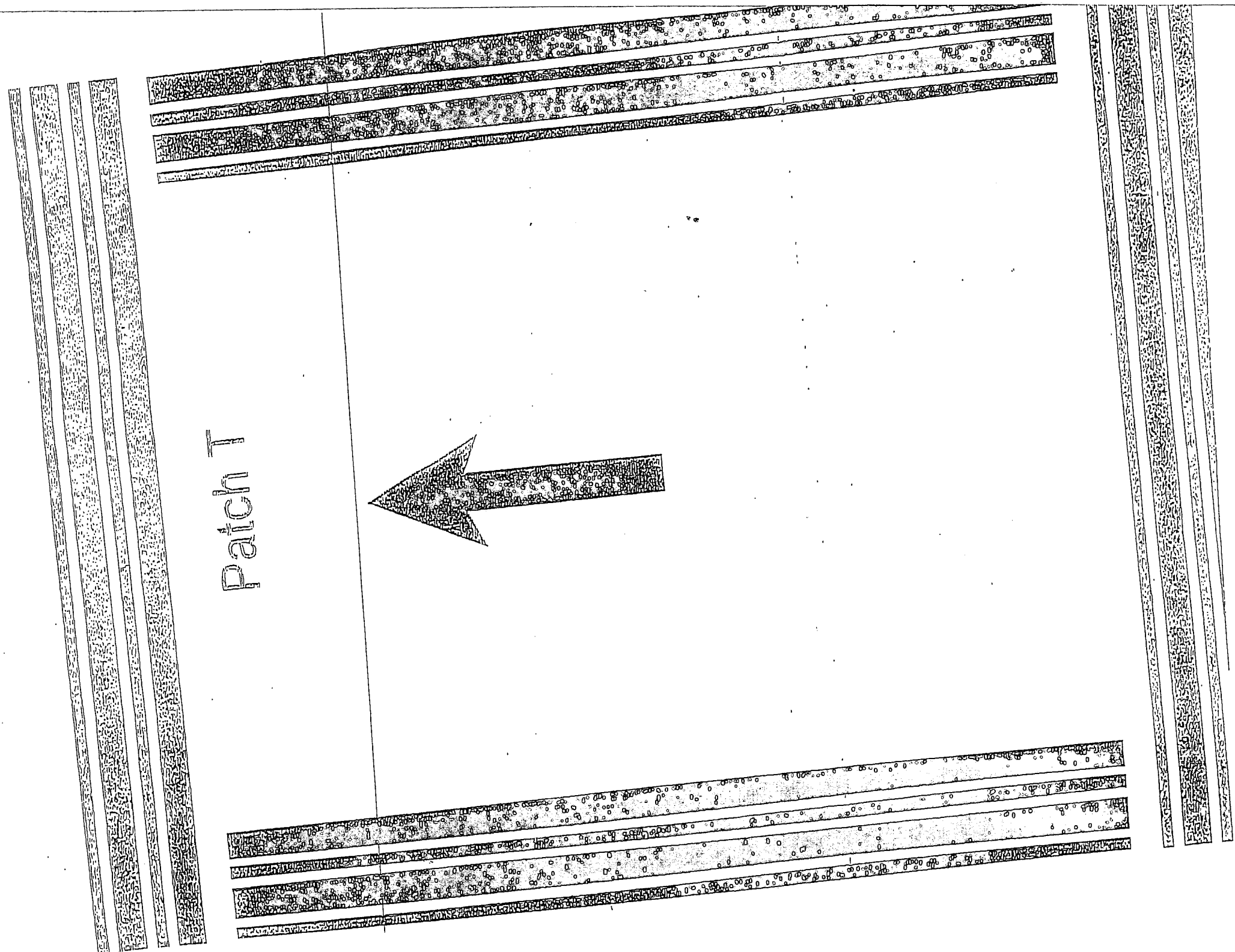
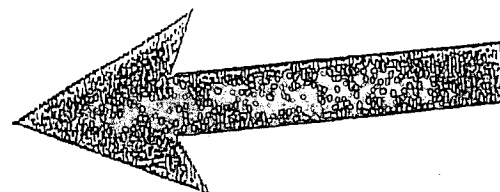


