

ORDINANCE NO. 299

AN ORDINANCE ESTABLISHING
A CURFEW FOR MINORS
IN THE CITY OF MANNINGTON

WHEREAS, West Virginia Code Section 8-12--5 gives plenary power and authority for municipalities to protect and promote the public morals, safety, health, welfare and good order; and

WHEREAS, the City Council of the City of Mannington has determined that it would be in the best interest to the public morals, safety, health and general welfare of the residents of the City of Mannington to establish a curfew for minors under the age of eighteen (18) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANNINGTON:

SEC. 16-27 CURFEW FOR MINORS

(a) CURFEW

No minor under the age of eighteen years shall loiter, idle, wander or play in or upon the streets, highways, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 p.m. and 6:00 a.m. of the following day; provided, that the provisions of this section shall not apply to a minor accompanied by his parent, guardian or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his parent, or while the infant is legally employed and is going to and from the

place of such employment or is engaged in the duties thereof.

(b) PERMITTING CHILDREN TO VIOLATE CURFEW

No parent, guardian or other adult person having the care and custody of a minor under the age of eighteen years shall knowingly permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 p.m. and 6:00 a.m. of the following day; provided, that the provisions of this section shall not apply when the minor is accompanied by his parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of the minor, or where the minor is lawfully employed and is going to or from the place of such employment or is engaged in the duties thereof.

(c) DETAINING CHILD

Every member of the police force while on duty is hereby authorized to detain any such minor willfully violating the provisions of subsection (a) hereof until the parent or guardian of the child shall take him or her into custody; but

such officer shall immediately upon taking custody of the child communicate with the parent or guardian.

(d) RECOVERY FROM DAMAGES BY MINORS

The City or any person or organization of any kind or character shall be entitled to recover damages in an amount not more than as provided in West Virginia Code §55-7A-2 in any court of competent jurisdiction from the parent or parents of any minor child under the age of eighteen years, living with the parent or parents, who maliciously or willfully destroys property, real, personal or mixed, situated within the City and belonging to the City or any person or organization of any kind or character.

The recovery hereunder shall be limited to the actual damages in addition to taxable court costs. However, the right of action and remedy therefore granted herein shall be in addition to and not exclusive of any rights of action and remedies therefor against a parent or parents for the injurious acts of his, her or their minor children heretofore existing under the provision of any law, statutory or otherwise or now so existing independently of the provision of this section, except his right of action shall not be in addition to that certain cause of action set forth in West Virginia Code §55-7A-2.

(e) DELINQUENT CHILD

Any minor violating the provision of subsection (a) shall be deemed a delinquent child per W.Va. Code §49-1-4 and shall be dealt with as such under the provisions of the State law. If it appears that any child taken into custody for a violation of subsection (a) hereof is growing up in mendicancy or vagrancy, or is incorrigible, for lack of proper parental care, or has no home, proper proceedings shall be instituted pursuant to State statute.

(f) PENALTY

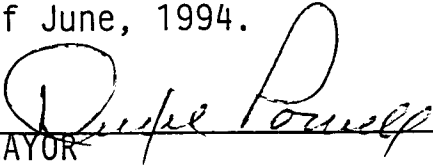
The custodial parent or parents of any minor child found in violation of subsection (a) shall be fined not less than fifty dollars per W.Va. Code §8-12-5.

CROSS REFERENCES

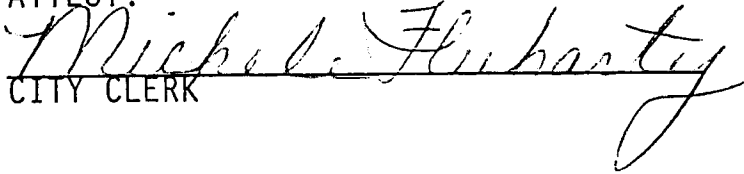
General Powers:	W.Va. Code §8-12-5
Jurisdiction of Magistrate Court	W.Va. Code §49-5-1(a)
Jurisdiction of Municipal Court	W.Va. Code §49-5-1(b)
Delinquent Child defined	W.Va. Code §49-1-4
Recovery from Damages by Minors	W.Va. Code §55-7A-2

This Ordinance shall be effective immediately after adoption.

Passed this the 20th day of June, 1994.


MAYOR

ATTEST:


CITY CLERK