ORDINANCE NO. 995

AN ORDINANCE OF THE TOWN OF SAN ANSELMO
REPLACING THE CURRENT CURFEW ORDINANCE CONTAINED IN
TITLE 4, CHAPTER 3 OF THE SAN ANSELMO MUNICIPAL CODE

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

SECTION 1.

Chapter 3 of Title 4 shall read as follows:

Sec. 4-3.01 Purpose

The purpose of this chapter is to assure the safety of
minors by restricting their unsupervised activities during
the late night hours.

Sec. 4-3.02 Definitions for Curfew Provisions.

For purposes of this Chapter:

"Curfew hours" means the period from 11:00 p.m. any evening
of the week, until 6:00 a.m. the following day.

"Emergency" means an unforeseen combination of circumstances
or the resulting state that calls for immediate action. The
term includes, but is not limited to a fire, natural
disaster, an automobile accident or any situation requiring
immediate action to prevent serious bodily injury or loss of
life.

"Establishment" means any privately-owned place of business
operated for a profit to which the public is invited,
including without limitations, any place of amusement or
entertainment.

"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 the
court.

"Minor" means any person under 18 years of age.

"Parent" means the person who is a natural parent, adoptive
parent, or step-parent of another person.

"Permitting" is not limited to its affirmative meaning but
includes abstaining from preventive action. It means to
allow, to acquiesce, or to acquiesce by failing to prevent;
to concede or to grant; to give leave or suffer; to tolerate
or to sanction.
"Public Place" means any place to which the public or a substantial group of the public has access and includes but is not limited to, street, streets (whether accepted or unaccepted), highways, and the common areas of schools, apartment houses, office buildings, transport facilities and shops.

"Responsible Adult" means a person at least 18 years of age, authorized by a parent or guardian to have the care and custody of a minor.

"Serious Bodily Injury" means bodily injury that creates a substantial risk of death or that causes death, serious disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Sec. 4-3.03 Curfew Restrictions.

(a) It is unlawful for any minor to be present at any public place or on the premises of any establishment within the Town of San Anselmo during curfew hours.

(b) It is unlawful for any parent or guardian of a minor knowingly to permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the Town during curfew hours.

(c) It is a defense to prosecution under Sec. 4-3.03 (a) or (b) that the minor was

(1) accompanied by the minor's parent or guardian, or by a responsible adult;

(2) on an errand at the direction of the minor's parent or guardian, or the responsible adult without any detour or stop;

(3) in a motor vehicle involved in interstate travel;

(4) engaged in any employment activity, or going to or returning home from any employment activity, without any detour or stop;

(5) involved in an emergency;

(6) on the sidewalk abutting the minor's residence;

(7) attending an official school, religious, or other recreational activity supervised by adults or sponsored by the Town of San Anselmo, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any
detour or stop, an official school, religious, or other recreational activities supervised by adults or sponsored by the Town of San Anselmo, a civic organization, or another similar entity that takes responsibility for the minor;

(8) exercising First Amendment rights protected by the United States Constitution; or

(9) emancipated pursuant to law.

(d) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place or on the premises of the establishment during curfew hours. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes an offense has occurred, and that based on any responses and other circumstances, no defense under Sec. 4-3.03 is present or applicable.

(e) Each violation of this section shall constitute a separate offense.

Sec. 4-3.04

Any person violating the provisions of Sec. 4-3.03 or any person assisting, aiding, abetting, permitting or encouraging any minor to violate any of the provisions of Sec. 4-3.03 shall be guilty of an infraction or a misdemeanor. Minors shall be dealt with in accordance with the juvenile court law and procedure.

Introduced at a regular meeting of the Town Council on the 14th day of April, 1998 and adopted thereafter at the regular meeting of the Town Council on June 9, 1998 by the following vote:

AYES: Breen, Kroot, Overberger, Hodgens
NOES: (None)
ABSTAIN: Chignelli
ABSENT: (None)

ATTEST:

Debra Stutsman
Town Clerk

SA Curfew.Ord