

Monday, October 11, 2004

Honorable Mayor and Members of
The Hermosa Beach City Council

Regular meeting of
October 12, 2004

ADOPTION OF A NEW TRUANCY ORDINANCE

RECOMMENDATION

Staff recommends that Council:

1. Approve the new truancy ordinance prepared by the City Attorney.

BACKGROUND

The City of Hermosa Beach does not have an ordinance prohibiting school-aged children who are subject to mandated education laws from being in public places during regular school hours. Hermosa Beach does have a curfew ordinance for minors but has never adopted a truancy ordinance. All of the surrounding South Bay cities have truancy ordinances. The School Attendance Review Board (SARB) has requested that Hermosa Beach adopt a similar ordinance to provide uniformity of enforcement among the local cities.

ANALYSIS

Truancy is a major problem in Los Angeles County. Students who are absent from school without a valid excuse are not receiving the education they need to lead productive lives. In some cases these students are getting involved in criminal conduct in our communities.

Truancy can be reduced by aggressive anti-truancy programs at the local level. A truancy ordinance allows police officers to stop and issue a citation to a student that is truant from school. The student would then be transported back to school and the student's parent(s) would have to appear with them in court on the citation. Once or twice a year, the South Bay police departments conduct a truancy sweep in conjunction with the School Attendance Review Board (SARB) to pick up students that are truant from school. It has been difficult for Hermosa Beach to participate since we do not have a truancy ordinance at this time.

The attached ordinance has been developed by the City Attorney and is based on the ordinances of other South Bay Cities. The City of Monrovia developed the first truancy ordinance in 1994. Since that time, approximately 70 California cities have adopted similar ordinances including the surrounding South Bay cities (Manhattan Beach, Redondo Beach, El Segundo, Torrance, Gardena and Hawthorne). It is therefore requested that the Council adopt the attached truancy ordinance.

Respectfully submitted,

Concur:

MICHAEL LAVIN, CHIEF OF POLICE
HERMOSA BEACH POLICE DEPARTMENT

STEPHEN BURRELL
CITY MANAGER

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HERMOSA BEACH ESTABLISHING A
DAYTIME CURFEW FOR MINORS AND AMENDING THE HERMOSA BEACH
MUNICIPAL CODE

The City Council of the City of Hermosa Beach does ordain as follows:

Section 1. Title 9 of the Hermosa Beach Municipal Code is amended by adding thereto a new Chapter 9.32 to read as follows:

Chapter 9.32

Daytime Juvenile Curfews

9.32.010	Definitions
9.32.020	Prohibited act.
9.32.030	Exemptions.
9.32.040	Infraction penalty.
9.32.050	Hearing requirement parental obligations to attend.
9.32.060	Penalty may be set aside for first infraction.

Section 9.32.010 Definitions.

Unless the context clearly indicates otherwise, the terms used in this Chapter will be defined as follows:

ESTABLISHMENT: Any privately owned place of business operated for a profit to which the public is invited, including without limitation, places of amusement or entertainment, retail stores and eating places.

GUARDIAN: A person who, under court order, has legal charge or custody of a minor.

MINOR: Any person under eighteen (18) years of age.

PUBLIC PLACE: Any place to which the public has access, including without limitation, public buildings, public parks, playgrounds, the beach, schools (other than the school at which the minor is enrolled), and common areas of condominiums and apartment buildings, office buildings and transportation facilities.

PUBLIC STREET: Any public street, highway, road, avenue, sidewalk, alley, parkway or other right-of-way.

Section 9.32.020 Prohibited act.

It shall be unlawful for any minor to be present in or remain in or upon any public street, public place, or any establishment, vacant lot or other unsupervised place during the hours of 8:30 a.m. and 1:30 p.m. of the same day on days when said minor's school is in session. It shall also be unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient

control, allow a minor for whom they are responsible, to remain in any public place or on the premises of any establishment within the City during these daytime curfew hours.

Section 9.32.030 Exemptions.

The provisions of this Chapter shall not apply under any one of the following circumstances:

- A. The minor has in his or her possession a written excuse from the minor's parent(s), legal guardian(s), or other adult person(s) having the legal care or custody of said minor, which excuse provides a reasonable explanation, as determined by the court, for the minor's absence from school;
- B. The minor is accompanied by his or her parent(s), legal guardian(s), or other adult person(s) having the legal care or custody of the minor;
- C. The minor is upon an emergency errand directed by said minor's parent(s), legal guardian(s), or other adult person(s) having the legal care or custody of the minor;
- D. The minor is going to or returning directly from a medical appointment;
- E. The minor has permission to leave campus and said minor has in his or her possession a valid, school-issued, off-campus permit;
- F. The minor is going to or returning directly from a public meeting, or place of public entertainment, such as a movie, play, sporting event, dance or school activity, provided such meeting, event or activity is a school-approved activity for the minor or is otherwise supervised by school personnel of said minor's school;
- G. The presence of the minor in said place or places is connected with or required by a school-approved or school-related business, trade, profession or occupation in which said minor is lawfully engaged;
- H. The minor, due to split sessions or year round school, is not required at the time he or she is found, to be in attendance at school;
- I. When the minor is exempt by law from compulsory education or compulsory continuation education;
- J. When the minor is authorized to be absent from his school pursuant to the provisions of California Education Code Section 48205 or any other applicable State or Federal law;
- K. The minor is emancipated pursuant to law;
- L. The minor is in a motor vehicle involved in interstate travel; or
- M. The minor is engaged in an activity protected by the United States or California constitutions.

Section 9.32.040 Infraction -- Penalty.

Violation of this Chapter shall constitute an infraction punishable by a fine as provided for in Section 1.12.010(B) of this Code.

Section 9.32.050 Hearing requirement -- Parental obligation to attend.

A minor cited for an infraction for violation of a provision of this Chapter must attend a court hearing on the infraction and must be accompanied at the hearing by all of the persons (or person) having the legal care or custody of said minor. If any such person fails to attend the hearing with the minor, and unless the interests of justice would otherwise be served, the court shall continue the hearing and shall issue a citation to said person directing said person to appear at the continued hearing with the minor.

Section 4.124.060 Penalty may be set aside for first infraction.

Notwithstanding the provisions of this chapter, the court may set aside the fine imposed by this Chapter, or any portion thereof, if the fine is based on the minor's first infraction under this Chapter and provided the minor produces proof satisfactory to the court that the following has occurred during the period between the initial hearing on the infraction and any subsequent hearing set by the court:

- A. The minor has had no unexcused absences from school; and, as directed by the court, either or both of the following:
- B. The minor has performed ten (10) hours of court-approved community service during times other than said minor's hours of school attendance; and/or
- C. The minor's parent(s), legal guardian(s), or other adult person(s) who have the legal care or custody of said minor, has or have attended a parenting class or a series of parenting classes approved by the court.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2004.

MAYOR

Attest:

City Clerk