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DEPARTMENT OF  
PUBLIC WORKS

PROJECT DELIVERY DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

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January 2, 2002

Law & Legislative Committee  
Sacramento, California

Honorable Members in Session:

**SUBJECT: ORDINANCE AMENDING CHAPTER 12.20 OF THE CITY CODE  
RELATING TO WORK AFFECTING THE PUBLIC RIGHTS-OF-WAY, CHAPTER 8.68  
RELATING TO NOISE CONTROL, AND CHAPTER 3.60 RELATING TO CONTRACTS  
FOR PUBLIC PROJECTS**

**LOCATION AND COUNCIL DISTRICT:** Citywide, All Districts.

**RECOMMENDATION:**

This report recommends that the Law & Legislative Committee approve and forward to the full City Council the attached ordinance amendments to Chapter 12.20 of the City Code relating to work affecting the public right-of-way, Chapter 8.68 relating to noise control, and Chapter 3.60 relating to contracts for public projects.

**CONTACT PERSON:** Jon Blank, Senior Civil Engineer, 264-7914

**FOR LAW AND LEGISLATION COMMITTEE MEETING:** February 5, 2002

**SUMMARY:**

In 1998, the City Council adopted an Administrative Penalty Ordinance to better control the City's rights-of-way for unauthorized blockage of primary streets during peak hours. However, certain contractors continue to work during unauthorized times, have inadequate traffic control plans, fail to notify the public, and generally do not comply with city requirements. To maintain public safety and minimize disruptions, staff

proposes additional City code and amendments to clarify construction standards and further ensure contractor compliance.

**COMMITTEE/COMMISSION ACTION:** None

**BACKGROUND INFORMATION:**

On January 20, 1998, City Council adopted an Administrative Penalty Ordinance for the unauthorized blockage of City streets. However, certain contractors continue to work during unauthorized times, have inadequate traffic control plans, and generally do not comply with city construction requirements.

On April 24, 2001, Public Works presented a report to City Council regarding the management of construction and maintenance operations within the City rights-of-way. The report recommended that the City code be amended to permit the use of administrative penalties where persons do not perform work in compliance with the City code. City Council directed staff to proceed with implementing the changes as a tool to better manage the City's rights-of-way.

Under the Current City Code

- Persons are prohibited from, and subject to administrative penalties for, working within primary streets between the hours of 7:00 a.m. and 8:30 a.m. and 4:00 p.m. and 5:30 p.m.
- Public Works does not have an effective process for enforcing the noise ordinance.
- Persons receiving three administrative penalties shall be grounds for debarment from working on public contracts.

The Proposed City Code Amendments

- Extend the non-working hours on primary streets from 5:30 p.m. to 6:00 p.m. (Chapter 12.20).
- Provides for administrative penalties to be imposed on persons performing work within the City rights-of-way for:
  1. Working without an approved traffic control plan.
  2. Failing to provide access to private property.
  3. Having Inadequate site maintenance and cleanliness.
  4. Failing to make timely repairs to any damaged facilities resulting from their operations.
  5. Failing to provide public notification (Chapter 12.20).
- Permits the Director of Public Works and the Director of Utilities to issue administrative penalties for exceeding allowable exterior noise levels (Chapter 8.68).
- Provides grounds for debarment on public contracts of persons receiving three final administrative penalty orders on three different calendar days (Chapter 3.60).

On August 15, 2001, staff held a stakeholders meeting of contractors and Utility Company representatives to present the proposed Ordinance changes and solicit feedback. Overall, the feedback was very supportive for these changes.

**FINANCIAL CONSIDERATIONS:**

Administrative penalties issued to persons performing work under a City contract shall be deducted from the contract; otherwise, all revenues shall be deposited into the General Fund.

**ENVIRONMENTAL CONSIDERATIONS:**

The Planning and Building Department, Office of Environmental Affairs, has reviewed the project and has determined that it is exempt from the California Environmental Quality Act (CEQA) under Sections 15321 and 15324 of the CEQA Guidelines. This project involves general policy and procedures with the operation of City streets and has no potential adverse impacts on the environment.

**POLICY CONSIDERATIONS:**

The proposed ordinance is intended to provide Public Works and Utilities staff with additional tools to better manage the City's rights-of-way by reducing the disruption and public inconvenience during peak traffic periods and to provide and protect public health, safety, and welfare.

The proposed ordinance is consistent with the City Council's priorities of Public Safety and Economic Development.

