



## CITY OF SACRAMENTO

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February 12, 1987

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### MEMORANDUM

TO: James P. Jackson, City Attorney,  
and Law and Legislation Committee

FROM: Tamara L. Milligan-Harmon, Deputy City Attorney

RE: REPORT REGARDING PARKING ON PRIVATE LAWNS

### BACKGROUND

All past enforcement of Section 3(E)(8) of the Sacramento City Zoning Ordinance has been by civil action seeking a preliminary injunction. I have not used Section 3(E)(8) alone, but have combined it with other more serious zoning violations. We have been successful in all our filed cases obtaining restraining orders against parking on soft surfaces (such as lawns, dirt, etc.).

It appears that there are large numbers of people who park their cars on their lawns and unimproved surfaces. Because of this, I don't feel, nor does Nuisance Abatement, that proceeding on enforcement by civil action is feasible.

### THE ISSUANCE OF CITATIONS

In the minutes of the Law and Legislation Committee meeting of November 13, 1986, the opinion was advanced that it would be easier to handle this type of violation (parking on the lawn) just like a parking ticket, and would be more effective. I agree with that opinion (as apparently does Nuisance Abatement) for the following reasons:

1. Pursuant to the Sacramento County Municipal Court's bail schedule (covering all Sacramento Municipal Code; copy attached), there is no bail schedule covering any of our zoning violations. Realistically speaking, in looking at the bail schedule, it would be easier for a court dealing with this type of problem to have it categorized as a parking violation, which would then place it within the \$13.00 bail range.

2. Since the City of Sacramento gave their prosecutorial function over to the District Attorney, the District Attorney reviews and files all citations, whether they be the City's or any other agency, and they must go through the District Attorney's office before they will be accepted for filing by the Municipal Court Clerk. Because the District Attorney handles all citations, it would seem easier to have a violation in clear, explicit terms, rather than have them and a defense attorney argue what is meant by Zoning Ordinance Section 3(E)(8).

RECOMMENDATION

Consider an amendment to Chapter 25 (Parking Ordinance) to amend Section 25.150 as follows:

It shall be unlawful for any person to park, permit to be parked, or allowed to be parked any vehicle upon a lawn or any surface which is not paved or concrete, etc.

By treating the parking on lawns as a parking violation, all that would need to be obtained by the officer is a registration printout showing the registered owner and issuing a citation just as is done on any parking violation, which, in reality, is against the registered owner. If there are ongoing extensive violations, we could proceed under the Zoning Ordinance to enjoin them.

  
TAMARA L. MILLIGAN-HARMON

TLM/jmv  
Attachment

\* - Misdemeanor  
 PC - Proof of Correction  
 MA - Mandatory Appearance  
 PA - Penalty Assessment  
 NCA- Night Court Assessment

SACRAMENTO CITY ORDINANCE

SECTION	NATURE OF OFFENSE	PC	MA	BAIL	PA	NCA	TOTAL
25.18	Driving on private property			\$ 35	\$ 28	\$ 1	\$ 64
25.19	Roller skates in streets			\$ 15	\$ 14	\$ 1	\$ 30
25.21	Broadcasting			\$ 41	\$ 35	\$ 1	\$ 77
25.33	Marked lanes			\$ 41	\$ 35	\$ 1	\$ 77
25.37	Turns at intersections			\$ 41	\$ 35	\$ 1	\$ 77
25.38	Restricted turns			\$ 41	\$ 35	\$ 1	\$ 77
25.39	Turns against traffic signals			\$ 41	\$ 35	\$ 1	\$ 77
25.40	Stop signs			\$ 41	\$ 35	\$ 1	\$ 77
25.41	Emergency signs			\$ 41	\$ 35	\$ 1	\$ 77
25.51	Pedestrians must use crosswalks			\$ 15			\$ 15
25.52	Crossing at alleys			\$ 15			\$ 15
25.53	Walking on roadways			\$ 15			\$ 15
25.54	Standing in roadways			\$ 15			\$ 15
25.55	Entering crosswalks			\$ 15			\$ 15
25.60	Animal-drawn vehicles			\$ 41	\$ 35	\$ 1	\$ 77
25.61	Truck routes			\$ 20	\$ 14	\$ 1	\$ 35
25.62	Overweight trucks			\$ 41	\$ 35	\$ 1	\$ 77
25.63	One way streets			\$ 20	\$ 14	\$ 1	\$ 35
25.64	Transportation permit			\$ 20	\$ 14	\$ 1	\$ 35

