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Chapter 360 Youth Protection Curfew

- **Section 010 Definitions**

The following words and phrases, when used in this chapter, have the meanings or usage indicated below:

- A. "Curfew hours" mean the hours from 10:00 p.m. to 6:00 a.m. of the following day;
 - B. "Emergency" means an unforeseen circumstance or circumstances or the resulting situation that calls for immediate action to prevent serious bodily injury or loss of life, such as a fire, natural disaster, or automobile accident, or any similar situation requiring such immediate action;
 - C. "Establishment" means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, or recreation;
 - D. "Guardian" means:
 - 1. A person who, under court order, is the guardian of the person of a minor; or
 - 2. A public or private agency with whom a minor has been placed by a court; or
 - 3. A person who is at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
 - E. "Loiter" means to stand idly about or linger aimlessly;
 - F. "Minor" means any person under 18 years of age;
 - G. "Parent" means a person who is a natural parent, adoptive parent, or step-parent of a minor;
 - H. "Public place" means:
 - 1. Any out-of-door area to which the public or a substantial group has access, including, but not limited to, streets, highways, sidewalks, alleys, parks, playgrounds, or other public grounds; and
 - 2. The common areas of establishments, including, but not limited to, entry ways lobbies, reception areas, waiting areas and parking lots.
 - I. "Remain" means to:
 - 1. Linger or stay; or
 - 2. Fail to leave a public place when requested to do so by an enforcing officer or the person in control of the public place.
 - J. "Serious bodily injury" means that bodily injury defined in Penal Code Section 243(f)(5) or any successor statute.
(Ord. 1060 § 49, 1995.)
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Section 020 Prohibition

It is unlawful for any minor to loiter or remain in any public place within the county during curfew hours, except as provided in Section 10.36.030. (Ord. 1060 § 49, 1995.)

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Section 030 Exemptions

A minor does not violate this chapter if, at the time the minor was stopped by an enforcing officer, the minor was:

- A. Accompanied by the minor's parent or guardian;
 - B. On an errand at the direction of the minor's parent or guardian, without detour or stop;
 - C. In a motor vehicle involved in interstate travel;
 - D. Engaged in a lawful employment activity, or going to or returning home from a lawful employment activity, without detour or stop;
 - E. Acting in response to an emergency;
 - F. On the sidewalk abutting the minor's residence or abutting the residence which is immediately adjacent to the minor's residence;
 - G. Returning directly home, without detour or stop, from (1) a school, cultural, sports, amusement, entertainment, or recreation activity, or (2) any organized rally, demonstration, meeting or similar activity protected by the First Amendment to the United States Constitution;
 - H. Waiting at a bus stop for transportation;
 - I. Emancipated in accordance with the California Family Code or other applicable State law.
- (Ord. 1060 § 49, 1995.)

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Section 040 Enforcement Procedure

- A. Before taking any enforcement action, an enforcing officer shall ask the apparent offender's age and reason for being in the public place.
 - B. The officer shall not take enforcement action under this chapter unless the officer has probable cause to believe that no exemption under Section 10.36.030 applies.
- (Ord. 1060 § 49, 1995.)

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Section 050 Parent Responsibility

Every minor who violates any provision of this chapter and every parent, guardian, or other person having the legal care, custody, or control of any minor who solicits, induces or allows that minor to violate any provision of this chapter is guilty of an infraction. (Ord. 1060 § 49, 1995.)

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