



PASSED FOR
PUBLICATION
& CONTINUED
TO 6.10.97

1.9
1.9

DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

312 K STREET
SACRAMENTO, CA
95814-2877

PARKING LOT ADMINISTRATION

May 20, 1997

PH: 916-264-5110
FAX: 916-264-5115

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: PROPOSED CHANGES TO SACRAMENTO CITY CODE PROHIBITING
PARKING VALIDATION ABUSE AND ESTABLISH PENALTIES

LOCATION AND COUNCIL DISTRICT: Downtown Plaza Parking Lots,
Council District 1

RECOMMENDATION:

This report recommends that the item be passed for publication of title and continued to
June ~~10~~ 1997.

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CONTACT PERSON: Mark S. Miller, Intern Parking Operations Supl., 264-7610

FOR COUNCIL MEETING OF: June 3, 1997

SUMMARY:

This report is presented for approval of publication of title pursuant to City Charter
Section 32.

Large numbers of persons avoid parking fees at Downtown Plaza parking lots through
improper use of merchant validations. This ordinance establishes higher and
progressive penalties for repeat violations of City Code sections designed to prevent
such abuse and makes improper issuance of validations by Downtown Plaza merchants
an infraction.

COMMITTEE/COMMISSION ACTION:

The attached report addressing the proposed new ordinance section and penalties for
violation was heard by the City Council's Law and Legislation Committee on May 20,
1997. The Committee recommended forwarding the report to the full City Council for
approval.

BACKGROUND INFORMATION:

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

FINANCIAL CONSIDERATIONS:

Approval of fee changes and adoption of the proposed ordinance will increase General Fund citation revenue by approximately \$8,000 for the first year of implementation, after that it is anticipated that citation revenues from violations of this ordinance will remain at approximately \$2,000 per year. Parking Fund Revenues will increase by at least \$85,000 annually. Implementation of these changes will be accomplished with no increase of staff, supplies, or services.

ENVIRONMENTAL CONSIDERATIONS:

This project is exempt from the California Environmental Quality Act (CEQA) under Section 15273(a)(1) of the CEQA Guidelines.

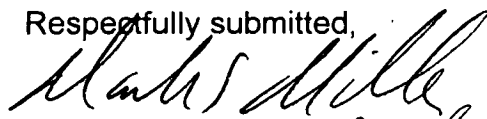
POLICY CONSIDERATIONS:

City Code, Section 25.09.157, requires payment of parking fees. This ordinance, if approved, will further define that policy and establish penalties for certain violations of that policy.

MBE/WBE EFFORTS:

No goods and services are being purchased.


Respectfully submitted,


Robert L. Lee *for Robt. Lee*
Interim Manager, Parking Division

RECOMMENDATION APPROVED:


BETTY MASUOKA
Deputy City Manager

Approved:


Michael Kashiwagi
Director of Public Works

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING SECTION 25.09.157-1 TO THE SACRAMENTO CITY CODE TO PROHIBIT PARKING OF VEHICLES WITH IMPROPER USE OF VALIDATIONS TO AVOID PARKING CHARGES FOR THE DOWNTOWN PLAZA PARKING LOTS

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

SECTION 1.

The City Council hereby finds and declares as follows:

1. Some persons who work at the Downtown Plaza and in the surrounding area, and who park their vehicles in the Downtown Plaza parking lots while at work, are improperly using the validation process permitted under the Parking Operation and Maintenance Agreement for the Downtown Plaza, dated November 30, 1992, to avoid parking charges at the Downtown Plaza parking lots.
2. This practice is contrary to the Parking Operation and Maintenance Agreement which only allows merchants in the Downtown Plaza to validate parking of customers who make a purchase, and limits validations to one per customer per day.
3. The unauthorized use of validations to avoid parking charges at the Downtown Plaza parking lots is costing the City substantial amounts of parking revenue.
4. The purpose of this ordinance is to establish penalties for the parking of vehicles by persons who improperly use validations to avoid said parking charges, and penalties for the merchants in the Downtown Plaza who knowingly provide validations to their own employees.

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FOR CITY CLERK USE ONLY

4/17/97

ORDINANCE NO. _____

DATE ADOPTED: _____

SECTION 2.

Section 25.09.157-1 is added to the Sacramento City Code to read as follows:

25.09.157-1 Prohibiting Parking of Vehicles With Improper Use of Validations To Avoid Parking Charges at Downtown Plaza Parking Lots.

