



10.2

DEPARTMENT OF
POLICE

CITY OF SACRAMENTO
CALIFORNIA

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SACRAMENTO, CA
95814-2599

ARTURO VENEGAS, JR.
CHIEF OF POLICE

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September 8, 1999
Ref: 9-13

APPROVED
BY THE CITY COUNCIL

SEP 14 1999

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT APPROVAL TO ESTABLISH FEES FOR PAY TELEPHONES PERMITS

LOCATION & COUNCIL DISTRICT Citywide

RECOMMENDATION

Staff recommends that City Council, by resolution, establish permit fees for new and existing pay telephones installed outside of a building or improved property in accordance with Section 61.12.1207 and 61.12.1208 of the Sacramento City Code.

CONTACT PERSON Captain Rick Brazier, Office of Operations 264-7380

FOR THE COUNCIL MEETING OF September 14, 1999

SUMMARY

This report provides information on the pay telephone permit process. Further, this report requests that City Council, by resolution, establish permit fees for new and existing pay telephones installed outside of a building or improved property in accordance with Sacramento City Code Sections 61.12.1207 and 61.12.1208.

COMMITTEE/COMMISSION ACTION

There was none required for this report.

BACKGROUND

In the City of Sacramento, there are an estimated 5,000 pay telephones. In 1995, City Council amended Sacramento City Code Chapter 61.12 related to pay telephones, adding Sections 61.12.1207 and 61.12.1208. Attachment A is copy of the Chapter 61.12. Specifically, these sections were included to establish a permit process for pay telephones and to provide a mechanism to address issues related with pay telephones which impact adjacent neighborhoods and commercial areas. In accordance with the Sacramento City Code, permits from the Chief of Police (or his designee) are required for the installation of pay telephones installed outside of a building or improved property. Permits are required for new and existing telephones. Applications for permits are reviewed by the Police Department as well as the Neighborhoods, Planning and Development Services Department.

The primary objective of the permit process is to avoid future law enforcement problems in those areas where pay telephones may be detrimental to the public health, safety, or welfare. The purpose of this report is to provide information on the permit process and to establish permit fees in accordance with the Sacramento City Code. Attachment B is the pay telephone permit process for new and existing pay phones.

Fee Structure

The proposed fee structure is based on the estimated cost of processing and administering the pay telephone permits. Staff contacted several other cities with pay phone permit fees including South San Francisco, National City, and San Diego. Staff also met with representatives from the telecommunications industry to discuss their concerns. The following is the recommended fee structure for telephone permits.

Type	Cost	Details
Existing, Blanket (with database)	\$15.00 Per phone	<ul style="list-style-type: none"> ▶ This is a blanket permit that a company with existing pay phones in multiple locations may use in accordance with Sacramento City Code Section 61.12.1207 (j). ▶ The permit application process is streamlined. ▶ Applicant agrees to the immediate removal of telephones upon order of the Chief of Police and to pay for costs if City must remove such phones. ▶ Applicant must provide staff with permit information in a database or comparable approved format with its application.

Type	Cost	Details
Existing, Blanket (without database)	\$25.00 Per phone	<ul style="list-style-type: none"> ▶ This is a blanket permit that a company with existing pay phones in multiple locations may use in accordance with Sacramento City Code Section 61.12.1207 (j). ▶ The permit application process is streamlined. ▶ Applicant agrees to the immediate removal of telephones upon order of the Chief of Police and to pay for costs if City must remove such phones.
New, Blanket	\$50.00 Per phone	<ul style="list-style-type: none"> ▶ This is a blanket permit that a company with pay phones in multiple locations may use in accordance with Sacramento City Code Section 61.12.1207 (j). ▶ The permit application process is streamlined. ▶ Applicant agrees to the immediate removal of telephones upon order of the Chief of Police and to pay for costs if City must remove such phones. ▶ A 10% discount will be provided if the applicant provides staff with permit information in a database or comparable approved format with the application.
Individual (new or existing)	\$250.00 Per phone	<ul style="list-style-type: none"> ▶ Applicant will fully comply with the procedures set forth in Section 61.12.1207 (a) through (i).

