



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/06/2024

ITEM NO: 11

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DATE: July 19, 2024  
TO: Mayor and Town Council  
FROM: Gabrielle Whelan, Town Attorney  
SUBJECT: Adopt an Ordinance Amending the Town's Curfew Ordinance.  
Ordinance Title: "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 18, 'Offenses and Miscellaneous Provisions,' Article III, 'Minors,' and Division 2, 'Curfew,' of the Town of Los Gatos Town Code"

**RECOMMENDATION:**

Adopt an Ordinance amending the Town's Curfew Ordinance.

**BACKGROUND:**

The Town's curfew ordinance is codified in Town Code Sections 18.30.050 and following. It prohibits minors from tarrying (lingering) in public places between the hours of 10 p.m. and 6 a.m. The existing curfew ordinance lists a number of exceptions to this prohibition, including: minors who are accompanied by parents or guardians, on errands, working or traveling to or from work, or returning home from recreational or entertainment activities.

An ordinance proposing minor amendments to the curfew ordinance was introduced at the June 6, 2024, Town Council Meeting.

**DISCUSSION:**

Curfew ordinances are enforceable so long as they include appropriate carve-outs for constitutionally-protected behaviors and behaviors that carry none of the dangers that the curfew was meant to protect against. In order for the curfew ordinance to be enforceable, it should include an exception for participation in First Amendment activities. This exception has been added to the ordinance proposed for adoption.

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Reviewed by: Town Manager, Chief of Police, and Town Clerk

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CONCLUSION:

In order to render the curfew ordinance enforceable, remove duplicative sections, and clarify Section 18.30.060, the Town Attorney's Office recommends that the Town Council adopt the ordinance amending the existing curfew ordinance.

COORDINATION:

This report was coordinated with the Police Department, the Town Clerk, and the Town Manager's Office.

FISCAL IMPACT:

This ordinance amendment will enable the Town to issue administrative citations for curfew violations.

ENVIRONMENTAL ASSESSMENT:

Introduction of this ordinance is not a project defined under CEQA, because it will not impact the physical environment, and no further action is required.

Attachment:

1. Proposed Ordinance Amending Curfew Ordinance