

**AN ORDINANCE TO AMEND CHAPTER 36 OF THE CITY CODE REGARDING A CURFEW FOR MINORS.**

**#4369**

**Sponsors:**

**Council  
President  
Shabazz**

**Council  
Member  
Turner**

**WHEREAS**, The City of Wilmington, for more than two decades, has had in its City Code provisions setting forth a curfew for minors, pertaining both to a daytime curfew related to school attendance and truancy, and a nighttime curfew pertaining to the evening hours; and

**WHEREAS**, in recent years, the City has experienced unacceptable levels of violence and delinquency, with many incidents involving minors; and

**WHEREAS**, City Council seeks to amend the City Code to adjust the hours of the City's curfew in the interest of curbing violence and delinquency.

**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** Chapter 36 of the City Code is hereby amended by amending Section 36-97 by deleting the stricken language and by adding the underlined language as follows:

**Section 36-97. Curfew for minors.**

- (a) Definitions. For the purposes of this section the following words and phrases shall be defined as follows:

.....

(8) Safe Haven shall refer to programming authorized, supported and/or chartered by City of Wilmington, the Wilmington Department of Parks and Recreation, or the State of Delaware Department of Health and Social Services, or any combination of such entities, facilitated during the summer months at various public, private or not-for-profit sites throughout the City with the purpose of engaging youth in activities and providing a safe place for youth to congregate. For the purposes of this Section, the Director of the Department of Parks and Recreation shall have the sole authority to designate Safe Haven programming and locations on an annual basis, and shall furnish the Wilmington Police Department and all other relevant and interested parties with such a list each summer.

- (b) Curfew hours; exceptions.

(1) ~~Nighttime curfew. No minor shall remain in or upon any public place or any establishment between the hours of 10:00 p.m. and 6:00 a.m. of the following day, official city time, except that on Fridays and Saturdays, the hours shall be from 12:00 midnight to 6:00 a.m. No person under the age of 13 years shall remain in or upon any public place or any establishment between the hours of 9:00 p.m. and 6:00 a.m. of the following day, official city time, except that on Fridays and Saturdays, the hours shall be from 10:00 p.m. to 6:00 a.m.~~

a. From May 31 through September 1, no minor shall remain in or upon any public place or any establishment between the hours of 8:00 p.m. and 6:00 a.m. of the following day, official city time, except for a minor who is participating in a designated Safe Haven program – in which case a curfew shall be delayed until 30 minutes following the conclusion of Safe Haven programming on that particular day.

b. From September 2 through May 30, no minor shall remain in or upon any public place or any establishment between the hours of 9:00 p.m. and 6:00 a.m. of the following day, official city time.

.....

(e) Violations, referrals, opportunity to explain conduct and penalties.

.....

(4) Explanation; defenses. No arrest of any minor, or parent, or operator shall be made for a violation of this section unless the arresting officer first affords the person an opportunity to explain his or her conduct and no person shall be convicted of a violation of this section if it is determined at trial that the explanation so given was true and disclosed a lawful purpose. More specifically, it is a defense to prosecution under subsection (e)(1) that the minor was:

.....

k. Participating in a Safe Haven program as defined in (a)(8) of this section.

**SECTION 2.** This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading..... June 1, 2017  
Second Reading.... June 1, 2017  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved as to form this \_\_\_\_\_  
day of May, 2017.

\_\_\_\_\_  
Assistant City Solicitor

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Chapter 36 of the City Code to adjust the terms and conditions of the curfew for minors, through simplifying the Code section and implementing uniform curfews for all minors under the age of 18. This Ordinance also adjusts the hours of the curfew, with special hours for the summer months and an additional exception granted to minors participating in a designated Safe Haven program.