

Chapter 9.20

CURFEW

Sections:

- 9.20.010 Purpose and Intent.**
- 9.20.020 Definitions.**
- 9.20.030 Offenses.**
- 9.20.040 Defenses.**
- 9.20.050 Enforcement.**
- 9.20.060 Penalties.**
- 9.20.070 Severability.**

9.20.010. Purpose and Intent.

The City Council of the City of Ripon finds that a juvenile curfew ordinance is necessary and desirable because of the protection of minors and the safety of the community. This ordinance imposes a higher degree of governmental regulation on minors. However, this higher degree of governmental regulation is necessary due to the particular vulnerability of minors and their inability to make critical decisions in an informed and mature manner. The City of Ripon recognizes a compelling governmental interest in preserving the safety of the community and providing a higher degree of protection for its minors during the nighttime hours. (Ord. 577 § 1, 1997)

9.20.020. Definitions.

The following definitions are applicable to this ordinance:

- a) **CURFEW HOURS** means the period from 10:00 P.M. any night until 6:00 A.M. the following morning.
- b) **EMERGENCY** means unforeseen circumstances or a situation that calls for immediate action. The term includes, but is not limited to, an automobile accident, fire or explosion, natural disaster or a condition

requiring immediate action to prevent bodily injury or loss of life.

c) **ESTABLISHMENT** means any privately-owned place of business operated for profit to which public is invited including, but not limited to, any place of amusement or entertainment.

d) **GUARDIAN** means (1) a person who, under court order, is the guardian of the minor; or (2) a public or private agency with whom a minor has been placed by a court.

e) **MINOR** means a person under eighteen (18) years of age.

f) **OPERATOR** means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment.

g) **PARENT** means a person who is a natural parent, adoptive parent or step-parent of a minor.

h) **RESPONSIBLE ADULT** means a person at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a Minor.

i) **PUBLIC PLACE** means any place the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

j) **REMAIN** means to (1) linger, stay; or (2) fail to leave the premises when requested to do so by a peace officer, the owner, operator or other person in control of the premises.

k) **SERIOUS BODILY INJURY** means bodily injury that creates substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. (Ord. 577 § 1, 1997)

9.20.030. Offenses.

It is unlawful for:

- a) Any minor to remain in any public place or on the premises of any establishment within the city during curfew hours;
- b) any parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in a public place or on the premises of any establishment within the city during curfew hours;
- c) any owner, operator or employee of an establishment to knowingly permit a minor to remain in or upon the premises of an establishment during curfew hours. (Ord. 577 § 1, 1997)

9.20.040. Defenses.

It is a defense to prosecution of the above offenses that the minor was:

- a) accompanied by the minor's parent or guardian or by a responsible adult;
- b) on an errand at the direction of the minor's parent or guardian or responsible adult, without detour or delay;
- c) in a motor vehicle involved in intrastate or interstate travel;
- d) engaged in employment, or going to or returning home from employment, without detour or delay;
- e) involved in an emergency;
- f) on the sidewalk adjacent to the minor's residence, providing the minor is not otherwise violating the law.
- g) attending an official school, religious or other adult supervised recreational activity sponsored by the city, a civic organization or other similar entity that takes responsibility for the safety of the minor, or going to or returning home from such an activity, without detour or delay;
- h) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of

speech and the right of assembly; and

- i) emancipated pursuant to California Family Law, Sections 7000 et seq.”

It is a defense to prosecution of the above offenses that the minor was married or had been married. It is a defense to prosecution under section 9.20.030 (c) that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave. (Ord. 577 § 1, 1997)

9.20.050. Enforcement.

Before taking any enforcement action under this ordinance, a peace officer shall ask the apparent offender's age and reason for being in a public place or on the premises of an establishment during curfew hours. The officer shall not issue a citation or detain a minor under this ordinance unless the officer reasonably believes an offense has occurred and based upon the minor's response(s) and other circumstances, no defense under Section 9.20.040 of this ordinance appears present or applicable. (Ord. 577 § 1, 1997)

9.20.060. Penalties.

Any person who violates a provision of this ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Any person who violates the offense described in this ordinance shall be guilty of a misdemeanor. Minor shall be dealt with in accordance with juvenile court law and procedure. (Ord. 577 § 1, 1997)

9.20.070. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any

reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance . The City Council of the City of Ripon hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, phrases or other portions might subsequently be declared invalid or unconstitutional. (Ord. 577 § 1, 1997)