

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2007-017

(1413)

**AN ORDINANCE ADDING SECTION 4-1-810 TO CHAPTER 4-1, TITLE 4
OF THE SAN LEANDRO MUNICIPAL CODE RELATING TO DAYTIME CURFEW**

The City Council of the City of San Leandro does ORDAIN as follows:

Section 1. Chapter 4-1, Title 4 of the San Leandro Municipal Code is amended to add new Section 4-1-810 to read as follows:

“4-1-810 DAYTIME CURFEW

(a) It is unlawful for any minor under the age of eighteen (18) years, who is subject to compulsory education or to compulsory continuation education to be in 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 when the minor is required to be in school. This section shall only apply during the hours of 8:00 a.m. to 3:00 p.m. on days when the minor’s school is in session.

(b) This section does not apply:

(1) When the minor is accompanied by his or her parent, guardian or other adult person having the care or custody of the minor; or

(2) When the minor is on an emergency errand directed by his or her parent or guardian or other adult person having care or custody of the minor; or

(3) When the minor is going or coming directly to or from his or her place of gainful employment or to or from a medical appointment; or

(4) When the minor has permission to leave school campus for lunch or school-related activity and has in his or her possession a valid, school-issued, off-campus permit; or

(5) When the minor is exempt by law from compulsory education or compulsory continuation education; or

(6) When the minor is authorized to be absent from his or her school under the provisions of California Education Code section 48205, or any other applicable state or federal law; or

(7) When the minor is going directly to or from an event or activity that is directly related to any medical condition of a parent or other adult person having the care and custody of the minor.

Section 2. Effective Date.

This ordinance shall take effect thirty (30) days after adoption and the title thereof shall be published once prior to adoption.

Section 3. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Introduced by Councilmember Grant on this 16th day of July, 2007, passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Grant, Gregory, Prola, Souza, Starosciak, Stephens;
Mayor Santos (7)

NOES: None (0)

ABSENT: None (0)

ATTEST: _____
Marian Handa, City Clerk

Passed and adopted this 30th day of July, 2007, after publication on July 23, 2007, by the following called vote:

Members of the Council:

AYES: Councilmembers Grant, Gregory, Prola, Souza, Starosciak, Stephens;
Mayor Santos (7)

NOES: None (0)

ABSENT: None (0)

ATTEST: _____
Marian Handa, City Clerk