



11.2

DEPARTMENT OF
POLICE

ARTURO VENEGAS, JR.
CHIEF OF POLICE

CITY OF SACRAMENTO
CALIFORNIA
March 6, 1998

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SACRAMENTO, CA
95814-2599

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Ref: 3-11

APPROVED
BY THE CITY COUNCIL

MAR 17 1998

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: AMENDMENT TO TITLE 10 OF THE SACRAMENTO CITY CODE REGULATING SOLICITATION. THE ORDINANCE AMENDMENT WOULD PROHIBIT SOLICITATION ON STREET MEDIANS AND ON FREEWAY ON/OFF-RAMPS.

LOCATION AND COUNCIL DISTRICT: City wide

RECOMMENDATION:

This report recommends that the City Council review the proposed ordinance amendment (attached), make any necessary changes and adopt the amendment immediately.

CONTACT PERSON: Captain Rick Brazier, Metro Division
Police Department, 264-7380

Lieutenant Mike McCarthy, Sector 1 Command
Police Department, 566-2424

FOR CITY COUNCIL MEETING OF: March 17, 1998

SUMMARY:

The Police Department has prepared this report with the input and assistance of concerned citizens, the City Manager's office and the City Attorney's office. It recommends the adoption of the attached ordinance amendment prohibiting solicitation on city street medians and on freeway on/off-ramps. The ordinance amendment would become Chapter 10.06 of Title 10 of the Sacramento City Code.

BACKGROUND:

The Police Department has received complaints from residents and workers who commute into the City regarding solicitation activity on street medians and freeway on/off-ramps. This type of solicitation is distracting to drivers who are attempting to be alert, watch traffic and observe the rules of the road and all traffic control devices. Solicitation on medians and freeway on/off-ramps also impedes the flow of traffic, causing unnecessary delays for commuters, business people and tourists. The congestion and distraction caused by this activity increases the likelihood of accidents at intersections and on/off-ramps. It is also dangerous for the person soliciting to step into the lane of traffic to accept donations or converse with drivers.

The Police Department believes that the public safety, welfare and freedom will be enhanced by prohibiting solicitation activity in the areas covered in this ordinance. As a means of improving the quality of life for residents, business people, shoppers and tourists in the city, it is important to reduce these unsafe solicitation activities.

FINANCIAL CONSIDERATIONS:

This ordinance amendment may result in an insignificant increase in revenues from the fines collected as a result of citations issued under this ordinance. This ordinance would make a violation of this section an infraction with fines consistent with other solicitation offenses.

ENVIRONMENTAL CONSIDERATIONS:

This activity does not constitute a "project" and is therefore exempt from the California Environmental Quality Act (CEQA), CEQA Guidelines Sections 15061 and 15378.

POLICY CONSIDERATIONS:

This ordinance is consistent with City policy to improve the public's free flow of travel and safety in the City, to promote a high quality of life for our residents and business people, and to improve the atmosphere for shoppers and tourists visiting our City.

MBE/WBE CONSIDERATIONS:

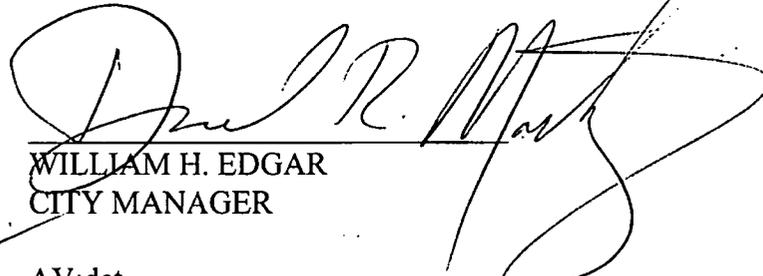
None.