**ESBD CONSIDERATIONS:**

No goods or services are being provided.

Respectfully submitted,



Marty Hanneman  
Traffic Engineering Manager

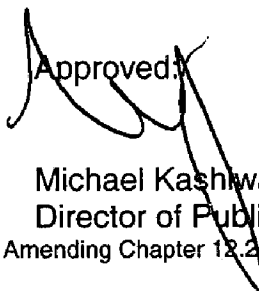
**RECOMMENDATION APPROVED:**



ROBERT P. THOMAS  
City Manager

P/Active/0000Misc Council & LL Reports/council/Ordinance Amending Chapter 12.20 Rights-of-Way

Approved:



Michael Kashiwagi  
Director of Public Works

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 12.20 OF TITLE 12, SECTION 8.68.220 AND SECTION 8.68.280 OR TITLE 8 AND SUBSECTION (I) OF SECTION 3.60.360 OF TITLE 3 OF THE SACRAMENTO CITY CODE RELATING TO CONSTRUCTION AND OTHER WORK IN CITY STREETS**

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

## **SECTION 1.**

Section 12.20.010 of Title 12 of the Sacramento City Code is amended as follows:

12.20.010 Definitions. The following terms used in this chapter shall have the meanings set forth below:

~~"Closure time period" means the time period between the hours of seven a.m. to eight-thirty a.m., or between the hours of four p.m. to five-thirty p.m., when closing or obstructing traffic in a primary city street is prohibited pursuant to Section 12.20.020 of this chapter.~~

"City working hours" means 7:00 a.m. to 6:00 p.m., Monday through Friday, legal holidays excepted.

"Director" means the director of public works or utilities departments of the City of Sacramento or his or her authorized representative(s).

"Emergency repairs" means repairs to a utility facility located in or adjacent to a primary City street that must be performed immediately when the necessity arises to safeguard life or property or maintain continued operation of the facility.

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"Facility" means a marked or otherwise identified underground or existing above-ground improvement or structure.

"Known facility" means any facility that can be observed visually, is marked correctly in the field or is shown correctly on any contract, plan or permit document.

"Person" means any person, firm, company or governmental agency, including any person performing work under a contract between the person and the City.

~~"A primary city street" is any one of the following streets and its adjacent public sidewalk:~~

- ~~-3rd Street between I Street and Broadway~~
- ~~-5th Street between H Street and Broadway~~
- ~~-6th Street between H Street and Q Street~~
- ~~-7th Street between G Street and T Street~~
- ~~-8th Street between G Street and Broadway~~
- ~~-9th Street between G Street and Broadway~~
- ~~-10th Street between G Street and Broadway~~
- ~~-11th Street between G Street and Q Street~~
- ~~-12th Avenue between Martin Luther King, Jr. Boulevard and Sutterville Road~~
- ~~-12th Street between N. 12th Street and W Street~~
- ~~-13th Street between H Street and L Street~~
- ~~-14th Street between G Street and L Street~~
- ~~-15th Street between F Street and Broadway~~
- ~~-16th Street between N. 16th Street and Broadway~~
- ~~-19th Street between G Street and Broadway~~
- ~~-21st Street between 4th Avenue and G Street~~
- ~~-24th Street between (Knight Way and Meadowview Road) and (W Street and 2nd Avenue)~~
- ~~-29th Street between D Street and W Street~~
- ~~-30th Street between E Street and T Street~~
- ~~-34th Street between Folsom Boulevard and Broadway~~
- ~~-43rd Avenue west of South Land Park Drive~~
- ~~-47th Avenue, city portions between 24th Street and Stockton Boulevard~~
- ~~-55th Street~~
- ~~-59th Street between Folsom Boulevard and Broadway~~
- ~~-65th Street Expressway between Elvas Avenue and south city boundary~~
- ~~-Alhambra Boulevard between E Street and Broadway~~
- ~~-Alta Arden Expressway~~