- (a) **Definitions:** The following definitions apply for purposes of this section:
- (1) "Parking charges" means those charges incurred by using the parking lots located at the Downtown Plaza.
 - (2) "Person" is any person who parks in any of the parking lots of the Downtown Plaza.
 - (3) "Merchant" is any person, business or other entity conducting business at the Downtown Plaza, and who validates parking tickets for the Downtown Plaza parking lots.
 - (4) "Downtown Plaza" is that area bounded by 3rd Street to the West, J Street to the North, 7th Street to the East, and L Street to the South.
 - (5) "Downtown Plaza parking lots" are Sacramento City parking lots G, K and U, which are within the Downtown Plaza.
 - (6) "Validation" means a validation of a parking ticket issued by a merchant to a customer who makes a purchase, entitling said customer to a specified period of free parking, in accordance with the provisions of the Parking Operation and Maintenance Agreement for the Downtown Plaza, dated November 30, 1992.
- (b) It shall be unlawful for any person to park a vehicle in any of the Downtown Plaza parking lots and use more than one validation to pay parking charges for said vehicle on the same day. The penalty for a violation of this subsection (b) shall be as follows:
- (1) \$100.00 for one violation.

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ORDINANCE NO. _____

DATE ADOPTED: _____

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- (2) \$200.00 for one subsequent violation within one (1) year.
 - (3) \$500.00 for each subsequent violation within one (1) year.
- (c) It shall be unlawful for any person employed by a merchant to park a vehicle in any of the Downtown Plaza parking lots and use a validation issued by that merchant to pay any portion of parking charges due for said vehicle for any portion of the time the employee is at work. The penalty for a violation of this subsection (c) shall be as follows:
- (1) \$100.00 for one violation.
 - (2) \$200.00 for one subsequent violation within one (1) year.
 - (3) \$500.00 for each subsequent violation within one (1) year.
- (d) A notice of parking violation shall be issued to the registered owner of a vehicle for which a validation is used to pay any portion of said vehicle's parking charges in violation of subsection (b) or (c). The notice of parking violation shall set forth the violation including a reference to the applicable subsection hereof, the date and approximate time of the violation, the location where the violation occurred, and the license number, color, and, if possible, the make of said vehicle. The notice of parking violation shall also indicate that payment of the penalty for said violation is required to be made not later than 21 days from the date of the notice, and shall describe the procedures for depositing the penalty or contesting the notice of parking violation. The issuance and review of notices of parking violation and delinquent parking violation, and the liability for and payment and collection of parking violation penalties, shall be governed by Sections 40200 et seq. of the California Vehicle Code and chapter 25.17 of this title.
- (e) It shall be unlawful for any merchant to issue any person a validation unless the validation is issued in conjunction with a purchase of goods or services from that merchant. It shall be unlawful for any merchant to knowingly issue to any employee of that merchant a validation covering all or any portion of the time the employee is at work. A violation of this subsection (e) shall be an infraction.

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ORDINANCE NO. _____

DATE ADOPTED: _____

- (f) Administrative penalties may be imposed for any violation of subsection (e) in accordance with the provisions of section 1.01.070 of this code. The administrative penalty for a violation of subsection (e) shall be \$100.00.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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FOR CITY CLERK USE ONLY

4/17/97

ORDINANCE NO. _____

DATE ADOPTED: _____

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1.9

DEPARTMENT OF
PUBLIC WORKS

PARKING LOT ADMINISTRATION

CITY OF SACRAMENTO
CALIFORNIA

May 28, 1997

APPROVED
BY THE CITY COUNCIL

JUN 10 1997

OFFICE OF THE
CITY CLERK

312 K STREET
SACRAMENTO, CA
95814-2877

PH: 916-264-5110
FAX: 916-264-5115

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: PROPOSED CHANGES TO SACRAMENTO CITY CODE PROHIBITING
PARKING VALIDATION ABUSE AND ESTABLISH PENALTIES

LOCATION AND COUNCIL DISTRICT:

Council District 1.

RECOMMENDATION:

This report recommends that the City Council approve the ordinance adding to Section 25.09.157 of the Sacramento City Code to establish increased fines for individuals repeatedly cited for the same violation.

CONTACT PERSON: Mark S. Miller, Interim Parking Operations Supt. 264-7610

FOR COUNCIL MEETING OF: June 10, 1997

SUMMARY:

Large numbers of persons avoid parking fees at Downtown Plaza parking lots through improper use of merchant validations. This ordinance establishes higher and progressive penalties for repeat violations of City Code sections designed to prevent such abuse and makes improper issuance of validations by Downtown Plaza merchants an infraction.

COMMITTEE/COMMISSION ACTION:

This report was heard by the Law & Legislative Committee on May 20, 1997. The Committee recommended forwarding the report to City Council for approval.

