

LAW AND LEGISLATION COMMITTEE

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Steven Hansen, District 4

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Steve Itagaki, Senior Deputy City Attorney

Wendy Klock-Johnson, Assistant City Clerk

Consuelo Hernandez, Director of Governmental Affairs



Meeting Agenda

Law and Legislation Committee

City Hall-Council Chamber

915 I Street, 1st Floor

Published by the Office of the City Clerk

(916) 808-5163

CORRESPONDENCE

For the Meeting of: May 8, 2018

Related to the following item:

3. Ordinance Revisions Relating to Inoperable Vehicles

File ID: 2018-00551

Location: Citywide

Recommendation: 1) Review ordinance revisions relating to inoperative vehicles; and 2) pass a **Motion** forwarding the amended ordinance to City Council for adoption.

Contact: Carl Simpson, Code and Housing Enforcement Chief, 916-808-8183, Community Development Department

Description of Change: The following Correspondence was received after the item was published.

From: [Alisa Johnson](#)
To: [Mindy Cuppy](#); [Nell Hessel](#); [Howard Chan](#); [Susana Alcala Wood](#)
Cc: [Daniel Savala](#); [Shoun Thao](#); [Kathleen Sall](#); [Allen Warren](#); be_sprock@yahoo.com
Subject: OPPOSITION re: Increased Powers of Code Enforcement Officers
Date: Tuesday, May 08, 2018 12:02:07 PM
Importance: High

Per constituent's request, would you please share the email below with those concerned, including the Mayor and entire Council. Thank you.

-----Original Message-----

From: Brian Sprock <be_sprock@yahoo.com>
Sent: Monday, May 07, 2018 7:57 PM
To: Allen Warren <AWarren@cityofsacramento.org>
Subject: Increased Powers of Code Enforcement Officers

Dear Councilmember Warren, and to the Mayor and other Councilmembers,

I wish to voice my opinion to all of you.

I am a twenty-five year resident of the Del Paso Heights neighborhood, a member of a family who has lived in Sacramento County since 1869 and a descendant of an officer in the American Revolution and a descendant of Mayflower passenger/compact signer.

The Sacramento City council is considering increasing the powers of the code enforcement officer to be able to seize personal property (automobiles) on private property. The purpose of this power is to reduce "blight" in a neighborhood. The first problem is the subjective nature of a individual's personal view of what is "blight." One person may view "blight" an older car with different color paint, or another parked in a side driveway, or one in disrepair; the list is endless for which an individual can call "blight". A person's view of "blight" is as personal as a part of their personality.

The second problem is the power to seize personal property on private property. Any Government having those powers does not recognize the rights of the individual. You may sugar coat the seizure law with conditions, to mask the loss of individual rights, but they are still lost. History is replete with this type of Government, examples are the Soviet Union and Nazi Germany. Do you members of the Sacramento City Council want to have this type of Government? I DO NOT! I strongly urge every member of the Council to reject this type of law or power over individual rights. The "good" for the many does not extinguish the rights of the one individual.

Sincerely, Brian Sprock

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

MAY -8 P 1:07

Daniel James Altstatt
Kim Eileen Glazzard
c/o DJA Trust and KEG Trust
PO BOX 19736
Sacramento, California [95819]

Date Notice Served: May 8, 2018

City of Sacramento
Law and Legislation Committee
Inclusive of all agents thereof
915 I Street, 1st Floor
Sacramento, CA 95814
VIA Personal Service

NOTICE OF OBJECTION

You are being served this Notice of Objection to proposed revisions to City Ordinance 8.04.100, by recognition of limitations imposed upon your legislative authority by the superior authority of the federal constitution by operation of law. Any presumption of an implied or prescriptive easement or contractual authorization for public use of the private property listed herein is, on and for the record, denied and rebutted. You shall immediately and permanently cease and desist with any attempts to trespass upon the private property or the rights of the parties described below by legislative enactments that are in clear and knowing violations of your authority set forth in the Fourth and Fourteenth Amendments to the Constitution of the United States of America.

You are notified that any and all enactments by your committee, inclusive of all men and women serving thereunder, over the private property listed herein, are unconstitutional and a trespass on rights. Your unconstitutional enactments subject each of you to knowing and intelligent acts that charge you with personal liability for your individual acts as public officers. [See 42 USC 1983 et seq.] You are hereby served with Notice of Trespass as set forth in your own ordinances.