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~~Alta Valley Way~~  
~~American River Drive between Howe Avenue and Munroe Street~~  
~~Arcade Boulevard between Marysville Boulevard and Marconi Avenue~~  
~~Arden Way~~  
~~Azevedo Drive~~  
~~Broadway~~  
~~Bruceville Road~~  
~~Capitol Avenue between 15th Street and Folsom Boulevard~~  
~~Carlson Drive~~  
~~Center Parkway~~  
~~Challenge Way~~  
~~College Town Drive~~  
~~Connie Drive between Roseville Road and Marconi Avenue~~  
~~Cosumnes River Boulevard~~  
~~Del Paso Boulevard south of Marysville Boulevard~~  
~~E Street between 27th Street and Alhambra Boulevard~~  
~~El Camino Avenue~~  
~~Elder Creek Road~~  
~~Elsie Avenue~~  
~~Elvas Avenue between 56th Street and 65th Street~~  
~~Ethan Way~~  
~~Evergreen Street~~  
~~Exposition Boulevard~~  
~~Fair Oaks Boulevard~~  
~~Florin Perkins Road~~  
~~Florin Road~~  
~~Folsom Boulevard~~  
~~Franklin Boulevard~~  
~~Freeport Boulevard~~  
~~Fruitridge Road~~  
~~G Street between 7th Street and Alhambra Boulevard~~  
~~Garden Highway~~  
~~Greenhaven Drive~~  
~~H Street~~  
~~Heritage Lane~~  
~~Hornet Drive~~  
~~Howe Avenue~~  
~~I Street between 3rd Street and 29th Street~~  
~~J Street~~  
~~Jackson Road~~

~~Jibboom Street~~  
~~K Street between 15th Street and Alhambra Boulevard~~  
~~L Street between 3rd Street and Alhambra Boulevard~~  
~~La Mancha Way~~  
~~La Riviera Drive~~  
~~Land Park Drive~~  
~~Mack Road~~  
~~Main Avenue west of Kelton Way~~  
~~Marconi Avenue~~  
~~Martin Luther King, Jr. Boulevard~~  
~~Marysville Boulevard between Del Paso Boulevard and Bell Avenue~~  
~~Meadowview Road~~  
~~Munroe Street~~  
~~N Street between 2nd Street and Alhambra Boulevard~~  
~~North 12th Street~~  
~~North 16th Street~~  
~~North B Street between N. 7th Street and 16th Street~~  
~~Northgate Boulevard~~  
~~Norwood Avenue~~  
~~P Street between 2nd Street and Stockton Boulevard~~  
~~Pocket Road~~  
~~Point West Way~~  
~~Power Inn Road~~  
~~Q Street between 2nd Street and Alhambra Boulevard~~  
~~Raley Boulevard~~  
~~Response Road~~  
~~Richards Boulevard~~  
~~Rio Linda Boulevard~~  
~~Riverside Boulevard~~  
~~Roseville Road~~  
~~Royal Oaks Drive~~  
~~San Juan Road~~  
~~Seamas Avenue east of Riverside Boulevard~~  
~~South Land Park Drive~~  
~~South Watt Avenue~~  
~~Sproule Avenue~~  
~~Stockton Boulevard~~  
~~Sunbeam Avenue~~  
~~Sutterville Road~~  
~~T Street between 34th Street and 39th Street~~

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- ~~-Truxel Road~~
- ~~-University Avenue between Campus Commons Road and Fair Oaks Boulevard~~
- ~~-Valley Hi Drive between Franklin Boulevard and Mack Road~~
- ~~-W Street between 3rd Street and 29th Street~~
- ~~-West El Camino Avenue~~
- ~~-Windbridge Drive~~
- ~~-Winding Way~~
- ~~-X Street between 3rd Street and Alhambra Boulevard~~

"Public Easement" means any easement or right-of-way owned or controlled by a public agency or by a public utility.

"Traffic engineering services office" means the office responsible for providing traffic engineering services for the public works department of the city of Sacramento, 1000 I Street, Suite 170, Sacramento, CA., phone (916) 264-5307, fax (916) 264-8404.

"Work" means all work performed under a notice to proceed for a private development project, a capital improvement project or other contract with the City or for which a revocable permit, encroachment or excavation permit, temporary street closure permit is required. Work also means all work performed without one or more of the aforementioned permits or authorizations, but for which one or more permits or authorizations are required.

## **SECTION 2.**

Section 12.20.020 of Title 12 of the Sacramento City Code is amended to read as follows:

12.20.020 Closure of Streets ~~for construction~~ for Work: Traffic Control Plan.

- A. Except when performing emergency repairs, no person shall perform any work that will obstruct vehicular or pedestrian traffic on a City street unless a traffic control plan has been approved by the Director.
- B. Emergency repairs that obstruct vehicular or pedestrian traffic on a City street, shall be reported to the traffic engineering services office not later than one hour after the need for the emergency repairs is determined. If the emergency repairs obstruct vehicular or pedestrian traffic on a City street outside of City working hours, the City traffic engineering services



office shall be notified of the closure or obstruction not later than nine a.m. on the next working day.