SOLICITATION ON MEDIANS AND FREEWAY ON/OFF-RAMPS
CITY COUNCIL
MARCH 17, 1998
PAGE 3

Respectfully submitted,


ARTURO VENEGAS, JR.
CHIEF OF POLICE

RECOMMENDATION APPROVED:


WILLIAM H. EDGAR
CITY MANAGER

for
AV:det

Attachment: Draft Ordinance Amendment



RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
MAR 16 8 31 AM '98

OFFICE OF THE
CITY ATTORNEY

SAMUEL L. JACKSON
CITY ATTORNEY

WILLIAM P. CARNAZZO
ASSISTANT CITY ATTORNEY

CITY OF SACRAMENTO
CALIFORNIA

980 NINTH STREET
TENTH FLOOR
SACRAMENTO, CA
95814-2736

PH 916-264-5346
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March 16, 1998

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JOHN A. NAGEL
JOHN C. PADRICK
JOE ROBINSON
ARNOLD D. SAMUEL
ROBERT K. SANDMAN
SANDRA G. TALBOTT
ROBERT D. TOKUNAGA

MEMORANDUM

TO: Virginia Henry, Assistant City Clerk

FROM: Samuel L. Jackson, City Attorney
Richard E. Archibald, Supervising Deputy City Attorney
Arnold D. Samuel, Deputy City Attorney (0500)

RE: Panhandling Ordinance *ADS*

Pursuant to your conversation with Richard Archibald on March 13, enclosed please find a "clean" and "redline" version of the Panhandling on Medians Ordinance that is scheduled to go before the City Council on March 17. The less recent version of the ordinance was inadvertently submitted and incorporated into the agenda packet. The enclosed "clean" version is the most recent version and the "redline" version outlines the differences between the most recent and less recent versions of the ordinance.

Thank you for your assistance in this matter. Please feel free to contact me for any questions.

ADS/gct

Enclosures

cc: Rick Braziel (with enclosures)
David Topaz (with enclosures)

ORDINANCE NO. 98-014

APPROVED
BY THE CITY COUNCIL

MAR 17 1998

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE
CITY CLERK

ON DATE OF _____

**AN ORDINANCE ADDING CHAPTER 10.06 TO TITLE 10 OF
THE SACRAMENTO CITY CODE, RELATING TO
SOLICITATION ON STREET MEDIANS AND FREEWAY ON-
RAMPS AND OFF-RAMPS**

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

SECTION 1.

Findings.

(a) The activity of soliciting employment, business or contributions from occupants of vehicles distracts drivers from their primary duty to watch traffic and be alert for potential hazards in the roadway, to observe all traffic control signals, signs or warnings, and to be prepared to move through the City's streets and intersections.

(b) The practice of soliciting employment, business or contributions on medians and freeway on-ramps and off-ramps from occupants of vehicles impedes the flow of traffic on the streets within the City, results in the delay and obstruction of the public's free flow of travel, and results in congestion and blockage of the streets when such persons converse and negotiate with the occupants of vehicles.

(c) Distracted drivers are more prone to be involved in automobile accidents, and accidents on the public streets constitute a substantial traffic safety problem which further impedes and prevents the orderly flow of traffic, is unsafe for the person engaging in the solicitation, pedestrian traffic, and automotive traffic generally.

(d) The cumulative impact of this type of activity on the City's streets and highways on a daily basis has created a potential safety hazard, which poses a significant and substantial risk to the interest of the public in the free flow of travel in the City.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

SECTION 2.

Chapter 10.06 is hereby added to Title 10 of the Sacramento City Code, to read as follows:

10.06 Solicitation on Medians, On-Ramps and Off-Ramps Prohibited.

10.06.800 Purpose.

It is the intent of this chapter to impose reasonable place limitations on solicitation, as defined herein, in order to protect the safety of the general public while respecting the constitutional right of free speech.

10.06.801 Definitions.

As used in this chapter, the following terms have the meanings respectively ascribed to them:

(a) "Business" means any type of product, goods, service, performance or activity which is provided or performed, or offered to be provided or performed, in exchange for money, labor, goods or any other form of consideration.

(b) "Employment" means services, industry or labor performed by a person for wages or other compensation or under any contract of hire, written, oral, express or implied.

(c) "Freeway" means any divided arterial highway for through traffic with full control of access, uninterrupted by private roads and intersecting streets.

(d) "Highway" shall mean any way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes streets.

(e) "Median" means that concrete portion of a divided highway separating the traveled ways for traffic in opposite directions.

(f) "Off-ramp" means any public roadway providing vehicular access from a freeway.