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SECTION	NATURE OF OFFENSE	PC	MA	BAIL	PA	NCA	TOTAL
6.64*	Fail abide conditions of quarantine		X	\$ 500	X		\$ 500
6.66*	Fail surrender rabid animal		X	\$ 500	X		\$ 500
6.90*	Keep wild animal w/o permit		X	\$ 500	X		\$ 500
6.108*	Harbor or hide vicious animal		X	\$ 500	X		\$ 500
19.123	Depositing garbage			\$ 30	\$ 21		\$ 51
25.6	Disobedience to traffic officers or firemen			\$ 30	\$ 21	\$ 1	\$ 52
25.8	Unauthorized person shall not direct traffic			\$ 30	\$ 21	\$ 1	\$ 52
25.9	Fail to stop at controlled crosswalk			\$ 41	\$ 35	\$ 1	\$ 77
25.10	Public employees			\$ 41	\$ 35	\$ 1	\$ 77
25.11	Detours and construction			\$ 41	\$ 35	\$ 1	\$ 77
25.13	Limited access highways			\$ 41	\$ 35	\$ 1	\$ 77
25.14	Driving on sidewalks			\$ 41	\$ 35	\$ 1	\$ 77
25.15	Driving on new pavement/paint			\$ 41	\$ 35	\$ 1	\$ 77
25.16*	Tampering w/traffic counting device		X	\$ 500	X	\$ 1	\$ 500
25.17	Driving over fire hose			\$ 35	\$ 28	\$ 1	\$ 64

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SECTION	NATURE OF OFFENSE	PC	MA	BAIL	PA	NCA	TOTAL
6.23*	Interfere w/chief animal control officer		X	\$ 500	X		\$ 500
6.30	Unlicensed dog	Xor		\$ 15	\$ 14		\$ 29
6.35	Dog license to collar			\$ 35	\$ 28		\$ 63
6.36(1)*	Misuse of license			\$ 15	\$ 14		\$ 29
6.36(2)	Fail surrender license			\$ 15	\$ 14		\$ 29
6.40	Allow animal run loose			\$ 65	\$ 49		\$ 114
6.42	Allow cat damage property			\$ 15	\$ 14		\$ 29
6.43*	Provide improper care for animal		X	\$ 500	X		\$ 500
6.44	Animal waste matter			\$ 35	\$ 28		\$ 63
6.45*	Mistreatment of animal		X	\$ 500	X		\$ 500
6.46	Fail confine bitch			\$ 35	\$ 28		\$ 63
6.50	Keep live swine			\$ 35	\$ 28		\$ 63
6.51	Keep more than two bee hives			\$ 35	\$ 28		\$ 63
6.52	Keep livestock			\$ 35	\$ 28		\$ 63
6.53	Keep livestock near dwelling			\$ 35	\$ 28		\$ 63
6.54	Keep more than 3 dogs per dwelling			\$ 35	\$ 28		\$ 63
6.60	Keep unvaccinated dog	X+		\$ 15	\$ 14		\$ 29