- C. All work requiring a traffic control plan shall conform to the conditions and requirements of the approved plan.
- D. Where a traffic control plan is required, the approved plan must be available at the site for inspection by the Director during all work.
- E. If the Director determines that actual traffic conditions under the approved plan are hazardous to public safety, the Director may require the plan to be immediately modified. If the hazardous conditions cannot be eliminated by plan modification the Director may require work under the plan to be stopped, and the plan suspended, until the safety hazard is remedied.

~~Except when necessary to perform emergency repairs, no person performing construction, excavation or other work shall close or obstruct vehicular or pedestrian traffic on a primary city street between the hours of seven a.m. to eight-thirty a.m., and four p.m. to five-thirty p.m., without the prior approval of the director. Any person receiving such approval shall comply with all conditions and requirements established by the director. Emergency repairs that close or obstruct vehicular or pedestrian traffic on a primary city street between the hours of seven a.m. to eight-thirty a.m., or four to five-thirty p.m., shall be reported to the traffic engineering services office not later than one hour after the need for the emergency repairs is determined. If the need for emergency repairs arises during city non-working hours, the traffic engineering services office shall be notified not later than nine a.m., on the next working day.~~

### **SECTION 3.**

Section 12.20.030 of Title 12 of the Sacramento City Code is amended to read as follows:

#### **12.20.030 Traffic Control Plan.**~~Violation--Administrative penalties:~~

- A. Application. Before approving a traffic control plan, the Director shall require a written submission of a proposed traffic control plan that includes the following information:

1. The name and business address of the applicant.

2. A diagram showing the location of the proposed work area.
  3. A diagram showing the location of areas where the public right-of-way will be closed or obstructed.
  4. A diagram showing the placement of traffic control devices necessary to perform the work.
  5. The proposed phases of traffic control.
  6. The time periods when the traffic control will be in effect.
  7. The time periods when work will prohibit access to private property from a public right-of-way.
  8. A statement that the applicant will comply with the City's noise ordinance during the performance of all work.
  9. A statement that the applicant understands that the plan may be modified by the Director at any time in order to eliminate or avoid traffic conditions that are hazardous to the safety of the public.
- B. Upon receiving a complete proposed traffic control plan, the Director shall either approve, approve with modifications or disapprove the plan.
- C. If the work to be performed under the approved traffic control plan is not commenced and completed within the times specified in the plan, the plan shall be deemed to have expired, and shall be void, and a new plan shall be required prior to commencing or continuing work.

~~The director may issue an order imposing an administrative penalty to any person, violating any provision of Section 12.20.020 of this chapter. The administrative penalty order shall be imposed in accordance with the provisions of Section 1.28.010 of this code, and shall contain the following:~~

~~A. The name and address of the violating party, if available;~~

~~B. The location, date and time of the violation;~~

~~C. A description of the act(s) or condition(s) violating Section 12.20.020 of this chapter;~~

~~D. The amount of the administrative penalty, with instructions for submitting payment to the city;~~

~~E. A statement indicating that the administrative penalty may be appealed, in accordance with the provisions of Section 1.28.010(D)(4) of this code, by filing a written notice of appeal with the city clerk no later than twenty (20) days after the order is issued to the violator;~~

~~F. A statement indicating that the order imposing the administrative penalty shall be final if it is not appealed within the time required;~~

~~G. A statement indicating that a party upon whom a final administrative penalty has been imposed may seek review of the order imposing the penalty pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.~~

~~The administrative penalty for each violation of any provision of Section 12.20.020 of this chapter shall be five hundred dollars (\$500.00). Violations of Section 12.20.020 of this chapter by the same person occurring during the same closure time period but located in different blocks or located in the same block but occurring during different closure time periods shall constitute separate violations for which separate administrative penalty orders may be issued. If a person performing work under a contract between the person and the city violates any provision of Section 12.20.020 of this chapter, the city may deduct the amount of any administrative penalties imposed hereunder from any funds otherwise payable to the person under the contract.~~

~~In addition to the foregoing penalty, the city may withhold issuance of permits for encroachment or excavation in a city street (issued pursuant to Chapter 3.76 or Chapter 12.12 of this code) to any person issued an administrative penalty order for violation of Section 12.20.020 of this chapter three times within a two-year period; the city may withhold issuance of permits for a period of not longer than two years after said administrative penalty orders are final.~~

