

ORDINANCE NO. 198

AN ORDINANCE OF THE CITY OF BUCKHANNON  
 REGULATING THE PRESENCE AND CONDUCT OF  
 MINORS ON STREETS AND OTHER PLACES:  
 DEFINING DUTIES OF PARENTS OR OTHERS  
 IN CARE OF MINORS: AND PROVIDING  
 PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Council finds that there is a need for governing the conduct of minors in the City of Buckhannon for the purpose of alleviating problems of juvenile delinquency; reducing noise and disturbances at late hours; preventing the reckless and noisy operation of motor vehicles at late hours within the City of Buckhannon; and preventing abuse to parks, play grounds and private property within the City of Buckhannon;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON:

FIRST: This Ordinance shall be known and may be cited as the "Ordinance regulating the presence and conduct of minors on streets and public places."

SECOND: For the purposes of this Ordinance, the following terms, phrases, words and their derivatives shall have the meaning given herein. The word "shall" is always mandatory and not merely directory:

- (a) City is the City of Buckhannon;
- (b) Minor is any person under the age of eighteen (18) years;
- (c) Parent is a natural or adopted parent of a minor;
- (d) Guardian is any person other than a parent who has legal guardianship of a minor;
- (e) Custodian is any person over the age of eighteen (18) who is in loco parentis to a juvenile;
- (f) Public place shall mean any street, alley, highway, sidewalk, park, play ground, business or place to which the general public has access and a right to resort for business attendance, or other lawful purposes. Public place shall include, but not be limited to, any street, shop, restaurant, tavern, cafe, theater, drugstore, pool room, shopping center or any other place devoted to business, amusement or entertainment of the general public. It shall also include front, rear, and sidewalk area of the above.

THIRD: It shall be unlawful for any minor to remain, idle, wander, loiter, stroll, play or be in or at or upon any public place, either on foot or, without a set destination, in any motor vehicle or on any bicycle or other conveyance in the City between the hours of 11:00 p.m. and 6:00 a.m. Sunday through Saturday unless:

- (a) Accompanied by parents, guardian, custodian or other adult person having legal custody or control of such minor, or
- (b) Unless the minor is returning to his place of residence from attendance at a public school, church, athletic or recreational function or activity, at which the minor's attendance is authorized by his parents, guardian, custodian or other adult person having legal custody or control of such minor, or
- (d) Where the presence of such minor is connected with or required by some lawful employment, trade, profession or occupation.

All minors shall be required to leave and not be on or about any public place within one-half ( $\frac{1}{2}$ ) hour of the termination of any

of the functions or activities herein mentioned.

FOURTH: It shall be unlawful for any person, firm or corporation or operator having charge of any public place to knowingly permit or suffer the presence therein of minors between the hours as designated and set forth in Section "THIRD" herein except as may be authorized and permitted by the provisions thereof.

FIFTH: It shall be unlawful for the parent, guardian, custodian or other adult person having legal custody or control of any minor to suffer, permit or allow, or be inefficient or ineffective in the control of minors so as to permit or allow, such minor to be on any street or sidewalk or on or in or about any public property or public place within the City in violation of this Ordinance. The provision of this section shall not apply to a minor accompanied by his parent, guardian, custodian or other adult person having the legal care, custody or control of the minor, or if the minor is on an emergency errand or if the minor is permitted to be on the streets or sidewalks or in public places or public property otherwise by the provisions of this Ordinance.

SIXTH: To facilitate in the enforcement of the provisions of this Ordinance and to enable minors not to be stopped by police, the sponsor of any special function, activity or entertainment of any church, school, club or other organization that requires minors to be out past the curfew hour may register the event in advance with the Chief of Police or his designate. The registration shall state the time the function, activity or entertainment shall be expected to end. Minors who attend the function, activity or entertainment shall be required to be off the streets, sidewalks or public places within one-half ( $\frac{1}{2}$ ) hours after the function, activity or entertainment is ended.

SEVENTH: Any police officer, upon finding a minor to be in or on a public street or sidewalk or public place or property in violation of this Ordinance, shall ascertain the name and address of such minor, advise the minor that he is in violation of this Ordinance, and direct the minor to proceed at once to his or her home or place of abode. The police officer shall further immediately report, or attempt to report, such action to the parents, guardian, custodian or person having legal custody or control of such minor by either telephoning or personally contacting them.

If such minor refused to heed such a warning by any such police officer or refused to give such police officer his correct name and address, or if the minor is later observed to be on any street, sidewalk, public place or public property, then the minor shall be taken to his place of residence or to the police department and the parents, guardian, custodian or other adult person having the legal care and custody of such minor shall be notified to come to the police department and take charge of the minor. If the parents, guardian or other custodian or other person having the legal care and control of such minor cannot be located or fails to come and take charge of the minor, the minor shall be dealt with in accordance with the juvenile laws of the State of West Virginia, but, in no event, shall be placed in confinement or jail for violation of the provisions of this Ordinance.

EIGHT: Any parent, guardian, custodian or other adult person having the legal custody and control of a minor who is guilty of any violation of the provisions of this Ordinance, or any person, firm or corporation operating or having charge of any public place who knowingly permits or suffers the presence of minors on their premises in violation of the terms of this Ordinance, shall be subject to a fine of not more than Two Hundred Dollars (\$200.00) and imprisonment in the Upshur County jail for a period of not more than thirty (30) days. Any minor who violates any provision of this Ordinance shall be dealt with and proceeded against in such manner as may be authorized by the juvenile laws of the State of West Virginia.

I hereby certify that this is a true copy of an ordinance adopted by the Council of the City of Buckhannon at its regular meeting held on September 20, 1979.

1ST READING  
9-6-79

2ND AND FINAL READING

Given under my hand and the seal of the City this 20th day of Sept. 1979.

*Edw. L. P. Pundstone*