FINANCIAL CONSIDERATIONS

Staff recommends establishing the pay telephone permit fees in accordance with the Sacramento City Code Sections 61.12.1207 and 61.12.1208. It is anticipated that these fees would generate \$75,000 for the Police Department General Fund budget during the first year. This includes revenue from existing pay telephones. In future years, the revenue would be based on permits for new phones so the amount collected would be significantly reduced. Revenue would be used to offset the cost of implementing and operating the program.

ENVIRONMENTAL CONSIDERATIONS

The adoption of the proposed fees is exempt from the California Environmental Quality Act under Public Resources Code Section 21080 (b) (8).

POLICY CONSIDERATIONS

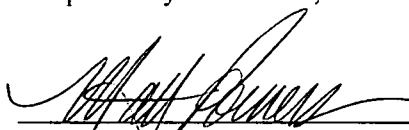
The recommendation to establish fees for pay telephone permits is consistent with the Sacramento City Code Sections 61.12.1207 and 61.12.1208. Additionally, these recommendations are consistent

with City Council efforts to enhance the quality of life for City residents and to recover costs when appropriate.

ESBD CONSIDERATIONS

Not applicable.

Respectfully submitted,



 ARTURO VENEGAS, JR.
 CHIEF OF POLICE

RECOMMENDATION APPROVED:



 ROBERT P. THOMAS
 CITY MANAGER

§ 61.11.1110

Sacramento City Code

to a bona fide dispute with the United States Federal Energy Administration concerning an allocation of fuel, or due to other special circumstances, it reasonably appears to the board that a particular abandoned drive-in enterprise will be re-occupied pending resolution of said dispute or pending settlement of said special circumstances.

In extending the time for abatement pursuant to this section, the board shall attach such conditions as it deems necessary to ensure proper maintenance of the premises and protect the public health, safety and welfare.

(Ord. No. 3856, §5)

61.11.1111 Enforcement of the decision of the board.

The decision of the board shall be enforced in accordance with Chapter 61.07 of this title.

(Ord. No. 3856, §5)

61.11.1112 Recovery of cost of abatement.

The costs of abatement performed by the city shall be recovered in accordance with Chapter 61.10 of this title.

(Ord. No. 3856, §5)

61.11.1113 to 61.11.1200 Reserved.

Chapter 61.12. Pay Telephones

61.12.1201 Pay telephones--prohibited locations.

61.12.1202 Pay telephones--public nuisance.

61.12.1203 Abatement generally.

61.12.1204 Replacement prohibited.

61.12.1205 Notice to pay telephone vendor.

61.12.1206 List of abated locations.

61.12.1207. Installation of pay telephones on improved property; permit required.

61.12.1208. Permits required for existing pay telephones.

61.12.1209. to 61.12.1299 Reserved.

61.12.1201 Pay telephones--prohibited locations.

(a) No pay telephone shall be installed, located, or maintained on unimproved property.

(b) Any existing pay telephone which is located or maintained in violation of subsection (a) shall be removed within ninety (90) days after the effective date of this ordinance. Notwithstanding the previous sentence, any pay telephone which is the subject of a written contract authorizing its installation which was entered into prior to the enactment of this ordinance and which contains provisions for termination shall be removed by the first date after enactment of this ordinance on which permissive termination of the written contract by either party could take effect, if either party elected to terminate, or within ninety (90) days after the effective date of this ordinance, whichever occurs later.

NUISANCE CODE

61.12.1203

(c) Any pay telephone which is installed, located, maintained, or operated in violation of this section is hereby declared to be a public nuisance.

(Ord. No. 89-091, §1)

61.12.1202 Pay telephones--public nuisance.

Any pay telephone which is used as an instrumentality for or contributes substantially by its presence to any of the following conditions is hereby declared to be a public nuisance:

- (a) Selling or giving away controlled substances (as defined in Division 10 of the California Health and Safety Code); soliciting, agreeing to engage in, or engaging in any act of prostitution; or other criminal activity;
- (b) Consumption of alcoholic beverages on nearby outdoor public or private property except where outdoor consumption of alcoholic beverages is specifically authorized pursuant to a license issued by the Department of Alcoholic Beverage Control;
- (c) Loitering on nearby public or private property.
- (d) Excessive noise.

