

An Ordinance to Strike, amend, and insert different sections of Chapter 8 of the Ordinances of the Town of Chapmanville, WV. Be it ordained by the Town of Chapmanville, that upon passage this will be considered the entirety of Chapter 8 of the ordinances of the Town of Chapmanville

Chapter 8 Minors

Sec. 1 -- Curfew.

~~It shall be unlawful for any minor under the age of sixteen years to be upon the streets or in other public places after 10:00 P.M., between the first day of June and the thirty first day of August, and after 9:00 P.M., between the first day of September and the thirty first day of May, unless accompanied by a parent, guardian or some adult person lawfully in charge of such minor. It shall be unlawful for any parent, guardian or other person having the custody of a minor under the age of sixteen years, to allow such minor to be upon the streets or in other public places after 10:00 P.M., between the first day of June and the thirty first day of August, and after 9:00 P.M., between the first day of September and the thirty first day of May, unless such minor is accompanied by a parent, guardian or some adult person lawfully in charge of such minor.~~

~~This section shall not be so construed as to prohibit minors under the age of sixteen years from attending places of religious worship or meetings held by or under the auspices of the public schools or Boy Scouts and Girl Scouts or like organizations unaccompanied by a parent or other adult person.~~

~~Any person violating any of the provisions of this section shall, upon conviction, be punished as provided in Sec. 1, article 1, chapter 15.~~

Sec. 2-1 -- Sale, etc., of cigarettes, etc., to person under twenty-one or of cigar, etc., to person under sixteen.

It shall be unlawful for any person to sell, offer for sale, or give away or furnish or cause to be given away or furnished to any person under the age of twenty-one years, any cigarette or cigarette paper, or any other paper prepared to be filled with smoking tobacco for cigarette use. It shall be unlawful for any person to sell, offer, give away or furnish, or cause to be given away or furnished, to any person under the age of sixteen years, any cigar, pipe or tobacco in any form.

Sec. 3 -- ~~Allowing minors under sixteen to play pinball machines during certain hours.~~

~~It shall be unlawful for any person owning, operating or having the control of any pinball machine or who has the control of any room where any such pinball machine is kept, used or operated, to permit to allow any minor under the age of sixteen to play or use such pinball machine between the hours of 8:00 A.M. and 12:00 Noon and between the hours of 1:00 P.M. and 4:00 P.M. on any day that the public schools are in session.~~

Sec. 42 -- Sale, etc., to minor under sixteen of firearms or explosives.

It shall be unlawful for any person to sell ~~or give~~ to any minor under the age of sixteen years firearms or gunpowder or other explosives in any quantity.

Sec. 53 -- Possession of air guns, etc., on streets by minors.

It shall be unlawful for any minor to carry or have in his possession on any of the streets, unless

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accompanied by a parent or guardian, any air gun, air rifle, air pistol, spring gun, rubber sling or blank cartridge pistol or any other rifle, gun or other weapon, mechanical device or toy of like character, capable of shooting bullets, shots, pebbles or other dangerous substances. Any police officer apprehending any minor violating this section shall take possession of the instrument found on the person of such minor when apprehended and such instrument shall be delivered to the mayor of the town and held by him or under his direction until claim is established thereto by the proper parent or guardian.

AN ORDINANCE TO BE ENTITLED

Sec. 4 YOUTH PROTECTION ORDINANCE

(A) PURPOSE:

The purpose of this ordinance is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of eighteen (18) years in the Town of Chapmanville. The Youth Protection Ordinance is intended to reinforce and promote the role of the parent in raising and guiding children, and promote the health, safety, and welfare of both juveniles and adults by creating an environment offering better protection and security for all concerned.

(B) DEFINITIONS:

For the purposes of this ordinance, the following words and phrases shall have the following meanings:

(1) Direct Route: The shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.

(2) Emergency: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or death. This term also shall include any action that is reasonably necessary in order to respond to the medical needs of a family member of the juvenile regardless of whether the juvenile's action is taken in order to prevent death or serious bodily injury.

(3) Establishment: Any privately owned place of business operated for profit to which the public has access or is invited including, but not limited to, any place of amusement or entertainment.

(4) Guardian: A person who is Court appointed to be the guardian of a juvenile.

(5) Juvenile: Any person under the age of eighteen (18) years of age.

(6) Owner/Operator: Any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.

(7) Parent: A person who is the natural parent, adoptive parent, foster parent, or step-parent of another person, or a person to whom legal custody has been given by Court order.

(8) Public Place: Any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including, but not limited to, streets, sidewalks, highways, alleys, rights of way, public vehicular areas and parking lots, transportation facilities, theaters, restaurants, shops, bowling alleys, schools and school grounds, places of business

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(9) Remain: To linger or stay in a public place or to fail to leave the premises when requested to do so by a police officer, or to fail to leave the premises of an establishment when requested to do so by the owner/operator or employee of the premises.

