

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/12/07

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance Adding Section 4-9.02.5 to the Municipal Code Establishing a Daytime Curfew for Minors Under 18 Years of Age

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

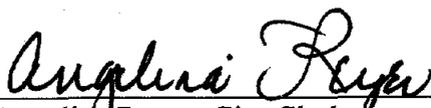
BACKGROUND:

The ordinance was introduced at the June 5, 2007, meeting of the City Council with the following vote:

AYES:	Council Members:	Rodriquez, Quirk, Halliday, Dowling, Henson
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	Ward
ABSTAIN:	Council Members:	None

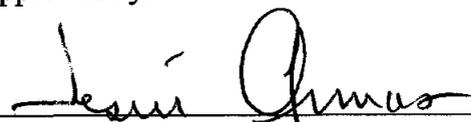
The ordinance was published in the Hayward Daily Review on June 9, 2007. Adoption at this time is therefore appropriate.

Prepared by:



Angelina Reyes, City Clerk

Approved by:



Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

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

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 daytime hours 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 meeting of the Hayward City Council held June 5, 2007, the above-entitled ordinance was introduced by Council Member Quirk.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on June 12, 2007, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: June 9, 2007

Angelina Reyes, City Clerk
City of Hayward