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ORDINANCE NO. 04-1244

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

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

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

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Chapter 9.32

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DAYTIME JUVENILE CURFEWS

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Sections:

- 27
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- 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 sent aside for first infraction**

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Section 9.32.010 Definitions

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

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“Establishment” means 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.

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“Guardian” means a person who, under court order, has legal charge or custody of a minor.

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“Minor” means any person under eighteen (18) years of age.

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“Public Place” means 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.

1 **“Public Street”** means any public street, highway, road, avenue, sidewalk, alley, parkway or
2 other right-of-way.

3 **Section 9.32.020 Prohibited act.**

4 It shall be unlawful for any minor to be present in or remain in or upon any public street, public
5 place, or any establishment, vacant lot or other unsupervised place during the hours of 8:30 a.m.
6 and 1:30 p.m. of the same day on days when said minor’s school is in session. It shall also be
7 unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control, allow
8 a minor for whom they are responsible, to remain in any public place or on the premises of any
9 establishment within the City during these daytime curfew hours.

10 **Section 9.32.030 Exemptions.**

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

12 A. The minor has in his or her possession a written excuse from the minor’s parent(s), legal
13 guardian(s), or other adult person(s) having the legal care or custody of said minor, which excuse
14 provides a reasonable explanation, as determined by the court, for the minor’s absence from
15 school;

16 B. The minor is accompanied by his or her parent(s), legal guardian(s), or other adult
17 person(s) having the legal care or custody of the minor;

18 C. The minor is upon an emergency errand directed by said minor’s parent(s), legal
19 guardian(s), or other adult person(s) having the legal care or custody of the minor;

20 D. The minor is going to or returning directly from a medical appointment;

21 E. The minor has permission to leave campus and said minor has in his or her possession a
22 valid, school-issued, off-campus permit;

23 F. The minor is going to or returning directly from a public meeting, or place of public
24 entertainment, such as a movie, play, sporting event, dance or school activity, provided such
25 meeting, event or activity is a school-approved activity for the minor or is otherwise supervised by
26 school personnel of said minor’s school;

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1 G. The presence of the minor in said place or places is connected with or required by a
2 school-approved or school-related business, trade, profession or occupation in which said minor is
3 lawfully engaged;

4 H. The minor, due to split sessions or year round school, is not required at the time he or she
5 is found, to be in attendance at school;

6 I. When the minor is exempt by law from compulsory education or compulsory continuation
7 education;

8 J. When the minor is authorized to be absent from his school pursuant to the provisions of
9 California Education Code Section 48205 or any other applicable State or Federal law;

10 K. The minor is emancipated pursuant to law;

11 L. The minor is in a motor vehicle involved in interstate travel; or

12 M. The minor is engaged in an activity protected by the United States or California
13 constitutions.

14 **Section 9.32.040 Infraction - Penalty.**

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

17 **Section 9.32.050 Hearing requirement - Parental obligation to attend.**

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

24 **Section 4.124.060 Penalty may be set aside for first infraction.**

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

3 A. The minor has had no unexcused absences from school; and, as directed by the court,
4 either or both of the following:

5 B. The minor has performed ten (10) hours of court-approved community service during
6 times other than said minor's hours of school attendance; and/or

7 C. The minor's parent(s), legal guardian(s), or other adult person(s) who have the legal care
8 or custody of said minor, has or have attended a parenting class or a series of parenting classes
9 approved by the court.

10 **SECTION 2.** Prior to the expiration of fifteen (15) days after the date of its adoption, the
11 City Clerk shall cause the summary to be published in the Easy Reader, a weekly newspaper of
12 general circulation, published and circulated in the City of Hermosa Beach.

13 **SECTION 3.** The City Clerk shall certify to the passage and adoption of this ordinance,
14 shall enter the same in the book of original ordinances of said city; shall make minutes of the
15 passage and adoption thereof in the records of the proceedings of the City Council at which the
16 same is passed and adopted.

17 **PASSED, APPROVED and ADOPTED** this 26th day of October, 2004 by the following
18 vote:

19 AYES:
20 NOES:
21 ABSENT:
22 ABSTAIN:

23 _____
24 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

25 ATTEST:

APPROVED AS TO FORM:

26 _____
27 City Clerk

City Attorney

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