

APPROVED
BY THE CITY COUNCIL

FEB 23 1999

OFFICE OF THE
CITY CLERK



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CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
PUBLIC WORKS

TECHNICAL SERVICES DIVISION

DEVELOPMENT SERVICES &
SPECIAL DISTRICTS
1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2988

January 12, 1999

916-264-7474
FAX 916-264-7480

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: ORDINANCE AMENDING CHAPTER 38.15 OF THE SACRAMENTO CITY CODE
RELATING TO TEMPORARY STREET CLOSURES**

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

This report recommends that the City Council adopt the attached ordinance that provides certain language changes relating to the amendment of Chapter 38.15 of the Sacramento City Code.

CONTACT PERSON: Ron Perry, Engineering Technician, 264-8298
Theresa Arnold, Associate Engineer, 264-5514

FOR COUNCIL MEETING: February 23, 1999

SUMMARY:

The existing ordinance allows for closures to be effective for 18-months and allows for a one time extension of an additional 18-month period. The ordinance amending Chapter 38.15 of the Sacramento City Code would allow five consecutive extensions of 18-months. This ordinance is being amended to conform to California Vehicle Code Section 21101.4 changes that became effective January 1, 1997.

City Council
Ordinance Amending Chapter 38.15
January 12, 1999

COMMITTEE/COMMISSION ACTION:

On February 2, 1999, the Law and Legislative Committee approved the staff recommendation to amend Chapter 38.15 of the Sacramento City Code relating to temporary street closures and directed that the recommended changes be brought to the City Council for approval.

BACKGROUND:

In recent years, alleys (and some streets) throughout the city have become a haven for illegal activities, including prostitution, drug activity, burglaries, and illegal dumping.

The alley abandonment and temporary closure program was established on May 24, 1995, to assist neighborhoods throughout the city in combating pervasive illegal activities.

The existing Chapter 35.15 of the Sacramento City Code only has provisions for one (1) 18-month extension.

FINANCIAL CONSIDERATIONS:

There is no fee associated with temporary street closures. The administrative cost of this program is covered by the General Fund. Amending this ordinance will not change the cost of the program.

ENVIRONMENTAL CONSIDERATIONS:

Adoption of the proposed ordinance is not a project for which environmental review is required under the California Environmental Quality Act because it is a ministerial action required to make the City Code consistent with state law.

POLICY CONSIDERATIONS:

The Temporary Street Closure and Alley Abandonment Program is consistent with the City's priorities of providing safety and neighborhood revitalization.

City Council
Ordinance Amending Chapter 38.15
January 12, 1999

MBE/WBE:

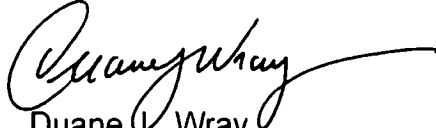
None, no goods or services are being procured.

Respectfully submitted,



Marty Hanneman
City Traffic Engineer

Approved:



Duane U. Wray
Manager, Technical Services Division

Recommendation Approved:



WILLIAM H. EDGAR
City Manager

for

RP:jd

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Approved:



Michael Kashiwagi
Director of Public Works

ORDINANCE NO. 99-009 APPROVED
BY THE CITY COUNCIL

ADOPTED BY THE SACRAMENTO CITY COUNCIL

FEB 23 1999

OFFICE OF THE
CITY CLERK

ON DATE OF _____

**AN ORDINANCE AMENDING CHAPTER 38.15 OF THE
SACRAMENTO CITY CODE, RELATING TO TEMPORARY
STREET CLOSING**

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

SECTION 1.

Chapter 38.15 of the Sacramento City Code is hereby amended to read as follows:

38.15.200 Purpose.

Pursuant to the authority of Vehicle Code Section 21101.4, the provisions of this chapter shall apply to and control the temporary closing of a street to through traffic.

38.15.201 Public hearing and findings required.

(a) Initial Closure: The city council may temporarily close a street to through traffic after a public hearing, and upon adoption of a resolution finding that all of the following conditions exist:

- (1) There is serious and continual criminal activity in the portion of the street recommended for temporary closure. This finding shall be based upon the recommendation of the police department.
- (2) The street is under the City of Sacramento's jurisdiction and has not been designated as a through highway or arterial street.
- (3) Vehicular or pedestrian traffic on the street contributes to the criminal activity.
- (4) The closure will not substantially adversely affect traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the street proposed to be temporarily closed.