BACKGROUND INFORMATION:

Employees of the Downtown Plaza and its immediate surroundings are using validations and/or "rotating" their cars (driving out and then immediately back into a lot for a new ticket) to take advantage of validated parking. These persons are using their own employers' or other merchants' validation stamps to avoid paying for parking.

The proposed ordinance would impose penalties on persons who improperly obtain validations or use multiple validations in one day to reduce parking charges. Additionally, there are penalties for merchants who grant validations to persons who are their employees. However, the major penalties fall on persons trying to improperly obtain and use the validations. Those penalties (\$100 for a first violation, \$200 for a second violation, and \$500 for subsequent violations within a 12-month period) escalate rapidly enough that they should provide a sufficient deterrent to those who are not purchasing monthly parking passes. Monthly passes for the Downtown Lots range between \$96-\$104 a month. Staff has met with Downtown Plaza Management which has reviewed the proposed ordinance and has no objections.

FINANCIAL CONSIDERATIONS:

Approval of fee changes and adoption of the proposed ordinance will increase General Fund citation revenue by approximately \$8,000 for the first year of implementation, after that it is anticipated that citation revenues from violations of this ordinance will remain at approximately \$2,000 per year. Parking Fund Revenues will increase by approximately \$85,000 annually. Implementation of these changes will be accomplished with no increase of staff, supplies, or services.

ENVIRONMENTAL CONSIDERATIONS:

This project is exempt from the California Environmental Quality Act (CEQA) under Section 15273(a)(1) of the CEQA Guidelines.

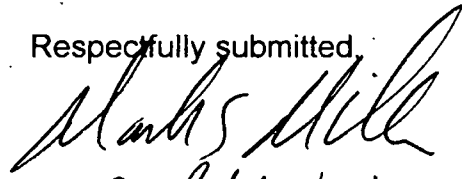
POLICY CONSIDERATIONS:

City Code Section 25.09.157 requires payment of parking fees. This ordinance, if approved, will further define that policy and establish penalties for certain violations of that policy.

MBE/WBE EFFORTS:

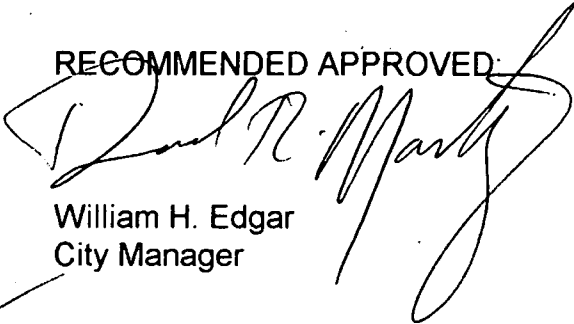
No goods and services are being purchased.

Respectfully submitted,



For Robt. L. Lee
Robert L. Lee
Interim Manager, Parking Division

RECOMMENDED APPROVED:



William H. Edgar
City Manager

for:

Approved:



Michael Kashiwagi
Director of Public Works

APPROVED
BY THE CITY COUNCIL

JUN 10 1997

OFFICE OF THE
CITY CLERK

ORDINANCE NO. 97-033

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING SECTION 25.09.157-1 TO THE SACRAMENTO CITY CODE TO PROHIBIT PARKING OF VEHICLES WITH IMPROPER USE OF VALIDATIONS TO AVOID PARKING CHARGES FOR THE DOWNTOWN PLAZA PARKING LOTS

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

SECTION 1.

The City Council hereby finds and declares as follows:

1. Some persons who work at the Downtown Plaza and in the surrounding area, and who park their vehicles in the Downtown Plaza parking lots while at work, are improperly using the validation process permitted under the Parking Operation and Maintenance Agreement for the Downtown Plaza, dated November 30, 1992, to avoid parking charges at the Downtown Plaza parking lots.
2. This practice is contrary to the Parking Operation and Maintenance Agreement which only allows merchants in the Downtown Plaza to validate parking of customers who make a purchase, and limits validations to one per customer per day.
3. The unauthorized use of validations to avoid parking charges at the Downtown Plaza parking lots is costing the City substantial amounts of parking revenue.
4. The purpose of this ordinance is to establish penalties for the parking of vehicles by persons who improperly use validations to avoid said parking charges, and penalties for the merchants in the Downtown Plaza who knowingly provide validations to their own employees.

FOR CITY CLERK USE ONLY

4/17/97

ORDINANCE NO. _____

DATE ADOPTED: _____

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SECTION 2.

Section 25.09.157-1 is added to the Sacramento City Code to read as follows:

25.09.157-1 Prohibiting Parking of Vehicles With Improper Use of Validations To Avoid Parking Charges at Downtown Plaza Parking Lots.