#### **SECTION 4.**

Section 12.20.040 of Title 12 of the Sacramento City Code is added to read as follows:

**12.20.040 Maintenance of Construction Areas.**

- A. No person performing work shall cause any public right-of-way, public street, public property or public easement to be covered with construction related trash, debris, garbage, waste material or soil. Public rights-of-way, public streets, public property and public easements affected by work must be cleaned to the satisfaction of the Director prior to re-opening these areas to the public.
- B. Trench plates shall not be utilized for more than three (3) calendar days in one location and temporary surfacing shall not be utilized for more than five (5) calendar days in one location without prior written approval of Director.

#### **SECTION 5.**

Section 12.20.050 of Title 12 of the Sacramento City Code is added to read as follows:

##### **12.20.050    Repair of Traffic Control Systems.**

All persons performing work shall repair or replace, to previous condition or better, all existing traffic control system markers or devices that are damaged or destroyed during work within three (3) calendar days of the completion of work in the immediate area unless written direction extending the time period or relieving the persons performing work of this obligation is provided by the Director.

#### **SECTION 6.**

Section 12.20.060 of Title 12 of the Sacramento City Code is added to read as follows:

##### **12.20.060    Care of Existing Known Facilities.**

All persons performing work shall take reasonable precautions not to damage or destroy existing known facilities.

#### **SECTION 7.**

Section 12.20.070 of Title 12 of the Sacramento City Code is added to read as follows:

##### **12.20.070    Public Notification of Work.**

All persons performing work shall conform to any public notification requirements included in the permit, contract documents, or approved plans. If notification is required, at a minimum, persons performing work shall notify residents and businesses immediately adjacent to the project work in writing two working days in advance of beginning work. The notice shall be approved by the Director, shall describe the work to be performed, the anticipated duration of construction, and the name and daytime telephone number of the person performing the work.

## **SECTION 8.**

Section 12.20.080 of Title 12 of the Sacramento City Code is added to read as follows:

### **12.20.080 Violation--Administrative penalties.**

**A. Administrative Penalties. The Director may issue an order imposing an administrative penalty to any person; violating any provision of this chapter.**

**1. Notwithstanding any contrary provision of this Code, each day a violation of the following code provisions occurs shall constitute a separate violation, and shall be subject to a separate penalty:**

**a. Section 12.20.020(B).**

**b. Section 12.20.020(D).**

**c. Section 12.20.040.**

**d. Section 12.20.050.**

**e. Section 12.20.060.**

**f. Section 12.20.070.**

**2. Notwithstanding any contrary provision of this Code, each fifteen minute period that a violation of the following code provisions occurs shall constitute a separate violation, and a separate administrative penalty may be imposed for each violation:**

**a. Section 12.20.020(A).**

b. Section 12.20.020(C).

3. The administrative penalty for each violation of any provision of this chapter shall be five hundred dollars (\$500.00). Violations of a specific section of this chapter by the same person occurring during the same work but located in different blocks or located in the same block but occurring on different days or at different times on the same day shall constitute separate violations for which separate administrative penalty orders may be issued.
4. If a person performing work under a contract between the person and the City violates any provision of this chapter, the City may deduct the amount of any administrative penalties imposed hereunder from any funds otherwise payable to the person under the contract.
5. In addition to the aforementioned penalties, the City may withhold issuance of permits for encroachment or excavation in a City street (issued pursuant to Chapter 3.76 or Chapter 12.12 of this Code) to any person receiving a final administrative penalty order for a violation of any specific provision of this Chapter three times within a two year period; the City may withhold issuance of permits for a period of not longer than two years after said administrative penalty orders are final. Multiple administrative penalty orders issued for continuing violations occurring on the same calendar day shall be considered one administrative penalty order for purposes of this section 12.20.080.

