

ORDINANCE NO. 2007-08

AN ORDINANCE OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT, AMENDING CHAPTER 21 OF THE DISTRICT CODE RELATING TO CURFEW

SECTION 1

Section 7.12 of Chapter 21 of the District Code is repealed and replaced in its entirety, as follows:

Section 7.12 Curfew:

(a) Violation. It is unlawful and a misdemeanor for any minor to remain in any public place or on the premises of any establishment within the District during curfew hours. A minor shall not be in violation of this section if the minor is:

1. Accompanied by the minor's parent or guardian;
2. Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
3. Involved in an emergency;
4. On the sidewalk abutting the minor's residence;
5. Attending an official school function, religious function, or an organized dance or sporting event, or other recreational or cultural activity supervised by adults and sponsored by 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 function, a religious function, or an organized dance or sporting event, or other recreational or cultural activity supervised by adults and sponsored by a civic organization, or another similar entity that takes responsibility for the minor;
6. Emancipated pursuant to law.

(b) Parent Responsibility. It is unlawful and a misdemeanor for any parent or guardian of a minor to permit or allow such minor to remain in any public place or on the premises of any establishment within the District during curfew hours.

(c) Enforcement. Before taking any enforcement action under this section, a District officer shall ask the apparent offender's age and reason for being in the establishment or public place. 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 the response and other circumstances, no exception set forth in subsection (a) of this section applies.

(d) Definitions. For purposes of this chapter:

"Curfew hours" means between the hours of ten p.m. and six a.m. of the following day.

“Emergency” means an unforeseen situation (i.e., fire, natural disaster, automobile accident, medical problem) that requires immediate action to prevent serious bodily injury or loss of life.

“Establishment” means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, dining or shopping.

“Guardian” means a person or entity who, under court order, is the guardian of a minor.

“Minor” means a person under eighteen (18) years of age.

“Parent” means a person who is a natural parent, adoptive parent, or stepparent of a minor; or at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

“Public” means the general public and all members of the community at large, and includes residents, members, guests and visitors of the Rancho Murieta community.

“Public place” means any place to which the public has legal access and includes, but is not limited to, streets, highways, sidewalks, parks, malls, playgrounds, golf courses, alleys, roads and the common areas of schools, residential complexes, office buildings and shops.

“Remain” means to linger or stay; or fail to leave premises when requested to do so by a District officer or the owner, operator, or other person in control of the premises.

“Serious bodily injury” means bodily injury that creates a risk of death, disfigurement, or loss or impairment of the function of any bodily member or organ.

(e) Penalties. Any minor violating the provisions of this section is guilty of a misdemeanor and shall be dealt with in accordance with juvenile court law and procedure. Any parent violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

1. For the first conviction be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00), or be confined in the county jail not more than ten (10) days, or punished by both such fine and imprisonment;

2. For the second conviction, occurring within one year from the date of the first conviction, be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), or be confined in the county jail not more than thirty (30) days, or punished by both fine and imprisonment; and

3. For each subsequent conviction, within one year of the date of the first conviction, be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or be confined in the county jail not more than ninety (90) days, or punished by both such fine and imprisonment.

SECTION 2

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Rancho Murieta Community Services District hereby declares that it would have passed this

Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 3

This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and/or posted as required by law.

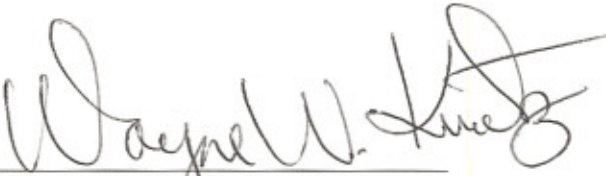
The foregoing Ordinance was introduced at a regular meeting of the Board of Directors of the Rancho Murieta Community Services District, held on September 19, 2007, and was passed and adopted at a regular meeting of the Board of Directors held on September 19, 2007 by the following vote:

AYES: *Kuntz, Taylor, Belton, Kjome*

NOES: *None*

ABSENT: *Pasek*

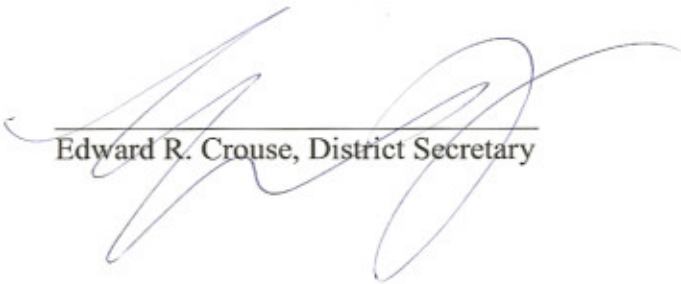
ABSTAIN: *None*



Wayne W. Kuntz, President
Rancho Murieta Community Services District

[seal]

ATTEST:



Edward R. Crouse, District Secretary