



DEPARTMENT OF PARKS
AND COMMUNITY SERVICES

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April 11, 1990

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METROPOLITAN ARTS
SACRAMENTO ZOO
PARKS AND RECREATION
• NORTH
• SOUTH
• CITY-WIDE

Law and Legislation Committee
Council Chambers
Sacramento, CA 95814

Re: An Ordinance Amending Section 27.70 of the Sacramento City Code, Relating to Prohibition Against Remaining in Parks During Certain Hours

Honorable Members in Session:

SUMMARY

This report recommends enactment of an ordinance amending Section 27.70(d) of the City Code, relating to closing of parks from sunset to sunrise. The amendment deletes a requirement that a warning be given for violation of the sunset to sunrise closing, substituting a requirement for prominent signage.

BACKGROUND

In 1987, the City Council enacted City Code Section 27.70(d) which authorizes the Chief of Police, with concurrence of the Director of Parks and Community Services, to order any park closed between sunset and sunrise when he determines that activities constituting a threat to public safety or welfare have occurred or are occurring in the park and that such closing is necessary to protect the public safety or welfare. When a park is ordered closed between sunset and sunrise, it shall be unlawful for any person to remain or loiter in said park during said period.

Currently, a citation for violation of 27.70(d) may not be issued until the offending party is first given a verbal notification of violation by any peace officer or other person charged with enforcing this subsection (d) and a reasonable opportunity to leave.

This notice requirement prevents effective enforcement of the sunset to sunrise curfew. Violators simply leave the park for a few minutes and then return after the police

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officers have left. The warning requirement also increases the officers' workload because they must document each warning in order to support a possible citation later.

All parks affected by the sunset to sunrise closing are well posted with signage designating the closing hours. It is not unduly harsh to delete the warning requirement as these parks are in high crime areas and have been posted by authority of the Chief of Police and Director of Parks and Community Services at the request of the neighborhood.

The ordinance amendment requires at least one sign designating the sunset to sunrise closing to be installed prominently in any park closed under Section 27.70 (d). Where more signs are needed in order to make them conveniently visible to the public, they are installed.

POLICY CONSIDERATIONS

None.

FINANCIAL IMPLICATIONS

None.

MBE/WBE

Not applicable.

RECOMMENDATION

It is recommended that the Law and Legislation Committee endorse Council enactment of the proposed ordinance deleting the requirement to issue a warning before citing a curfew violator in a closed park.

Respectfully submitted,



ROBERT P. THOMAS, Director
Parks and Community Services



JOHN P. KEARNS
Chief of Police

Contact Person: Diane Stiers
Recreation Superintendent
449-2136

Law and Legislation
April 26, 1990
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ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 27.70 OF THE SACRAMENTO CITY CODE RELATING TO A PROHIBITION AGAINST REMAINING OR LOITERING IN PARKS DURING CERTAIN HOURS

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

SECTION I

Section 27.70 of the Sacramento City Code is hereby amended to read as follows:

- § 27.70 Remaining or Loitering in Parks During
Certain Hours Prohibited.**
- (a) No person shall remain or loiter in any public park:
 - (1) between the hours of 12:00 o'clock midnight Friday or Saturday and 5:00 o'clock a.m. of the following day; and,
 - (2) between the hours of 11:00 o'clock p.m. Sunday through Thursday and 5:00 o'clock a.m. of the following day.
 - (b) The prohibitions contained in subdivisions (a) (1) and (a) (2) of this section shall not apply:
 - (1) to any person on an emergency errand;
 - (2) to any person attending a meeting, entertainment event, recreation activity, dance or similar activity in such park provided such activity is sponsored or co-sponsored by the department of parks and community services or a permit therefore has been issued by the department of parks and community services; (Ord. No. 81-054, §1)

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ORDINANCE NO.: _____

DATE ADOPTED: _____

- (3) to any person exiting such park immediately after the conclusion of any activity set forth in subdivision (b) (2) above;
- (4) to any peace officer or employee of the city while engaged in the performance of his or her duties. (Ord. No. 81-054, §1)
- (c) The director, with the concurrence of the chief of police, may designate extended park hours for any park when the director determines that such extension of hours is consistent with sound use of park resources, will enhance recreational activities in the city, and will not be detrimental to the public safety or welfare. The prohibitions contained in subdivision (a) (1) and (a) (2) of this section shall not apply to any person present in a public park during extended park hours designated pursuant to this subsection. (Ord. No. 85-055, §1)
- (d) The chief of police, with the concurrence of the director of parks and community services, may order any park closed between sunset and sunrise when he determines that activities constituting a threat to public safety or welfare have occurred or are occurring in the park and that such closing is necessary to protect the public safety or welfare. At least one sign designating the sunset to sunrise closing shall be installed prominently in the park. When a park is ordered closed between sunset and sunrise, it shall be unlawful for any person to remain or loiter in said park during said period.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

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