

AN ORDINANCE OF THE COUNTY COMMISSION
OF HARRISON COUNTY, WEST VIRGINIA,
ENTITLED CURFEW BY LIMITING THE
HOURS OF PERSONS UNDER EIGHTEEN
YEARS OF AGE IN PUBLIC PLACES
AND PROVIDING EXCEPTIONS: ALL
UNDER THE AUTHORITY OF CHAPTER 7,
ARTICLE 1, SECTION 12 OF THE WEST
VIRGINIA CODE, AS AMENDED

It appearing to the County Commission of Harrison County, West Virginia that said Commission should establish a curfew limiting the hours of persons under eighteen years of age to be in public places and providing exceptions pursuant to the power granted the Commission by Chapter 7, Article 1, Section 12 of the West Virginia Code, as amended, the Commission hereby adopts the following ordinance and it shall read as follows:

No minor under the age of eighteen years shall loiter, idle, wander or play in or upon the roads, highways, streets, parks, playgrounds or other public grounds, public places and public buildings, places of amusements and entertainment, vacant lands or other unsupervised places between the hours of ~~10:00~~ ^{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 or authorized by his parent, or while the minor is legally employed and is going to and from the place of such employment or is engaged in the duties thereof.

Any minor violating the provisions of the preceding paragraph shall be deemed a delinquent child under the provisions of the State law and shall be dealt with as such under the provisions of the State law: Provided, That whenever the county ordinance enacted hereunder conflicts with that of any municipality, the municipal ordinance shall prevail.

Any magistrate court, which shall have concurrent jurisdiction with

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the circuit court, of a county which has enacted an enforceable curfew ordinance may assume jurisdiction of a juvenile charged with violation of such ordinance and make any disposition thereof, which could properly be made by a circuit court exercising its juvenile jurisdiction, except that magistrate courts shall have no jurisdiction to impose a sentence of confinement for the violation of such laws.

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 roads, highways, streets, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lands or other unsupervised places between the hours of ^{11:00} ~~10:00~~ ^{JAK R.K F.X.L.} 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 or authorized 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.

This ordinance shall become effective on and after passage and upon adoption by the Harrison County Commission.

PASSED by the County Commission of Harrison County, West Virginia on FIRST READING on this the 3rd day of October, 1989.

A second reading and public hearing was held on the 18th day of OCTOBER, 1989, after notice of a public hearing on said ordinance was published as a Class II legal advertisement and upon motion of

KEELEY and seconded by LOPEZ,

it is ORDERED that the aforesaid ordinance be, and hereby is APPROVED and ADOPTED by the County Commission of Harrison County, West Virginia.

Dated this 18th day of OCTOBER, 1989.

Ruby Keister

Thomas A. Keeley

Frank X Lopez