

CITY OF LOS ANGELES

CALIFORNIA

KAREN E. KALFAYAN
City Clerk



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MAYOR

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CITY CLERK

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When making inquiries
relative to this matter,
please refer to the Council
File No.

07-1433

August 26, 2008

Office of the Mayor
Councilmember LaBonge
Councilmember Perry
City Administrative Officer

Chief Legislative Analyst
City Attorney
Los Angeles Police Department

RE: AMENDING SECTIONS 45.03 AND 45.04 OF THE LOS ANGELES MUNICIPAL CODE REGARDING
NIGHTTIME AND DAYTIME JUVENILE CURFEWS

At the meeting of the Council held August 13, 2008, the following action was taken:

Attached report adopted	_____
Attached motion (LaBonge - Perry) adopted	X _____
Attached resolution adopted	_____
FORTHWITH	_____
Mayor concurred	_____
To the Mayor FORTHWITH	X _____
Motion adopted to approve communication recommendation(s) as amended	X _____
Motion adopted to approve committee report recommendation(s)	_____
Ordinance adopted	X _____
Ordinance number	180173 _____
Posted date	08-26-08 _____
Effective date	10-05-08 _____
Mayor approved	08-22-08 _____
Mayor failed to act - deemed approved	_____
Findings adopted	_____
Negative Declaration adopted	_____
Categorically exempt	_____
Generally exempt	_____

City Clerk
cr

TIME LIMIT FILE
ORDINANCE

FORTHWITH

OFFICE OF THE MAYOR
 RECEIVED
 2008 AUG 15 PM 1:56
 CITY OF LOS ANGELES

RECEIVED
 CITY CLERK'S OFFICE
 2008 AUG 15 PM 1:47
 CITY CLERK
 BY _____ DEPUTY

COUNCIL FILE NUMBER 07-1433

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE August 13, 2008

LAST DAY FOR MAYOR TO ACT AUG 25 2008

ORDINANCE TYPE: Ord of Intent Zoning Personnel General

Improvement LAMC LAAC CU or Var Appeals - CPC No. _____

SUBJECT MATTER: AMENDING SECTIONS 45.03 AND 45.04 OF THE LOS ANGELES MUNICIPAL CODE REGARDING NIGHTTIME AND DAYTIME JUVENILE CURFEWS

APPROVED DISAPPROVED

PLANNING COMMISSION	_____	_____
DIRECTOR OF PLANNING	_____	_____
CITY ATTORNEY	X _____	_____
CITY ADMINISTRATIVE OFFICER	_____	_____
MOTION (PERRY - PARKS)	X _____	_____

RECEIVED
 CITY CLERK'S OFFICE
 2008 AUG 22 PM 4:31
 CITY CLERK
 BY _____

AUG 22 2008

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO _____
 (*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b) (c))

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR AUG 22 2008 ORDINANCE NO. 180173

DATE PUBLISHED _____ DATE POSTED AUG 26 2008 EFFECTIVE DATE OCT 05 2008

ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____

ORDINANCE FOR DISTRIBUTION: YES _____ NO _____

sec 14
AUG 25 2008

30

COMMUNICATION

File No. 07-1433

TO: LOS ANGELES CITY COUNCIL
FROM: COUNCILMEMBER RICHARD ALARCÓN, CHAIR
EDUCATION AND NEIGHBORHOODS COMMITTEE

COMMUNICATION FROM CHAIR, EDUCATION AND NEIGHBORHOODS COMMITTEE and ORDINANCE relative to nighttime and daytime juvenile curfew.

Recommendation for Council action, as initiated by Motion (Perry – Parks), SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE amending certain provisions of the Los Angeles Municipal Code governing nighttime and daytime juvenile curfew within the City.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

In a report dated August 8, 2007, the City Attorney transmitted an Ordinance that would amend certain provisions of the Los Angeles Municipal Code dealing with both nighttime and daytime juvenile curfew. On September 25, 2007, the Education and Neighborhoods Committee considered this matter, continued the item and requested that the City Attorney's Office prepare a supplemental report to address certain issues that were discussed during Committee.