(g) "On-ramp" means any public roadway providing vehicular access to a freeway.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

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(h) "Solicit" means to make a request, offer, enticement, or action which announces the availability for or of employment, or a request for money or other property; or to make a request, offer, enticement or action which seeks to purchase or secure goods or employment, or to receive a contribution of money or other property. A solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

10.06.802 Prohibited Solicitation.

It shall be unlawful for any person on any median, on-ramp, off-ramp or area immediately adjacent thereto, to solicit or attempt to solicit employment, business or contributions of money or other property from any person traveling in a vehicle along a public right-of-way, including but not limited to public streets, highways or driveways.

10.06.803 Violation and Penalty.

Any person violating Section 10.06.802 is guilty of an infraction.

10.06.804 Non-exclusivity.

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

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(b) The practice of soliciting employment, business or contributions on medians and freeway on-ramps and off-ramps from occupants of vehicles impedes the flow of traffic on the streets within the City, results in the delay and obstruction of the public's free flow of travel, and results in congestion and blockage of the streets when such persons converse and negotiate with the occupants of vehicles.

(c) Distracted drivers are more prone to be involved in automobile accidents, and accidents on the public streets constitute a substantial traffic safety problem which further impedes and prevents the orderly flow of traffic, is unsafe for the person engaging in the solicitation, pedestrian traffic, and automotive traffic generally.

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(b) "Employment" means services, industry or labor performed by a person for wages or other compensation or under any contract of hire, written, oral, express or implied.

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10.06.802 Prohibited Solicitation.

It shall be unlawful for any person to ~~stand or sit~~ on any median, ~~or freeway on-ramp~~ or off-ramp or area immediately adjacent thereto, to solicit or attempt to solicit employment, business or contributions of money or other property from any person traveling in a vehicle along a public right-of-way, including but not limited to public streets, highways or driveways.

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(d) "Off-ramp" means any public roadway providing vehicular access from a freeway or highway.

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(f) "Solicit" means any request, offer, enticement, or action which announces the availability for or of employment, or a request for money or other property; or any request, offer, enticement or action which seeks to purchase or secure goods or employment, or to make a contribution of money or other property. A solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

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It shall be unlawful for any person to stand or sit on any median or freeway on-ramp or off-ramp to solicit or attempt to solicit employment, business or contributions of money or other property from any person traveling in a vehicle along a public right-of-way, including but not limited to public streets, highways or driveways.

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1/12

**Downtown Sacramento Community Service Guides
Calls for Sacramento Police Department Inebriate Wagon**

February 1998

- Total Wagon Pick Ups** 79
- Busiest Location** 9th/10th & J/K Streets: 59 Calls
- Worst Repeat Offenders** Billy Keel: 5 Calls, Don Rivers: 5 Calls, & Jack Haines: 5 Calls
- Hours Most Calls Made** 2:00 p.m.-5:00 p.m.: 45 Calls

**Downtown Sacramento Community Service Guides
Calls for Sacramento Police Department Wagon**

February 1998

<u>Location</u>	<u>Date</u>	<u>Time</u>	<u>Name</u>	<u>Comments</u>
10 & J	2/5/98	16:30	Brenda Davis	
10 & J/K	2/9/98	12:06	Billy Keel	
10 & K	2/3/98	11:05	unk	
	2/7/98	13:55	unk	
	2/9/98	14:38	Caesar	Code 4
	2/13/98	16:00	Don Rivers	
	2/14/98	11:46	Richard Carl Green	
	2/16/98	13:39	Don Rivers	
	2/18/98	14:33	Billy Keel	
	2/21/98	17:15	Cicero	
	2/23/98	10:58	Napolean Rentfield	
	2/23/98	16:28	Joe Montana	
	2/24/98	17:40	Billy Keel	
	2/26/98	12:33	Maximo Valasquez	
	2/28/98	11:39	Sam Cullers	
10/11 & I/J	2/15/98	13:46	James Watson	
1000 K	2/15/98	16:07	Cicero	
1001 K	2/10/98	15:52	Jack Haines	
	2/17/98	12:13	Gilbert	
	2/26/98	18:58	unk	
1009 9th	2/17/98	19:50	unk	
1011 K	2/5/98	18:11	Cicero	Code 4

Downtown Sacramento Community Service Guides
 Calls for Sacramento Police Department Wagon
 February 1998

