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OFFICE OF THE
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June 7, 1989

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Law and Legislation Committee
City Council Chambers
Sacramento, California 95814

Honorable Members in Session:

SUBJECT: An Ordinance Amending Section 19.405
of the Sacramento City Code, Relating
to the Penalty for Unauthorized Deposit
of Garden Refuse

SUMMARY

This report recommends enactment of an ordinance deleting the \$100.00 ceiling on fines for violating Section 19.405 of the City Code, relating to unauthorized deposit of garden refuse.

BACKGROUND

Recently, Councilmember Pope asked the City Attorney's office to explore the feasibility of increasing fines for offenders who illegally dump garden refuse on City streets.

In response, our office noted that currently the fine (including penalty assessment) for infractions relating to garden refuse violations can be as much as \$235.00 for the first offense, \$470.00 for the second offense within a year, and \$1,175.00 for the third offense within a year.

The only exception is City Code Section 19.405, which specifies a maximum fine of \$100.00 per offense (\$235.00 with the \$135.00 penalty assessment added).

This ordinance, requested by Councilmember Pope, would delete the \$100.00 cap from Section 9.405, allowing increased penalties for second and subsequent offenses.

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FINANCIAL DATA

None.

POLICY CONSIDERATIONS

None.

MBE/WBE EFFORTS

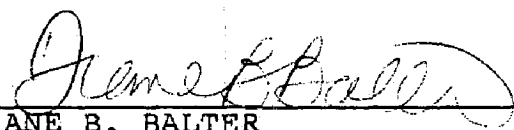
Not applicable.

RECOMMENDATION

It is recommended that the Law and Legislation Committee approve the proposed ordinance and forward it to the full Council for action.

Respectfully submitted,

JAMES P. JACKSON, City Attorney

By: 
DIANE B. BALTER
Deputy City Attorney

June 15, 1989
All Districts

Contact Person to
Answer Questions:

DIANE B. BALTER
Deputy City Attorney
449-5346

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 19.405 OF THE
SACRAMENTO CITY CODE, RELATING TO THE PENALTY
FOR UNAUTHORIZED DEPOSIT OF GARDEN REFUSE

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

SECTION 1.

Section 19.405 of the Sacramento City Code is hereby amended to read as follows:

§ 19.405 Deposit of Garden Refuse Authorized.

Garden refuse produced on properties used primarily for residential purposes may be deposited in the streets of the city at the times and in the manner prescribed by this article.

It shall be unlawful and an infraction for any person to deposit garden refuse in the streets of the city in a manner other than that expressly authorized by this article. No garden refuse shall at any time be placed for collection in a manner which shall: (a) impede traffic or constitute a hazard to traffic; (b) impede the flow of water through any drainage channel or in any manner impede the drainage of water; or (c) be on or impede any public sidewalk or other public walkway. All garden refuse placed in the streets will be placed and maintained in as compact a pile as possible.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

ACTING CITY CLERK

FOR CITY CLERK USE ONLY

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SECTION 1.

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Garden refuse produced on properties used primarily for residential purposes may be deposited in the streets of the city at the times and in the manner prescribed by this article.

It shall be unlawful and an infraction punishable by a fine not to exceed ~~\$100.00~~ for any person to deposit garden refuse in the streets of the city in a manner other than that expressly authorized by this article. No garden refuse shall at any time be placed for collection in a manner which shall: (a) impede traffic or constitute a hazard to traffic; (b) impede the flow of water through any drainage channel or in any manner impede the drainage of water; or (c) be on or impede any public sidewalk or other public walkway. All garden refuse placed in the streets will be placed and maintained in as compact a pile as possible.

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