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SECTION	NATURE OF OFFENSE	PC	MA	BAIL	PA	NCA	TOTAL
25.70	Bicycle on sidewalk			\$ 10			\$ 10
25.90	Vehicle operation off street			\$ 41	\$ 35	\$ 1	\$ 77
25.101	Posted no parking			\$ 13			\$ 13
25.102	Prohibited parking			\$ 13			\$ 13
25.103	No parking certain hours			\$ 13			\$ 13
25.104	Repair or sale sign on street			\$ 11			\$ 11
25.105	Parkways			\$ 13			\$ 13
25.106	Parked next to median			\$ 13			\$ 13
25.108	Keys in ignition (Unattended and engine running)			\$ 13			\$ 13
25.109	Overtime (posted time limits)			\$ 8			\$ 8
25.110	Removal of chalk marks			\$ 13			\$ 13
25.111	Trucks in residential area			\$ 11			\$ 11
25.112(a)	Red curb or bus zone			\$ 13			\$ 13
(b)	Yellow zone			\$ 13			\$ 13
(c)	Passenger loading zone (white)			\$ 13			\$ 13
(d)	Green zone - 15 min. max.			\$ 8			\$ 8
(e)	Blue zone - disabled plates only			\$ 51			\$ 51

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25.182(a)	Residential permit parking			\$ 13			\$ 13
(b)	Falsely representing one's self as eligible for a parking permit			\$ 50	\$ 35	\$ 1	\$ 86
26.21*	Firearm in the city		X	\$ 150	X		\$ 150
26.24	Consumption of alcohol			\$ 65	\$ 49		\$ 114
27.50(i)*	Loitering in children's playground		X	\$ 150	X		\$ 150
27.50(L)*	Firearms in park		X	\$ 150	X		\$ 150
27.51	Consumption of alcohol on playground			\$ 65	\$ 49		\$ 114
27.60*	Alcoholic beverages prohibited			\$ 30	\$ 21		\$ 51
37.03	Smoking prohibited			\$ 30	\$ 21		\$ 51
42.58	Refusal to pay fare			\$ 35	\$ 28	\$ 1	\$ 64
42.63	Meter flag in recording position			\$ 35	\$ 28	\$ 1	\$ 64
42.65	Flag not in proper position			\$ 35	\$ 28	\$ 1	\$ 64
47.402	Substandard water fixture prohibited			\$ 10	\$ 7		\$ 17
	W/prior conviction of same			\$ 35	\$ 28		\$ 63
	Gutter flooding			\$ 10	\$ 7		\$ 17
	W/prior conviction of same			\$ 35	\$ 28		\$ 63

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25.113	Temporary construction zones (portable signs)			\$ 13			\$ 13
25.115	Taxi stand			\$ 13			\$ 13
25.116	Police vehicles only			\$ 13			\$ 13
25.117	Over lines parking space			\$ 13			\$ 13
25.119	Alleys			\$ 13			\$ 13
25.122	No construction permit			\$ 13			\$ 13
25.123	No permit for Community Center signs			\$ 13			\$ 13
25.124	Angle parking			\$ 13			\$ 13
25.126	Parking in Old Sacramento with the exception of loading activities			\$ 21			\$ 21
25.127 (a-c)	Tour Bus loading and storage			\$ 21			\$ 21
25.137	Failure to turn handle (extra coin in meter)			\$ 8			\$ 8
25.138	Meter expired			\$ 8			\$ 8
25.139	Overtime (meter zone)			\$ 8			\$ 8
25.150	Park on private property			\$ 13			\$ 13
25.151	Parking on city property			\$ 13			\$ 13
25.159	Parking contrary to signs			\$ 13			\$ 13

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SECTION	NATURE OF OFFENSE	PC	MA	BAIL	PA	NCA	TOTAL
51.201	Vehicles on mall:						
	Moving			\$ 41	\$ 35	\$ 1	\$ 77
	Parked			\$ 13			\$ 13
51.203	Bicycles on mall			\$ 15			\$ 15
51.204	Roller skates on mall			\$ 15	\$ 14		\$ 29
51.207	Alley parking			\$ 12			\$ 12
51.401	Unlawful use of mall			\$ 65	\$ 49		\$ 114
66.301*	Unnecessary noise			\$ 35	\$ 28		\$ 63
66.302*	Unlawful noise			\$ 35	\$ 28		\$ 63