B. Imposition of the Administrative Penalties. The administrative penalty order shall be imposed in accordance with the provisions of Section 1.28.010 of this code, and shall contain the following:

1. The name and address of the violating party, if known;
2. The location, date and time of the violation;
3. A description of the act(s) or condition(s) violating this chapter;
4. The amount of the administrative penalty, with instructions for submitting payment to the City;

5. A statement indicating that the administrative penalty may be appealed, in accordance with the provisions of Section 1.28.010(D)(4) of this code, by filing a written notice of appeal with the City clerk no later than twenty (20) days after the order is issued to the violator;
6. A statement indicating that the order imposing the administrative penalty shall be final if it is not appealed within the time required;
7. A statement indicating that a party upon whom a final administrative penalty has been imposed may seek review of the order imposing the penalty pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

#### **SECTION 9.**

Section 8.68.220 of the Sacramento City Code is amended to read as follows:

#### **8.68.220 Administration.**

Except for the enforcement of Section 8.68.200 of this chapter which shall be the responsibility of the chief of police, and except for the enforcement of Section 8.68.060 of this chapter which shall be the responsibility of the Director of Public Works and the Director of Utilities in addition to any other person authorized to enforce that section, the administration of this chapter is vested in the Sacramento city/county health officer. The health officer shall be responsible for:

- A. Employing individuals trained in acoustical engineering or an equivalent field to assist the health officer in the administration of this chapter;
2. Training field inspectors;
- C. Procuring measuring instruments and training inspectors in their calibration and operation;
- D. Conducting a public education program in all aspects of noise control;
- E. Coordinating the noise control program with other governmental agencies.

#### **SECTION 10.**

Section 8.68.280 of the Sacramento City Code is amended to read as follows:

8.68.280 Violations.

- A. Upon the receipt of a complaint from any person, the chief of police, the health officer or their duly authorized representatives may investigate and assess whether the alleged noise levels exceed the noise standards set forth in this chapter. If such officers have reason to believe that any provision(s) of this chapter has been violated, they may cause written notice to be served upon the alleged violator. Such notice shall specify the provision(s) of this chapter alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection and may include an order that corrective action be taken within a specified time. If corrective action is not taken within such specified time or any extension thereof approved by the health officer, upon conviction the violation shall constitute a misdemeanor. Each such violation committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- B. Notwithstanding any contrary provision of this Code, each fifteen minute period that a violation of section 8.68.060 occurs shall constitute a separate violation. The administrative penalty for each violation of section 8.68.060 shall be five hundred dollars (\$500.00).

**SECTION 11.**

- c. Subsection I of section 3.60.360 of Title 3 of the Sacramento City Code is amended to read as follows:
- IV. The issuance to such person, within a two year period, of three administrative penalty orders for ~~closing or obstructing traffic on a primary city street in violation~~ violating any one section of Chapter 12.20 of Section 12.20.020 of this code. Multiple administrative penalty orders issued for continuing violations occurring on the same calendar day shall be considered one administrative penalty order for purposes of this section 3.60.360(I).
- b. Except as specifically amended above, the provisions of section 3.60.360 shall remain unchanged and in effect.

DATE PASSED FOR PUBLICATION:



DATE ENACTED:  
DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 12.20 OF TITLE 12, SECTION 8.68.220 AND SECTION 8.68.280 OR TITLE 8 AND SUBSECTION (I) OF SECTION 3.60.360 OF TITLE 3 OF THE SACRAMENTO CITY CODE RELATING TO CONSTRUCTION AND OTHER WORK IN CITY STREETS**

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

## **SECTION 1.**

Section 12.20.010 of Title 12 of the Sacramento City Code is amended as follows:

a. The following definitions are added:

“City working hours” means 7:00 a.m. to 6:00 p.m., Monday through Friday, legal holidays excepted.

“Facility” means a marked or otherwise identified underground or existing above-ground improvement or structure.

“Known facility” means any facility that can be observed visually, is marked correctly in the field or is shown correctly on any contract, plan or permit document.

“Public Easement” means any easement or right-of-way owned or controlled by a public agency or by a public utility.

“Work” means all work performed under a notice to proceed for a private development project, a capital improvement project or other contract with the City or for which a revocable permit, encroachment or excavation permit or temporary street closure permit is required. Work also means all work performed without one or more of

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ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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the aforementioned permits or authorizations, but for which one or more of the aforementioned permits or authorizations are required.

b. The following definitions are deleted:

1. "Closure time period".
2. "Primary City street".

c. Except as specifically amended above, the provisions of section 12.20.010 shall remain unchanged and in effect.

