

**ORDINANCE NO. 16-10 N.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND ADDING  
A NEW CHAPTER 11.61 RELATING TO A JUVENILE DAYTIME CURFEW**

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The City Council of the City of Richmond does ordain as follows:

SECTION 1. Chapter 11.61 is added to read as follows:

**Section 11.61.010. FINDING AND DETERMINATION**

The City Council finds and determines that school-aged children, with certain exceptions, are required to be in school. When in school they are under the supervision of adults. Parents, police, and the community at large rely on the schools to supervise the minors in their charge. When children are absent from school without excuse, they are no longer under the watchful eye of school authorities, and for that reason, are at greater risk of both being harmed and of causing harm to others. The Council further finds that it has a strong and legitimate interest in the welfare of its young citizens, whose immaturity, inexperience, and lack of judgment may sometimes impair their ability to exercise their rights wisely. The Council further recognizes that protecting the welfare of minors by reducing juvenile crime and victimization is an important governmental interest and recognizes the risks associated with minors who the community assumes are being supervised at school, but who in fact are not. The Council therefore finds that this ordinance addresses these concerns by prohibiting the presence of unsupervised minors in public places during normal school hours.

**Section 11.61.020. UNSUPERVISED MINORS PROHIBITED IN PUBLIC PLACES  
WHEN SCHOOL IS IN SESSION**

It shall be unlawful for any minor who is subject to compulsory education or to compulsory continuation education to be in or upon any public street, highway, road, alley, park, playground, or other public ground, public place, public building, place of amusement, eating establishment or vacant lot 30 minutes or more after school commences and 30 minutes or more prior to the time school ends on days when said minor's school is in session. This section does not apply:

- (A) When the minor is accompanied by his or her parent, guardian, or other adult person having the care or custody of the minor; or
- (B) When the minor is on an emergency errand directed by his or her parent or guardian or other adult person having care or custody of the minor; or
- (C) When the minor is going or coming directly to or from his or her place of gainful employment or to or from a medical appointment; or
- (D) To any minor who has permission to leave school campus for lunch or school-related activity and has in his or her possession a valid, school issued, off-campus permit; or
- (E) When the minor is exempt by law from compulsory education or compulsory continuation education; or
- (F) When the minor is authorized to be absent from his or her school pursuant to the provisions of Cal. Education Code § 48205, or any other applicable state or federal law.

Section 11.61.030     **OTHER PROHIBITED CONDUCT.**

(A) It shall be unlawful for a minor's parent or legal guardian to knowingly permit, allow, suffer or encourage such minor to violate any provision of section 11.61.020. The parent or legal guardian of any minor subject to this ordinance may be charged with a misdemeanor if the minor is found in violation of this ordinance three (3) or more times during a single school year. The parent or legal guardian may also be subject to mandatory mediation and/or family counseling if they fail or refuse to control the affected minor's non-permitted appearing in public during designated school hours.

(B) It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow, suffer or encourage a violation of any provision of section 11.61.020.

(C) It shall be unlawful for the operator or any employee of any establishment, to knowingly permit, allow, suffer or encourage a minor to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this subsection that the operator or employee of an establishment promptly notified the police department that a minor was present at the establishment during curfew hours and refused to leave.

(D) It shall be unlawful for any person (including any minor) to give a false name, address, or telephone number to any officer investigating a possible violation of this Chapter.

(D) Section 11.61.040. **PENALTY**

(A) Notwithstanding any other provision of this code, including section 1-04.100(a), any minor found in violation of this ordinance shall be subject to an infraction citation and ordered to appear in the Contra Costa County Juvenile Traffic Court. The court may order the minor into a diversion or youth intervention program including any other youth program approved by the courts and/or City of Richmond.

(B) At the sole discretion of the arresting officer, any minor found in violation of this Chapter shall be immediately returned to his or her home if an adult is present there and the residence is within the Richmond City limits, or taken to the parent or guardian's place of employment. If the officer is unable to locate the parent or guardian or is unable to transport the minor to the parent or guardian's location, the minor shall be placed in a designated secure location, as determined by the police department, until such time as a parent or legal guardian is notified and arrives to take custody of the minor or the minor's school is no longer in session.

(C) It shall be unlawful and a misdemeanor for the parent or legal guardian of any minor taken into protective custody for violation of this Chapter to refuse or fail to timely respond and assume custody of the minor upon notification that the minor has been detained for violation of this Chapter.

(D) Any person over 18 years of age and/or any operator or employee of any establishment found in violation of section 11.61.030 shall be guilty of a misdemeanor.

Section 11.61.050. **REMEDIES NOT EXCLUSIVE**

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies including administrative citations, civil and/or criminal actions. The remedies provided for herein shall be cumulative and not exclusive.

Section 11.61.055. **COMMUNITY REVIEW COMMITTEE**

A Community Review Committee is hereby established to evaluate the operation and effects of the curfew imposed by this chapter. The Committee shall consist of stakeholders with an interest in the curfew ordinance, including but not limited to parents, students, the school district, and youth centers, and other interested community organizations. The Committee shall meet quarterly beginning with the commencement of the 2010-2011 school year. After the second quarterly meeting, the Committee shall meet annually. The Committee shall present its conclusions to the City Council at a regularly scheduled meeting following each of the Committee's meetings.

SECTION 2 Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinance or the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3 This Ordinance becomes effective 30 days after its final passage and adoption.

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First introduced at a regular meeting of the City Council of the City of Richmond held on March 23, 2010, and finally passed and adopted at a regular meeting held on April 20, 2010, by the following vote:

AYES: Councilmembers Bates, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Butt.

DIANE HOLMES  
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

I certify that the foregoing is a true copy of Ordinance No. 16-10 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting on April 20, 2010.