

ORDINANCE NO. 2396

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTER 9.24 OF THE REDLANDS MUNICIPAL CODE RELATING TO JUVENILE CURFEW

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.24.040 is hereby added to the Redlands Municipal Code to read as follows:

“9.24.040 Daylight Loitering - Restrictions.

A. It is unlawful for any minor under the age of eighteen years, who is subject to compulsory education or to compulsory continuation education, alone or in concert with others, to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, parking areas, or other public grounds, public places or amusement and eating places, vacant lots or other unsupervised places or any place open to the public between the hours of 8:30 and 2:30 p.m. of the same day on days when said minor's school is in session.

B. It is unlawful for any parent or guardian to permit, or by insufficient control to allow, a minor under the age of eighteen years, who is subject to compulsory education or to compulsory continuation education, alone or in concert with others, to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, parking areas, or other public grounds, public places or amusement and eating places, vacant lots or other unsupervised places or any place open to the public between the hours of 8:30 a.m. and 2:30 p.m. of the same day on days when said minor's school is in session.

C. It is a defense to any prosecution under Subsections 9.24.040(A) or (B) of this Section that the minor was:

1. Accompanied by his/her parent, guardian or other adult person having the care and custody of the minor;
2. On an errand directed by his/her parent, guardian or other adult person having the care and custody of the minor, without any detour of stop;
3. Going or coming directly from or to the minor's place of gainful employment;
4. Going to or from a medical appointment;

5. Off campus for lunch and has in his/her possession a valid, school-issued, off campus permit:

6. Directly going to or from a school sponsored event or activity such as a sporting event, field trip, or other such school activity;

7. Directly going to or from an event or activity that is directly related to any medical condition of a parent, guardian or other adult person having the care and custody of the minor;

8. In said place or places in connection with or required with respect to a business, trade, profession or occupation in which the minor is lawfully engaged.

9. Emancipated pursuant to law.

10. Exercising First Amendment rights protected by the United States Constitution.

11. Involved in an emergency. For purposes of this Subsection, "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. "Serious bodily injury" shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

12. On the sidewalk abutting the minor's residence.

13. When the minor is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable State or Federal law.

D. Before taking any enforcement action under this Section a police officer shall ask the minor's age and reason for being in the public place or other location covered under this Section during the hours of 8:30 a.m. and 2:30 p.m. of the same day on days when said minor's school is in session. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any responses and other circumstances, no defense under this Section is applicable."

Section 2. Section 9.24.050 is hereby added to the Redlands Municipal Code to read as follows:

"9.24.050 Police Service Fee

Purpose. The City finds and determines that minors who are repeatedly detained and supervised by police personnel for violating curfew and daytime loitering laws impose an extraordinary burden on the manpower and resources of the police department because juveniles taken into custody by police personnel must be supervised in an unsecured area of the police department until they are released to a parent or guardian. Police officers who supervise minors who have been detained are then unavailable to carry out police duties in the field and this decreases the level of police protection, thereby decreasing public safety in the community. The purpose of this section is to defray the reasonable costs that the City incurs to provide extraordinary police services to respond to, detain, and supervise repeat curfew and daytime loitering violators.

As used in this section, the following terms shall have the following meanings:

1. "Repeat curfew or daytime loitering violator" means any minor (i) who has been detained and taken into custody by City police personnel on more than one occasion in a 12-month period for violating Section 9.24.020 or 9.24.040 of this code and (ii) who has been reprimanded by the San Bernardino Juvenile Court because said court finds it to be true that the minor violated Section 9.24.020 or 9.24.040 of this Code on more than one occasion in a 12-month period.

2. "Responsible party" means any parent, legal guardian, or other person in charge or control of a repeat curfew violator.

A. Police services fee established -- debt to City. A responsible party shall be liable for a police services fee whenever the City's police personnel respond to, detain, and supervise a repeat curfew or daytime loitering violator. The City Council shall establish the amount of the police services fee by resolution. The police services fee charged to a responsible party shall be a debt to the City by the responsible party. Any responsible party owing money to the City pursuant to this Section shall be liable in an action brought by the City to recover such amount, including reasonable attorneys' fees.

B. Billing. The Chief of Police, or his or her designee, shall notify the Finance Department in writing of (i) the name and address of the responsible party, (ii) the date and time of the initial violation and of the repeat violation of Section 9.24.020 or 9.24.040 of this Code, (iii) the names of the police personnel who responded to, detained and supervised the repeat curfew or daytime loitering violator and (iv) the date that the repeat curfew or daytime loitering violator was reprimanded by the San Bernardino Juvenile Court for the repeat violation. The Finance Department may adopt administrative procedures for the purposes of implementing the provisions of this Section.

C. Appeal. Any responsible party who receives a bill from the Finance Department pursuant to this Section may, within fifteen (15) days after receiving such bill, file a written request with the City Clerk appealing the bill. The written appeal shall state the grounds for such appeal and the specific factual and basis for the appeal. The responsible party is deemed to have received a bill on the third day following the date that the Finance Department caused the bill to be placed in the United States mail. The Chief of Police, or his or her designee, shall review any written appeal filed

with the City Clerk pursuant to this section and shall prepare a written decision on the appeal within thirty (30) days from the date that the written appeal is received by the City Clerk. Appeals shall be heard by the City Council.

Section 3. Section 9.24.060 is hereby added to the Redlands Municipal Code to read as follows:

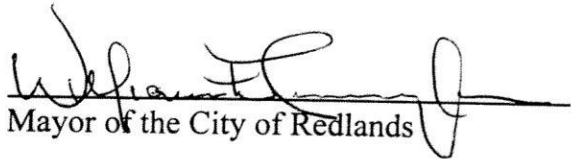
“9.24.060 Penalty.

Any person violating the provisions of Section 9.24.040 of this Chapter shall be guilty of an infraction; provided, however, that multiple violations of this Chapter, in accordance with law, may be prosecuted as a misdemeanor upon the exercise of prosecutorial discretion by the City Attorney. To the extent required by law, violations of this Chapter shall be prosecuted in accordance with juvenile court law and procedure.”

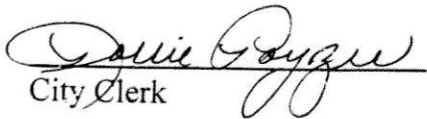
Section 4. If any provision of this ordinance is for any reason to be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect in accordance with law.

ADOPTED, SIGNED AND APPROVED this 16th day of March, 1999.


Mayor of the City of Redlands

Attest:


City Clerk

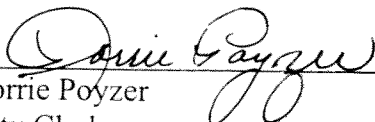
I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing Ordinance was duly adopted by the City Council at a regular meeting thereof, held on the 16th day of March, 1999, by the following vote:

AYES: Councilmembers Banda, Gilbreath, Freedman, George;
Mayor Cunningham

NOES: None

ABSENT: None

ABSTAIN: None



Lorrie Poyzer
City Clerk