As stated by the City Attorney in the original report, the genesis for amendments to the existing ordinances governing curfew arose following demonstrations and protests over pending federal immigration legislation in March 2006. Some of the protest activities engaged in by juveniles occurred during hours when minors would otherwise be attending school, and the Los Angeles Police Department issued citations for violation of Los Angeles Municipal Code Section 45.04 – the Daytime Curfew Ordinance. Following the issuance of those citations, the City Attorney's Office reviewed Sections 45.04 and 45.03, the latter governing nighttime juvenile curfew within the City. As a result of this review, the City Attorney's Office drafted certain amendments to both sections in order to create greater clarity within each section and codify the existing practice by which officers enforce these sections.

In May 2007, and independent of the reasons stated above, Council Member Jan Perry introduced a Motion (Perry – Parks) requesting the City Attorney's Office to prepare and present amendments to the City's Daytime Curfew Ordinance, to clarify the scope of the provision in a manner similar to that previously identified. A representative from the City Attorney's Office met with staff from Council Member Perry's office, and the attached ordinance reflects the product of that discussion, as well as discussions with Staff Officers from the Los Angeles Police Department.

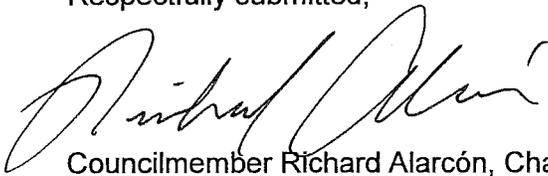
The City Attorney's Office further reports that many municipalities within the State have curfew laws. Some have ordinances regulating both daytime and nighttime curfew, while others have laws governing only nighttime juvenile activities. In preparing the proposed ordinance

Adopted as amended by Council action of AUG 13 2008

amendments, the City Attorney's Office reviewed ordinances from Moreno Valley, Long Beach, Santa Barbara, Monrovia, Glendale, San Francisco, San Diego and San Jose, as well as State and federal case law. The cities of Long Beach and Monrovia were highlighted during the discussion of this item, as the Motion specified the Long Beach daytime curfew. Additionally, Monrovia's ordinance has been examined and discussed in great length because it has previously withstood legal challenge. The City Attorney's supplemental report, attached to the Council file, provides a more detailed legal analysis of the various ordinances.

At its regular meeting held on July 22, 2008, representatives of the City Attorney and Los Angeles Police Department provided an overview of the Ordinance provisions to the Education and Neighborhoods Committee. After a discussion regarding ordinances in other cities especially the City of Monrovia, the Chair of the Committee moved to recommend approval of the Ordinance. This matter is now forwarded to the Council for its consideration.

Respectfully submitted,



Councilmember Richard Alarcón, Chair
EDUCATION AND NEIGHBORHOODS COMMITTEE

<u>MEMBERS</u>	<u>VOTE</u>
ALARCON:	YES
HAHN	ABSENT
ZINE:	ABSENT

AUG 0 8 2008

CONTINUED TO

Aug 13, 2008

ep
7/28/08
#071433.doc

ADOPTED
MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

AUG 13 2008

* As Amended
LOS ANGELES CITY COUNCIL
See Attached Motion
Oral - Adopted

VERBAL MOTION

I HEREBY MOVE that Council AMEND the Communication from chair, Education and Neighborhoods Committee (Item No. 30, CF 07-1433) relative to nighttime and daytime juvenile curfew, as follows:

REQUEST the Chief of Police and Superintendent of the Los Angeles Unified School District to send a notification letter to parents of students outlining the procedure/policy for enforcing daytime curfew.

PRESENTED BY _____
TOM LABONGE
Councilmember, 4th District

SECONDED BY _____
JAN PERRY
Councilmember, 9th District

August 13, 2008

CF 07-1433

Motion.
ADOPTED
AUG 13 2008
LOS ANGELES CITY COUNCIL