



CITY OF SACRAMENTO

DIVISION OF WASTE REMOVAL
927 TENTH STREET
SUITE 200
SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5757

CITY MANAGER'S OFFICE
RECEIVED
OCT 9 1980

REGINALD YOUNG
SUPERINTENDENT
PAUL SMILANICH
ASSISTANT SUPERINTENDENT

October 8, 1980

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Special Police Officer for Litter Control

SUMMARY

This report recommends that Deloris Cooper be appointed a special police officer for the purpose of enforcing specific litter related City and State codes.

BACKGROUND INFORMATION

On July 24, 1979 the City Council appointed two(2) Waste Removal Division C.E.T.A. employees as special police officers to enforce Section 19.123 of the City Code and Section 374b.5 of the California Penal Code (see attached). One of these employees is no longer employed by the City.

FINANCIAL DATA

There is no fiscal impact associated with this request.

RECOMMENDATION

It is recommended that the City Council approve the attached resolution appointing Deloris Cooper as a special police officer.

Respectfully submitted,

Reginald Young
Reginald Young
Waste Removal Superintendent

Recommendations Approved

Walter J. Slipe
For: Walter J. Slipe
City Manager

APPROVED
BY THE CITY COUNCIL

OCT 14 1980

OFFICE OF THE
CITY CLERK

October 14, 1980
All Districts

Enclosures I City Code 19.123 and California Penal Code 374b.5
II Resolution appointing Special Police Officer

§ 19.121 GARBAGE, RUBBISH, WEEDS AND WASTE MATTER § 19.125

in this section. It shall be unlawful to have, store, deposit, or keep garbage or swill where rats can have access thereto or feed thereon. (Ord. 3354, §1; Ord. 3875, §6)

Sec. 19.122 Placing receptacles for collection.

Unless otherwise specifically provided herein, any person occupying property upon which garbage is produced shall place for collection the receptacles or receptacles containing such garbage within one hundred twenty-five (125) feet or less of the property line parallel to, contiguous to, and fronting the street or alley from which said garbage will be placed closely together in one location. No receptacle placed for collection shall be placed on any public sidewalk or street or in any manner which impedes, or creates a hazard, to traffic. Any receptacle or group of receptacles placed for collection shall be place in a manner which will give the collector at least thirty-two (32) inches unimpeded access thereto. (Ord. 3354, §1; Ord. 3786, §7; Ord. 3795, §1; Ord. 3813, §1 ; Ord. 3875, §7)

Sec. 19.123 Depositing garbage, rubbish, etc., in streets and public places; reward for information as to violators.

It shall be unlawful for any person to throw or deposit any putrescible garbage, rubbish or waste matter, or to cause the same to be thrown or deposited upon any public or private place within the city except: (a) in an approved receptacle; or (b) as otherwise specifically provided in this chapter.

A reward of \$25.00, lawful money of the United States, will be paid by the city to the person furnishing information to the authorities leading to the arrest and conviction of any person violating the provisions of this section. Such reward shall be paid to the person making the arrest immediately upon conviction of the person arrested. (Ord. 3354, §1; Ord. 3875, §8; Ord. 4363, §5)*

Sec. 19.124 Designated depositories must be used; use of waste matter to fill low areas.

It shall be unlawful to bury or otherwise dispose of any garbage or rubbish within the city limits or within four hundred yards thereof, except at a place designated by the health officer and approved by the city manager for the purpose of disposal. Waste matter, if not removed beyond the city limits, may be made use of upon receiving written permission from the health officer with approval by the city manager, for filling in on low areas within the city limits. (Ord. 3354, §1; Ord. 4363, §6)*

Sec. 19.125 Burying or burning garbage prohibited.

It shall be unlawful for any person to burn garbage at any place within the city. (Ord. 3354, §1; Ord. 4363, §7)*

CALIFORNIA PENAL CODE

§ 374b.5 Littering or dumping waste matter, rocks or dirt; infraction or misdemeanor; punishment

It shall be unlawful to litter or cause to be littered any such property, or dump or cause to be dumped any waste matter in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof. It shall be unlawful to place, deposit, or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any private highway or road, including any portion of the right-of-way thereof, or any private property, without the consent of the owner, or in or upon any public park or other public property, without the consent of the state or local agency having jurisdiction over such highway, road, or property. Any person, firm or corporation violating the provisions of this section shall be guilty of an infraction, except that a violation of this section after a conviction for a violation of either this section or Section 374d, or of Section 5652 of the Fish and Game Code or of Section 13001 or 13002 of the Health and Safety Code, or of Section 23111, 23112, or 23113 of the Vehicle Code, shall be a misdemeanor.

No portion of this section shall be construed to restrict a private owner in the use of his own private property, except that the placing, depositing, or dumping of such waste matter on such property shall not create a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or fire district, or the Division of Forestry in which case the provisions of this section shall apply.

Every person convicted of a violation of this section shall be punished by a mandatory fine of ten dollars (\$10).

The court may, in addition to the fine imposed upon a second or subsequent conviction, require, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

This section shall supersede the provisions of Section 374b until July 1, 1983, and remain in effect only until July 1, 1983, and as of such date is repealed, unless a later enacted statute, which is chaptered before July 1, 1983, deletes or extends such date.

(Added by Stats.1977, c. 1161, p. —, § 5, urgency, eff. Sept. 30, 1977, operative Jan. 1, 1978.)

RESOLUTION NO. 80-661

Adopted by The Sacramento City Council on date of

OCTOBER 8, 1980

RESOLUTION APPOINTING A SPECIFIC INDIVIDUAL SPECIAL
POLICE OFFICER FOR PURPOSES OF ENFORCING CERTAIN
SECTIONS OF THE CITY CODE AND THE CALIFORNIA PENAL
CODE

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

SECTION 1.

In order to enforce those certain sections of the Sacramento City Code and the California Penal Code specified in section 2 of this resolution, the person hereinafter named is hereby appointed special police officer for the purpose of enforcing those particular sections specified in section 2 of this resolution, and for those limited purposes only.

NAME

DELORIS COOPER

SECTION 2.

The aforementioned individual shall enforce only the following sections of the Sacramento City Code and the California Penal Code:

- (a) Section 19.123 of the Sacramento City Code.
- (b) Section 374b.5 of the California Penal Code.

SECTION 3.

The individual appointed as a special officer pursuant to section 1 shall, except in cases of emergency or unusual circumstances, secure the approval of the City Engineer, or his authorized representative, prior to issuing any misdemeanor citation.

SECTION 4.

Notwithstanding the appointment of the aforementioned individual as a special police officer, such person shall not be considered safety personnel for purposes of the Sacramento City Employees' Retirement System.

SECTION 5.

Nothing herein shall be read to limit the power or authority of any duly appointed law enforcement officer of the City to enforce those chapters of the City Code or the California Penal Code heretofore set forth.

APPROVED
BY THE CITY COUNCIL

OCT 14 1980

OFFICE OF THE
CITY CLERK

SECTION 6.

This resolution is enacted pursuant to Charter S99, and California Penal Code SS830.6, 832.6 (3) and 836.5(d).

MAYOR

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

OCT 14 1980

**OFFICE OF THE
CITY CLERK**