

AN ORDINANCE ESTABLISHING A JUVENILE CURFEW  
AND PROHIBITING LOITERING GENERALLY

WHEREAS, Section 1.13-17 of the Code of Virginia requires that such ordinances be not inconsistent with the constitution and laws of the United States or of this Commonwealth;

WHEREAS, by virtue of the powers extended under Section 15.1-514, Code of Virginia 1950, Wythe County is authorized to adopt an ordinance to regulate the conduct and acts embraced within this designated section;

WHEREAS, the advertising of the public hearing as required by Section 15.1-504, Code of Virginia 1950, was had in the Southwest Virginia Enterprise on Tuesday, November 23, 1971 and on Tuesday, November 30, 1971.

NOW THEREFORE, be it and it is hereby ordained by the Board of Supervisors of Wythe County, Virginia, as follows:

1. It shall be unlawful for any minor who has not yet attained the age of eighteen years to loiter, idle or play in or upon the public streets, parks, playgrounds or public grounds, public places, and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places of the county between the hours of 11:00 P. M. and 4:00 A. M. the following day; provided however, 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 when 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
2. Any minor violating the foregoing provisions of Section 1 shall be dealt with in accordance with the juvenile and domestic relations law and procedure. Each violation of this section shall constitute a separate offense.
3. It shall be unlawful for any person to loiter, lounge or sleep in or upon any street, road, park or public place or in any public building, or obstruct the access to any public building or any part thereof, or obstruct passage through or upon any public street, road, park or public place.

For the purposes of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:

- (1) Obstruction of the free, unhampered passage of pedestrians or vehicles.

(2) Obstructing, molesting or interfering with any person lawfully upon any street, road, park or other public place.

(3) Remaining idle in essentially one location without being able to establish having a legitimate business or purpose in so remaining idle, or, by general conduct, exhibiting the absence of a lawful purpose in so remaining idle.

(4) Conduct involving the concept of standing idly by, loafing, walking about aimlessly without purpose and including the colloquial expression of "hanging around."

(5) Refusing to move on when so requested by a peace officer, provided the peace officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

For the purpose of this section, the term "other public place" shall be deemed to include the quasi-public area in front of or adjacent to any store, shop, restaurant, luncheonette or other place of business and shall include also any parking lots or other vacant private property not owned or under the dominion of the person charged with a violation of this section.

4. Each person violating the provisions of Section 3 of the ordinance shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine not exceeding one hundred dollars or confinement in jail not exceeding 6 months, either or both in the discretion of the jury or the court trying the case without a jury.
5. Should any portion of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional such decision shall not effect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.
6. All ordinances or portion of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict
7. This ordinance shall be effective commencing 12:01 A. M. EST, December 21, 1971.

George F. James, as a member of the Board moved for the adoption of said ordinance, motion was seconded by E. E. Early, as a member of the Board, and after due consideration thereof, the Chairman put the question on said motion and the roll being called for the following members of the Board voted:

J. Elmo Davis	"Aye"
Harold C. Tarter	"Aye"
Frank L. Neff	"Aye"
James E. Dunkley	"Aye"
E. E. Early	"Aye"
George F. James	"Aye"

WHEREUPON, the Chairman declared said ordinance duly adopted by the Board of Supervisors, Wythe County, Virginia, and that a copy atteste be forwarded immediately to the following designated individuals:

The Honorable Senior Judge of the 21st Judicial Circuit at Galax  
The Honorable Judge of the Wythe County Circuit Court  
The Honorable Judge of the Wythe County Court  
The Sheriff of Wythe County  
The Honorable Mayor of the Town of Wytheville  
The Chief of Police, Town of Wytheville  
The Honorable Mayor of the Town of Rural Retreat  
The Honorable Sergeant of the Town of Rural Retreat  
The Honorable Commander of the Virginia State Police, 4th Division  
Radio Station WYVE  
Southwest Virginia Enterprise  
Roanoke Times Bureau