(a) **Definitions:** The following definitions apply for purposes of this section:

- (1) "Parking charges" means those charges incurred by using the parking lots located at the Downtown Plaza.
- (2) "Person" is any person who parks in any of the parking lots of the Downtown Plaza.
- (3) "Merchant" is any person, business or other entity conducting business at the Downtown Plaza, and who validates parking tickets for the Downtown Plaza parking lots.
- (4) "Downtown Plaza" is that area bounded by 3rd Street to the West, J Street to the North, 7th Street to the East, and L Street to the South.
- (5) "Downtown Plaza parking lots" are Sacramento City parking lots G, K and U, which are within the Downtown Plaza.
- (6) "Validation" means a validation of a parking ticket issued by a merchant to a customer who makes a purchase, entitling said customer to a specified period of free parking, in accordance with the provisions of the Parking Operation and Maintenance Agreement for the Downtown Plaza, dated November 30, 1992.

(b) It shall be unlawful for any person to park a vehicle in any of the Downtown Plaza parking lots and use more than one validation to pay parking charges for said vehicle on the same day. The penalty for a violation of this subsection (b) shall be as follows:

- (1) \$100.00 for one violation.

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FOR CITY CLERK USE ONLY

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ORDINANCE NO. _____

DATE ADOPTED: _____

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- (2) \$200.00 for one subsequent violation within one (1) year.
 - (3) \$500.00 for each subsequent violation within one (1) year.
- (c) It shall be unlawful for any person employed by a merchant to park a vehicle in any of the Downtown Plaza parking lots and use a validation issued by that merchant to pay any portion of parking charges due for said vehicle for any portion of the time the employee is at work. The penalty for a violation of this subsection (c) shall be as follows:
- (1) \$100.00 for one violation.
 - (2) \$200.00 for one subsequent violation within one (1) year.
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- (d) A notice of parking violation shall be issued to the registered owner of a vehicle for which a validation is used to pay any portion of said vehicle's parking charges in violation of subsection (b) or (c). The notice of parking violation shall set forth the violation including a reference to the applicable subsection hereof, the date and approximate time of the violation, the location where the violation occurred, and the license number, color, and, if possible, the make of said vehicle. The notice of parking violation shall also indicate that payment of the penalty for said violation is required to be made not later than 21 days from the date of the notice, and shall describe the procedures for depositing the penalty or contesting the notice of parking violation. The issuance and review of notices of parking violation and delinquent parking violation, and the liability for and payment and collection of parking violation penalties, shall be governed by Sections 40200 et seq. of the California Vehicle Code and chapter 25.17 of this title.
- (e) It shall be unlawful for any merchant to issue any person a validation unless the validation is issued in conjunction with a purchase of goods or services from that merchant. It shall be unlawful for any merchant to knowingly issue to any employee of that merchant a validation covering all or any portion of the time the employee is at work. A violation of this subsection (e) shall be an infraction.

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DATE ADOPTED: _____

4/17/87

- (f) Administrative penalties may be imposed for any violation of subsection (e) in accordance with the provisions of section 1.01.070 of this code. The administrative penalty for a violation of subsection (e) shall be \$100.00.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

- 4 -

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ORDINANCE NO. _____

DATE ADOPTED: _____

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ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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- (1) \$100.00 for one violation.
 - (2) \$200.00 for one subsequent violation within one (1) year.
 - (3) \$500.00 for each subsequent violation within one (1) year.
- (d) A notice of parking violation shall be issued to the registered owner of a vehicle for which a validation is used to pay any portion of said vehicle's parking charges in violation of subsection (b) or (c). The notice of parking violation shall set forth the violation including a reference to the applicable subsection hereof, the date and approximate time of the violation, the location where the violation occurred, and the license number, color, and, if possible, the make of said vehicle. The notice of parking violation shall also indicate that payment of the penalty for said violation is required to be made not later than 21 days from the date of the notice, and shall describe the procedures for depositing the penalty or contesting the notice of parking violation. The issuance and review of notices of parking violation and delinquent parking violation, and the liability for and payment and collection of parking violation penalties, shall be governed by Sections 40200 et seq. of the California Vehicle Code and chapter 25.17 of this title.
- (e) It shall be unlawful for any merchant to issue any person a validation unless the validation is issued in conjunction with a purchase of goods or services from that merchant. It shall be unlawful for any merchant to knowingly issue to any employee of that merchant a validation covering all or any portion of the time the employee is at work. A violation of this subsection (e) shall be an infraction.

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ORDINANCE NO. _____

DATE ADOPTED: _____

- (f) Administrative penalties may be imposed for any violation of subsection (e) in accordance with the provisions of section 1.01.070 of this code. The administrative penalty for a violation of subsection (e) shall be \$100.00.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

- 4 -

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