



1.9

APPROVED
BY THE CITY COUNCIL

SEP 2 1997

OFFICE OF THE
CITY CLERK

312 K STREET
SACRAMENTO, CA
95814-2877

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

DOWNTOWN DEPARTMENT
PARKING LOT ADMINISTRATION

CITY OF SACRAMENTO
CALIFORNIA

August 26, 1997

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ORDINANCE AMENDING SECTION 25.09.157-1 AND CLARIFICATION OF
MERCHANT VALIDATION ABUSE

LOCATION AND COUNCIL DISTRICT: Council District 1

RECOMMENDATION:

Staff recommends that the City Council adopt the attached ordinance amendment.

CONTACT PERSON: Mark S. Miller, Parking Operations Superintendent

FOR COUNCIL MEETING OF: September 2, 1997

SUMMARY:

This Ordinance would amend Section 25.09.157-1 of the Municipal Code, which prohibits validation abuse in City Parking Lots G, K, & U, located at Downtown Plaza.

COMMITTEE/COMMISSION ACTION:

The attached report addressing the ordinance section and penalties for violation was approved by the City Council on June 10, 1997.

BACKGROUND INFORMATION:

On June 10, 1997, City Council approved Ordinance 97-033 creating City Code Section 25.09.157-1. That section defined violation of the merchant validation program at the City's Downtown Plaza parking lots and established penalties for such violations. The Code section states, in part, that it is unlawful for any person employed by a merchant to park a vehicle in any Downtown Plaza parking lot and use a validation issued by that merchant to pay for parking charges *for any portion of time that the employee is at work.*

Parking enforcement personnel have indicated that it would be difficult for them to issue citations for violations of this section because of the difficulty created for them in verifying whether the employee was at work during the time a validation is used.

This proposed amendment of the ordinance would delete the phrase "...for any portion of the time the employee is at work." Thus, it would be a violation of the ordinance for an employee of a Downtown Plaza merchant to use a validation obtained from their employer at any time. Employees who work in Downtown Plaza would continue to be entitled, with any purchase, to obtain a parking validation from any other merchant in the Downtown Plaza.

The City's contract with Downtown Plaza (the POMA) specifically prohibits employees who work in the Downtown Plaza from using their employer's validation as payment or partial payment for parking at any time. If the City's ordinance is amended to reflect the same restriction, problems with enforcement of the ordinance will be eliminated.

Downtown Plaza Management has been contacted regarding this proposed Code amendment and has no objection.

FINANCIAL CONSIDERATIONS:

This action may result in a small increase in General Fund Revenue should additional citations be issued as a result.

ENVIRONMENTAL CONSIDERATIONS:

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

POLICY CONSIDERATIONS:

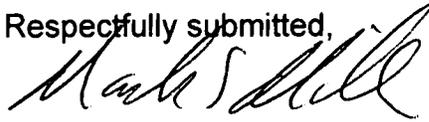
City Code Section 25.09.157 requires payment of parking fees. This ordinance will further define that policy and establish penalties for certain violations of that policy.

Pass for Publication
Ordinance amending Section 25.09.157-1
And clarification of Merchant Validation Abuse
Page 3

MBE/WBE CONSIDERATIONS:

This action does not involve purchase of goods or services.

Respectfully submitted,



Mark S. Miller
Parking Operations Superintendent

RECOMMENDED APPROVED:



for
WILLIAM H. EDGAR
City Manager

APPROVED:



Thomas Lee
Deputy City Manager

APPROVED
BY THE CITY COUNCIL

SEP 2 1997

OFFICE OF THE
CITY CLERK

ORDINANCE NO. 97-054

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING SECTION 25.09.157-1 OF
THE SACRAMENTO CITY CODE, RELATING TO
IMPROPER USE OF VALIDATIONS FOR THE
DOWNTOWN PLAZA PARKING LOTS**

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

SECTION 1.

Section 25.09.157-1 of the Sacramento City Code is hereby amended 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.

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6/18/97

- (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.
 - (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. 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

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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 a validation to any employee of that merchant. A violation of this subsection (e) shall be an infraction.
- (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

- 3 -

FOR CITY CLERK USE ONLY

6/18/97

ORDINANCE NO. _____

DATE ADOPTED: _____



PASSED FOR
PUBLICATION
& CONTINUED
TO 9.2.97

1.22
1.9

DOWNTOWN DEPARTMENT
PARKING LOT ADMINISTRATION

CITY OF SACRAMENTO
CALIFORNIA

August 21, 1997

312 K STREET
SACRAMENTO, CA
95814-2877

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

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ORDINANCE AMENDING SECTION 25.09.157-1 AND CLARIFICATION OF
MERCHANT VALIDATION ABUSE

LOCATION AND COUNCIL DISTRICT: Council District 1

RECOMMENDATION:

Staff recommends that the City Council adopt the attached ordinance amendment.

