

2.9

NEIGHBORHOOD SERVICES DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I Street, Suite 400
SACRAMENTO, CA
95814-2977

Max B. Fernandez
Area 1 Director

PH 916-264-7940
FAX 916-264-8937

November 2, 2001

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: AN ORDINANCE AMENDING PARAGRAPH A OF SECTION 1.28.120 REGARDING THE MINIMUM FINE FOR UNLAWFUL DUMPING AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY.

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending paragraph A of Section 1.28.120, regarding the minimum fine for unlawful dumping. The amendment clarifies that the minimum fine in that provision applies only to violations related to unlawful dumping. A two-thirds vote is required pursuant to Section 32 of the City Charter.

CONTACT PERSON: Susana Alcala Wood, Supervising Deputy City Attorney
264-5346

FOR COUNCIL MEETING OF: November 6, 2001

SUMMARY/BACKGROUND INFORMATION:

Due to inadvertence, the previous ordinance failed to include language limiting the application of the minimum fine to violations of unlawful dumping. This amendment will accomplish that intent.

FINANCIAL CONSIDERATIONS:

Cost recovery for the City's Code Enforcement operation will be assisted by the implementation of increased fines and penalties for violation of the Illegal Dumping Ordinance.

ENVIRONMENTAL CONSIDERATIONS:

The subject of this report is not, in itself, a project. The subject of this report does not involve a project which requires compliance with the California Environmental Quality Act (CEQA), in as much as it does not involve an activity which may cause a direct or indirect change in the environment (Public Resources Code Section 21065).

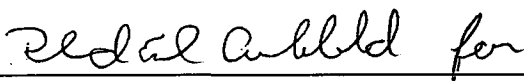
POLICY CONSIDERATIONS:

The recommended changes in this report are consistent with City Council priorities related to neighborhood revitalization, code enforcement and cost recovery.

E/SBD ISSUES:

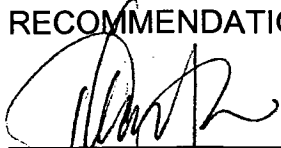
Not applicable. No goods or services are being purchased.

Respectfully submitted,



SAMUEL L. JACKSON
City Attorney

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING PARAGRAPH A OF SECTION 1.28.120, REGARDING THE MINIMUM FINE FOR UNLAWFUL DUMPING AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

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

SECTION 1.

Chapter 1.28.120 the Sacramento City Code is hereby amended by amending Section A to read as follows:

1.28-120. Criminal sanctions. Misdemeanors and Infractions.

A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code, including any administrative order issued hereunder. Any person violating any of the provisions, or failing to comply with any of the requirements of this Code, including an administrative order, shall be guilty of a misdemeanor, except where it has been provided by State Law or this Code that the violator shall be guilty of an infraction. Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than one thousand dollars (\$1,000), ~~or not less than five hundred dollars (\$500)~~, or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Provided that violations of Chapter 13.10 of this Code regarding unlawful dumping shall be punishable by a fine of not less than five hundred dollars (\$500), or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

Except as Paragraph A is amended above, the provisions of Section 1.28.010 remain unchanged and in full force and effect.

SECTION 2.

This ordinance is declared to be an emergency ordinance, to become effective immediately upon its adoption by the City Council pursuant to Sacramento City Charter Section 32(g)(2). The facts constituting the emergency are as follows:

With regard to the minimum fines for City Code violations, limiting language is required to make it clear that it was the intention of the Council to set a minimum fine for violations related to unlawful dumping. Accordingly, it is necessary to have an ordinance to take effect immediately to eliminate any possible confusion over the application of the minimum fines to other code violations.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

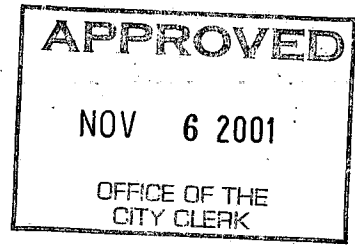
CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

4



ORDINANCE NO. 2001-047

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING PARAGRAPH A OF SECTION 1.28.120, REGARDING THE MINIMUM FINE FOR UNLAWFUL DUMPING AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

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

SECTION 1.

Chapter 1.28.120 the Sacramento City Code is hereby amended by amending Section A to read as follows:

1.28-120. Criminal sanctions. Misdemeanors and Infractions.

A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code, including any administrative order issued hereunder. Any person violating any of the provisions, or failing to comply with any of the requirements of this Code, including an administrative order, shall be guilty of a misdemeanor, except where it has been provided by State Law or this Code that the violator shall be guilty of an infraction. Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than one thousand dollars (\$1,000), or not less than five hundred dollars (\$500), or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Provided that violations of Chapter 13.10 of this Code regarding unlawful dumping shall be punishable by a fine of not less than five hundred dollars (\$500), or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

5

Except as Paragraph A is amended above, the provisions of Section 1.28.010 remain unchanged and in full force and effect.

SECTION 2.

This ordinance is declared to be an emergency ordinance, to become effective immediately upon its adoption by the City Council pursuant to Sacramento City Charter Section 32(g)(2). The facts constituting the emergency are as follows:

With regard to the minimum fines for City Code violations, limiting language is required to make it clear that it was the intention of the Council to set a minimum fine for violations related to unlawful dumping. Accordingly, it is necessary to have an ordinance to take effect immediately to eliminate any possible confusion over the application of the minimum fines to other code violations.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____