

ORDINANCE NO. 510

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF HAWAIIAN GARDENS REPEALING IN ITS ENTIRETY
CHAPTER 9.56 (MINOR'S CURFEW) OF THE HAWAIIAN
GARDENS MUNICIPAL CODE.**

WHEREAS, Chapter 9.56 of the Hawaiian Gardens Municipal Code, relating to Minor's Curfew was originally adopted in 1967 and amended in 1987 and 1995; and

WHEREAS, throughout the years since its last amendment, California case law decisions have ruled on the constitutionality of such curfew ordinances and, as a result, have struck down certain provisions in such ordinances as unconstitutional; and

WHEREAS, as a result of the numerous changes throughout the years, there are provisions within the Hawaiian Gardens Minor's Curfew Ordinance that may contain terms that are not consistent with existing law.; and

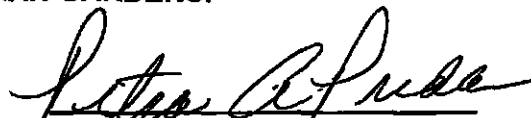
WHEREAS, a new Minor's Curfew Ordinance will be presented to the City Council for consideration at a later date which will conform to current legal standards.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AS FOLLOWS:

Section 1: Chapter 9.56 of Title 9 of the Hawaiian Gardens Municipal Code is hereby repealed in its entirety.

Section 2. This Ordinance No. 510 shall take effect thirty (30) days from the date of its adoption. The City Clerk or his/her 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 THIS 11th DAY OF JULY, 2006, BY
THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS.**


**PETRA A. PRIDA
MAYOR**

ATTEST:


**SUZANNE UNDERWOOD
CITY CLERK/RECORDS MANAGER**

**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. 510**, was duly and regularly introduced and placed upon its first reading at a Regular meeting of the City Council on the 22nd day of June, 2006, and that thereafter, said Ordinance was duly adopted and passed at an Adjourned Regular meeting of the City Council on this 11th day of July, 2006, by the following votes as the same appears on file and of record in the Office of the City Clerk.


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



LUCIE COLOMBO
ASST. CITY CLERK / ASST. RECORDS MANAGER



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

Agenda Item No.: B-1
Meeting Date: 7/11/2006
City Administrator: 

CITY OF HAWAIIAN GARDENS

ACTION:

Approved
 Denied
 Amended
 Receive & File
 Other

TO: Honorable Mayor and Members of the Council

THRU: Ernesto Marquez, Acting City Administrator

FROM: John Cavanaugh, City Attorney

DATE: July 3, 2006

VOTE: 5-0
DATE: 7/11/06

SUBJECT: ORDINANCE NO. 510 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS REPEALING IN ITS ENTIRETY CHAPTER 9.56 (MINOR'S CURFEW) OF THE HAWAIIAN GARDENS MUNICIPAL CODE.

DISCUSSION

Chapter 9.56 of the Hawaiian Gardens Municipal Code relating to Minor's Curfew was originally adopted in 1967 and subsequently amended in 1987 and 1995 respectively.

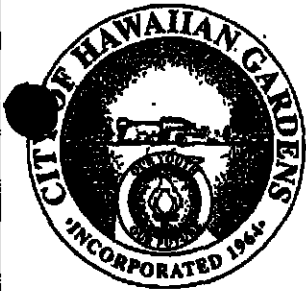
Since the City's Curfew ordinance was last amended, there have been several legal challenges brought against these type of ordinances on grounds they contain provisions which are unconstitutional. Consequently, there has been a number of California case law decisions which have reviewed curfew ordinances and held some provisions contained therein to be unconstitutional on a number of legal grounds, including the right to assembly.

As the Council is aware, a number of Hawaiian Gardens students were cited under the City's Minor's Curfew ordinance. The students' legal counsel has contacted the City and has made a legal challenge to some of the ordinance's provisions. As a result of that communication, the City Attorney's office has reviewed the City's Curfew ordinance and has determined that it may contain certain provisions that are not consistent with existing law.

The City Attorney's office will bring back to the City Council a new Minor's Curfew ordinance that will reflect current legal standards.

COUNCIL ACTION:

Staff is recommending that the City Council adopt the attached ordinance repealing Chapter 9.56 in its entirety and directing the City Attorney to bring back a new Minor's Curfew Ordinance for adoption.



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

Agenda Item No.: B-3

Meeting Date: 6/22/2006

City Administrator: *ASm*

TO: Honorable Mayor and Members of the Council

THRU: Ernesto Marquez, Acting City Administrator

FROM: John Cavanaugh, City Attorney

DATE: June 21, 2006

SUBJECT: **ORDINANCE NO. 510 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS REPEALING IN ITS ENTIRETY CHAPTER 9.56 (MINOR'S CURFEW) OF THE HAWAIIAN GARDENS MUNICIPAL CODE.**

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