

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF  
LANCASTER, CALIFORNIA, REPEALING AND REPLACING  
CHAPTER 9.16 OF THE LANCASTER MUNICIPAL CODE  
RELATING TO CURFEW, TRUANCY, AND LOITERING BY  
MINORS

WHEREAS, Chapter 9.16 of the Lancaster Municipal Code provides, subject to certain exceptions, that (a) no minor shall loiter about the public streets, avenues, alleys, parks or other public places between the hours of ten p.m. and six a.m. of the following day and (b) no minor who is subject to compulsory education or to compulsory continuation education shall loiter, idle, wander or be in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, or eating places, vacant lots or any unsupervised place during the hours of seven-thirty a.m. and two p.m. on days when school is in session; and

WHEREAS, section 625.5 of the California Welfare and Institutions Code (“Section 625.5”) authorizes a city in which the governing body of the city has enacted an ordinance prohibiting minors from remaining in or upon the public streets unsupervised after hours to adopt a resolution to implement the provisions of Section 625.5, including the recovery of certain costs; and

WHEREAS, the City Council of the City of Lancaster desires to repeal and replace Chapter 9.16 of the Lancaster Municipal Code to include provisions relating to a curfew, truancy, loitering by minors, and the cost recovery authorized by Section 625.5.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES  
HEREBY ORDAIN, AS FOLLOWS:

Section 1. The City Council of the City of Lancaster hereby finds and determines that the above recitals are true and correct.

Section 2. Chapter 9.16 of the Lancaster Municipal Code is hereby repealed and replaced in its entirety by Chapter 9.16 (entitled “Curfew, Truancy, and Loitering by Minors”) that is attached hereto as Exhibit “A” and incorporated herein.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after adoption.

I, Andrea Alexander, of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and placed upon its second reading and adoption at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
ANDREA ALEXANDER  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            }  
COUNTY OF LOS ANGELES    }ss  
CITY OF LANCASTER            }

CERTIFICATION OF ORDINANCE  
CITY COUNCIL

I, \_\_\_\_\_, \_\_\_\_\_ City of  
Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance  
No. \_\_\_\_\_, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_

**EXHIBIT “A”**  
**CHAPTER 9.16**  
**CURFEW AND TRUANCY**

**Sections:**

<b>9.16.010</b>	<b>Definitions.</b>
<b>9.16.020</b>	<b>Curfew.</b>
<b>9.16.030</b>	<b>Truancy.</b>
<b>9.16.040</b>	<b>Exceptions.</b>
<b>9.16.050</b>	<b>Enforcement.</b>
<b>9.16.060</b>	<b>Violation—Penalty.</b>
<b>9.16.070</b>	<b>Cost Recovery.</b>

**Section 9.16.010      Definitions.**

For purposes of this chapter, “minor” means any person under the age of eighteen (18).

**Section 9.16.020      Curfew.**

It is unlawful for any minor to remain in any public place, or any private business open to the public, between the hours of 10:00 p.m. on any day and sunrise of the immediately following day.

**Section 9.16.030      Truancy.**

It is unlawful for any minor to remain in any public place, or any private business open to the public, between the hours of 8:30 a.m. and 1:30 p.m. on days when schools are in session.

**Section 9.16.040      Exceptions.**

A.      Sections 9.16.020 and 9.16.030 shall not apply to the following:

1.      Any minor accompanied by a parent, legal guardian or a responsible adult to which custody of the minor has been given by the parent or legal guardian;
2.      Any minor performing any task at the direction of his or her legal guardian;
3.      Any minor responding to an emergency with or without parental consent;
4.      Any minor acting within the course and scope of his or her lawful employment;
5.      Any minor on the property of, or the sidewalk directly adjacent to, or the building immediately adjacent to the building in which the minor resides;

6. Any minor legally married;
7. Any minor in the military service;
8. Any minor attending organized associational activities, including, but not limited to, school meetings, classes or sporting events, religious meetings, dances, concerts, theatrical performances or similar events, or other constitutionally protected activities; and/or
9. Any minor engaged in reasonable and direct travel to and from those activities described in the exceptions above.

B. Section 9.16.030 shall not apply to a minor properly excused from school for any reason permitted under California law, including, but not limited to, Section 48205 of the California Education Code. For the purpose of this section, “properly excused” means the minor has fully complied with all statutory procedures necessary to excuse attendance under the applicable California law.

#### **Section 9.16.050      Enforcement.**

Every peace officer is authorized and empowered on public and private property to demand from any person, whom the officer has reasonable cause to believe is in violation of this chapter, that such person give his or her name, address, proof of age, the name of a parent, guardian or adult having care or custody of such person, and other information reasonably necessary to determine whether such violation exists.

#### **Section 9.16.060      Violation—Penalty.**

Every person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction is punishable as provided in Chapter 1.12 of the Lancaster Municipal Code or as otherwise provided in the California Penal Code, including, but not limited to, Sections 647 et seq., and 653 et seq.

Violations of any of the provisions of this chapter may, in the alternative, be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the fee schedule in Section 1.12.020 of Chapter 1.12 of this code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this code. A cited person who has been granted an indigency waiver pursuant to Section 1.16.085 of Chapter 1.16 of this code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

#### **Section 9.16.070      Cost Recovery.**

A. When a minor is detained for violating any public offense, and the minor is detained for a period of time in excess of one-half hour, and said detention required the supervision of the juvenile offender by the Los Angeles County Sheriff’s Department and/or Lancaster Police Department personnel or volunteer staff, the parent(s) or legal guardian(s) having custody or control of said minor shall be jointly and severally liable for the cost of providing such personnel in excess of one-half hour.

B. As determined by the chief of police, or his or her designee, the parent(s) or legal guardian(s) having custody or control of said minor shall be jointly and severally liable for the costs of police services for the detention, processing, transportation, and supervision of said minor, except that supervision costs may only be assessed when the minor is detained in excess of one-half hour, said time period to begin from the moment of the initial detention.

C. Billing for services of volunteer personnel shall accrue at the rate of an entry-level police officer.

D. Any person receiving a bill for police services pursuant to this section may, within 15 days after the billing date, file a written request appealing the imposition of the charges. Any billing sent pursuant to this section shall inform the billed party of the right to appeal the billing. Any appeal regarding billing shall be heard by the city manager or his or her designee, as the hearing officer. Within 10 days after the hearing, the hearing officer shall give written notice of the decision to the appellant. Upon the filing of a request for an appeal, payment of the bill for the services shall be suspended until notice of the decision of the hearing officer. If the appeal is denied in part or in full, all amounts due to the city shall be paid within 30 days after notice of the decision of the hearing officer.