

CITY OF HAWAIIAN GARDENS
LOS ANGELES COUNTY, CALIFORNIA

ORDINANCE NO. 481

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF HAWAIIAN GARDENS ADDING CHAPTER 9.34 OF
TITLE 9 OF THE HAWAIIAN GARDENS MUNICIPAL
CODE PERTAINING TO LOITERING BY CRIMINAL
STREET GANGS.

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN
AS FOLLOWS.

SECTION 1. Chapter 9.34 of Title 9 of Hawaiian Gardens Municipal Code is
hereby added to read as follows:

Chapter 9.34

LOITERING BY CRIMINAL STREET GANGS

Sections:

9.34.010	Prohibited acts.
9.34.020	Powers of law enforcement officers not limited.
9.34.030	Parental Control
9.34.040	Penalty

9.34.010 Prohibited acts.

A. It is unlawful for any person who is a member of a criminal street gang, as that term is defined in California Penal Code Section 186.22(f), or who is in the company of or acting in concert with a member of a criminal street gang, to loiter or idle in a public place as defined in Subsection "B" below under any of the following circumstances:

1. With the intent to publicize a criminal street gang's dominance over certain territory in order to intimidate nonmembers of the criminal street gang from entering, remaining in, or using the public place or adjacent area;
2. With the intent to conceal ongoing commerce in illegal drugs in violation of State Law or Chapter 9.69 of this Code or other unlawful activity.

B. For purposes of this chapter, a "public place" means the public way and any other location open to the public, whether publicly or privately owned, including, but not limited to any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public ground or public building, any common area of a school, hospital, apartment house, office building, transport facility, shop, privately owned place of business, to which the public is invited, including any place of amusement, entertainment, or eating place. Any "public place" also includes the front yard area, driveway, and walkway of any private residence, business, or apartment house.

9.34.020 Powers of law enforcement officers not limited.

Nothing in this chapter shall be construed in any way to limit the power or authority of a law enforcement officer to make any investigation, detention, or arrest as such law enforcement officer would be permitted to make in absence of this chapter.

9.34.030 Parental control.

Any parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have the care and custody of a minor, who knowingly permits or by insufficient control allows a minor to violate the provisions of this chapter is guilty of a misdemeanor.

9.34.040 Penalty.

Violation of this chapter shall be punishable as a misdemeanor.

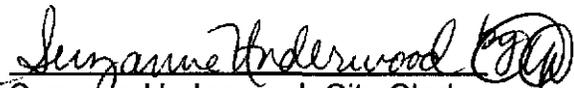
SECTION 2. Ordinance Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason, held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

SECTION 3. Effective Date. This Ordinance shall take effect thirty days after its adoption. The City Clerk or the City Clerk's duly appointed deputy, shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.

PASSED, APPROVED, and ADOPTED by the Hawaiian Gardens City Council on this 8th day of April, 2003.

Michiko A. Oyama-Canada
Mayor

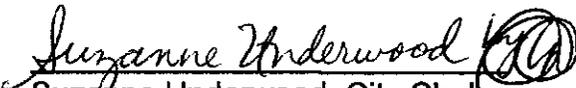
Attest:


 Suzanne Underwood, City Clerk
 City of Hawaiian Gardens

STATE OF CALIFORNIA }
 COUNTY OF LOS ANGELES } §§
 CITY OF HAWAIIAN GARDENS }

I, Suzanne Underwood, City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance No. 481 was duly and regularly passed and adopted by the City Council of the City of Hawaiian Gardens on the 8th day of April, 2003, by the following vote as the same appears on file and of record in the office of the City Clerk.

AYES: HECKERMAN, PRIDA, SCHULTZE, OYAMA-CANADA
 NOES: NONE
 ABSENT: NONE
 ABSTAIN: CHAIDEZ

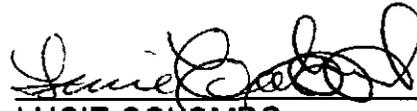

 Suzanne Underwood, City Clerk
 City of Hawaiian Gardens

**CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION**

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, LUCIE COLOMBO, ASSISTANT CITY CLERK, of the City of Hawaiian Gardens, do hereby certify that **ORDINANCE NO. 481-2003** was duly and regularly passed and adopted by the City Council of Hawaiian Gardens at its regular meeting on this **8th day of April , 2003** by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: HECKERMAN, PRIDA, SCHULTZE, OYAMA-CANADA,
NOES: NONE
ABSENT: NONE
ABSTAIN: CHAIDEZ



LUCIE COLOMBO
ASSISTANT CITY CLERK



**CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT**

Agenda Item No.: B-1-

Meeting Date: 4/8/2003

City Administrator: W

CITY OF HAWAIIAN GARDENS

ACTION:

- Approved
- Denied
- Amended
- Receive & File
- Other

Abstain: ICHAVEZ

VOTE: 4-0

DATE: 4-8-2003

TO: Honorable Mayor and Members of the City Council

FROM: Raul Romero, Interim City Administrator

BY: Lucie Colombo, Assistant City Clerk
Suzanne Underwood, City Clerk

DATE: April 3, 2003

**SUBJECT: ORDINANCE NO. 481 – SECOND READING AND ADOPTION
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS ADDING CHAPTER 9.34 OF THE TITLE 9 OF THE HAWAIIAN GARDENS MUNICIPAL CODE PERTAINING TO LOITERING BY CRIMINAL STREET GANGS.**

SUMMARY

On March 25, 2003, the City Council introduced and conducted first reading of proposed Ordinance No. 481. The proposed Ordinance is submitted for second reading and adoption.

RECOMMENDATION

Staff respectfully recommends that the City Council, conduct second reading, read by title only, waive further reading and adopt Ordinance NO. 481.

ATTACHMENTS

- 1) Staff Report dated March 25, 2003
- 2) Proposed Ordinance No. 481



**CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT**

Agenda Item No.: B-1
Meeting Date: 3/25/2003
City Administrator: JA

CITY OF HAWAIIAN GARDENS

ACTION:

Approved
 Denied
 Amended
 Receive & File
 Other
2ND READING
4-8-03

VOTE: 5-0

DATE: 3-25-03

TO: Honorable Mayor and Members of the City Council
FROM: Raul Romero, Interim City Administrator
DATE: March 17, 2003
SUBJECT: ORDINANCE NO. 481

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS ADDING CHAPTER 9.34 OF TITLE 9 OF THE HAWAIIAN GARDENS MUNICIPAL CODE PERTAINING TO LOITERING BY CRIMINAL STREET GANGS.

DISCUSSION

The attached ordinance adds Chapter 9.34 to Title 9 of the Hawaiian Gardens Municipal Code to prohibit criminal street gang members from intimidating people on public places and otherwise engaging in criminal activity in public places, including drug dealing already prohibited by State Law and Chapter 9.69 of the Hawaiian Gardens Municipal Code. The regulations aim to assist the City and the Sheriff to curtail criminal activity by criminal street gangs, which have increased in the City.

The ordinance is modeled after the regulations adopted by the County of Los Angeles and various other cities in the County, such as Artesia, Lakewood and Norwalk. The Sheriff reports that the regulations have been effective in curtailing criminal activity by criminal street gangs in those jurisdictions.

RECOMMENDATION

Read by title only, waive further reading and introduce Ordinance No. 481:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS ADDING CHAPTER 9.34 OF TITLE 9 OF THE HAWAIIAN GARDENS MUNICIPAL CODE PERTAINING TO LOITERING BY CRIMINAL STREET GANGS.