

TOWN OF JARRATT, VIRGINIA

MINOR CURFEW ORDINANCE

***State law reference: Curfew for minors, Code of Virginia § 15.2-926.**

Section 1. Purpose of article.

The town hereby finds that the presence of minors during late night hours in public places, unsupervised by responsible adults, allows those minors to be exposed to corrupting influences and denies them an equal opportunity to develop into responsible citizens. In order to protect those minors, and in order to further the legitimate public safety interest of the public at large, a minor curfew is found to be in the public interest.

Section 2. Definitions.

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

Adult means any person 18 years of age or older.

Emergency means an unforeseen combination of circumstances or the resulting situation 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 less than 18 years of age or, in equivalent phrasing employed in this article, any person 17 or less years of age.

Parent means any person having custody of a minor either as a natural or adoptive parent, or as a legal guardian, or any person who stands in loco parentis, or any person to whom legal custody, as defined in Code of Virginia, § 16.11-228, has been given by an order of court.

Public place means publicly owned property and any place to which the public has access and included, but is not limited to, streets, highways, sidewalks, and the common areas and parking lots of schools, hospitals, apartment buildings, community homeowners association property, office buildings, transport facilities, shops, shopping centers, and malls.

Remain means to stay behind, to tarry, to linger or to stay in a place, to hang out or to hang around; or to fail to leave premises when requested to do so by a police officer or the owner, proprietor, manager, or any employee or other person in control of the premises.

Section 3. Presence of minors in public places prohibited at specific hours: exemptions.

(a) It shall be unlawful for any minor to be on any street, road, avenue, alley, park, or other public place, or in or on a vehicle upon or around any public place or street or any place generally opened to the public, whether or not on private property in the town between the hours 10:00 p.m. and 6:00 a.m. It shall be unlawful for any minor under 15 years of age to be at any such place between the hours of 10:00 p.m. and 6:00 a.m. This section shall not apply if the minor is:

(1) Accompanied by the parent, guardian, or other adult person having the care, custody, or control of such minor;

(2) Engaged in a lawful employment or going directly to the place of such employment or returning directly to the minor's place of residence.

(3) In possession of written permission by the parent, guardian, or other adult person having the care, custody, or control of such minor to attend a specified engagement or performance which begins prior to 10:00 p.m., and ends, either after 10:00 p.m., or so close to 10:00 p.m. that is impracticable for such minor to reach his/her residence by traveling in prudent manner, and such minor is present at such engagement or performance or is proceeding directly to his/her place of residence upon the conclusion thereof;

(4) Attending an activity sponsored by a school or a religious or civic organization, or going directly to his/her place of residence there from;

(5) On a legitimate emergency errand.

(b) Any person violating any provision of this section shall be guilty of a class 4 misdemeanor.

Section 4. Responsibility of adults.

(a) It shall be unlawful for a parent of a minor knowingly to permit or by inefficient control to allow the minor to be in violation of this article. The term "knowingly" includes knowledge which a parent reasonably is expected to have concerning the whereabouts of a minor of whom the parent has legal custody. It shall be, a fortiori, no defense that a parent was indifferent to the activities or conduct or whereabouts of such minor.

(b) Any parent violating this section shall be guilty of a class 3 misdemeanor.

Section 5. Enforcement of article.

(a) If a police officer reasonably believes that a person is in a public place in violation of this article, he/she shall notify the person that he is in violation and shall require his/her name, address and telephone number, if any, and the manner in which his parents can be contacted. The police officer shall use his/her best judgment in determining the age of the person, and may consider any available evidence including, but not limited to, a birth certificate or driver's license. If the police officer determines that a person is in violation of this article, he/she shall take the person to police headquarters, and a parent shall be notified, if possible.

(b) The police officer instead may deliver the minor to a parent of the minor at his/her home if it is reasonably convenient to do so during the exercise of his normal duties.

(c) When a parent has forthwith taken charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of the parent. If a parent cannot be located or fails to take charge of the minor child within a reasonable period of time, the minor may be released to some other adult who will assume, on behalf of a parent, the responsibility of supervising the minor pending the arrival of a parent. If no parent or adult can be located to take the responsibility of supervising the minor, the minor shall be turned over to the appropriate minor authorities.

State Law References: Code of Virginia, § 16.1-331; Code of Virginia, § 16.1-278.4; Code of Virginia, § 16.1-278.5