Failure to comply with this Notice shall be unlawful and subject to the pains and penalties established by operation of law and equity. You are not exempt from this Notice through reliance upon, use or abuse of simulated legal process, unconstitutional enactments of law, or sham proceedings.

Private Property Address: 4432 H Street
Sacramento, on California
[zip exempt per DMM 603-1.3(e)(2)]

Owner: Daniel James Altstatt

Date of Notice: May 08, 2018

Name/DOB of Trespasser: City of Sacramento, Law and Legislation

Daniel James Altstatt
Kim Eileen Glazzard
c/o DJA Trust and KEG Trust
PO BOX 19736
Sacramento, California [95819]

Trespass is defined in law as: An unlawful interference with one's person, property, **or rights**. At common law, trespass was a form of action brought to recover damages for any injury to one's person or property or relationship with another. (Black's Law, 6th Ed., page 1502).

Criminal trespass is defined as: entering or remaining upon or in any land, structure, vehicle, aircraft or watercraft by one who knows he is not authorized or privileged to do so; and (a) He enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to him by the owner thereof or other authorized person; or (b) Such premises or property are posted in a manner reasonably likely to come to the attention of intruders, or are fenced or otherwise enclosed. (Black's Law, 6th Ed., page 1502).

It is unlawful for any person to enter or remain upon any private property or business premises after having been notified by the owner or agent to keep off or keep away therefrom. Such notification shall be provided by service of a notice of trespass on such person. [see your ordinance 9.16.140]

A violation of this section is a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment XIV

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

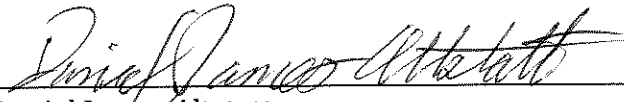
The Supreme Court has determined: "But so long as he uses his property for private use, and in the absence of devoting it to public use, the public has no interest therein which entitles it to a voice in its control." *Munn v. Illinois, 94 U.S. 113(1876)*.

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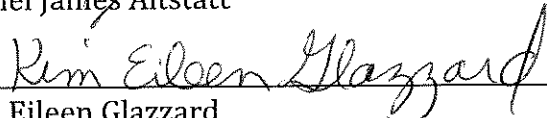
You are hereby placed on Notice that the entirety of Ordinance 8.14.100 is currently under judicial review for direct challenge to its constitutionality in USDC Case Number 2:18cv150 and subject to declaratory judgment for the abuse of the current enactment as written and as applied. Any further modifications of said enactment shall be challenged "as written" for direct conflict with the superior authority of the federal constitution.

You have failed to incorporate due process protections into the authority you appear to be granting under police powers not vested in your Municipal Organization. All offers to contract are refused and this objection shall stand in the record now and forever.

Govern Yourself Accordingly.



Daniel James Altstatt



Kim Eileen Glazzard

Daniel James Altstatt
Kim Eileen Glazzard
c/o DJA Trust and KEG Trust
PO BOX 19736
Sacramento, California [95819]

Declaration of Service of Notice of Objection

I, _____, am over the age of 18 and competent to testify to the following and hereby state that on May 08, 2017 I personally served this Notice of Trespass by hand delivery upon _____, after reasonably determining his/her identity, at the following physical location:

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true, correct and complete.

Sacramento City Code

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Title 9 PUBLIC PEACE, MORALS AND WELFARE

Chapter 9.16 OFFENSES AGAINST PROPERTY

9.16.140 Trespass on private property or business premises prohibited.

A. Definitions. The following words and phrases shall have the following meanings when used in this section:

“Owner” means the actual owner of the property, a lessee, or other person in charge of the private property or business premises.

“Agent” means any person or organization expressly authorized by the owner of the private property or business premises to serve the notice of trespass.

a. “Person” as used in this subsection shall include:

i. A proprietary private security officer as defined in California Business and Professions Code Section 7574.1;

ii. A security guard, security officer or street patrol person as defined in California Business and Professions Code Section 7582.1.

b. “Organization” as used in this subsection shall include a private patrol operator as defined in California Business and Professions Code Section 7582.1.

