

ORDINANCE NO. 2005-08

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING CHAPTER 17 OF THE ESCONDIDO
MUNICIPAL CODE PERTAINING TO OFF-
CAMPUS MINORS IN PUBLIC PLACES DURING
SCHOOL HOURS

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. That Escondido Municipal Code Sections 17-57 through 17-60 are
added to read as follows:

Sec. 17-57. Minors in Public Places During School Hours

(a) It is unlawful for any minor of age twelve to seventeen who is subject to compulsory education or to compulsory continuation education to loiter, idle, wander, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, or the premises of any establishment, vacant lots or any unsupervised public place on days and at times when said minor's school is in session.

(b) A minor's presence in such location is not unlawful, however:

- (1) When the minor is accompanied by his or her parent or other adult having the care or custody of the minor;
- (2) When the minor is on an emergency errand directed by his or her parent or other adult having care or custody of the minor;
- (3) When the minor is going to, or coming directly from, his or her place of school-approved employment;

- (4) When the minor is going to, or coming directly from, a medical appointment;
- (5) When the minor has permission to leave the school campus for lunch and has in his or her possession, a valid, school-issued, off-campus permit;
- (6) When the minor is going to, or coming from a compulsory alternative education program activity;
- (7) When the minor is attending or, without detour or stop, going to or returning from a school, religious, government-sponsored activity, or other recreational activity supervised by adults;
- (8) When the minor is attending or, without detour or stop, going to or returning from an event or activity directly related to the medical condition of a sibling or parent;
- (9) When the minor is enrolled in a private school or "home school" qualified under California Education Code Section 48222; or
- (10) When the minor has passed a general educational development test and received a California high school equivalency certificate.

Sec. 17-58. Responsibility

It is unlawful for the parent of any minor to knowingly permit or, by insufficient control to allow the minor to be in violation of section 17-57(a).

Sec. 17-59. Enforcement Procedure

(a) Upon any violation of section 17-57(a), a peace officer may detain the minor until he or she can be placed in the care and custody of his or her parent, may transport the minor to his or her home or to the school from which the minor is absent, and may issue a citation to the minor. If cited, the minor and a parent or legal guardian shall appear in court as directed on the citation. The parent or legal guardian shall be advised that the minor was cited for a violation of Escondido Municipal Code Section 17-57(a). The parents shall be warned of their responsibility and liability as the minor's parents.

(b) After a parent has been previously warned as set forth in section 17-59(a), upon a parent's violation of section 17-58 anytime thereafter, a peace officer may issue the parent a citation to appear in court.

(c) When a parent has previously been issued a citation for an infraction pursuant to section 17-59(b), upon any subsequent violation by a parent of section 17-58 a peace officer may issue a citation for a misdemeanor to the same parent of the minor to appear in court.

Sec. 17-60. Penalties

(a) Any person convicted of an infraction for a violation of sections 17-57(a) or 17-58 may be punished by a fine not exceeding two hundred fifty dollars (\$250.00) plus court fees, or by a requirement to perform county, city, or school-approved work projects or community service, or both. If required to perform a work project, the total time for performance shall not exceed twenty (20) hours over a period not to exceed sixty (60) days, at such times other than a minor's hours of school attendance or a minor or parent's hours of employment.

(b) Any parent convicted of a misdemeanor violation of Section 17-58 may be punished by imprisonment in the County Jail for a period of time not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000), or both.

SECTION 2. SEPARABILITY. That if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. That all ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. That the City Clerk shall certify to the passage of this ordinance and prepare a summary in accordance with Government Code section 36933, to be published one time within 15 days of its passage in the North County Times, a newspaper of general circulation, printed and published in the City of Escondido.