

TOWN OF SAN ANSELMO

ORDINANCE NO. 921

**An Ordinance Amending Chapter 3 of Title 4 of
the San Anselmo Municipal Code: Curfew Regulations**

The Town Council of the Town of San Anselmo does ordain as follows:

SECTION 1: Sections 4-3.01, 4-3.02, 4-3.03 and 4-3.04 of Chapter 3 of Title 4 of the San Anselmo Municipal Code are hereby amended as follows:

CHAPTER 3. CURFEW

Section 4-3.01. Purpose of Chapter and Definition of Permitting.

- (a) **Purpose.** The purpose of this Chapter is to assure the safety of minors by restricting their unsupervised activities during late night hours.
- (b) As used in this chapter, the word "permitting":
 - (i) Is not limited to its affirmative meaning, but includes negative action implying no affirmative act and involving no intent, and shall include passivity or abstaining from preventive action;
 - (ii) Means to allow to be done, either by consent or by not prohibiting;
 - (iii) Means to give an opportunity to a minor under the age of eighteen (18) years; ~~who will take advantage of the opportunity unless restrained;~~ and
 - (iv) Means allowing, or acquiescing, or acquiescing by failing to prevent, or conceding, or granting, or giving leave, or suffering, or tolerating, or sanctioning.

Section 4-3.02. Minors prohibited from public places during curfew hours.

It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, or play in any public street, public square, park or any other public place between the hours of 11:00 p.m. and ~~daylight~~ 6:00 a.m. of the following day; provided, however, that the provisions of this section shall not apply to a minor accompanied by his or her parent or other person having legal custody of the minor, or the designee of such parent or other person having such custody who shall be at least 21 years

old or where the minor is upon an emergency errand or legitimate lawful business approved by his or her parent, or other person having legal custody of the minor, or the designee of such parent or other person having such custody.

Section 4-3.03. Persons in charge or in control of places open to the public shall prohibit minors from remaining therein

It shall be unlawful within the Town for any proprietor, keeper, clerk or any other person having charge or control of any ~~cafe, tavern, restaurant, bar, eating place or public dance hall~~ place open to the public to permit any person under the age of eighteen (18) years to remain in said public place between the hours of 11:00 p.m. and daylight 6:00 a.m. the day following; provided, however, that the provisions of this section shall not apply to a minor lawfully employed at any such place open to the public or accompanied by his or her parent or other person having legal custody of the minor, or the designee of such parent or other person having such custody who shall be at least 21 years old, or where the minor is upon an emergency errand or is engaged in lawful business approved by his or her parent, other person having legal custody of the minor, or the designee thereof.

Section 4-3.04. Minors prohibited from vehicles during curfew hours.

It shall be unlawful for any person under the age of eighteen (18) years to loiter, idle or play in a motor vehicle in any public street, public square, park or other public place between the hours of 11:00 p.m. and daylight immediately following 6:00 A.M. of the following day when not accompanied by his or her parent or other person having legal custody or the designee of such parent or other person having such custody who shall be at least 21 years old, provided, however, that the provisions of this section shall not apply to any such person who shall be operating or riding in a motor vehicle engaged in gainful employment, or upon an emergency errand, or on legitimate lawful business approved by his or her parent, or other person having legal custody of such person, or the designee of such parent or other person having such custody. ~~The Chief of Police is hereby empowered and authorized to impound any motor vehicle which is being operated or used in violation of this chapter section.~~

SECTION 2: Section 4-3.05 of Chapter 3 is hereby repealed.

~~Section 4-3.05. Hotel owners to report presence of certain minors~~

~~Each owner, agent, manager, or keeper of a hotel, boarding house, lodging house, tenement house, apartment house or motor~~

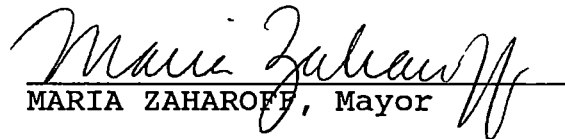
~~court shall immediately report to the office of the Chief of Police the presence therein of any and all minors who he has reason to believe to be under the age of eighteen (18) years, providing, however, that the provisions of this section shall not apply when the minor is accompanied by a parent, guardian or other adult person having the care and custody of such minor. In making such report to the office of the Chief of Police, the name, age, last known place of abode and the names and residences of the parents, guardians or other custodians of such minor shall be stated, and the report shall include such other or further information as can be ascertained from the minor or otherwise.~~

The foregoing ordinance was introduced at a regular meeting of the San Anselmo Town Council on April 23, 1991, and thereafter adopted on the 14th day of May, 1991.

AYES: Chignell, Colteaux, Kanis, Walsh, Zaharoff


NOES: (None)

ABSENT: (None)



MARIA ZAHAROFF, Mayor

ATTEST:



Town Clerk