As used in this section, "loitering" shall mean remaining on any property under such circumstances that a reasonable

person would conclude that the person who remains on the property does not have a purpose connected with the usual and ordinary use to which such property is put, does not have bona fide intent to exercise a constitutional right, and is causing public inconvenience or annoyance.

(Ord. No. 89-091, §1)

61.12.1203 Abatement generally.

- (a) Whenever the department head determines that any pay telephone constitutes a public nuisance as defined in Section 61.12.1201 or 61.12.1202, the department head may commence proceedings to abate the nuisance. The abatement proceedings shall conform to Chapters 61.05, 61.07, and 61.10 of this title, except as specified in this chapter.
- (b) No proceedings to abate a public nuisance as defined in Section 61.12.1202 shall be commenced unless the department head first has made a reasonable effort to work with the property owner where the pay telephone is located or the pay telephone vendor to eliminate the conditions described in 61.1202 by voluntary measures, such as blocking incoming calls, adding lighting, changing the telephone's location on the parcel, making the telephone temporarily inoperative, or temporarily removing the

§ 61.12.1203

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telephone.
(Ord. No. 89-091, §1)

61.12.1204 Replacement prohibited.

If the public nuisance to be abated is one defined in Section 61.12.1202:

- (a) the hearing notice required by Section 61.05.502 shall specify that abatement shall consist of removal of the pay telephone, and that no pay telephone shall be installed on the same parcel, or on any contiguous parcel owned by the same property owner, to replace the removed telephone for a period of one year from the date of removal; and
- (b) any decision of the hearing officer ordering abatement shall specify that no pay telephone shall be installed on the same parcel, or on any contiguous parcel owned by the same property owner, to replace the removed telephone for a period of one year from the date of removal.

(Ord. No. 89-091, §1)

61.12.1205 Notice to pay telephone vendor.

All notices shall also be sent to the vendor of the pay telephone, if known to the department head.

(Ord. No. 89-091, §1)

61.12.1206 List of abated locations.

The department head shall maintain, and make available upon request, a list of locations where installation of pay telephones is prohibited pursuant to Section 61.12.1204.

(Ord. No. 89-091, §1)

61.12.1207. Installation of pay telephones on improved property; permit required.

- (a) No pay telephone shall be installed on any improved property outside of a building unless a permit for its installation is first issued by the chief of police.
- (b) The permit shall be applied for on a form provided by the chief of police. The application shall contain the name of the applicant, the name of the owner of the real property, the lessee, if any, and the owner and the installer of the proposed pay telephone. The application shall also contain such information as the chief of police deems relevant to his/her consideration of the application. At the time of filing the application, the applicant shall pay a fee for the city's cost of processing and administering the permit, in an amount established by resolution of the city council.
- (c) The chief of police shall forward the application to the neighborhood services

NUISANCE CODE

61.12.1207

department for consideration and recommendation prior to his or her decision on the application.

- (d) Prior to taking action on the permit application, the chief of police shall give notice to the applicant and to the owners of property adjacent to the property for which the application is made of their right to request a hearing on the application. Such notification shall be by mail and shall give all notice recipients ten (10) days from the date of the notice to request the hearing. If no such hearing request is made, the chief of police shall proceed to decide whether to grant the application and shall give the applicant and all adjacent property owners notice of his or her decision.

- (e) Any hearing request shall be made in writing and shall be filed with the chief of police within ten (10) days of the date on the notice. If a hearing request is made, the chief of police shall set the application for hearing within thirty (30) days of the receipt of the hearing request. Notice shall be given by mail to the applicant and to the person requesting the hearing, if different than the applicant, of the date, time and location of

the hearing at least ten (10) days before the hearing.

- (f) After the hearing, if there is one, and after considering the application, the recommendation of the neighborhood services department and such other information as he or she deems relevant, the chief of police shall decide whether to grant the application.

