



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance to Amend Section 23-2 of the City Code Pertaining to Curfew for Unaccompanied Minors

MEETING DATE: February 17, 2026

■ **Background:** Virginia Code § 15.2-926 authorizes localities to adopt an ordinance prohibiting minors who are not attended by their parents from frequenting or being in public places, whether on public or private property, between 10:00 p.m. and 6:00 a.m., as the governing body deems proper. The Virginia Beach City Code has contained a provision implementing such a curfew for unaccompanied minors for over 40 years. City Code Section 23-2 currently prohibits unattended minors from being in public places, whether on public or private property, between 11:00 p.m. and 5:00 a.m. The proposed ordinance amends the curfew for unaccompanied minors to begin one hour earlier, at 10:00 p.m., and removes a clause about transporting minors to allow flexibility in coordinating the release of such minors to their parent or guardian.

■ **Considerations:** The need to review and possibly update the City's juvenile curfew was first discussed June 3, 2025, during the Police Chief's briefing on oceanfront safety and enforcement. The need for the amendment was further discussed February 3, 2026, during the Police Chief's briefing to City Council on the annual crime statistics. This ordinance is requested by the Police Department to help maintain a safe environment for both residents and visitors during the upcoming resort season. The Police Department's ability to enforce an earlier curfew for unaccompanied minors will help ensure public safety during times of peak activity during the resort season.

■ **Public Information:** This item will be advertised in the same manner as other agenda items.

■ **Attachments:** Ordinance

Recommended Action: Approval

Submitting Department/Agency: Police Department

City Manager:

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
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7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
8 BEACH, VIRGINIA:
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10 That Section 23-2 of the Code of the City of Virginia Beach, Virginia, is hereby
11 amended and reordained to read as follows:
12

13 **Sec. 23-2. Curfew for minors.**
14

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.

20 (b) It shall be unlawful for any parent, guardian or other adult person having
21 the care, custody or control of any minor under the age of eighteen (18) to permit, allow
22 or encourage such minor to be present on any street, road, alley, avenue, park or other
23 public place in the city, or in any vehicle operating or parked thereon, between the hours
24 of 4:00 p.m. and 5:00 a.m. in violation of the provisions of subsection (a) of this
25 section.

26 (c) Whenever any police or other officer charged with the duty of enforcing
27 the laws of the state or ordinances of the city shall discover or has his attention called to
28 the fact that any minor under eighteen (18) years of age is present on any street, road,
29 alley, avenue, park or other public place in the city, or in any vehicle operating or parked
30 thereon, between the hours of 4:00 p.m. and 5:00 a.m., such officer shall make an
31 immediate investigation for the purpose of ascertaining whether or not the presence of
32 such minor is in violation of the provisions of this section. If such investigation reveals
33 that the presence of such minor is in violation of the provisions of this section, the officer
34 may charge the minor with a violation of this section and release the minor on a
35 summons, or the officer may cause the minor to be ~~taken to his home or place of~~
36 ~~residence, and~~ released to his parent, guardian or other adult person having the care,
37 custody or control of such minor. If the officer deems that it will be for the best interest of
38 the minor, the minor may be taken to a nonsecure state certified crisis center or juvenile
39 shelter, or the minor may be taken to the intake division of the juvenile and domestic
40 relations district court of the city and thereafter be released or detained as provided in
41 article 4, chapter 11, title 16.1 (§ 16.1-246 et seq.) of the Code of Virginia. In those
42 cases where a summons is not issued, the officer may proceed as provided in article 5,
43 chapter 11, title 16.1 (§ 16.1-259 et seq.) of the Code of Virginia.

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

- 47 (1) Any emergency errand reasonably necessary to safeguard life, limb
48 or property;
- 49 (2) Lawful employment, including going directly from the minor's
50 residence to the place of such employment or returning directly
51 from the place of such employment to the minor's residence;
- 52 (3) Attendance at a specified engagement or performance, attendance
53 at religious services or participation in any assembly or expressive
54 activity protected by the First Amendment of the United States
55 Constitution; provided that the minor shall have in his possession
56 written permission including the signature, address and telephone
57 number, of a parent, guardian or other adult person having care,
58 custody or control of such minor to attend such activity or event,
59 and shall return directly to his residence upon conclusion thereof; or
- 60 (4) Interstate travel through, beginning or terminating in the City of
61 Virginia Beach.
- 62 (e) Any person violating any provision of subsection (b) of this section shall be
63 guilty of a Class 4 misdemeanor. Any minor violating any provision of subsection (a) of
64 this section shall be deemed to be a child in need of services, as defined by section
65 16.1-228 of the Code of Virginia. Such minor and his parent, guardian, legal custodian
66 or other person stand *in loco parentis* shall be subject to the provisions of section 16.1-
67 278.4 of the Code of Virginia.

Adopted by the City Council of the City of Virginia Beach, Virginia, on this ____
day of _____, 2026.

APPROVED AS TO CONTENT:



Police Department

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

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February 5, 2026