



CITY OF SACRAMENTO

DEPARTMENT OF POLICE
HALL OF JUSTICE
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CITY MANAGER'S OFFICE
RECEIVED
MAY 14 1980

JOHN P. KEARNS
CHIEF OF POLICE

May 9, 1980

Ref: 5-27

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Parking Control Vehicles

SUMMARY

It has been determined by the Police Department and the Traffic Engineering Division that there is a need for an ordinance to exempt Parking Control vehicles from certain specified sections of Chapter 25 of the Sacramento City Code as it relates to parking in order for them to properly perform their parking enforcement duties, e.g., alley parking, colored curb-marked zone parking, residential permit parking areas, etc. Attached is a proposed ordinance to satisfy this need.

BACKGROUND INFORMATION

The Traffic Engineering Division, Parking Control Section, has had to address complaints, for several years, from citizens regarding Parking Control employees parking in apparent violation of city ordinances while attempting to efficiently perform their enforcement duties. Often it is necessary for enforcement personnel to park in alleys, red zones, unoccupied metered spaces and walk to nearby areas to issue parking citations. These actions preclude the need for enforcement personnel to double park, which is not only unsafe but can cause traffic congestion. This technique also eliminates the need for them to park legally and walk great distances in order to perform their duties, and thereby making more efficient use of their time.

APPROVED PFP +
BY THE CITY COUNCIL

MAY 20 1980

OFFICE OF THE
CITY CLERK

Cont to
5-27-80

Recently, the Police Department has received complaints from citizens who have received citations from Parking Control personnel requesting that police officers arrest and cite the parking enforcement personnel because they were, in fact, violating some of the same sections for which they were citing motorists. The current laws of citizen arrest do technically require the police officer to accept custody from any citizen who chooses to make a lawful arrest. The officer could cite and release the parking enforcement employee, and it is highly unlikely that there would be a subsequent prosecution through the entire judicial system, nevertheless, the arrest would be technically valid.

In addition, Section 25.10 of the Sacramento City Code does require compliance by public employees with the traffic regulations set forth in Chapter 25, except where otherwise exempted by statute.

The Police Department and the Parking Control Section staff conferred to develop a list of specific sections to provide the necessary operational exemptions for Parking Control vehicles without providing blanket authority for them to be exempted from the more safety oriented sections of the Sacramento City Code. It is only reasonable if we are to require these employees to enforce alley parking violations that they be allowed to legally park in alleys while performing their duties. The same reasoning applies to enforcement in no parking areas, restricted areas, taxi stands, construction zones, metered zones and parking on the mall without a permit.

It is necessary to rectify the situation through the enactment of legislation because existing exemptions in the applicable codes are directed toward "authorized emergency and utility vehicles," which by definition clearly do not include Parking Control vehicles.

FINANCIAL DATA

There would not appear to be any financial impact as a result of the enactment of this ordinance.

RECOMMENDATION

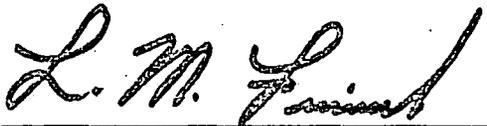
It is recommended that:

(1) The City Council approve the enactment of this ordinance.

May 9, 1980

Respectfully submitted


John P. Kearns
Chief of Police


J.M. Frink
Traffic Engineer

Recommendation Approved:


Walter J. Slize
City Manager

JPK:FBS:njg

May 20, 1980
All districts

ORDINANCE NO.

FOURTH SERIES

AN ORDINANCE AMENDING THE SACRAMENTO CITY CODE BY
ADDING SECTION 25.185 THERETC RELATING TO PARKING
CONTROL VEHICLES

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

SECTION 1.

Section 25.185 is hereby added to the Sacramento City Code
to read as follows:

Sec. 25.185 Applicability to Parking Control Vehicles.

The provisions of sections 25.101, 25.102, 25.103, 25.112a,
25.112b, 25.112c, 25.112d, 25.112e, 25.115, 25.116, 25.117,
25.119, 25.122, 25.123, 25.124, 25.137, 25.138, 25.151,
25.182a, and 51.201 shall not be construed to prohibit
the stopping, standing or parking of Parking Control
Vehicles while such vehicles are being used in parking
control enforcement, provided, however, that this section
shall not supercede provisions of Chapter 25, which
expressly refer to or regulate parking control vehicles.

As used in this section the term "Parking Control Vehicles"
shall mean:

Any vehicle used by an authorized official of the City during
the enforcement of parking and registration regulations pursuant
to the articles of this code and the California Vehicle
Code.

PASSED FOR PUBLICATION:
ENACTED:
EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK