

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

ORDINANCE NO. ORD-06-0025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTION 9.58.020, PROHIBITING JUVENILES BEING IN PUBLIC PLACES FROM THE HOURS OF EIGHTY-THIRTY A.M. UNTIL ONE-THIRTY P.M.

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 9.58.020 of the Long Beach Municipal Code is amended to read in its entirety as follows:

9.58.020 Prohibition against juvenile being in public place between the hours of eight-thirty a.m. until one-thirty p.m.

A. Curfew. It is unlawful for any minor under the age of eighteen years, who is subject to compulsory education or to compulsory continuing education, to remain in or upon any "public place", as defined in Section 9.02.090, between the hours of eight-thirty a.m. until one-thirty p.m. on days when said minor's school is in session.

B. Exceptions. The provisions of Subsection 9.58.020.A shall not apply when:

1. The minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor;
2. The minor is on an emergency errand at the direction of the minor's parent or guardian, without any detour or stop;
3. The minor is in a motor vehicle involved in interstate travel;
4. The minor is engaged in an employment activity, or going

1 to or returning home from an employment activity, without any detour or stop;

2 5. The minor is involved in an emergency requiring
3 immediate action to prevent serious bodily injury or loss of life;

4 6. The minor is going or coming to or from a medical
5 appointment;

6 7. The minor has permission to leave campus for lunch or
7 other school-related activity and has in his or her possession a valid,
8 school-issued, off-campus permit;

9 8. The minor is attending an official school, religious, or
10 other recreational activity supervised by adults and sponsored by the City,
11 a civic organization, or another similar entity that takes responsibility for
12 the minor, or the minor is going to or returning home from, without any
13 detour or stop, an official school, religious, or other recreational activity
14 supervised by adults and sponsored by the City, a civic organization, or
15 another similar entity that takes responsibility for the minor;

16 9. The minor is exercising First Amendment rights protected
17 by the United States Constitution;

18 10. The minor is emancipated pursuant to law.

19 11. The minor is not required by his or her school vacation,
20 track or curriculum schedule to be in school.

21 C. Enforcement. Before taking any enforcement action under this
22 Section, a police officer shall ask the apparent offender's age and reason for
23 being in the public place. The officer shall not issue a citation or make an arrest
24 under this Section unless the officer reasonably believes that an offense has
25 occurred and that, based on any response and other circumstances, no
26 exception under Subsection 9.58.020.B is present.

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of August 15, 2006, by the following vote:

Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

Approved: 8-17-06
(Date)

[Signature]
City Clerk
[Signature]
Mayor