care.
- 2) FINDINGS. The Quorum Court of Miller County, Arkansas, hereby finds 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

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

behavior, breaking and entering, public drinking and littering, harassment of residents, and more serious violent crimes including battery and murder.

- a) Miller County Quorum Court 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.
 - b) Miller County Quorum Court 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 Miller County 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 declared by this Ordinance which takes into consideration the danger hours for nocturnal crime.
- 3) **DEFINITIONS.** For the purposes of this Article, the following words, terms, and phrases shall have the meanings ascribed to them in this Section:
- a) “***Curfew hours***” mean:
 - i) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. the following day; and
 - ii) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.
 - iii) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday while any school in Miller County is in session.
 - b) “***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.
 - c) “***Minor***” shall be any person under eighteen (18) years of age.
 - d) “***Parent***” shall mean 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

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

authorized by the parent, by a custodial order, or by the court appointed guardian to have the care and custody of a person.

- e) “**Public place**” means any place to which the 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.

4) 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 Miller County, 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 place in Miller County, 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.

5) EXCEPTIONS, DEFENSES.

- a) It is a defense to prosecution under Section four (4) of this Ordinance that, at the time of the act that otherwise would constitute an offense:
 - i) The minor was accompanied by his or her parent;
 - ii) The minor was accompanied by an adult twenty-one (21) years of age or older designated by his or her parent;
 - iii) The minor was on an errand made necessary by an emergency;
 - iv) The minor was attending a school, religious, or government-sponsored activity, or going to or coming from a school, religious, or government-sponsored activity;
 - v) 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;
 - vi) The minor was attending an official school, religious, or other recreational activity supervised by adults and sponsored by a civic organization or another similar entity that takes 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

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

by a civic organization or another similar entity that takes responsibility for the minor;

- vii) The minor was, with parental consent, in a motor vehicle engaged in interstate travel, beginning, ending, or passing through Arkansas;
- viii) The minor was on an errand at the direction of the minor's parent, without any detour or stop;
- ix) 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 of the minor to the police department;
- x) The minor was attending or traveling directly to or from an activity involving the exercise of First and Fourteenth Amendment rights protected by the United States Constitution, including, but not limited to, the free exercise of religion, freedom of speech, and the right of assembly;
- xi) The minor is married and/or is living independently and self-sufficiently;
- xii) The minor was following the direction of a peace officer; and
- xiii) 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.
- 6) **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, the 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 procedure shall be refined in light of experience and may provide that the police office may deliver to a parent or guardian thereof a juvenile under appropriate circumstances.

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

- 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 written notice of the violation and subject the juvenile to the penalties in the Curfew Ordinance. Any subsequent violation by the juvenile will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and of applicable penalties
- 7) 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.
- 8) 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.
- 9) PENALTIES.
- a) Upon any violation of the Curfew Ordinance, the juvenile shall be subject to the following penalties:
 - i) A fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00); and/or
 - ii) An order to perform community service.
 - b) If after the first offense by a juvenile, pursuant to Section 4, a parent violates Section 6 (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For parental offenses, a parent may be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).
 - c) Any juvenile who shall violate any of the provisions of the Curfew Ordinance more than three (3) times shall be reported by the Sheriff's Department to the juvenile authorities as a juvenile in need of supervision and the Sheriff's Department shall refer the matter to the Miller County Prosecuting Attorney and/or the Arkansas Department of Human Services and/or other appropriate authorities.

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

10) CONSTRUCTION AND SEVERABILITY.

- a) Severability is intended throughout and within the provisions of this Curfew Ordinance. If any provisions, including inter alia any exception, defense, subsection, part, phrase, term, or word, or the application thereof to any person or circumstance is held invalid or unconstitutional by valid judgment or decree of a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and such remaining portions shall remain in full force and effect.
- b) It is intended that the Curfew Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. Miller County does not intend to violate the Constitution of the State of Arkansas or the Constitution of the United States of America, and does not intend an interpretation of this Ordinance or any publication therefore which is absurd, impossible, or unreasonable.

