



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/05/07

AGENDA ITEM 12

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT: Daytime Curfew

RECOMMENDATION:

It is recommended that the City Council introduce the attached ordinance adding Section 4-9.02.5 to the Hayward Municipal Code related to a daytime curfew for school students.

BACKGROUND:

The School Board for the school year beginning in the fall of 2007 has instituted a closed campus system in area high schools. To assist the schools in succeeding with a closed campus system we are proposing the attached ordinance, which will greatly assist the Hayward Police Department in keeping the students on campus during school hours. This ordinance makes it a violation for any minor under 18 years of age to be on or upon any public street, highway, road, alley, park, playground, or other public ground, public place, public building, place of amusement, eating establishment, or vacant lot between the hours of 8:30 a.m. and 1:30 p.m. on days when said minor's school is in session.

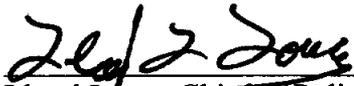
On May 3, 2007, during the meeting with the Local Agencies Committee, the Ordinance was reviewed and endorsed by the committee.

Many minors not in school during school hours become victims of crime themselves. This ordinance will give the Hayward Police Department a tool to more freely contact these minors before they become victims of crime.

This ordinance also gives the Hayward Police Department the ability to intervene with youth before they are found loitering or involved in other types of criminal activity.

Once a student is picked up for violation, the student could be returned to school and released to school officials, or reprimanded and released to the parents, or the student could be issued a notice to appear in Juvenile Court or transferred to Juvenile Hall.

Recommended by:



Lloyd Lowe, Chief of Police

Approved by:



Jesús Armas, City Manager

Exhibits: Draft Ordinance

DRAFT

ORDINANCE NO. _____

ORDINANCE OF THE HAYWARD CITY COUNCIL
ADDING SECTION 4-9.02.5 TO THE HAYWARD
MUNICIPAL CODE ESTABLISHING A DAYTIME
CURFEW FOR MINORS UNDER 18 YEARS OF AGE

Yme
6/11/07

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

Section 1. Findings.

Section 2. Section 4-9.02.5 is hereby added to the Hayward Municipal Code to
read as follows:

“SEC. 4-9.02.5 DAYTIME CURFEW.”

It is unlawful for any minor under the age of 18 years, who is subject to compulsory education or to compulsory continuing education to be on or upon any public street, highway, road, alley, park, playground, or other public ground, public place, public building, place of amusement, eating establishment or vacant lot during the hours of 8:30 a.m. to 1:30 p.m. on days when said minor’s school is in session. This section does not apply:

- (a) When the minor is accompanied by his or her parent, guardian, or other adult having care or custody of the minor; or
- (b) When the minor is on an emergency errand directed by his or her parent, guardian, or other adult having care or custody of the minor; or
- (c) When the minor is directly going to or directly coming from his or her place of gainful employment or to or from a medical appointment; or
- (d) To any minor who has permission to leave school campus pursuant to written documentation from appropriate school authorities, or a valid off-campus permit; or
- (e) When the minor is exempt by law from compulsory education or compulsory continuing education; or
- (f) When the minor is authorized to be absent from his or her school pursuant to the provisions of California Education Code § 48205, or any other applicable state or federal law.”

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ___ day of _____, 2007, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ___ day of _____, 2007, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward