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## ARTICLE 2

### DISORDERLY CONDUCT

SEC. 4-2.00 LEWD ACTS. PROSTITUTION. It shall be unlawful for any person:

- a. To commit or offer to commit any lewd act, act of prostitution or other illicit sexual intercourse, or act of moral perversion;
- b. To procure or offer to procure another person for the purpose of committing a lewd act, or an act of prostitution or other illicit sexual intercourse, or an act of moral perversion;
- c. To be in or near any place frequented by the public or any public place for the purpose of committing, offering to commit, or for the purpose of procuring or offering to procure any other person for the purpose of committing a lewd act, or act of prostitution, or other illicit sexual intercourse, or an act of moral perversion;
- d. To knowingly transport, or offer to transport any person to any place knowing or having reasonable grounds to believe that such person's purpose is to commit, or offer to commit a lewd act, or an act of prostitution, or other illicit sexual intercourse, or an act of moral perversion;
- e. To receive, or offer to receive, any person into any place knowing or having reasonable grounds to believe that such person's purpose is to commit or offer to commit, or procure another person to commit, or offer to commit, any lewd act or act of prostitution, or other illicit sexual intercourse, or an act of moral perversion;
- f. To direct, or offer to direct, any person to any place knowing or having reasonable grounds to believe that such person's purpose is to commit a lewd act or act of prostitution, or other illicit sexual intercourse, or an act of moral perversion.
- g. To aid, allow, permit or participate in the commission of any of the acts prohibited in paragraphs a. through f. above set forth.

SEC. 4-2.10 CONSUMPTION OF ALCOHOLIC BEVERAGES. It shall be unlawful for any person in the City of Hayward:

- a. To drink any beer, wine, or other intoxicating beverage on any public street, sidewalk, alley, highway, grounds, plaza, or publicly owned parking lot, within five hundred feet of the exterior boundary of any property presently occupied or, if vacant, last occupied by any manufacturing entity or by any non-residential facility ordinarily held open to the general public, or a significant segment thereof, excluding any lawfully operating home occupations, and including but not limited to any school, hospital, public transit station, restaurant, tavern, retail store, repair facility, laundry, laundromat, service station, professional office, real estate office, or car wash.
- b. To drink any beer, wine, or other intoxicating beverage upon that portion of private property open to the public and within five hundred feet of any public street,

sidewalk, alley, or highway and used or intended to be used for the parking or storage of motor vehicles by customers or employees of any commercial or industrial use without the express permission of the owner, his agent, or person in lawful possession thereof.

- c. Exceptions: This section shall not apply to those areas and during such time as the City has issued a permit for temporary use and occupancy of public streets, parks, or other public facilities and appurtenant areas and such permit indicates that alcoholic beverages will be sold or consumed as a part of the function for which the permit is sought.
- d. This section shall not be deemed to make punishable any act or acts which are prohibited by any of the laws of the State of California.

SEC. 4-2.11 INSULTING REMARKS, FIGHTING, OBSTRUCTING PUBLIC WAY. It shall be unlawful for any person, in any public place or place open to public view or patronage in the City of Hayward, to make rude, obscene or insulting remarks to any person; to engage in or instigate any quarrel, fight, riotous or disorderly conduct; or to so crowd or obstruct the public way as to unreasonably interfere with the free and uninterrupted passage thereon.

SEC. 4-2.15 FALSE REPORTS. It shall be unlawful for any person knowingly to make, or cause to be made, any false or fictitious report to any department or other part of the government of the City of Hayward or to request, or cause to be requested, of any department or other part of the government of the City of Hayward, any assistance or investigation in connection with, or as a result of, any call or report known by said person to be false or fictitious.

SEC. 4-2.20 DEFACING SIGNS AND NOTICES. It shall be unlawful for any person to deface, falsify, mutilate, remove or destroy, without the consent of the City of Hayward, any official sign or public notice in any public place in the City of Hayward.

SEC. 4-2.25 STREET MEETINGS. It shall be unlawful for any person to conduct or take part in any public meeting held on any public street, or in any square, park, lane, alley, court or other public place, or at or in front of the entrance to any public building within the City of Hayward, unless a permit to hold such public meeting is first obtained from the Chief of Police setting forth the time and place of such meeting.

SEC. 4-2.30 PICKETING.

- a. It shall be unlawful for any person, in or upon any public street, sidewalk, alley or public place in the City of Hayward, to make any loud or unusual noise, or to speak in a loud or unusual tone, or to cry out or proclaim, for the purpose of inducing or influencing, or attempting to induce or influence, any person to refrain from entering any works or factory or any place of business or employment, or for the purpose of inducing or influencing or attempting to induce or influence any person to refrain from purchasing or using any goods, wares, merchandise, or other article or articles, or for the purpose of inducing or influencing or attempting to induce or influence any person to refrain from doing or performing any service or labor in any works, factory, place of business or employment, or for the purpose of intimidating, threatening or coercing, or attempting to intimidate, threaten or coerce, any person who is performing, seeking or obtaining service or labor in any works, factory, place of business or employment.

- b. It shall be unlawful for any person, in or upon any public street, sidewalk, alley or other public place in the City of Hayward, to loiter in front of, or in the vicinity of, or to picket in front of or in the vicinity of, or to carry, show or display any banner, badge or sign in front of, or in the vicinity of, any works, or factory, or any place of business or employment, for the purpose of inducing or influencing or attempting to induce or influence, any person to refrain from entering any such works, or factory or place of business, or employment, or for the purpose of inducing or influencing or attempting to induce or influence, any person to refrain from purchasing or using any goods, wares, merchandise, or articles, manufactured, made, or kept for sale therein, or for the purpose of inducing or influencing or attempting to induce or influence, any person to refrain from doing or performing any service or labor in any works, factory, place of business or employment, or for the purpose of intimidating, threatening or coercing, or attempting to intimidate, threaten or coerce any person who is performing, seeking or obtaining service or labor in any such works, factory, place of business or employment.

#### SEC. 4-2.40 TRESPASS UPON PRIVATE PROPERTY.

- a. It shall be unlawful for any person to remain upon any private property or business premises after having been notified by the owner or lessee or other person in charge thereof to remove therefrom.
- b. It shall be unlawful for any person, without permission, express or implied, of the owner or lessee or other person in charge of private property or business premises within the City of Hayward, to enter upon any such private property or business premises after having been notified by the owner or lessee or other person in charge thereof to keep off or away therefrom.

#### CERTAIN EXPOSURES PROHIBITED

SEC. 4-2.50 CERTAIN EXPOSURES BY WAITERS, WAITRESSES OR ENTERTAINERS PROHIBITED. Every person is guilty of a misdemeanor who, while acting as a waiter, waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including, but not limited to, alcoholic beverages, for consumption on the premises of such establishment:

- a. Exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- b. Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- c. Exposes any portion of the female breast at or below the areola thereof.

SEC. 4-2.51 EMPLOYMENT OR PAYMENT NOT NECESSARY. A person shall be deemed to be a waiter, waitress or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

SEC. 4-2.60 CERTAIN EXPOSURES BY PERFORMERS PROHIBITED. Every

person is guilty of a misdemeanor who, while participating in any live act, demonstration or exhibition in any public place, place open to the public, or place open to public view:

- a. Exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- b. Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- c. Exposes any portion of the female breast at or below the areola thereof.

SEC. 4-2.61 EXCEPTION FOR ACTS SPECIFIED IN PENAL CODE. The provisions of Section 4-2.60 herein shall not apply to any act that is expressly authorized or prohibited by the Penal Code of the State of California.

SEC. 4-2.70 COUNSELING OR ASSISTING. Every person is guilty of a misdemeanor who causes, permits, procures, counsels or assists any person to expose or simulate exposure as prohibited in Sections 4-2.50 and 4-2.60 herein.

SEC. 4-2.80 EXEMPTION OF THEATRICAL ESTABLISHMENTS. The provisions of Sections 4-2.50, 4-2.60 and 4-2.70 shall not apply to a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances.