

COMMON COUNCIL



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I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 3rd day of March, 2015, that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 24th day of February 2015.

AN ORDINANCE TO AMEND SECTION 16-5 OF THE WINCHESTER CITY CODE PERTAINING TO CURFEW VIOLATIONS

WHEREAS, Winchester Police Department recognizes that current ordinance 16-5 may not be adequate to deal with juveniles disrupting communities; and,

WHEREAS, it is the belief of the WPD and community groups that modifying 16-5 to expand the segment of the population controlled by this ordinance will be beneficial to policing the community; and,

WHEREAS, implementation of the proposed changes will make the City curfew ordinance consistent with other Virginia jurisdictions; and,

WHEREAS, Common Council for the City of Winchester believes that the implementation of such changes will be of benefit to the citizens of the City of Winchester.

NOW, THEREFORE, BE IT ORDAINED that Section 16-5 of the Winchester City Code is hereby adopted as follows:

SECTION 16-5. CURFEW FOR MINORS.

Purpose: The goal of this section is to inhibit juvenile crime, to prevent the victimization of children, to promote the health and safety of children, and to increase parental responsibility for their children.

- (a) It shall be unlawful for any minor under the age of ~~fifteen (15)~~ **seventeen (17)** years to be in or upon any street, park or other public place in the City, on Sunday through Thursday between the hours of 11:00 P.M. and 5:00 A.M. of the following day, or Friday or Saturday from the hours of 12:00 A.M. and 5:00 A.M. of the following day unless, in either case, one of the following exceptions apply:
1. The minor is accompanied by his parent, guardian, or other adult person having the legal care, custody, or control of such minor,

2. The minor is engaged in, traveling in direct route to, or returning home from legal employment,
 3. The minor is attending, traveling in direct route to, or returning home from a school, religious or adult supervised activity sponsored by the City or a school, religious or civic group that takes responsibility for the minor,
 4. The minor is involved in an emergency,
 5. The minor is in a motor vehicle engaged in interstate travel, or
 6. The minor is or has been married or the minor has been lawfully emancipated.
- (b) It shall be unlawful for the proprietor, manager or other person having charge or control of any public place to permit or encourage any minor under the age of ~~fifteen~~ **(15) seventeen (17)** to violate this section.
- (c) It shall be unlawful for a parent, guardian, or other adult person having the care, custody or control of a minor under the age of ~~fifteen~~ **(15) seventeen (17)** years to permit or encourage such to violate this section.
- (d) A first violation of any provision of this section shall constitute a Class 4 misdemeanor. A second violation of any provision of this section within 90 days of a first violation by any person shall constitute a Class 2 misdemeanor.

(Code 1959, §16.7)(Ord. No. 045-95, 9-12-95; Ord. No. 007-96, 04-09-96: Ord. No. 2011-21, 10-11-11)

State Law References – Authority of city to enact a curfew ordinance, Code of Virginia §15.1-~~33.42-926~~; to regulate presence of minors in places of amusement, §18.2-432

STRIKEOUT - ~~REMOVED~~
UNDERLINED - ADDED

Ordinance No. 2014-29

ADOPTED by the Common Council of the City of Winchester on the 24th of February 2015.

Witness my hand and the seal of the City of Winchester, Virginia.

*Kari J. Van Diest, CMC
Deputy Clerk of the Common Council*