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ITEM NO: 3

ROLL CALL

NEIGHBORHOOD AND PUBLIC SAFETY ISSUES COUNCIL COMMITTEE

MOVED BY: DO SECONDED BY: SP DATE: 12-2-73

MOTION: Bring back to Committee

		AYE	NO	ABSTAIN	ABSENT
KERTH	D2				✓
ORTIZ	D5	✓			
PANNELL	D8	✓			
STEINBERG	D6	✓			

NOTES: _____

SEQUENCE ORDER: 4



3

**OFFICE OF THE
CITY ATTORNEY**

SHARON SIEDORF CARDENAS
CITY ATTORNEY

**CITY OF SACRAMENTO
CALIFORNIA**

November 22, 1993

921 TENTH STREET
SUITE 700
SACRAMENTO, CA
95814-2717

PH 916-264-5346
FAX 916-264-7455

**Neighborhood and Public Safety Issues
Council Committee
Sacramento, California**

Honorable Members in Session:

**SUBJECT: Ordinance Relating to Recovery of Police Officer Cost for
Multiple Responses to Large Parties or Gatherings**

LOCATION AND COUNCIL DISTRICT

Citywide impact.

RECOMMENDATION

It is recommended that the Neighborhood and Public Safety Issues Council Committee provide any comments or direction relating to the proposed ordinance.

FOR COMMITTEE MEETING OF

December 2, 1993.

SUMMARY

This report describes an ordinance that was heard by the City Council on May 18, 1993. The City Council referred both this and another ordinance related to proposed measures against problem properties to the Neighborhood and Public Safety Issues Council Committee for discussion and review.

BACKGROUND

In December 1992, Councilmembers Pane and Steinberg asked the City Attorney's office to explore the possibility of an ordinance to fine negligent property owners who consistently rent dwelling units to problem tenants who necessitate ongoing police surveillance and calls for

Neighborhood and Public Safety Issues
Re: Police Officer Cost Recovery
December 2, 1993
Page 2

service. In response, the City Council addressed a variety of initiatives to abate serious and continual crime problems occurring in residential rental properties, including cost recovery for additional police services. A subcommittee of the Housing Program Committee, which has been providing advice to the City Council on housing issues for a number of years, recommended that the current Noise Ordinance be expanded to allow the police department to impose a fine on residents or property owners for nuisances which result in repeated calls for police services.

On May 18, 1993, the City Attorney's office brought a draft ordinance to the City Council which expands the Noise Ordinance and provides that both tenants and landlords be financially responsible, up to \$500.00 per incident, when nuisance-creating behaviors require repeated police responses to the same premises (see Exhibit A). As progress was being made on the formulation of the Neighborhood Improvement Program, a related ordinance and program to abate social nuisances on residential rental properties, the City Council referred this draft ordinance, in addition to one creating a Rental Property Oversight Program, back to the Neighborhood and Public Safety Issues Council Committee for discussion and review.

FINANCIAL CONSIDERATIONS

Implementation of a fee for repeat calls for police service would generate a small amount of revenue for the City of Sacramento.

POLICY CONSIDERATIONS

This report is consistent with the City Council's priority to improve the safety and livability of Sacramento's neighborhoods. Any revised version of this ordinance will be brought to the Law and Legislation Committee, and then to the full City Council, for policy review.

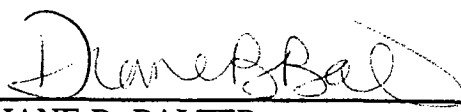
MBE/WBE

This report does not relate to procurement of goods or services.

Respectfully submitted,

SHARON SIEDORF CARDENAS
City Attorney

By:


DIANE B. BALTER
Deputy City Attorney

DRAFT

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 66.02.209 OF THE
SACRAMENTO CITY CODE, RELATING TO RECOVERY
OF POLICE OFFICER COST FOR MULTIPLE RESPONSES
TO DISTURBANCES OR OTHER NEIGHBORHOOD
NUISANCES

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

SECTION 1.