<u>Location</u>	<u>Date</u>	<u>Time</u>	<u>Name</u>	<u>Comments</u>
	2/11/98	15:19	unk	
1012 K				
	2/20/98	16:45	Richard Carl Green	
1013 K				
	2/27/98	14:15	Unk	
	2/27/98	15:50	Billy Keel	
1014 1/2 10th				
	2/21/98	14:01	Harold Kenny Jr	
1014 10th				
	2/7/98	13:55	unk	
1022 K				
	2/22/98	14:36	Jerry Valdez	
1051 2nd				
	2/18/98	17:51	Joseph Jaramillo	Code 4
11 & K				
	2/27/98	15:35	Jerry Gonzales	
1100 9th				
	2/14/98	12:35	unk	Code 4
1128 2nd				
	2/2/98	14:46	Frank Williams	
12 & J				
	2/9/98	17:00	Maximo Valasquez	
1415				
	2/12/98	14:40	Cicero	
<u>200 K</u>				
	2/17/98	15:41	Gerald Jackson	
7 & K				
	2/1/98	18:53	Robert Coleman	
	2/22/98	16:46	Maximo Valasquez	
	2/28/98	14:03	Unk	

**Downtown Sacramento Community Service Guides
Calls for Sacramento Police Department Wagon
February 1998**

<u>Location</u>	<u>Date</u>	<u>Time</u>	<u>Name</u>	<u>Comments</u>
7 & K/L	2/17/98	12:25	unk	Took light rail instead
722 K	2/3/98	12:37	unk	
	2/17/98	14:56	Maximo Valasquez	
723 K	2/28/98	14:37	Unk	
723 K Street	2/8/98	19:34	Oscar Ortega	
804 K	2/23/98	16:25	unk	
812 K	2/20/98	16:52	Bruce Goude	
9 & K	2/6/98	13:39	Joseph Floyd	
	2/10/98	14:10	unk	
	2/14/98	13:39	Maximo Valasquez	
9/10 & J/K	2/6/98	16:15	Don Rivers	Wouldn't pick up
	2/6/98	16:50	John Tucker	Wouldn't pick up
900 K	2/5/98	18:53	Cicero	
901 K	2/20/98	17:06	Jack Haines	
905 K	2/23/98	16:53	Jack Haines	
907 K	2/20/98	19:35	Oso	
911 K	2/6/98	15:02	Arturo	

Downtown Sacramento Community Service Guides
Calls for Sacramento Police Department Wagon
February 1998

<u>Location</u>	<u>Date</u>	<u>Time</u>	<u>Name</u>	<u>Comments</u>
913 K	2/5/98	18:53	Rich McManus	
	2/27/98	14:44	Don Rivers	
915 K	2/10/98		unk	
	2/13/98	17:59	Joseph Jaramillo	
	2/20/98	13:30	Rainbow	
916 K	2/15/98	11:38	Jerry Valdez	
	2/24/98	10:42	unk	
	2/24/98	10:46	unk	
	2/24/98	10:46	unk	
919 K	2/2/98	15:03	unk	
	2/3/98	16:36	unk	
	2/14/98	10:59	Mathew Keane	
	2/16/98	1519	unk	wouldn't pick up
	2/17/98	15:08	Jack Haines	
	2/17/98	15:08	Matthew Keane	
	2/20/98	14:33	Don Rivers	
	2/27/98	18:22	Jay Jones	
924 K	2/23/98	17:25	unk	
931 K	2/1/98	11:27	Clyde Cox	
	2/8/98	17:46	unk	
	2/13/98	11:43	Jack Haines	
	2/14/98	13:33	Tyrone Williams	
	2/14/98	15:58	Gerald Jackson	
	2/21/98	18:36	Billy Keel	

Downtown Sacramento Community Service Guides
Calls for Sacramento Police Department Wagon
February 1998

<u>Location</u>	<u>Date</u>	<u>Time</u>	<u>Name</u>	<u>Comments</u>
Cesar Chavez				
	2/13/98	12:08	Joe Montana	
	2/26/98	17:30	unk	
Greyhound				
	2/12/98	18:10	unk	
<u>Tunnel</u>				
	2/7/98	15:22	unk	
	2/17/98	15:10	Tom Cruz	
	2/23/98	16:50	Tom Cruz	
<u>Wong Center</u>				
	2/24/98	17:14	unk	