



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Consent
 April 21, 2009

Honorable Mayor and
 Members of the City Council

Title: Pass for Publication: Ordinance Amending Chapter 12.72 of the Sacramento City Code relating to Penalties for Violations of Park Use Regulations

Location/Council District: Citywide

Recommendation: 1) Review an **Ordinance** amending Sacramento City Code Section 12.72.020(B) to increase the punishment for violating Section 12.72.060(P) of the Sacramento City Code from an infraction to a misdemeanor; and 2) pass for publication the ordinance title as required by Sacramento City Charter § 32(c) to be adopted April 30, 2009.

Contact: Alan Tomiyama, Recreation Manager, 808-8958

Presenters: NA

Department: Parks and Recreation

Division: Recreation Administration

Organization No: 19001411

Description/Analysis

Issue: In early 2008, residents living near Land Park were becoming alarmed at what appeared to be a reduction of the domestic geese population at the ponds and reported their concerns to the Department of Parks and Recreation. Department staff conducted an investigation and initiated measures to help prevent further decreases to waterfowl in Land Park. In October 2008, an individual was apprehended who had placed waterfowl into the trunk of a vehicle and drove away from the park and in accordance with the Sacramento City Code section 12.72.060(P), the individual was issued an infraction citation (the maximum punishment allowable under Section 12.72.020 as it is currently written.)

Sacramento City Code section 12.72.060 provides that "[n]o person shall:
 (P) Kill, chase, wound, or capture any wild or domestic bird, or animal in a park. This subsection shall not apply to the chasing or capturing of one's own animal."

Currently, the penalty for violating Section 12.72.060(P) is an infraction punishable by a monetary fine only. The Department of Parks and Recreation proposes that the penalty for violating Section 12.72.060(P) be increased from an infraction to a misdemeanor which allows for not only monetary fine, but jail time as well.

Policy Considerations: Increasing the punishment for abandoning, killing, chasing, wounding, or capturing any wild or domestic bird or animal in a park, from an infraction to a misdemeanor reflects the serious nature of these acts and should have a deterrent effect.

Environmental Considerations:

California Environmental Quality Act (CEQA): This report concerns administrative activities that will not have a significant effect on the environment and does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) [CEQA Guidelines Section 15061(b)(3); 15378(b)(2)].

Sustainability Considerations: The approval of the proposed changes to Sacramento City Code Chapter 12.72 is consistent with the Sustainability Master Plan in that it offers protection to wildlife in its natural habitat.

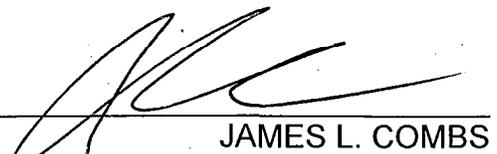
Commission/Committee Action: On March 3, 2009, the Law and Legislation Committee approved and recommended forwarding the proposed ordinance for City Council consideration.

Rationale for Recommendation: The amendment to this ordinance allows for an increased penalty for those who kill, chase, wound, or capture any wild or domestic bird or animal in a park.

Financial Considerations: Not applicable.

Emerging Small Business Development (ESBD): There are no ESBD considerations with this report.

Respectfully submitted by: _____


JAMES L. COMBS
Director of Parks and Recreation

Recommendation Approved:

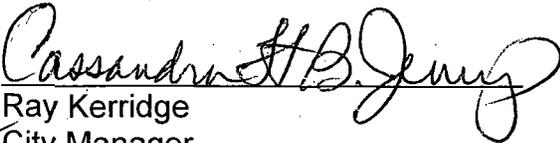

for Ray Kerridge
City Manager

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Attachment 1

Background Information:

In the spring of 2008, Department of Parks and Recreation staff became aware by the Park Committee of the Land Park Community Association (LPCA) that there was an issue developing at the three ponds within William Land Park. Residents were becoming alarmed at the reduction of the domestic geese population at the ponds. Staff from the Department met with representatives from LPCA concerning this issue. Department staff asked for any physical evidence that LPCA may possess of any possible wrongdoing. None could be provided.

Park Operations management staff conducted interviews with park employees, but nothing could be verified aside from the normal loss of waterfowl due to vehicles striking wildlife, or other wildlife predators in the park. Nevertheless, Department staff took proactive steps to address the matter, including meeting with The Sacramento Bee which resulted in a major news article; installing informational warning signs at all ponds; significantly increasing Park Safety surveillance of the park; and developing an informational card for distribution to the general public.

The Land Park Community Association continued to express concerns to the City staff about the decreasing population of domestic geese in William Land Park. Staff met with the LPCA Board Members in August, September and October. Moreover, Department staff apprised Councilmember Robert King Fong of the situation and he is fully supportive of the Department of Parks and Recreation effort to bring this proposal forward.

The Department of Parks and Recreation obtained its first solid piece of confirmation when, on October 21, 2008, Sacramento Police Officers and Park Safety Rangers apprehended an individual who had placed waterfowl into the trunk of the vehicle and drove away from the park. Police Officers stopped the vehicle, asked the driver if something was in the vehicle not belonging to the driver, inspected the vehicle and found a live goose in the trunk. In accordance with City Code the individual was issued an infraction.

Currently, the penalty for violating Section 12.72.060(P) is an infraction punishable by a monetary fine only. The Department of Parks and Recreation proposes that the penalty for violating Section 12.72.060(P) be increased from an infraction to a misdemeanor which allows for not only monetary fine, but jail time as well.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTION 12.72.020 OF TITLE
12 OF THE SACRAMENTO CITY CODE RELATING TO
PENALITIES FOR VIOLATIONS OF CHAPTER 12.72**

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

SECTION 1.

Section 12.72.020 of Title 12 of the Sacramento City Code is amended to read as follows:

12.72.020 Compliance with title required—Violation, enforcement.

A. It is unlawful for any person to enter, be or remain in any park or building unless he or she complies with all regulations set forth in this chapter applicable to such park or building.

B. Violation of Section 12.72.060(I), 12.72.060(L), 12.72.060(P), 12.72.080, or ~~or~~ 12.72.090 of this chapter shall be a misdemeanor. Violation of any other provision of this chapter shall be an infraction, except for violation of Section 12.72.135.

C. Violation of Section 12.72.135 is not a criminal offense. Violation of Section 12.72.135 may be corrected by the bringing of a civil action by the city or the imposition of administrative penalties pursuant to Section 1.28.010 of the Sacramento City Code.

D. The provisions of this chapter and rules and regulations promulgated hereunder shall be enforced by the employees of the Department of Parks and Recreation, Park Rangers, and City Police Officers.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:

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