

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;

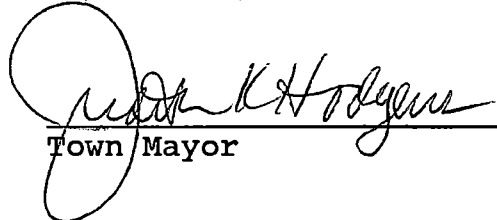
- (8) exercising First Amendment rights protected by the United States Constitution; or
- (9) emancipated pursuant to law.
- (d) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place or on the premises 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: Chignell  
ABSENT: (None)

  
Town Mayor

ATTEST:

  
Town Clerk