

Posted at City Hall, 17 Hospital Drive, Eufaula, OK 74432, and at Community Center, 121 High Street, Eufaula, OK 74432 (the meeting location) on April 18, 2024, at 4:00 p.m.

## **CITY OF EUFAULA, OK**

Community Center  
121 High Street  
Eufaula, OK 74432



### **SPECIAL MEETING NOTICE AND AGENDA OF MEETINGS TUESDAY April 23, 2024 5:30 p.m.**

City Council and Eufaula Public Works Authority

The City of Eufaula encourages participation from all its citizens in public meetings. However, if participation is not possible due to a disability, notify the City Clerk in writing at least forty-eight hours prior to the scheduled meeting, and necessary accommodations will be made (ADA 28CFR/36).

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes. Any person desiring to address the Council during such period must sign in with the City Clerk, provide their name and address, and specify the agenda item they wish to address. Remarks will be limited to the agenda item under consideration, and the speaker is allowed to speak only once. If written materials are submitted, ten (10) copies should be made available and may not be returned. Under Oklahoma law, the Council Members are prohibited from discussing or taking action on items, not on today's agenda.

The complete packet of information for the agenda items is available online at  
[CityofEufaulaOK.com](http://CityofEufaulaOK.com)





City Council Agenda Item No. 3

Meeting Date: April 23, 2024

## Agenda Item Memo

**Item Title:** Consideration of Acceptance, Approval, Adoption, Rejection, Amendment, and/or Postponement of Ordinance 24-4-1 amending language in the current ordinance regarding Juvenile curfew days and effective times

**Initiator:** Jeb Jones, City Manager: David Bryning, Chief

**Information Source:** Jeb Jones, City Manager

**Background:** In the recent past, our city has faced a surge in juvenile activities, raising serious concerns about public safety. As part of our efforts to address this, we have conducted a thorough review of the Juvenile Curfew guidelines in our ordinance. This review has revealed day conflicts and potential benefits of modifying curfew times. **Update:** This meeting will continue the discussion on ordinance 24-4-1, amending City Code 10-2301 Juvenile Offenses. Please know that you, as a council, can modify any aspect of this ordinance, including days or times.

**Council Pillar:** Public Safety

**Financial Impact:** n/a

**Attachment:** Ordinance 24-4-1, City Code 10-2301 Juvenile Offenses

**Recommended Action:** Approve changes as recommended.

**ORDINANCE #2024-04-01**

**AN ORDINANCE REVISING ORDINANCE 10-2301, JUVENILE OFFENSES, B. CURFEW HOURS: 1 and 2.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF EUFAULA, OKLAHOMA:**

**That Ordinance 10-2301, JUVENILE OFFENSES, B. CURFEW HOURS: 1 AND 2, READS AS FOLLOWS:**

**10-2301: JUVENILE OFFENSES:**

**B.**

**CURFEW HOURS:**

1. One minute past eleven o'clock (11:01) P.M, until six o'clock (6:00) A.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday.

2. One minute past twelve o'clock (12:01) A.M. until six o'clock (6:00) A.M. on any Saturday and Sunday.

**That said Section of Ordinance 10-2301 shall be and is hereby amended to read as follows:**

**10-2301: JUVENILE OFFENSES:**

**B.**

**CURFEW HOURS:**

1. Sunday: 11:00 p.m. Sunday night to 6:00 a.m. Monday morning  
Monday: 11:00 p.m. Monday night to 6:00 a.m. Tuesday morning  
Tuesday: 11:00 p.m. Tuesday night to 6:00 a.m. Wednesday morning  
Wednesday: 11:00 p.m. Wednesday night to 6:00 a.m. Thursday morning  
Thursday: 11:00 p.m. Thursday night to 6:00 a.m. Friday morning
2. Friday: 12:00 midnight (Friday) to 6:00 a.m. Saturday morning  
Saturday: 12:00 midnight (Saturday) to 6:00 a.m. Sunday morning

**EMERGENCY CLAUSE**

It being immediately necessary for the preservation of the public peace, health and safety of the City of Eufaula, Oklahoma and the inhabitants thereof, an emergency is thereby dedicated to exist. By reason whereof it is necessary that this ordinance shall go into full effect and be of force immediately upon its passage.

**PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF EUFAULA, OKLAHOMA, THIS \_\_\_ DAY OF \_\_\_\_\_, 2024.**

\_\_\_\_\_  
J. Todd Warren  
Mayor  
City of Eufaula

SEAL

ATTEST:

\_\_\_\_\_  
Valarie Cox  
City Clerk

ORDINANCE #2024-04-01

**AN ORDINANCE REVISING ORDINANCE 10-2301, JUVENILE OFFENSES, B. CURFEW HOURS: 1 and 2.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF EUFAULA, OKLAHOMA:**

**That Ordinance 10-2301, JUVENILE OFFENSES, B. CURFEW HOURS: 1 AND 2, READS AS FOLLOWS:**

**10-2301: JUVENILE OFFENSES:**

**B.**

**CURFEW HOURS:**

1. One minute past eleven o'clock (11:01) P.M, until six o'clock (6:00) A.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday.

2. One minute past twelve o'clock (12:01) A.M. until six o'clock (6:00) A.M. on any Saturday and Sunday.

That Ordinance 10-2301 shall be and is hereby amended to read as follows: *said Section of*

**10-2301: JUVENILE OFFENSES:**

**B.**

**CURFEW HOURS:**

- 1. Sunday: 11:00 p.m. Sunday night to 6:00 a.m. Monday morning
- Monday: 11:00 p.m. Monday night to 6:00 a.m. Tuesday morning
- Tuesday: 11:00 p.m. Tuesday night to 6:00 a.m. Wednesday morning
- Wednesday: 11:00 p.m. Wednesday night to 6:00 a.m. Thursday morning
- Thursday: 11:00 p.m. Thursday night to 6:00 a.m. Friday morning
- 2. Friday: 12:00 midnight (Friday) to 6:00 a.m. Saturday morning
- Saturday: 12:00 midnight (Saturday) to 6:00 a.m. Sunday morning

## **10-2301: JUVENILE OFFENSES:**

### **A. Community Concern; Parental Responsibility:**

1. The purpose and intent of this section is to narrowly tailor the restriction of late night activities of juveniles to the extent juvenile crime is reduced and juveniles, as well as other citizens, and their property are protected from harm; and
2. Juveniles are particularly vulnerable to the influences of persons who do not have the best interest of the juvenile in mind, due to the inability of juveniles to make important or critical decisions in an informed and mature manner and to avoid choices which could be detrimental to their health, safety and welfare; and
3. A concern has arisen in the community that certain activities by juveniles and adults, during the late night hours, endanger the health, safety and welfare; and
4. The city does not desire to interfere with parent-child or parent-juvenile relationships or the parental right to raise their children, or juveniles; and
5. While the city recognizes parents and/or responsible adults need wide latitude in supervising their children, the city desires to protect juveniles from nocturnal dangers, and encourage parental responsibility; and
6. The public purpose of this section is to protect juveniles from nocturnal dangers, enhance parental supervision and responsibility for juveniles, and protect the public at large.

**B. Definitions:** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

**CURFEW HOURS:** 1. One minute past eleven o'clock (11:01) P.M. until six o'clock (6:00) A.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday.

2. One minute past twelve o'clock (12:01) A.M. until six o'clock (6:00) A.M. on any Saturday and Sunday.

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

**ESTABLISHMENT:** Any privately owned place of business operated for profit to which the public is invited, but not limited to any place of amusement or entertainment.

**GUARDIAN:** 1. A person who, under court order, is the guardian of the person of a juvenile; or

2. A public or private agency with whom a juvenile has been placed by a court.

**JUVENILE:** Any person under eighteen (18) years of age.

**KNOWING PERMIT:** The parent, other responsible adult and/or "operator", as defined herein, is aware of the fact the juvenile is in violation of the curfew hours or that said person, by exercise of reasonable care, would have known that the juvenile is in violation of the curfew hours.

**OPERATOR:** Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

**PARENT:** A person who is a natural parent, adoptive parent, or stepparent of another person.

**PUBLIC PLACE:** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, common areas of schools, apartment houses, office buildings, hospitals, transport facilities, and retail establishments.

**REMAIN:** To:

1. Linger or stay; or
2. Fail to leave premises when requested by a police officer, or the owner, operator or authorized person in control of the premises.