- (g) Any permit granted under subsections (a) through (f) of this section may be revoked by the chief of police. No such permit shall be revoked unless a hearing has first been held thereon by the chief of police. At least ten days' notice of such hearing shall be given to the permit holder. The notice of the hearing shall give the reason(s) on which the intent to revoke is based. The chief of police may consider any voluntary measures, such as blocking incoming calls, adding lighting or changing the telephone's location on the parcel, that are proposed by the permit holder to resolve the problem(s) upon which the intent to revoke is based. Any decision to revoke shall be accompanied by findings supporting the decision.

- (h) If a permit is revoked in accordance with subsection (g) above, the permit holder shall

§ 61.12.1207

Sacramento City Code

remove the pay telephone authorized by the permit immediately upon receiving notice of the decision to revoke by the chief of police. The city may remove or cause to be removed said telephone if such telephone is not removed by the permit holder within thirty (30) days after said notice, and the city's reasonable costs of removal shall be a personal obligation of the permit holder, payable to the city on demand.

(i) No application for a permit shall be denied, pursuant to subsections (d) or (f) of this section, nor shall any permit be revoked, pursuant to subsection (g) of this section, unless the chief of police finds that granting the application or allowing the permit to remain valid would result in any of the conditions described in Section 61.12.1202 of this code, or would otherwise be detrimental to the public health, safety or welfare in the area where the pay telephone would be located. Any decision of the chief of police to deny an application, pursuant to subsections (d) or (f) of this section, or to revoke a permit, pursuant to subsection (g) of this section, shall be final and conclusive, subject to appeal to the city council in accordance with the provisions of Chapters 2.05 and following of this code.

(j) In lieu of the procedure set forth in subsection (a) through (i) above for

permits, any applicant may apply for a permit to cover more than one location for the installation of pay telephones. The application shall be made on a form provided by the chief of police and shall identify the locations of the pay telephones unless the chief for good cause determines that the locations need not be identified. At the time of filing the application, the applicant shall pay a fee for the city's costs of processing and administering the permit, in an amount established by resolution of the city council. The chief of police shall issue the permit if he/she finds that the applicant has entered into a written agreement with the city that provides substantially as follows:

- (1) Applicant agrees to remove any pay telephone covered by the permit immediately upon order of the chief of police to do so;
- (2) Applicant agrees to allow the city to remove any pay telephone covered by the permit that is ordered by the chief of police to be removed, if such telephone is not removed by the applicant within thirty (30) days of the date of the order;
- (3) Applicant agrees to pay to the city on demand the reasonable costs of removal

NUISANCE CODE

61.12.1208

of a telephone by the city pursuant to paragraph (2) above;

- (4) Applicant agrees that all of applicant's pay telephones within the city shall be deemed covered by the permit;
- (5) Applicant agrees that applicant shall have no vested right to continue to operate or maintain any pay telephone covered by the permit except pursuant to the terms of this subsection (j).

Any decision of the chief of police to order the removal of a pay telephone hereunder shall be final and conclusive in the absence of fraud or gross error, but shall be without prejudice to an application under subsections (a) through (f) of this section. At least ten (10) days prior to ordering any telephone removal pursuant to this section and any agreement thereunder, the chief of police shall notify the applicant of his/her intent to order the removal and shall invite the applicant to at least one meeting to attempt to resolve the problem(s) concerning the telephone. No vested right to continue to have any phone in any location approved in a permit granted under this subsection (j) shall accrue on account of the granting of such permit or the installation of the

phone thereunder.

- (k) Permits issued pursuant to this section may contain such conditions as are deemed necessary by the chief of police to implement the provisions of this section.
 - (l) The term "chief of police" as used in this section, shall mean the chief of police for the City of Sacramento or his or her authorized designee.
 - (m) Whenever notice is required to be given under this section, it shall be deemed effective on the day such notice is deposited in the U.S. mail, first class, postage prepaid.
- (Ord. No. 95-038, §1)

61.12.1208. Permits required for existing pay telephones.

A permit shall be required for any pay telephone installed on any improved property outside of a building prior to the effective date of the ordinance adopting Section 61.12.1207 and this section. Such permit shall be obtained no later than three (3) years after the effective date of the ordinance. The procedures set forth in Section 61.12.1207 shall govern the issuance and/or revocation of such permit. If no permit is obtained as required by this section, the city may remove or cause to be removed such pay telephone, and the city's reasonable costs of removal shall be a personal obligation of the owner of such pay telephone, payable to the city on demand.

