Agenda Item: 16.C
Date of Meeting: May 11, 2026
Department: Police

STAFF REPORT

To:	City Council
From:	Nate Derr
Subject:	**First Reading and Introduction of an Ordinance Amending Section 9.12.010 of the Bishop Municipal Code Relating to the Juvenile Curfew**
Prepared On:	May 5, 2026
Attachments:	Ordinance - Amending Section 9.12.010 - Juvenile Curfew

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Background/History:

The City of Bishop's current juvenile curfew ordinance was last substantially updated in 1985. Since that time, significant legal, social, and regulatory changes have occurred that affect both the enforceability and clarity of the ordinance.

This issue was recently brought forward by local high school students (Bishop Student Senate) who identified discrepancies between the City's curfew ordinance and California's provisional driver's license restrictions. Students also noted outdated terminology and inconsistencies that created confusion regarding when minors are legally permitted to be in public during nighttime hours.

Upon further review, City staff and the City Attorney identified several deficiencies in the existing ordinance, including:

- Use of outdated and legally problematic terminology such as "loiter," which has been found unconstitutionally vague in the context of juvenile curfew laws (see *Nunez v. City of San Diego*).
- Reliance on "sunrise" as a curfew end time, which varies seasonally and creates ambiguity.
- Outdated exemptions, including references that are no longer consistent with modern legal standards.
- Lack of clearly defined enforcement procedures and constitutionally sufficient exceptions.

Additionally, the current ordinance does not adequately reflect modern constitutional requirements or best practices for narrowly tailored curfew regulations.

Analysis/Discussion:

The City has authority under Article XI, Section 7 of the California Constitution to enact ordinances to protect public health, safety, and welfare.

While the State of California does not impose a statewide juvenile curfew, state law expressly permits local jurisdictions to adopt and enforce their own curfew ordinances. Welfare and Institutions Code § 625.5 authorizes peace officers to take minors into temporary custody for curfew violations.

Impacts to Council Goals and Strategic Planning Priorities:
This aligns with the City of Bishop's Strategic Plan Mission 4 Objective 4.2: Support a connected and engaged community where all residents feel represented and informed.

Budget Impacts:

There is no significant fiscal impact associated with this amendment. The ordinance primarily clarifies existing law and improves enforceability. Minor administrative or training updates may be required for implementation.

Legal Review:
City Attorney Pucci has reviewed this item and finds it complies with the law.

Recommended Action:
Council consideration to approve the first reading and introduction of an ordinance amending Section 9.12.010 of the Bishop Municipal Code to modernize the City's juvenile curfew regulations, ensure compliance with current legal standards, and align with California provisional driver's license restrictions.

Approved By: Ethan Aukee 5/5/2026
Approved By: Robin Picken 5/5/2026
Approved By: Dean Pucci 5/5/2026
Approved By: Pam Foster 5/5/2026