## **SECTION 2.**

Section 12.20.020 of Title 12 of the Sacramento City Code is amended to read as follows:

### **12.20.020 Closure of Streets for Work: Traffic Control Plan.**

- A. Except when performing emergency repairs, no person shall perform any work that will obstruct vehicular or pedestrian traffic on a City street unless a traffic control plan has been approved by the Director.
- B. Emergency repairs that obstruct vehicular or pedestrian traffic on a City street, shall be reported to the traffic engineering services office not later than one hour after the need for the emergency repairs is determined. If the emergency repairs obstruct vehicular or pedestrian traffic on a City street outside of City working hours, the City traffic engineering services office shall be notified of the closure or obstruction not later than nine a.m. on the next working day.
- C. All work requiring a traffic control plan shall conform to the conditions and requirements of the approved plan.
- D. Where a traffic control plan is required, the approved plan must be available at the site for inspection by the Director during all work.
- E. If the Director determines that actual traffic conditions under the approved plan are hazardous to public safety, the Director may require the plan to be immediately modified. If the hazardous conditions cannot be

eliminated by plan modification the Director may require work under the plan to be stopped, and the plan suspended, until the safety hazard is remedied.

**SECTION 3.**

Section 12.20.030 of Title 12 of the Sacramento City Code is amended to read as follows:

**12.20.030 Traffic Control Plan - Requirements.**

- A. Application. Before approving a traffic control plan, the Director shall require a written submission of a proposed traffic control plan that includes the following information:
1. The name and business address of the applicant.
  2. A diagram showing the location of the proposed work area.
  3. A diagram showing the location of areas where the public right-of-way will be closed or obstructed.
  4. A diagram showing the placement of traffic control devices necessary to perform the work.
  5. The proposed phases of traffic control.
  6. The time periods when the traffic control will be in effect.
  7. The time periods when work will prohibit access to private property from a public right-of-way.
  8. A statement that the applicant will comply with the City's noise ordinance during the performance of all work.
  9. A statement that the applicant understands that the plan may be modified by the Director at any time in order to eliminate or avoid traffic conditions that are hazardous to the safety of the public.

- B. Upon receiving a complete proposed traffic control plan, the Director shall either approve, approve with modifications or disapprove the plan.
- C. If the work to be performed under the approved traffic control plan is not commenced and completed within the times specified in the plan, the plan shall be deemed to have expired, and shall be void, and a new plan shall be required prior to commencing or continuing work.

#### **SECTION 4.**

Section 12.20.040 of Title 12 of the Sacramento City Code is added to read as follows:

##### **12.20.040 Maintenance of Construction Areas.**

- A. No person performing work shall cause any public right-of-way, public street, public property or public easement to be covered with construction related trash, debris, garbage, waste material or soil. Public rights-of-way, public streets, public property and public easements affected by work must be cleaned to the satisfaction of the Director prior to re-opening these areas to the public.
- B. Trench plates shall not be utilized for more than three (3) calendar days in one location and temporary surfacing shall not be utilized for more than five (5) calendar days in one location without prior written approval of Director.

#### **SECTION 5.**

Section 12.20.050 of Title 12 of the Sacramento City Code is added to read as follows:

##### **12.20.050 Repair of Traffic Control Systems.**

All persons performing work shall repair or replace, to previous condition or better, all existing traffic control system markers or devices that are damaged or destroyed during work within three (3) calendar days of the completion of work in the immediate area unless written direction extending the time period or relieving the persons performing work of this obligation is provided by the Director.

#### **SECTION 6.**

Section 12.20.060 of Title 12 of the Sacramento City Code is added to read as follows:

**12.20.060 Care of Existing Known Facilities.**

All persons performing work shall take reasonable precautions not to damage or destroy existing known facilities.

**SECTION 7.**

Section 12.20.070 of Title 12 of the Sacramento City Code is added to read as follows:

**12.20.070 Public Notification of Work.**

All persons performing work shall conform to any public notification requirements included in the permit, contract documents, or approved plans. If notification is required, at a minimum, persons performing work shall notify residents and businesses immediately adjacent to the project work in writing two working days in advance of beginning work. The notice shall be approved by the Director, shall describe the work to be performed, the anticipated duration of construction, and the name and daytime telephone number of the person performing the work.

**SECTION 8.**

Section 12.20.080 of Title 12 of the Sacramento City Code is added to read as follows:

**12.20.080 Violation--Administrative penalties.**

- A. **Administrative Penalties.** The Director may issue an order imposing an administrative penalty to any person; violating any provision of this chapter.
1. Notwithstanding any contrary provision of this Code, each day a violation of the following code provisions occurs shall constitute a separate violation, and shall be subject to a separate penalty:
    - a. Section 12.20.020(B).
    - b. Section 12.20.020(D).
    - c. Section 12.20.040.