§ 61.12.1209

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(Ord. No. 95-038, §1)

61.12.1209. to 61.12.1299 Reserved.

Chapter 61.13. Securing of Unimproved Real Property

61.13.1300 Securing of unimproved or unoccupied real property.

61.13.1301 Notice to owner.

61.13.1302. Appeal of an order to secure.

61.13.1303. Scope of hearing on appeal.

61.13.1304. Staying of order under appeal.

61.13.1305. Appeal to a hearing examiner.

61.13.1306. Form and contents of decision; finality of decision.

61.13.1307. Decision of the hearing examiner.

61.13.1308. Lien and personal obligation.

61.13.1309. Appeal fee.

61.13.1310. to 61.13.1400. Reserved.

61.13.1300 Securing of unimproved or unoccupied real property.

- (a) Whenever the department head or his/her authorized representative has found that any unimproved real property or improved but unoccupied real property within the city has nuisance activity as defined in Section 61.04.401 which is recurring as defined in this section, the department head or

designee may issue a notice and order requiring the property owner(s) to secure the property to prevent further continuance of the nuisance and requiring the owner to:

- (1) Erect a fence with gate(s) to city specifications;
- (2) Erect a lockable gate at specified access points; or
- (3) Install barricading to city specifications to reduce or eliminate accessibility to the property.
- (4) Remove all litter, garbage, junk, debris, discarded vehicles, vehicle parts and/or vehicle hulks from the property.

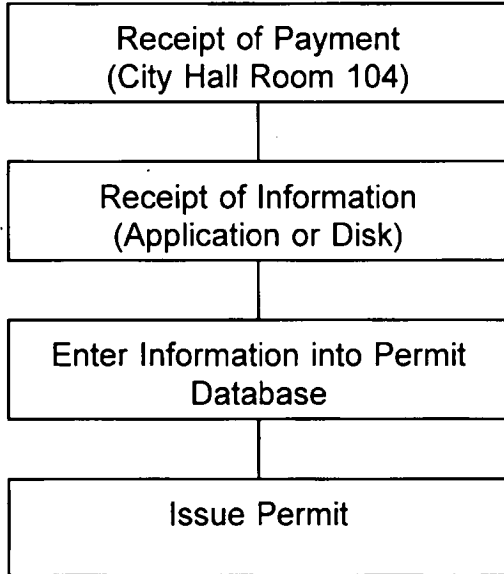
- (b) For purposes of this chapter, recurring nuisance is defined as the same or similar nuisance on the property within any previous twelve-month period where the owner has received two or more written requests to abate the nuisance as defined in Section 61.04.401.

(Ord. No. 89-056, §2; Ord. No. 95-069, §6; Ord. No. 96-031, §2)