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ORDINANCE NO. _____

DATE ADOPTED: _____

(b) Extension of Closure: The city council may extend a temporary street closure previously approved in accordance with this chapter after a public hearing, and upon adoption of a resolution finding that all of the following conditions exist:

- (1) Continuation of the temporary closure will assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity found to exist when the immediately preceding temporary closure was authorized. This finding shall be based upon the recommendation of the police department.
- (2) The street has not been designated as a through highway or arterial street.
- (3) Vehicular or pedestrian traffic on the street contributes to the criminal activity.
- (4) The immediately preceding closure has not substantially adversely affected traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the street that was temporarily closed.

38.15.202 Definitions applicable to this chapter.

Arterial street: A street designated as an arterial or minor arterial street in the circulation element of the City's general plan or applicable community plan.

Street: A street, alley, way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street includes highway, as that term is defined in the California Vehicle Code.

Temporary: No longer than eighteen (18) months, except that period may be extended for not more than five (5) additional consecutive periods of not more than eighteen (18) months each as provided in this chapter.

Through highway: A through highway, as that term is defined in Vehicle Code Section 600.

38.15.203 Procedure.

Any person may request the city manager to study temporary closure or the extension of a temporary closure of a street or streets, and make his/her recommendation to the city council for action under this ordinance.

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38.15.204 Information and documentation required.

(a) Initial Closure: The following information and documentation shall be included in the request to the city manager:

- (1) An exact description of the limits of the street(s) to be closed and the proposed method of closure.
- (2) (i) Documentation from the Sacramento police department indicating that the area of the proposed street closure suffers from serious and continual criminal activity that is contributed to by vehicular or pedestrian traffic, and (ii) a recommendation from the police department that the proposed temporary street closure be implemented because that action would substantially alleviate the serious and continual criminal activity in the area.
- (3) Verification from the public works department that the street closure proposed does not include a through highway or an arterial street, and that the proposed street closure allows adequate and safe traffic circulation on adjacent streets.
- (4) Verification from the fire department that the proposed closure will not adversely impact their operations or safety in the surrounding neighborhoods.
- (5) Any other information and documentation requested by the city manager in his or her sole discretion.

(b) Extension of Closure: The following information and documentation shall be included in the request to the city manager:

- (1) An exact description of the limits of the street(s) where extension of the temporary closure is requested.
- (2) (i) Documentation from the Sacramento police department indicating that the area where extension of the temporary closure is requested suffers from serious and continual criminal activity that is contributed to by vehicular or pedestrian traffic, and (ii) a recommendation from the police department that the temporary street closure be continued to assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity in the area found to exist when the immediately preceding temporary closure was authorized.

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- (3) Verification from the public works department that the street where extension of the temporary closure is requested is not a through highway or an arterial street, and that the immediately preceding closure allowed for adequate and safe traffic circulation on adjacent streets.
- (4) Verification from the fire department that the immediately preceding closure did not adversely impact their operations or safety in the surrounding neighborhoods.
- (5) Any other information and documentation requested by the city manager in his or her sole discretion.

38.15.205 Permits required for closure improvements in the public right-of-way.

If the proposed street closure requires construction of temporary closure improvements such as fencing, gates, guard booth, or lighting, in the public right-of-way by a private entity, a revocable encroachment permit and an excavation permit must be obtained from the public works department. The revocable encroachment permit must be issued simultaneously with the approval of the street closure by the city council. The excavation permit, if required, may be issued subsequent to city council approval of the temporary closure, but must be obtained prior to actual closure of the street(s). The city manager, in his or her discretion, may waive the fees required for these permits.

38.15.206 Notice of public hearing.

At least ten (10) calendar days before the public hearing required under Section 38.15.201, a notice of the time, date and place of the hearing, including a general description of the area affected, shall be mailed to all residents and owners, as shown on the last equalized assessment roll, of property adjacent to the portion of street where a temporary closure or extension of a temporary closure is proposed. This notice shall also be published in both of the following ways:

- (1) at least once in a newspaper of general circulation, published and circulated in the city, and
- (2) conspicuously posted along the line of the streets to be temporarily closed. The notices shall be posted not more than 300 feet apart, but at least three notices shall be posted.

Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this chapter.

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DATE ADOPTED: _____

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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ORDINANCE NO. _____

DATE ADOPTED: _____

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