**RESPONSIBLE ADULT:** Any person having, assuming or charged with permanent and/or temporary care and/or custody of a juvenile, including, but not limited to:

1. Any legal guardian or adult exercising legal guardianship over a juvenile;
2. An adult who stands in loco parentis to a juvenile;
3. Any person to whom legal custody of a juvenile has been given by order of a court;
4. Any adult who has, assumes or is charged with the care and/or custody of a juvenile at the request of, or on behalf of, a parent, guardian, loco parentis, or person to whom legal custody has been given by order of a court;
5. Any adult who has, assumes or is charged with the care and/or custody of a juvenile at the request of, or on behalf of, another parent.

### **C. Offenses:**

1. A juvenile commits an offense if he/she remains in any public place or on the premises of any establishment within the corporate city limits of the city of Eufaula during curfew hours.

2. A parent and/or responsible adult of a juvenile commits an offense if:

a. He/she knowingly permits or allows the juvenile to remain in any public place or on the premises of any establishment within the corporate city limits of the city of Eufaula during curfew hours; and

b. The parent and/or responsible adult of a juvenile has previously been cited so as to knowingly permit or allow a juvenile to remain in any public place or on the premises of any establishment within the corporate city limits of the city of Eufaula during the curfew hours. Every subsequent violation thereof will constitute a separate violation.

3. The owner, operator or any employee of an establishment commits an offense if he/she knowingly permits or allows a juvenile to remain upon the premises of the establishment during curfew hours.

D. Defenses: It is a defense to prosecution under subsection C of this section that the juvenile was at the time in question:

1. Accompanied by the juvenile's parent or responsible adult;

2. Engaged in any lawful employment activity, or going to or returning home from a lawful employment activity without any detour or stop;

3. Involved in an emergency;

4. In a motor vehicle involved in interstate travel;

5. Attending, going to or returning home without any detour or stop from an official school, religious or other recreational activity supervised by adults, or an event sponsored by the city of Eufaula, a civic organization, or any recognized entity that takes responsibility for the juvenile;

6. On an errand at the direction of the juvenile's parents or responsible adult, without any detour or stop;

7. Exercising first amendment rights protected by the United States constitution, or other rights protected by the United States or Oklahoma constitution; or

8. Married, or had been married.

It is a defense to prosecution under subsection C3 of this section that the owner, operator or employee of an establishment promptly notify the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

E. Enforcement: Before taking any enforcement action under this section, a police officer shall ask the apparent offender's reason for being in the public place. The police officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and, based on circumstances, no defense in subsection C of this section is present.

Absent an interlocal agreement with the district court for the municipal court to exercise jurisdiction over juveniles under eighteen (18) years of age under subsection C of this section pursuant to 10 Oklahoma Statutes 1102(E) as amended by HB 2640 of the 1194 regular session of the Oklahoma legislature, the municipal court must refer all alleged juvenile violations to the juvenile bureau of the district attorney's office.

F. Penalties:

1. A person who violates a provision of this section is guilty of a separate offense for each day, or part of a day, during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed one hundred dollars (\$100.00), plus costs. The court may require community service work in lieu of a fine if the product of multiplying the number of hours of community service work by the prevailing wage does not result in a number which exceeds the maximum fine authorized by law.

2. The municipal court's jurisdiction over a juvenile who violates subsection C of this section shall be expressly subject to title 10 Oklahoma Statutes, as amended by HB 2640 of the 1994 regular session of the Oklahoma legislature. (Ord. 94-8-1, 8-8-1994)





City Council Agenda Item No. 4

Meeting Date: April 23, 2024

## Agenda Item Memo

**Item Title:** Consideration of Acceptance, Approval, Adoption, Rejection, Amendment, and/or Postponement of Emergency Clause for Ordinance 24-4-1 (10-2301 Juvenile Offenses).

**Initiator:** Jeb Jones, City Manager: David Bryning, Chief

**Information Source:** Jeb Jones, City Manager

**Background:** In the recent past, our city has faced a surge in juvenile activities, raising serious concerns about public safety. As part of our efforts to address this, we have conducted a thorough review of the Juvenile Curfew guidelines in our ordinance. This review has revealed day conflicts and potential benefits of modifying curfew times. **Update:** This meeting will continue the discussion on ordinance 24-4-1, amending City Code 10-2301 Juvenile Offenses. Please know that you, as a council, can modify any aspect of this ordinance, including days or times.

**Council Pillar:** Public Safety

**Financial Impact:** n/a

**Attachment:** Ordinance 24-4-1 Emergency Clause

**Recommended Action:** Approve Emergency Clause as recommended.