Section 66.02.209 of the Sacramento City Code is hereby amended to read as follows:

§ 66.02.209 Recovery of police officer cost for multiple responses to disturbances or other neighborhood nuisances

- (a) Whenever a large party, noisy conduct by residents or guests, or gathering of persons, or the frequent or repeated coming and going of any persons occurs at a premises and a police officer at the scene determines that there is the activity constitutes a threat to the public peace, health, safety or general welfare, or a nuisance for nearby neighbors, the person(s) in charge of the premises, and the person(s) responsible for the event, and the owner(s) of the premises, or if any of those persons are minors, then the parent(s) or guardian(s) of those minors will shall be held jointly and severally liable for the cost of providing police personnel on special security assignment over and above the services normally provided by the police department to respond to such events. The police personnel utilized during a second or subsequent response to the premises after the giving of the first warning to control the threat to the public peace, health, safety or general welfare or to abate the nuisance shall be deemed to be on special security assignment over and above the services normally provided. The costs of such special security assignment may include minor damages to city property and

- 1 -

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 3

DATE ADOPTED: _____

injuries to city personnel. The second or subsequent response for the costs of which the persons shall be liable need not occur on the same day as the first response, but shall occur within six (6) months after personal service or mailing of the written warning.

- ~~(b)~~ The fee charged will not be in excess of five hundred and no/100 dollars (\$500.00) for a single incident. No fee shall be assessed unless a written warning has been issued by police personnel during the first response. The city reserves its legal options to elect any other legal remedies when said costs or damage exceed five hundred and no/100 dollars (\$500.00).
- (b) No charge shall be assessed against any of the persons specified in subsection (a) unless police personnel have issued a prior written warning to control the threat to the public peace, health, safety or general welfare or to abate the nuisance. The written warning may be served personally at the premises during a police response, or may be mailed to or personally served on any of the specified persons after the first police response. The notice to the owner(s) of the premises shall be sent to the name and address which appears on the last equalized assessment roll or to any other owner known to the police chief. No charge shall be assessed for the costs of a second or subsequent response against any person who was not in charge of or present at the premises during the first response unless the second or subsequent response occurs at least 15 calendar days after the written warning is personally served upon or deposited in the U.S. mail, first class postage prepaid, addressed to that person.
- (c) If any of the persons in charge of the premises or responsible for the event is a minor, then the parent or guardian of the minor shall be jointly and severally liable for the police personnel costs.
- (d) The charge assessed pursuant to subsection (a) shall not be more than five hundred dollars (\$500.00) for a single response.
- (e) The remedy set forth in this section shall not be exclusive, but shall be cumulative, and shall not preclude the City's election of any other available remedies, to collect any and all of its costs, whether less than or more than \$500.00.
- ~~(e)~~(f) The expense of services provided by special security assignment officers shall be charged against the persons liable for the expenses pursuant to this section. The charge constitutes a debt of that person to the City of Sacramento, and is

collectible by said city in the same manner as in the case of an obligation under a contract, express or implied. Where a charge is imposed upon the owner of a premises, the charge may be assessed against the real property, and thereafter said assessment may be collected at the same time and in the same manner as ordinary municipal taxes.

- (g) Any person against whom costs are charged pursuant to this section may appeal the matter to the Chief of Police by sending a written letter of appeal to the Chief within 30 days after the billing is mailed to the person. The Chief, or the Chief's designee, shall conduct an informal meeting with the appellant. If the Chief finds that the nuisance did not exist, that the appellant could not reasonably have taken action which would have led to abatement of the offending activity, or that there are other extenuating circumstances which justify waiver of some or all of the costs as to the appellant, the Chief shall waive the costs. The decision of the Chief shall be final.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

- 3 -

FOR CITY CLERK USE ONLY

ORDINANCE NO.:

