

DEC 21 1992

ORDINANCE NO. 51A-1

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 13-10, CURFEW FOR MINORS UNDER EIGHTEEN - RESPONSIBILITY OF PARENTS AND GUARDIANS; SECTION 13-11, SAME - HOURS AND PLACES APPLICABLE TO SUCH MINORS; AND SECTION 13-12, SAME - DUTY OF LAW ENFORCEMENT OFFICERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Offenses - Miscellaneous, is hereby amended and reordained by amending Section 13-10, Curfew for minors - generally; Section 13-11, Same - Parent, guardian, etc., permitting violation; and Section 13-12, Same - Duty of law enforcement officers; to add definitions, to add a new exception, and modify existing exceptions.

Section 13-10. Curfew for minors ~~under eighteen - Responsibility of parents and guardians~~ -- generally.

(a) *Definitions.*

- (1) *Minor.* As used in this section and sections 13-11 and 13-12, the term *minor* means a person less than eighteen years of age.
- (2) *Custodian.* As used in this section and section 13-11, the term *custodian* means a person eighteen years of age or older who has been temporarily entrusted with the care and custody of a minor by the minor's parent or guardian.

(b) It shall be unlawful for any ~~minor parent, guardian or other adult person having the care and custody of any minor under eighteen years of age to knowingly permit, allow or encourage such minor to be and remain in and to be in or upon any street, park, vacant lot, playground, wharf, dock, place of amusement, or in and upon any other public place, whether of like kind or not, in the county between the hours of 12:00 midnight and 5:00 a.m. of the following day. unless such minor is accompanied by such parent, guardian or other adult person having the care and custody of such minor, or is on an emergency errand or legitimate business and has a written consent to that effect signed by such parent, guardian or other adult person having the care and custody of such minor.~~

(c) *The provisions of this section shall not apply to:*

- (1) *Any minor who is accompanied by his or her parent, guardian or custodian;*
- (2) *Any minor who is on an emergency errand and has, in his or her possession, a written consent to that effect signed by his or her parent, guardian or custodian;*
- (3) *Any minor who is in attendance at, or going directly to or directly from an activity sponsored by the County or any department or agency of the County, church, public school or licensed private school, and has, in his or her possession, a written consent to that effect signed by his or her parent, guardian or custodian; or*

(4) *Any minor who is engaged in lawful employment or is going directly to or going directly from his or her place of lawful employment.*

State Law reference - Authority of County to establish curfew for minors, Code of Va.,
Section 15.1-514.

Section 13-11. Same -- ~~Hours and places applicable to such minors~~ *Parent, guardian, etc., permitting violation.*


~~It shall be unlawful for any parent, guardian or custodian of any minor under the age of eighteen (18) years to knowingly permit, allow or encourage a minor to violate the provisions of section 13-10. to be and remain in and upon any street, park, vacant lot, playground, wharf, deck, place of amusement, or in and upon any other public place, whether of like kind or not, in the county between the hours of 12:00 midnight and 5:00 a.m. of the following day unless such minor is accompanied by his parent, guardian or other adult person having the care and custody of such minor, or is on an emergency errand or legitimate business and has a written statement to that effect signed by his parent, guardian or other adult person having the care and custody of such minor.~~

Section 13-12. Same - Duty of law enforcement officers.

Whenever any police or other officer charged with the duty of enforcing the laws of this state or the ordinances of this county shall discover or have his attention called to the fact that any minor


~~under the age of eighteen (18) years~~ is in or on any street, park, vacant lot, playground, wharf, dock, place of amusement or is in or upon any other public place, whether of like kind or not, between the hours of 12:00 midnight and 5:00 a.m. of the following day, the officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of such minor is in violation of any of the provisions in Section ~~13-11~~ 13-10. If such investigation reveals that such presence of such minor is in violation of any of the provisions of Section ~~13-11~~ 13-10, then the officer shall take the name and address of such minor and the name and address of the parent, guardian or other person having the care and custody of such minor, and shall issue a summons or otherwise notify such minor and such parent, guardian or other person having the care and custody of such minor, in writing, to appear before the judge of the juvenile and domestic relations court of the county at a time to be specified in such summons or notice, to be there dealt with according to the provisions of Sections 13-10 to 13-12 and the laws of the state applicable thereto. The officer shall also order such minor to forthwith proceed to his home or place of abode; and should such minor refuse or fail so to do, the officer shall take such minor to his home or place of abode should he deem such advisable.

Should any such minor refuse to give such officer his name and address or the name and address of his parent, guardian or other adult person having the care and custody of such minor, such officer shall take such minor to the James City County Law Enforcement Center or to the *City of Williamsburg* ~~City~~ police headquarters and there detain him until such time as he can be turned over to the officers of the juvenile and domestic relations court of the county to be dealt with in the manner required by law.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	NAY
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 21st day of
December, 1992.

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