CONTACT PERSON: Mark S. Miller, Parking Operations Superintendent

FOR COUNCIL MEETING OF: August 26, 1997

SUMMARY:

This Ordinance would amend Section 25.09.157-1 of the Municipal Code, which prohibits validation abuse in City Parking Lots G, K, & U, located at Downtown Plaza.

COMMITTEE/COMMISSION ACTION:

The attached report addressing the ordinance section and penalties for violation was approved by the City Council on June 10, 1997.

BACKGROUND INFORMATION:

On June 10, 1997, City Council approved Ordinance 97-033 creating City Code Section 25.09.157-1. That section defined violation of the merchant validation program at the City's Downtown Plaza parking lots and established penalties for such violations. The Code section states, in part, that it is unlawful for any person employed by a merchant to park a vehicle in any Downtown Plaza parking lot and use a validation issued by that merchant to pay for parking charges *for any portion of time that the employee is at work.*

Parking enforcement personnel have indicated that it would be difficult for them to issue citations for violations of this section because of the difficulty created for them in verifying whether the employee was at work during the time a validation is used.

This proposed amendment of the ordinance would delete the phrase "...for any portion of the time the employee is at work." Thus, it would be a violation of the ordinance for an employee of a Downtown Plaza merchant to use a validation obtained from their employer at any time. Employees who work in Downtown Plaza would continue to be entitled, with any purchase, to obtain a parking validation from any other merchant in the Downtown Plaza.

The City's contract with Downtown Plaza (the POMA) specifically prohibits employees who work in the Downtown Plaza from using their employer's validation as payment or partial payment for parking at any time. If the City's ordinance is amended to reflect the same restriction, problems with enforcement of the ordinance will be eliminated.

Downtown Plaza Management has been contacted regarding this proposed Code amendment and has no objection.

FINANCIAL CONSIDERATIONS:

This action may result in a small increase in General Fund Revenue should additional citations be issued as a result.

ENVIRONMENTAL CONSIDERATIONS:

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

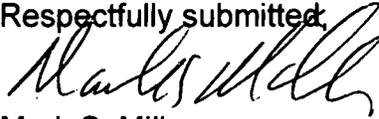
POLICY CONSIDERATIONS:

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

MBE/WBE CONSIDERATIONS:

This action does not involve purchase of goods or services.

Respectfully submitted,



Mark S. Miller
Parking Operations Superintendent

RECOMMENDED APPROVED:



for
WILLIAM H. EDGAR
City Manager

APPROVED:



Thomas Lee
Deputy City Manager

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 25.09.157-1 OF THE SACRAMENTO CITY CODE, RELATING TO IMPROPER USE OF VALIDATIONS FOR THE DOWNTOWN PLAZA PARKING LOTS

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

SECTION 1.

Section 25.09.157-1 of the Sacramento City Code is hereby amended 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.

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DATE ADOPTED: _____

- (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.
 - (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. The penalty for a violation of this subsection (c) shall be as follows:
- (1) \$100.00 for one violation.
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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

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- (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 a validation to any employee of that merchant. A violation of this subsection (e) shall be an infraction.
- (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:

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MAYOR

ATTEST:

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ON DATE OF _____

AN ORDINANCE AMENDING SECTION 25.09.157-1 OF THE SACRAMENTO CITY CODE, RELATING TO IMPROPER USE OF VALIDATIONS FOR THE DOWNTOWN PLAZA PARKING LOTS

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- 3 -

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6/18/97

281

Clean Copies

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 25.09.157-1 OF THE SACRAMENTO CITY CODE, RELATING TO IMPROPER USE OF VALIDATIONS FOR THE DOWNTOWN PLAZA PARKING LOTS

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ATTEST:

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ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 25.09.157-1 OF THE SACRAMENTO CITY CODE, RELATING TO IMPROPER USE OF VALIDATIONS FOR THE DOWNTOWN PLAZA PARKING LOTS

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

SECTION 1.

Section 25.09.157-1 of the Sacramento City Code is hereby amended 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.
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