

ORDINANCE NO. 10045 (NEW SERIES)

AN ORDINANCE AMENDING TITLE III, DIVISION 5, CHAPTER 1,
SECTION 35.103 OF THE COUNTY CODE OF REGULATORY
ORDINANCES RELATING TO CURFEWS FOR MINORS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: Title III, Division 5, Chapter 1, Section 35.103 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 35.103. CURFEW RESTRICTIONS.

(a) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the unincorporated area of the County of San Diego during curfew hours unaccompanied by a parent, guardian or responsible adult.

(b) It is unlawful for any parent or guardian of a minor to knowingly or by insufficient control allow the minor to be present in any public place or on the premises of any establishment within the unincorporated area of the County of San Diego during curfew hours unaccompanied by a parent, guardian or responsible adult.

(c) The following are exceptions to the curfew restrictions set forth under subsections (a) or (b) above, and shall not constitute a curfew violation when the minor is engaged in any of the following activities:

(1) On an errand or traveling in connection with activities at the direction or with the permission of the minor's parent, guardian or responsible adult.

(2) In a motor vehicle involved in interstate travel.

(3) Engaged in employment or educational activities, or going to or returning home from employment or educational activities.

(4) Involved in an emergency.

(5) On the sidewalk abutting the minor's residence.

(6) Attending official school, religious or recreational activities supervised by one or more adults and sponsored by the County of San Diego, a

civic organization or other similar entity that assumes responsibility for the minor or going to or returning home from official school, religious or other recreational activities supervised by one or more adults and sponsored by the County of San Diego, a civic organization or another similar entity that assumes responsibility for the minor.

(7) Exercising First Amendment rights protected by the United States Constitution or going to or coming from activities involving an exercise of First Amendment rights.

(8) Emancipated pursuant to law.

(d) Before taking any enforcement action under this section, a deputy sheriff shall determine the apparent offender's age and reason for being in a public place or on the premises of the establishment during curfew hours. If a minor is accompanied by an adult not the minor's parent or guardian, the deputy shall verify whether or not the person has authority from the parent or guardian to have care and custody of the minor.

Section 2: Effective Date. This ordinance shall take effect thirty (30) days after its adoption. Within fifteen days after the date of adoption of this ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 23rd day of March, 2010.