

ORDINANCE NO. 89-091

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF DEC 05 1989

**AN ORDINANCE ADDING ARTICLE XII (SECTIONS
61.1201 THROUGH 61.1206) TO CHAPTER
61 OF THE SACRAMENTO CITY CODE,
RELATING TO PAY TELEPHONES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Article XII (Sections 61.1201 through 61.1206) is hereby added to Chapter 61 of the Sacramento City Code, to read as follows:

ARTICLE XII. PAY TELEPHONES

§61.1201 Pay telephones--prohibited locations.

- (a) No pay telephone shall be installed, located, or maintained on unimproved property.
- (b) Any existing pay telephone which is located or maintained in violation of subsection (a) shall be removed within ninety (90) days after the effective date of this ordinance. Notwithstanding the previous sentence, any pay telephone which is the subject of a written contract authorizing its installation which was entered into prior to the enactment of this ordinance and which contains provisions for termination shall be removed by the first date after enactment of this ordinance on which permissive termination of the written contract by either party could take effect, if either party elected to terminate, or within ninety (90) days after the effective date of this ordinance, whichever occurs later.
- (c) Any pay telephone which is installed, located, maintained, or operated in violation of this section is hereby declared to be a public nuisance.

§61.1202 Pay telephones--public nuisance.

Any pay telephone which is used as an instrumentality for or contributes substantially by its presence to any of the following conditions is hereby declared to be a public nuisance:

- (a) Selling or giving away controlled substances (as defined in Division 10 of the California Health and Safety Code); soliciting, agreeing to engage in, or engaging in any act of prostitution; or other criminal activity;
- (b) Consumption of alcoholic beverages on nearby outdoor public or private property except where outdoor consumption of alcoholic beverages is specifically authorized pursuant to a license issued by the Department of Alcoholic Beverage Control;
- (c) Loitering on nearby public or private property.
- (d) Excessive noise.

As used in this section, "loitering" shall mean remaining on any property under such circumstances that a reasonable person would conclude that the person who remains on the property does not have a purpose connected with the usual and ordinary use to which such property is put, does not have bona fide intent to exercise a constitutional right, and is causing public inconvenience or annoyance.

§61.1203 Abatement generally.

- (a) Whenever the department head determines that any pay telephone constitutes a public nuisance as defined in Section 61.1201 or 61.1202, the department head may commence proceedings to abate the nuisance. The abatement proceedings shall conform to Articles V, VII and X of this Chapter, except as specified in this Article.
- (b) No proceedings to abate a public nuisance as defined in Section 61.1202 shall be commenced unless the department head first has made a reasonable effort to work with the property owner where the pay telephone is located or the pay telephone vendor to eliminate the conditions described in 61.1202 by voluntary measures, such as blocking incoming calls, adding lighting, changing the telephone's location on the parcel, making the telephone temporarily inoperative, or temporarily removing the telephone.

§61.1204 Replacement prohibited.

If the public nuisance to be abated is one defined in Section 61.1202:

- (a) the hearing notice required by Section 61.502 shall specify that abatement shall consist of removal of the pay telephone, and that no pay telephone shall be installed on the same parcel, or on any contiguous parcel owned by the same property owner, to replace the removed telephone for a period of one year from the date of removal; and
- (b) any decision of the hearing officer ordering abatement shall specify that no pay telephone shall be installed on the same parcel, or on any contiguous parcel owned by the same property owner, to replace the removed telephone for a period of one year from the date of removal.

§61.1205 Notice to pay telephone vendor.

All notices shall also be sent to the vendor of the pay telephone, if known to the department head.

§61.1206 List of abated locations.

The department head shall maintain, and make available upon request, a list of locations where installation of pay telephones is prohibited pursuant to Section 61.1204.

DATE PASSED FOR PUBLICATION: NOV 28 1989

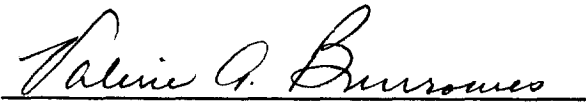
DATE ENACTED: DEC 05 1989

DATE EFFECTIVE: JAN 04 1990



MAYOR

ATTEST:


CITY CLERK

FOR CITY CLERK USE ONLY

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