- d. Section 12.20.050.
  - e. Section 12.20.060.
  - f. Section 12.20.070.
2. Notwithstanding any contrary provision of this Code, each fifteen minute period that a violation of the following code provisions occurs shall constitute a separate violation, and a separate administrative penalty may be imposed for each violation:
- a. Section 12.20.020(A).
  - b. Section 12.20.020(C).
3. The administrative penalty for each violation of any provision of this chapter shall be five hundred dollars (\$500.00). Violations of a specific section of this chapter by the same person occurring during the same work but located in different blocks or located in the same block but occurring on different days or at different times on the same day shall constitute separate violations for which separate administrative penalty orders may be issued.
4. If a person performing work under a contract between the person and the City violates any provision of this chapter, the City may deduct the amount of any administrative penalties imposed hereunder from any funds otherwise payable to the person under the contract.
5. In addition to the aforementioned penalties, the City may withhold issuance of permits for encroachment or excavation in a City street (issued pursuant to Chapter 3.76 or Chapter 12.12 of this Code) to any person receiving a final administrative penalty order for a violation of any specific provision of this Chapter three times within a two year period; the City may withhold issuance of permits for a period of not longer than two years after said administrative penalty orders are final. Multiple administrative penalty orders issued for continuing violations occurring on the same calendar day shall be considered one administrative penalty order for purposes of this section 12.20.080.

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01-17-02

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

- B. Imposition of the Administrative Penalties. The administrative penalty order shall be imposed in accordance with the provisions of Section 1.28.010 of this code, and shall contain the following:
- A. The name and address of the violating party, if known;
  - B. The location, date and time of the violation;
  - C. A description of the act(s) or condition(s) violating this chapter;
  - D. The amount of the administrative penalty, with instructions for submitting payment to the City;
  - E. A statement indicating that the administrative penalty may be appealed, in accordance with the provisions of Section 1.28.010(D)(4) of this code, by filing a written notice of appeal with the City clerk no later than twenty (20) days after the order is issued to the violator;
  - F. A statement indicating that the order imposing the administrative penalty shall be final if it is not appealed within the time required;
  - G. A statement indicating that a party upon whom a final administrative penalty has been imposed may seek review of the order imposing the penalty pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

#### **SECTION 9.**

Section 8.68.220 of the Sacramento City Code is amended to read as follows:

#### **8.68.220 Administration.**

Except for the enforcement of Section 8.68.200 of this chapter which shall be the responsibility of the chief of police, and except for the enforcement of Section 8.68.060 of this chapter which shall be the responsibility of the Director of Public Works and the Director of Utilities in addition to any other person authorized to enforce that section, the administration of this chapter is vested in the Sacramento City/county health officer. The health officer shall be responsible for:



- A. Employing individuals trained in acoustical engineering or an equivalent field to assist the health officer in the administration of this chapter;
- B. Training field inspectors;
- C. Procuring measuring instruments and training inspectors in their calibration and operation;
- D. Conducting a public education program in all aspects of noise control;
- E. Coordinating the noise control program with other governmental agencies.

#### **SECTION 10.**

Section 8.68.280 of the Sacramento City Code is amended to read as follows:

#### **8.68.280     Violations.**

- A. Upon the receipt of a complaint from any person, the chief of police, the health officer or their duly authorized representatives may investigate and assess whether the alleged noise levels exceed the noise standards set forth in this chapter. If such officers have reason to believe that any provision(s) of this chapter has been violated, they may cause written notice to be served upon the alleged violator. Such notice shall specify the provision(s) of this chapter alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection and may include an order that corrective action be taken within a specified time. If corrective action is not taken within such specified time or any extension thereof approved by the health officer, upon conviction the violation shall constitute a misdemeanor. Each such violation committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- B. Notwithstanding any contrary provision of this Code, each fifteen minute period that a violation of section 8.68.060 occurs shall constitute a separate violation. The administrative penalty for each violation of section 8.68.060 shall be five hundred dollars (\$500.00).

#### **SECTION 11.**

- c. Subsection I of section 3.60.360 of Title 3 of the Sacramento City Code is amended to read as follows:

IV. The issuance to such person, within a two year period, of three final administrative penalty orders for violating any one section of Chapter 12.20 of this code. Multiple administrative penalty orders issued for continuing violations occurring on the same calendar day shall be considered one administrative penalty order for purposes of this section 3.60.360(I).

- b. Except as specifically amended above, the provisions of section 3.60.360 shall remain unchanged and in effect.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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