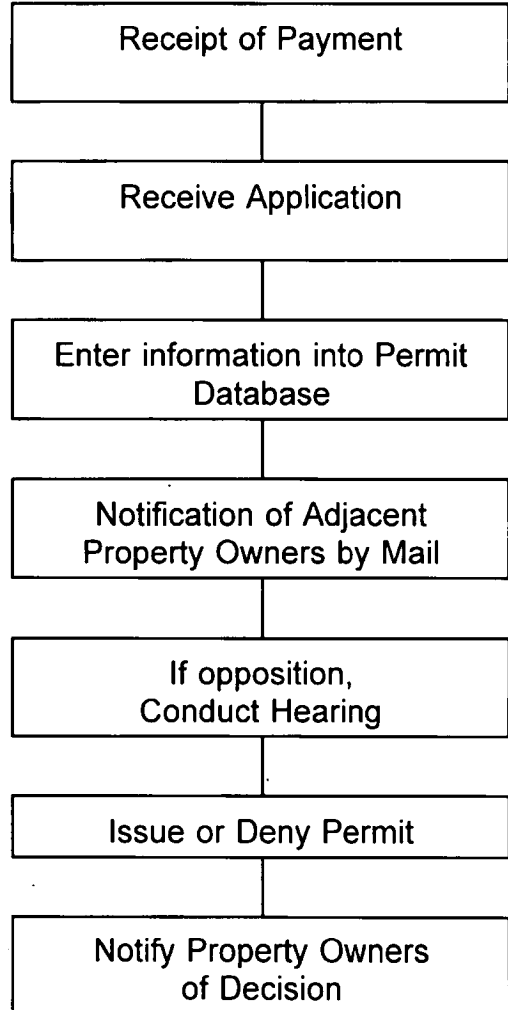
61.13.1301 Notice to owner.

- (a) The owner(s) of any unimproved property which has been found by the department head or designee to violate any provision of Section 64.04.401

Blanket Phone Permits



Individual Phone Permits



10.2

AMENDED
RESOLUTION NO. 99-521

ADOPTED BY THE SACRAMENTO CITY COUNCIL
ON DATE OF SEP 14 1999

A RESOLUTION AMENDING THE CITY OF SACRAMENTO FEE AND CHARGE REPORT TO ESTABLISH FEES FOR PAY TELEPHONE PERMITS

BE IT RESOLVED by the Council of the City of Sacramento that:

- 1. The City of Sacramento Fee and Charge Report is hereby amended to include the following fees for pay telephone permits issued pursuant to Sections 61.12.1207 and 61.12.1208 of the Sacramento City Code:

Single Pay Telephone (new or existing)	\$250.00 per phone
Multiple Pay Telephones (CC § 61.12.1207(j))	\$100.00 application fee \$25.00 annual permit administration fee

- 2. Multiple Pay Telephone permittees shall provide and shall annually update, in a format approved by the Police Department, a database or list that identifies all pay telephone locations covered by the permit.
- 3. Based upon the information presented to it and upon all information in the public record, and in compliance with Public Resources Code Section 21080(b)(8), the City Council finds that these fees are for the City's costs of processing and administering such permits and therefore are adopted for the purpose of meeting operating expenses, including employee wage rates and fringe benefits.

JOE SERNA, JR.

MAYOR

ATTEST:

VALERIE BURROWES

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO. 99-521
DATE ADOPTED: SEP 14 1999

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL
ON THE DATE OF _____

RESOLUTION AMENDING THE CITY OF SACRAMENTO FEE AND CHARGE REPORT TO ESTABLISH FEES FOR PAY TELEPHONE PERMITS

NOW THEREFORE BE IT RESOLVED by the Council of the City of Sacramento that:

1. The City of Sacramento Fee and Charge Report is hereby amended to include the following application fees for pay telephone permits issued pursuant to Section 61.12.1207 and 61.12.1208 of the Sacramento City Code:

Pay Telephone Permit, Existing Blanket (w/database)	\$15.00 per phone
Pay Telephone Permit, Existing Blanket (w/o database)	\$25.00 per phone
Pay Telephone Permit, New Blanket	\$50.00 per phone
Pay Telephone Permit, Individual (new or existing)	\$250.00 per phone

2. Based upon the information presented to it and upon all information in the public record, and in compliance with Public Resources Code Section 21080(b)(8), the City Council finds that these fees are for the City's costs of processing and administering such permits and therefore are adopted for the purpose of meeting operating expenses, including employee wage rates and fringe benefits.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

RESOLUTION NO. 99-521 as amended

ADOPTED BY THE SACRAMENTO CITY COUNCIL
ON THE DATE OF _____

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MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

10-2

SECTION 66018 NOTICE

NOTICE IS HEREBY GIVEN that hearings will be held by the Sacramento City Council on Tuesday, September 14, 1999 at 7:00 p.m. in the City Council Chambers, 915 I Street, Sacramento, to consider a resolution establishing the fees for pay telephone permits.

