

ORDINANCE-3839

1 AN ORDINANCE TO AMEND SECTION 23-2
2 OF THE CITY CODE PERTAINING TO
3 CURFEW FOR UNACCOMPANIED MINORS
4

5 SECTION AMENDED: § 23-2
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
8 BEACH, VIRGINIA:
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- 10 1. That Section 23-2 of the Code of the City of Virginia Beach, Virginia, is hereby
11 amended and reordained to read as follows:
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13 **Sec. 23-2. Curfew for minors.**
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15 (a) It shall be unlawful for any minor under the age of eighteen (18) to be
16 present on any street, road, alley, avenue, park or other public place in the city, or in
17 any vehicle operating or parked thereon, between the hours of 4:00 p.m. and 5:00
18 a.m., unless accompanied by the parent, guardian or other adult person having the
19 care, custody or control of such minor.
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21 (b) It shall be unlawful for any parent, guardian or other adult person having
22 the care, custody or control of any minor under the age of eighteen (18) to permit, allow
23 or encourage such minor to be present on any street, road, alley, avenue, park or other
24 public place in the city, or in any vehicle operating or parked thereon, between the hours
25 of 4:00 p.m. and 5:00 a.m. in violation of the provisions of subsection (a) of this
26 section.
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28 (c) Whenever any police or other officer charged with the duty of enforcing
29 the laws of the state or ordinances of the city shall discover or has his attention called to
30 the fact that any minor under eighteen (18) years of age is present on any street, road,
31 alley, avenue, park or other public place in the city, or in any vehicle operating or parked
32 thereon, between the hours of 4:00 p.m. and 5:00 a.m., such officer shall make an
33 immediate investigation for the purpose of ascertaining whether or not the presence of
34 such minor is in violation of the provisions of this section. If such investigation reveals
35 that the presence of such minor is in violation of the provisions of this section, the officer
36 may charge the minor with a violation of this section and release the minor on a
37 summons, or the officer may cause the minor to be ~~taken to his home or place of~~
38 ~~residence,~~ and released to his parent, guardian or other adult person having the care,
39 custody or control of such minor. If the officer deems that it will be for the best interest of
40 the minor, the minor may be taken to a nonsecure state certified crisis center or juvenile
41 shelter, or the minor may be taken to the intake division of the juvenile and domestic
42 relations district court of the city and thereafter be released or detained as provided in
43 article 4, chapter 11, title 16.1 (§ 16.1-246 et seq.) of the Code of Virginia. In those

44 cases where a summons is not issued, the officer may proceed as provided in article 5,
45 chapter 11, title 16.1 (§ 16.1-259 et seq.) of the Code of Virginia.

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47 (d) The provisions of this section shall not apply to any minor who has been
48 emancipated as provided by section 16.1-333 of the Code of Virginia, or to any minor
49 engaged in the following activities:

- 50
51 (1) Any emergency errand reasonably necessary to safeguard life, limb
52 or property;
- 53 (2) Lawful employment, including going directly from the minor's
54 residence to the place of such employment or returning directly
55 from the place of such employment to the minor's residence;
- 56 (3) Attendance at a specified engagement or performance, attendance
57 at religious services or participation in any assembly or expressive
58 activity protected by the First Amendment of the United States
59 Constitution; provided that the minor shall have in his possession
60 written permission including the signature, address and telephone
61 number, of a parent, guardian or other adult person having care,
62 custody or control of such minor to attend such activity or event,
63 and shall return directly to his residence upon conclusion thereof; or
- 64 (4) Interstate travel through, beginning or terminating in the City of
65 Virginia Beach.

66
67 (e) Any person violating any provision of subsection (b) of this section shall be
68 guilty of a Class 4 misdemeanor. Any minor violating any provision of subsection (a) of
69 this section shall be deemed to be a child in need of services, as defined by section
70 16.1-228 of the Code of Virginia. Such minor and his parent, guardian, legal custodian
71 or other person stand *in loco parentis* shall be subject to the provisions of section 16.1-
72 278.4 of the Code of Virginia.

73
74 2. This ordinance shall be effective 30 days from the date of adoption.

Adopted by the City Council of the City of Virginia Beach, Virginia, on this 17th
day of February, 2026.