11) REPEALER. All ordinances or parts of ordinances in conflict herewith are specifically repealed.

12) EMERGENCY CLAUSE AND EFFECTIVE DATE. It is hereby found and declared that the need for control over activities directed toward minors which could result in the need for imposing a curfew for minors is necessary to the well-being of the community. Therefore, this Ordinance is necessary to protect the health, safety, and welfare, and shall be in full force and effect from and after its passage.

([Ord. 1994-016](#), passed 11-10-1994)

§ 360.03 PROHIBITION AGAINST FIREARM DISCHARGE WITHIN 0.5 MILES OF SWAN LAKE AND GOLD POINT CHURCHES.

- 1) It is unlawful to discharge a firearm within one-half (0.5) mile of Swan Lake and Gold Point Churches in Miller County, Arkansas.
- 2) For purposes of this Ordinance, a firearm shall be defined herein as it is defined in A.C.A. § 5-1-102(6), incorporated herein by reference.
- 3) It shall not be a defense to this Ordinance that the violator did not know of the church's location or existence.
- 4) Any person who is found guilty or who pleads guilty or nolo contendere to violating this Ordinance shall be fined no less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00).

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

- 5) This Ordinance shall not apply to law enforcement officers in the performance of their duties or the discharge of firearms at firing ranges maintained for that purpose.
- 6) EMERGENCY CLAUSE. This Ordinance, being necessary for the health, safety, and welfare of the residents of Miller County, Arkansas, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the date of passage and approval by the Miller County Quorum Court.
([Ord. 1990-043](#), passed 10-11-1990)

§ 360.04 PROHIBITION AGAINST NUILITY ON PREMISES WHERE ALCOHOLIC BEVERAGES ARE SOLD.

- 1) NUILITY ON PREMISES WHERE ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE.
 - a) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment or private club located within Miller County, Arkansas, at which alcoholic beverages are offered for sale for consumption on the premises:
 - i) To suffer or permit any female person, while on the premises of said commercial establishment or private club, to expose to the public view that area of the human breast at or below the areola thereof.
 - ii) To suffer or permit any female person while on the premises of said commercial establishment or private club to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast as described in subsection (a)(i).
 - iii) To suffer or permit any person, while on the premises of said commercial establishment or private club, to expose to public view his or her genitals, pubic area, buttocks, anus, or anal cleft or cleavage.
 - iv) To suffer or permit any person, while on the premises of said commercial establishment or private club, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, or anal cleft or cleavage.
 - b) It shall be unlawful for any female person, while on the premises of a commercial establishment or private club located within Miller County, Arkansas, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance of or simulate such areas of the female breast as described herein.

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement

- c) It shall be unlawful for any person while on the premises of a commercial establishment or private club located within Miller County, Arkansas, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, buttocks, anus, or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, or anal cleft or cleavage.
- 2) If the owner, operator, licensee, lessor, lessee, manager, employee, or any other person participating in the operation of a commercial establishment or private club located within Miller County, Arkansas, at which alcoholic beverages are offered for sale or consumption on the premises shall engage in or permit others to engage in any of the offenses as set forth in this Ordinance, then the Prosecuting Attorney of Miller County, Arkansas, may file suit in the Chancery Court or Circuit Court of Miller County, Arkansas, pursuant to Arkansas Statutes to enjoin the sale of alcoholic beverages in said establishment or club and that such activity is prohibited and is declared to be a public nuisance and an injunction may be entered pursuant to Arkansas Statute Annotated § 34-101, et. seq.
- 3) PENALTY. Any person violating any portion of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) or in excess of five hundred dollars (\$500.00). Said fines collected hereunder shall be deposited in the County General Fund.
- 4) SEVERABILITY CLAUSE. If any part of this Ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.
- 5) EMERGENCY CLAUSE. This Ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is hereby declared to exist and the same shall be in full force and effect immediately after its passage, approval, and publication.
([Ord. 1984-011](#), passed 06-14-1984)

MILLER COUNTY CODE OF ORDINANCES
Chapter 3 – Law Enforcement