

Enforcement For Violations

If the Minor is a first offender, he/she will be issued a written warning and taken to the residence of his/her Parent or Guardian if they reside within Vance County. If the Minor resides outside of Vance County, his/her Parents will be called to request the Minor be picked up at the Henderson Police Station. This written warning will be recorded in the police department computer system with a copy of this report maintained in the confidential juvenile records of the Henderson Police Department.

If said Minor is found to be in violation of this section for the second time within any 24 month period, the Minor and his Parent(s) will be required to perform 12 total hours of Community Service by reporting to Youth Services for determining when and where the Community Service will be performed. Such service shall be performed by the Minor and his/her Parent(s) within 30 calendar days of the date of the violation. In addition, the Parents and the Minor will be required to enroll in (and pay for) parenting classes at the Vance County Extension Office (referred to as the Vance County Parenting Task Force). A certificate of completion of both the Community Service and the parenting classes will be required. Failure to timely comply with any portion of this sub-section is unlawful and shall result in the issuance of a summons for the Parents to appear in Court.

If said Minor is found to be in violation of this section for the third time within any 24 month period, the Minor will interview with a juvenile court counselor, take a tour of the Vance County Jail, and without expense to the City take a class (approved by the chief of police or his designee) on problem solving, leadership and/or anger management. All of this shall be accomplished within a period of 30 calendar days of the date of the violation, and shall be evidenced by written documentation of compliance. Failure to comply with any portion of this subsection shall result in the issuance of a juvenile petition and appearance in juvenile court.

If said Minor is found to be in violation of this section for the fourth (and each and every subsequent) time within any 24 month period, the Minor's parents will be required to pay to the Finance Director or his/her designee the sum of \$100.00 in reimbursement of the City's past and existing expenses in enforcing this Ordinance relative to said Minor. Failure to pay this charge within two (2) weeks will result in the issuance of a juvenile petition and appearance in juvenile court.

Nothing herein shall be construed to prevent any Minor from being charged or issued appropriate citations or petitions whenever there are aggravating circumstances or evidence that a crime (other than a mere violation of this section) has been committed.

Penalties

A Minor who violates any provision of this section which provides for the issuance of a juvenile petition or appearance in juvenile court is subject to being adjudicated delinquent. The Court may, in its discretion, impose any dispositional alternatives that are provided in the State Juvenile Code for any Minor who is delinquent.

Unless another remedy is otherwise specifically provided herein, any person other than a Minor who violates any provision of this section shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100.00 and imprisonment in the discretion of the Court in accordance with G.S. §14-4."

Henderson Police Department Mission Statement

Through a partnership between police and community, we are dedicated to providing residents and visitors to the City of Henderson with a safe environment an exemplary police service. We are dedicated to providing a quality work atmosphere and developing our members through effective, timely training and progressive leadership. Through positive interaction with our neighbors, we will work to protect people and property in *our* community.

Henderson Police Department

200 Breckenridge Street
Henderson, NC 27536

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Henderson Police Department

Youth Protection Ordinance

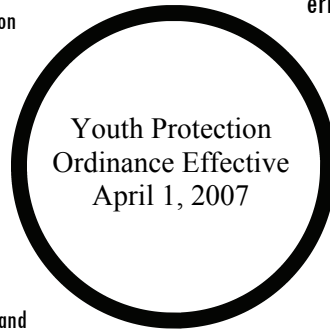


Building Better Communities
One Child At A Time

Exceptions

Youth Protection Ordinance Purpose

The purpose of this Youth Protection Ordinance is to protect juveniles from victimization and exposure to unlawful activity by establishing an ordinance for the protection of minors under the age of 16 years in the City of Henderson. The Youth Protection Ordinance is intended to promote health, safety and welfare of both minors and adults by creating an environment providing better protection and security for all concerned. A further purpose of this ordinance is to protect minors from improper influences and undesirable activity that occurs after the hours set forth in the ordinance.



Section 10-51

Restricted Hours

The time of night referred to in this article is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings time, generally observed at the hour by the public in the city. Restricted hours mean:

- On any Sunday, Monday, Tuesday, Wednesday or Thursday, 10:00 p.m. until 5:00 a.m. of the following day; and
- On any Friday or Saturday, 11:00 p.m. until 5:00 a.m. of the following day.

Who does this ordinance affect ?

Responsibility of Minor - It is unlawful for any Minor to be in or upon, or remain in or upon, an Establishment or a public place within the City Limits during the Restricted Hours as defined herein.

Responsibility of Adults - It is unlawful for any Parent, Guardian or other person charged with the care and custody of any Minor to knowingly allow or permit (including by insufficient control) such Minor to be in or upon, or remain in or upon, an Establishment or public place within the City Limits during the Restricted Hours as defined herein. The term "knowingly" includes knowledge that a Parent should reasonably be expected to have concerning the whereabouts of a Minor in that Parent's legal custody. This requirement is intended to hold a neglectful or careless Parent (or person acting in the place of a 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 Minor.

Responsibility of Business Establishments - It is unlawful for any person operating an Establishment within the City Limits to knowingly allow or permit any Minor to be in or upon, or to remain in or upon any such Establishment within the Restricted Hours (as defined herein) in violation of this section. 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 a Minor in violation of this section. It shall be a defense that the owner, operator, or employee of an Establishment promptly notified the police department that the Minor was present on the premises of the Establishment during the Restricted Hours and refused to leave.

A Minor who is in a public place or Establishment during the Restricted Hours shall not be in violation of this section if the Minor is:

Accompanied by his Parent or Guardian.

Accompanied by an adult 18 years of age or older specifically authorized by the Parent or Guardian of such Minor to take the Parent's or Guardian's place in accompanying the Minor for a designated period of time and purpose within a specified area.

On a specific designated errand, using a direct route, at the direction of the Minor's Parent or Guardian prior to the hour of 12:00 midnight.

In a motor vehicle with Parental consent engaged in interstate travel through the City or originating or terminating in the City Limits.

Traveling in a motor vehicle with a Parent or Guardian, or traveling in a motor vehicle with an adult 18 years of age or older authorized by the Parent or Guardian of such Minor to take the Parent's or Guardian's place in accompanying the Minor for a designated period of time and purpose within a specified area.

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

Reacting or responding to an Emergency.

Attending or traveling (accompanied or traveling in accordance with the other exceptions herein) 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 city or other governmental entity, a civic organization, a recognized public entertainment establishment, or another similar entity that accepts responsibility for the Minor.

Exercising First Amendment rights protected by the United States Constitution.

Married or emancipated.

When authorized, by special permit from the chief of police or his designee.

When authorized, by regulation issued by the chief of police or his designee.