“Notice of trespass” means a pre-printed document in triplicate form which contains:

a. A description and address of the private property or business premises;

b. The date on which the notice of trespass was given;

c. The name of the owner or agent serving the notice of trespass;

d. The name and date of birth of the person being given the notice of trespass;

e. The text of Sacramento City Code Section 9.16.140(B)(1);

f. A declaration of proof of service which states where, when, and upon whom the notice of trespass was served. This declaration of proof of service shall be signed by the owner or agent serving the notice of trespass.

B. Violation.

1. It is unlawful for any person to enter or remain upon any private property or business premises after having been notified by the owner or agent to keep off or keep away therefrom. Such notification shall be provided by service of a notice of trespass on such person.

2. A violation of this section is a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

C. Exceptions. Subsection B of this section shall not apply in any of the following instances:

1. Where the owner or agent rescinds a notice of trespass by the giving of written permission to enter or remain upon the private property or business premises. Such permission shall void

the existing notice of trespass, and should the owner or agent want to exclude the person at a later time, that person shall be re-noticed pursuant to subsection B.

2. Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of age, ancestry, color, disability, genetic information, gender (including gender identity and gender expression), marital status, medical condition, national origin, race, religion, sex, or sexual orientation.

3. Where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers.

4. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities.

5. Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech including, but not limited to, peaceful expressions of political or religious opinions not involving offensive personal conduct.

6. Where the person who is upon another's private property or business premises is there under claim of legal right. This exception is applicable, but not limited to, the following types of situations involving disputes where the participants have available to them practical and effective civil remedies:

- a. Marital and post-marital disputes;
- b. Child custody or visitation disputes;
- c. Disputes regarding title to or rights in real property;
- d. Landlord-tenant disputes;
- e. Disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute;
- f. Employer-employee disputes;
- g. Business-type disputes such as those between partners;
- h. Debtor-creditor disputes;
- i. Instances wherein the person claims rights to be present pursuant to order, decree or process of a court. (Ord. 2013-0038 § 11; Ord. 2007-010 § 1)

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RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

Daniel James Altstatt
c/o DJA Trust
PO BOX 19736
Sacramento, California [95819]

2018 MAY - 8 P 1: 45

Date Notice Served: May 8, 2018

City of Sacramento
Law and Legislation Committee
Inclusive of all agents thereof
915 I Street, 1st Floor
Sacramento, CA 95814
VIA Personal Service

NOTICE OF TRESPASS

You are being served this Notice of Trespass in recognition of limitations imposed upon you by operation of law. Any presumption of an implied or prescriptive easement or contractual authorization for public use is herein denied and rebutted. You shall immediately and permanently cease and desist with any attempts to trespass upon the private property described below. Failure to comply with this Notice shall be unlawful and subject to the pains and penalties established by operation of law and equity. You are not exempt from this Notice through reliance upon, use or abuse of simulated legal process, unconstitutional enactments of law, or sham proceedings.

Private Property Address: 4432 H Street
Sacramento, on California
[zip exempt per DMM 603-1.3(e)(2)]

Owner: Daniel James Altstatt

Date of Notice: May 08, 2018

Name/DOB of Trespasser: City of Sacramento, Law and Legislation
Committee/DOB unknown

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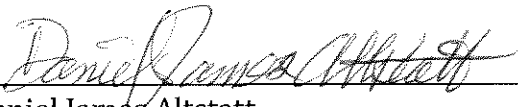
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c/o DJA Trust
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Sacramento, California [95819]

It is unlawful for any person to enter or remain upon any private property or business premises after having been notified by the owner or agent to keep off or keep away therefrom. Such notification shall be provided by service of a notice of trespass on such person. [see attached ordinance]

A violation of this section is a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

Govern Yourself Accordingly.



Daniel James Altstatt

Daniel James Altstatt
c/o DJA Trust
PO BOX 19736
Sacramento, California [95819]

Declaration of Service of Notice of Trespass

I, _____, am over the age of 18 and competent to testify to the following and hereby state that on May 08, 2017 I personally served this Notice of Trespass by hand delivery upon _____, after reasonably determining his/her identity, at the following physical location:

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true, correct and complete.

Sacramento City Code

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[Title 9 PUBLIC PEACE, MORALS AND WELFARE](#)
[Chapter 9.16 OFFENSES AGAINST PROPERTY](#)

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- d. Landlord-tenant disputes;
- e. Disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute;
- f. Employer-employee disputes;
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- h. Debtor-creditor disputes;
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