

ARTICLE 308

Minors

**308.01 Contributing to delinquency
or neglect of minor**

308.02 Cruelty to children

**308.03 Parental liability for
acts of children**

308.04 Abandoned airtight containers

308.05 Curfew

308.99 Penalty

CROSS REFERENCES

See sectional histories for similar State law

Delinquent child defined - see W. Va. Code 49-1-4

Jurisdiction of municipal court - see W. Va. Code 49-5-1(b)

Contributing to delinquency of minor - see W. Va. Code 49-7-7 et seq.

308.01 CONTRIBUTING TO DELINQUENCY OR NEGLECT OF MINOR

No person shall by any act or omission contribute to, encourage or tend to cause the delinquency or neglect of any child, including, but not limited to, aiding or encouraging any such child to habitually or continually refuse to respond, without just cause, to the lawful supervision of such child's parent, guardian or custodian or to be habitually absent from school without just cause. (WVa C 49-7-7)

308.02 CRUELTY TO CHILDREN

No person shall cruelly ill-treat, abuse or inflict unnecessary cruel punishment upon, any infant or minor child, and no person, having the care, custody or control of any minor child, shall willfully abandon or neglect the minor child. In addition to any penalty provided under this section and any restitution which may be ordered by the court, the court may order any person convicted under the provisions of this section to pay all or any portion of the cost of medical, psychological or psychiatric treatment of the victim, the need for which results from the act or acts for which the person is convicted, whether or not the victim is considered to have sustained bodily injury. (WVa C 61-8-24)

308.03 PARENTAL LIABILITY FOR ACTS OF CHILDREN

The custodial parent or parents of any minor shall be personally liable in an amount not to exceed that specified in West Virginia Code 55-7A-2 for damages which are the proximate result of any one or a combination of the following acts of such minor:

- (a) The malicious and willful injury to the person of another; or
- (b) The malicious and willful injury or damage to the property of another, whether such property be real, personal, or mixed; or
- (c) The malicious and willful setting fire to a forest or wooded area belonging to another; or
- (d) The willful taking, stealing and carrying away of the property of another, with the intent to permanently deprive the owner of possession. For purposes of this

section, "custodial parent or parents" means the parent or parents with whom the minor is living, or a divorced or separated parent who does not have legal custody but who is exercising supervisory control over the minor at the time of the minors act. Persons entitled to recover damages under this section shall include, but are not limited to, the State, any municipal corporation, county commission and board of education, or other political subdivision of this State or any person or organization of any kind or character. The action may be brought in magistrate or other court of competent jurisdiction. Recovery hereunder shall be limited to the actual damages, based upon direct out-of-pocket loss, taxable court costs, and interest from date of judgment. The right of action and remedy granted herein shall be in addition to and not exclusive of any rights of action and remedies therefore against a parent or parents for the tortious acts of his or their children heretofore existing under the provisions of any law, statutory or otherwise, or now so existing independently of the provisions of this section. (WVaC 55-7A-2)

308.04 ABANDONED AIRTIGHT CONTAINERS

No person shall abandon any refrigerator or food freezer appliance or other airtight appliance having a height or length of greater than two feet without first removing all entry doors therefrom. (WVaC 61-2-26)

308.05 CURFEW

(a) 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 10:00 p.m. and 6:00 a.m. on 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 while the minor is legally employed and is going to or from the place of such employment or is engaged in the duties thereof.

(b) Any minor violating the provisions of this section shall be deemed a delinquent child under the provisions of State law and shall be dealt with as such under the provisions of State law.

(c) 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 10:00 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 when the minor is lawfully employed and is going to or from the place of such employment or is engaged in the duties thereof.

(d) 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 10:00 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 when the minor is lawfully employed and is going to or from the place of such employment or is engaged in the duties thereof.

308.99 PENALTY

(EDITOR'S NOTE: See Section 303.99 for general Code penalty if no specific penalty is provided.)

Whoever violates Section 308.04 shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than thirty days, or both.

PASSED ON THE FIRST READING BY THE TOWN COUNCIL OF THE TOWN OF ANMOORE, WEST VIRGINIA, during a REGULAR MEETING, this ____ day of _____, 2016.

PASSED ON THE SECOND AND FINAL READING BY THE TOWN COUNCIL OF THE TOWN OF ANMOORE, WEST VIRGINIA, during a REGULAR MEETING, this ____ day of _____, 2016.

MAYOR P. EDDIE HARDMAN

RECORDER SHANNON FRAGMIN

(d) No parent, guardian or other adult person having the care and custody of a minor under the age of fifteen years, shall knowingly permit such minor to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playground or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00 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 when the minor is lawfully employed and is going to or from the place of such employment or is engaged in the duties thereof.

308.99 PENALTY

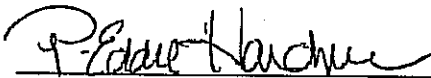
303

(EDITOR'S NOTE: See Section 308.99 for general Code penalty if no specific penalty is provided.)

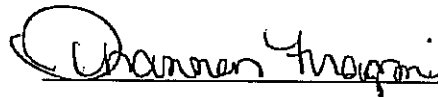
Whoever violates Section 308.04 shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than thirty days, or both.

PASSED ON THE FIRST READING BY THE TOWN COUNCIL OF THE TOWN OF ANMOORE, WEST VIRGINIA, during a REGULAR MEETING, this 6th day of September, 2016

PASSED ON THE SECOND AND FINAL READING BY THE TOWN COUNCIL OF THE TOWN OF ANMOORE, WEST VIRGINIA, during a REGULAR MEETING, this 17th day of October, 2016



MAYOR P. EDDIE HARDMAN



RECORDER SHANNON FRAGMIN