

THE OFFICE OF THE MAYOR OF DE QUEEN, ARKANSAS

**IN THE MATTER OF RESTRICTED ACCESS WITHIN THE CITY OF DE QUEEN
TO PROTECT THE HEALTH OF CITY RESIDENTS AND THE PUBLIC**

EXECUTIVE ORDER

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza;

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International concern; and

WHEREAS, the CDC currently recommends mitigation measures in communities with COVID-19 cases, including staying at home when sick, keeping away from others who are sick and staying at home when a household member is sick with respiratory disease symptoms or if instructed to do so by public health officials or a health care provider; and

WHEREAS, the City of De Queen, Arkansas, must ensure, as best as can be reasonably accomplished, the health and safety of city employees and the public served by the City of De Queen, and to provide for continued services by the City of De Queen to our public. This order is entered following consultation with health professionals and officials knowledgeable in the current state of affairs preventative medicine.

NOW THEREFORE, I, JEFF BROWN, as the MAYOR of the City of De Queen, Arkansas, by virtue of the authority vested in me by A.C.A. § 14-43-504, as the Chief Executive of the City of De Queen, Arkansas and the custodian of all city property, and all other applicable laws, promulgate the following Executive Order to take effect Friday, March 20, 2020 at 4:30 p.m., and last until April 17, 2020 at 11:59 p.m., unless otherwise extended hereafter.

It shall be unlawful for any person under the age of eighteen (18) years to loiter or remain in or upon any street, alley or public place in the City of De Queen between the hours of 8:30 p.m. and 6:00 a.m.

The following activities shall be exempt from the curfew requirements of this division where the minor is:

- Accompanied by his or her parent, guardian or any other person 21 years of age or older who is authorized by a parent as the caretaker for the minor;
- On an errand, without any detour or stop, at the direction of his or her parent, guardian or caretaker;

- In a vehicle involved in interstate travel;
- Engaged in a certain employment activity, or going to or from employment, without any detour or stop;
- Involved in an emergency;
- In attendance at an official school, religious or other recreational activity sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor, or going to or from such an activity, without any detour or stop, and supervised by adults; or
- Exercising First Amendment rights, including free exercise of religion, freedom of speech and the right of assembly.

Before taking any enforcement action under this section, any City of De Queen Police Officer shall ask the apparent offender's age and reason for being in the public place. The Officer shall not issue a citation on the first offense. If a second offense occurs, the Officer shall not issue a citation or take further action under this section unless the Officer reasonably believes an offense has occurred, and that, based on any response and other circumstances, no exception to the Order is present.

It shall be unlawful for any parent, guardian, or other person having the legal care and custody of any minor under the age of eighteen (18) years to allow or permit any such child, ward or other person under such age, while in his legal custody, to loiter or remain, unaccompanied, upon any of the streets, alleys or other public places in the city between the hours of 8:30 p.m. and 6:00 a.m., unless there exists a reasonable necessity therefore.

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

Harbor includes the tacit or express permission to a child by the owner, proprietor or occupant, or any of their agents, to remain on or about the premises for a time longer than reasonably necessary for the child to transact such business as he or she may have on or about such premises.

Loiter includes aimlessly driving or riding in or any automobile, motorcycle, motor-driven cycle or any other motor-driven vehicle on the streets, alleys, highways or public thoroughfares of the city without an immediate and predetermined destination.

Other Public Places includes privately owned places of business, and the premises thereof, serving the public or open to the public, such as restaurants, laundromats, gas stations, theaters and other places of public amusement.

IT IS SO ORDERED.

Jeff Brown

MAYOR OF DE QUEEN, ARKANSAS