5

DRAFT

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 66.02.209 OF THE
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- (a) Whenever a party, noisy conduct by residents or guests, gathering of persons, or the frequent or repeated coming and going of any persons occurs at a premises and a police officer at the scene determines that the activity constitutes a threat to the public peace, health, safety or general welfare, or a nuisance for nearby neighbors, the person(s) in charge of the premises, the person(s) responsible for the event, and the owner(s) of the premises shall be jointly and severally liable for the cost of providing police personnel on special security assignment over and above the services normally provided by the police department to respond to such events. The police personnel utilized during a second or subsequent response to the premises after the giving of the first warning to control the threat to the public peace, health, safety or general welfare or to abate the nuisance shall be deemed to be on special security assignment over and above the services normally provided. The costs of such special security assignment may include damages to city property and injuries to city personnel. The second or subsequent response for the costs of which the persons shall be liable need not occur on the same day

- 1 -

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 6

DATE ADOPTED: _____

as the first response, but shall occur within six (6) months after personal service or mailing of the written warning.

- (b) No charge shall be assessed against any of the persons specified in subsection (a) unless police personnel have issued a prior written warning to control the threat to the public peace, health, safety or general welfare or to abate the nuisance. The written warning may be served personally at the premises during a police response, or may be mailed to or personally served on any of the specified persons after the first police response. The notice to the owner(s) of the premises shall be sent to the name and address which appears on the last equalized assessment roll or to any other owner known to the police chief. No charge shall be assessed for the costs of a second or subsequent response against any person who was not in charge of or present at the premises during the first response unless the second or subsequent response occurs at least 15 calendar days after the written warning is personally served upon or deposited in the U.S. mail, first class postage prepaid, addressed to that person.
- (c) If any of the persons in charge of the premises or responsible for the event is a minor, then the parent or guardian of the minor shall be jointly and severally liable for the police personnel costs.
- (d) The charge assessed pursuant to subsection (a) shall not be more than five hundred dollars (\$500.00) for a single response.
- (e) The remedy set forth in this section shall not be exclusive, but shall be cumulative, and shall not preclude the City's election of any other available remedies, to collect any and all of its costs, whether less than or more than \$500.00.
- (f) The expense of services provided by special security assignment officers shall be charged against the persons liable for the expenses pursuant to this section. The charge constitutes a debt of that person to the City of Sacramento, and is collectible by said city in the same manner as in the case of an obligation under a contract, express or implied. Where a charge is imposed upon the owner of a premises, the charge may be assessed against the real property, and thereafter said assessment may be collected at the same time and in the same manner as ordinary municipal taxes.
- (g) Any person against whom costs are charged pursuant to this section may appeal the matter to the Chief of Police by sending a written letter of appeal to the Chief within 30 days after the billing is mailed to the person. The Chief, or the Chief's

designee, shall conduct an informal meeting with the appellant. If the Chief finds that the nuisance did not exist, that the appellant could not reasonably have taken action which would have led to abatement of the offending activity, or that there are other extenuating circumstances which justify waiver of some or all of the costs as to the appellant, the Chief shall waive the costs. The decision of the Chief shall be final.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

- 3 -

FOR CITY CLERK USE ONLY

ORDINANCE NO.:

8

DRAFT

WARNING

RE: [address]

Dear _____:

A police response to the above-referenced premises was required on _____, 19____. Pursuant to Section 66.02.209 of the Sacramento City Code (copy attached), a police officer has determined that activities occurring at the above-referenced address constitute a threat to the public peace, health, safety or general welfare of the neighborhood and the City of Sacramento. In particular, the following conditions were observed:

[Insert facts about specific problems at address.]

Pursuant to Section 66.02.209, the person(s) in charge of the premises, the person(s) responsible for the disturbance, and the owner(s) of the premises are jointly and severally liable for police personnel costs incurred during a second or subsequent response to the premises in connection with the nuisance-causing activities.

You are hereby warned to control the threat to the public peace, health, safety, or general welfare occurring at the referenced premises. Should any additional police response be required, you will be billed for the response costs up to \$500.00 per response. If you are the owner of the property, the charge may also be made a lien against the property and a special assessment payable with your annual real property taxes.

If you would like to contact the Sacramento Police Department to discuss ways to rid the referenced premises of the nuisance occurring there, please contact _____ at 264-_____.

Very truly yours,

ART VENEGAS, JR.
Chief of Police

By: _____

(Title)