21st @

REP DATE: _____
HEARING DATE: 9-14-99 7 pm
COUNCIL ACTION DATE: _____

~~21st~~ 14th per V (9/1)

Ad in Newspaper: ① Sept. 3rd
2 x ② Sept. 10th

} these can stay the same. Thanks

Karla -
please change this to the 21st @
7:00 pm.
Thank you.
V.

**CITY OF SACRAMENTO
SECTION 66018 NOTICE**

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SACRAMENTO CITY COUNCIL

**BY: VALERIE A. BURROWES
CITY CLERK**

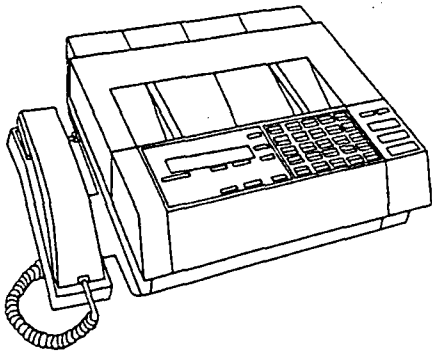
**AD NO.: 8925
RUN TWO TIMES: 9/3/99 and 9/10/99
2 PUB PROOFS**

1912

1912



FAX TRANSMISSION from the CITY CLERK'S OFFICE



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 FAX #: 444-0636
 FOR YOUR INFO:
 PER YOUR REQUEST:
 PLEASE COMMENT:
 NO. OF PAGES: 2
 (Including Cover Sheet)

FROM: Karla
 PHONE: 264-5799
 FAX: _____

Please Publish
 9/3/99
 and
 9/10/99

Thnx!

Received
 - YES!
 Confirmed
 w/ Jessica
 2:23 P.M.

TRANSMISSION VERIFICATION REPORT

10.2

TIME : 09/01/1999 13:15
NAME : SAC CITY CLERK
FAX : 9162647672
TEL : 9162645799

DATE, TIME	09/01 13:14
FAX NO./NAME	94440636
DURATION	00:00:58
PAGE(S)	02
	COVERPAGE
RESULT	OK
MODE	STANDARD
	ECM

Amended by Keep.

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL
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	<u>1 time fee \$100.00</u>	<u>no data</u>
Pay Telephone Permit, Existing Blanket (w/database)	\$15.00 per phone	
Pay Telephone Permit, Existing Blanket (w/o database)	\$25.00 per phone	
Pay Telephone Permit, New Blanket	\$50.00 per phone	
<u>keep.</u> Pay Telephone Permit, Individual (new or existing)	\$250.00 per phone	

2. Based upon the information presented to it and upon all information in the public record, and in compliance with Public Resources Code Section 21080(b)(8), the City Council finds that these fees are for the City's costs of processing and administering such permits and therefore are adopted for the purpose of meeting operating expenses, including employee wage rates and fringe benefits.

3. 90 grace period - if they took out a permit → no fee @ all.

ATTEST:

MAYOR

NO #3 watches

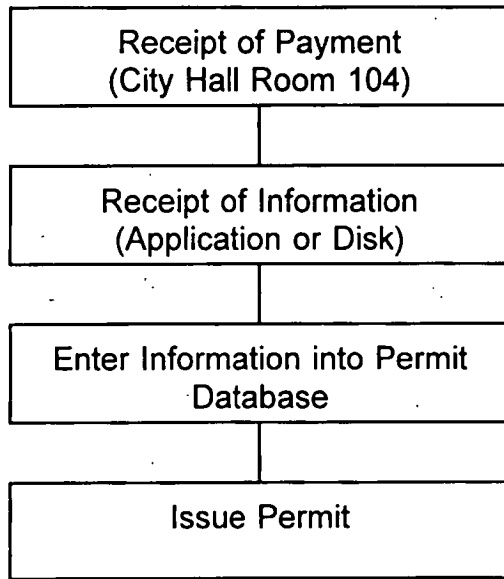
CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Blanket Phone Permits



Individual Phone Permits