(10) Restricted Hours: The time of night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed by the public in the Town of Chapmanville, West Virginia. Restricted hours shall mean:

(a) 10:00 p.m., on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until 6:00 a.m., of the following day; and

(b) 12:01 a.m., until 6:00 a.m., on any Saturday or Sunday.

(C) Offenses:

Except as provided by subsection (D), the following offenses constitute a violation of this ordinance:

(1) A juvenile commits an offense by being present in or remaining in any public place or on the premises of any establishment within the Town during the restricted hours.

(2) A parent or guardian of a juvenile commits an offense if they knowingly permit, or by insufficient control, allows the juvenile to remain in any public place or on the premises of any establishment within the Town during the restricted hours. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(3) The owner, operator, or an employee of an establishment commits an offense if he knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment. The standard for "knowingly" shall be applied through an objective test; whether a reasonable person in the operator's or employee's position should have known that the patron was juvenile in violation of this ordinance.

(4) It shall be a violation of this ordinance for any person eighteen (18) years or older to aid and abet a juvenile in the violation of subsection (1).

(5) It shall be a violation of this ordinance for a parent or guardian to refuse to take custody during the restricted hours of a juvenile for whom the parent or guardian is responsible.

(D) Exceptions:

A juvenile who is in a public place or establishment during the restricted hours shall not be in violation of this ordinance if the juvenile is:

(1) Accompanied by his parent or guardian.

(2) Accompanied by an adult eighteen (18) years of age or older authorized by the parent or guardian of such juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area.

(3) On an errand, using a direct route, at the direction of the juvenile's parent or guardian until the hour of 12:30 a.m.

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(4) In a motor vehicle with a parental consent engaged in interstate travel through the Town or originating or terminating in the Town.

(5) Traveling in a motor vehicle with a parent or guardian, or traveling in a motor vehicle with an adult eighteen (18) years of age or older authorized by the parent or guardian of such juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area.

(6) Engaged in a lawful employment activity, or using a direct route to or from a place of employment.

(7) Reacting or responding to an emergency.

(8) Attending or traveling to or from, by direct route, an official school, religious, or recreational activity that is supervised by adults and sponsored by a public or private school, the Town of Chapmanville, or other governmental entity, a civic organization, or another similar entity that accepts responsibility for the juvenile.

(9) Exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech, and the right of assembly.

(10) Married or emancipated.

(11) When authorized, by special permit from the Chief of Police or his designee carried on the person of the juvenile thus authorized, as follows...

(12) When authorized, by regulation issued by the Chief of Police or his designee in other similar cases of reasonable necessity...

(E) Defense:

It is a defense to prosecution under subsection (D)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during the restricted hours and refused to leave.

(F) Enforcement:

(1) Before taking any enforcement action under this ordinance, a police officer shall ask the apparent offender's age and reason for being in the public place or establishment during the restricted hours.

(2) The officer shall not prepare a juvenile arrest report, issue a citation, or make an arrest under this ordinance unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception or defense in subsection (D) or (E) is present.

(G) Penalties:

(1) A juvenile who violates any provision of this ordinance is subject to being adjudicated delinquent. The Municipal Court, may in its discretion, impose any dispositional alternative(s) that are provided by the West Virginia Code 49-5-2(d).

(2) Any person other than a juvenile who is found guilty of violating any provision of this ordinance shall be guilty of a misdemeanor and shall be in the discretion of the Court subject to a fine up to Five Hundred Dollars (\$500.00), and/or jail sentence not to exceed thirty (30) days.

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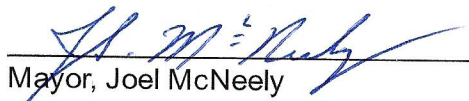
(H) Severability:

If any portion of this ordinance, or its application to any person or circumstances is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining portions of this ordinance. Town Council hereby declares that it would have enacted the remaining portions regardless of whether any part of this ordinance is declared unconstitutional or invalid.

1st Reading: 06/09/2026

2nd Reading: 07/14/2026

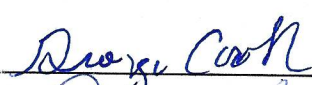
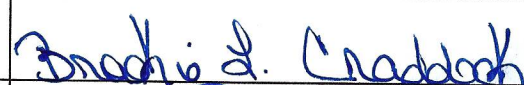
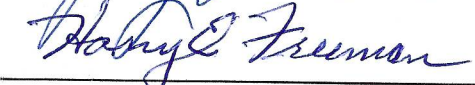
3rd Reading and Passage: 08/11/26



Mayor, Joel McNeely



Recorder, Phillip Williamson

Council

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