

Article 8: Minors

Division 1: Curfew Regulations

(“Curfew” added 6-18-1997 by Emergency Ordinance O-18415 N.S.)
(“Curfew” added 7-1-1997 by O-18416 N.S.)
*(Repealed former Division 1 “Curfew” and
added new Division 1 “Curfew Regulations”*
2-22-2010 by Emergency Ordinance O-19932 N.S.)

§58.0101 Definitions for Curfew Regulations

All defined terms in this Division appear in italics. For purposes of this Division, the following definitions apply:

Curfew Hours means the period from 10:00 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. “Serious bodily injury” means 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.

Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian means (1) a person who, under court order, is the guardian 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 eighteen (18) years of age.

Parent means a person who is a natural parent, adoptive parent, or step-parent of another person.

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, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Responsible Adult means a person at least eighteen (18) years of age, authorized by a *parent or guardian* to have the care and custody of a minor.

(Amended 7-1-1997 by O-18416 N.S.)

(Repealed “Definitions for Curfew Provisions” and added “Definitions for Curfew Regulations” 2-22-2010 by O-19932 N.S.; effective 2-22-2010.)

§58.0102 Curfew Regulations

- (a) It is unlawful for any *minor* to be present in any *public place* or on the premises of any *establishment* within the City of San Diego 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 City of San Diego during *curfew hours*.
- (c) It is a defense to prosecution under section 58.0102(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 an employment activity, or going to or returning home from an 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 and sponsored by the City of San Diego, 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 activity supervised by adults and sponsored by the City of San Diego, 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 going to or returning home from, without any detour or stop, the exercising of those First Amendment rights;
 - (9) travelling from an activity listed in section 58.0102(c) to another activity listed in section 58.0102(c), without any detour or stop; or
 - (10) 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 that an offense has occurred and that, based on any responses and other circumstances, no defense under section 58.0102(c) is present or applicable.
- (e) Each violation of this section shall constitute a separate offense.

*(Amended 7-1-1997 by O-18416 N.S.)
(Repealed "Curfew Restrictions" and added "Curfew Regulations" 2-22-2010 by O-19932 N.S.; effective 2-22-2010.)*

§58.0103 Penalty

Any person violating the provisions of section 58.0102 shall be guilty of a misdemeanor. *Minors* shall be dealt with in accordance with juvenile court law and procedure.

*(Renumbered from Section 58.01.2 on 7-1-1997 by O-18416 N.S.)
(Repealed former Section "Penalty" and added "Penalty" 2-22-2010 by O-19932 N.S.; effective 2-22-2010.)*