



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
August 16, 2011

Honorable Members of the
Law and Legislation Committee

Subject: Private Security in Parks

Location/Council District: All

Recommendation: Discuss and provide direction on amending City park use regulations related to private security guards in City parks.

Contact: Murray Levison, Administrative Officer, (916) 808-6195, Jim Combs, Director, (916) 808-8526, Department of Parks and Recreation

Presenters: Jim Combs, Director, Department of Parks and Recreation

Department: Parks and Recreation

Division: Recreation

Organization No: 19001526

Description/Analysis

Issue: At the request of the City Council, staff is bringing forward for discussion and direction the issue of private security guards entering City parks. Existing City Code (Chapter 12.72, Article III, Section 12.72.060 – see Attachment 1) prohibits entry into a children's play area by an adult unaccompanied by a child, prohibits the possession and discharge of a firearm in a park, prohibits the driving of any private vehicle into a park and prohibits entry into City parks when the parks are closed.

Some Private Patrol Operators - businesses licensed by the State to protect persons or property through the employment of security guards - offer the services of armed security guards. While working under a contract to provide security to a neighborhood or group of businesses, a security guard carrying a weapon may have the need to enter a City park while investigating suspicious activity or responding to an alarm adjacent to or near the park. The security

guard would be in violation of the City Code if a weapon was carried into a park. One of the other City Code sections would be in violation depending on the time of day or when or how the park entry was made.

The City Attorney's Office reviewed the applicable laws and determined that it is permissible to amend the City Code by ordinance to allow licensed Private Patrol Operators to make incidental entry into City parks while operating under the terms of a private contract for security services at properties adjoining or near City parks.

Policy Considerations: The Committee may wish to consider whether increasing the number of people carrying weapons in City parks is an appropriate outcome. Depending on the solution selected from among those presented in the Background beginning on page 4, a number of policy issues may be involved. The Committee may wish to consider whether the special permit process is desirable or whether other language changes to the City Code would suffice. The Committee may also wish to consider whether private security businesses should be able to patrol in City parks; initiate enforcement activities in City parks not directly related to their private contract; or drive private vehicles in City parks. Finally, the Committee may wish to consider whether any potential change would allow some neighborhoods to pay for a higher level of security services in parks and whether that is desirable.

Environmental Considerations: The proposal to draft an ordinance is not a "project" for the purposes of CEQA pursuant to Section 15378(b)(2) of the CEQA Guidelines (Title 14 Cal. Code Reg. § 15000 et seq.). Therefore, no environmental review is necessary.

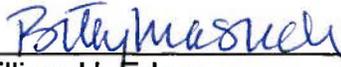
Rationale for Recommendation: Staff was directed to report back to City Council on the process for allowing armed Private Patrol Operators incidental entry into City parks. An exception to the City Code's park regulations would be required. The exception could be accomplished by ordinance. Committee review of potential solutions would provide direction to staff for an acceptable response.

Financial Considerations: Under the terms of Proposition 26, any fees charged must be directly related to the cost of services and not provide any excess revenue. Depending on the option recommended, staff will develop a method to recoup costs.

Emerging Small Business Development (ESBD): None.

Approved by: *Lori Harden*
for James L. Combs
Director of Parks and Recreation

Recommendation Approved:

on 

William H. Edgar
Interim City Manager

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Background

Over the last four years, a number of requests have been made to allow armed private security guards in the City's parks. The Department of Parks and Recreation has been approached by several homeowners' associations and a business improvement districts with such a request. In each case the desire to limit the number of weapons in parks was given as a reason for turning down the requests.

More recently a Private Patrol Operator knowledgeable of the City Code as it relates to City parks contacted the Department of Parks and Recreation with a request for a solution to City Code sections that make it difficult for the business to lawfully enter City parks by foot and by vehicle to respond to calls for service by its customers who live or work adjacent to or near City parks.

Private Patrol Operators are extensively regulated by the State, so further local regulation must be carefully crafted to serve a local purpose in support of State regulation.

Questions to Consider

1. Private security guards in parks

- Does the Committee wish to seek a solution that makes it easier for private security guards, some of whom will be armed, to enter City parks at times and using methods that are less restrictive than that allowed for other park users?
- Is there concern that any potential change would allow some neighborhoods to pay for a higher level of security services in parks?

2. Allow by exception

- One method of allowing armed security guards in parks is to add exceptions to existing City Code sections. For example, an exception could be made to Section 12.72.060(L) that would allow security guards to possess a firearm in a park, and to Section 12.72.060(V) that would allow security guards to operate or park a vehicle in a park.

Under the exception method, oversight of those entering parks with weapons would be minimized because anyone meeting the exception would be allowed in the park with a weapon.

3. Allow by special permit

- Another method of allowing armed security guards in parks is to create a special

permit process with an application, review, approval and revocation process for Private Patrol Operators already licensed by the State and registered with the Police Department under City Code Section 5.100.020.

If the special permit method is preferred, it is recommended that a new Article VII, relating to park use permit application procedures, be added to Chapter 12.72. This new Article could contain the following elements:

- Application requirements and procedures – Allow only Private Patrol Operators licensed by the State and registered with the Police Department to apply. Applicants could be required to submit a copy of the private security contract with the neighborhood association or business organization that allows them to serve homes or businesses adjacent to or near City parks, showing the geographic area served and for which parks the special permit would apply. Applications could be required to be submitted a certain number of days in advance of when the special permit is requested to be effective.
- Grounds for denial – Specific grounds could be identified under which an application could be denied, such as an incomplete application, the applicant is not licensed by the State or not registered with the Police Department, or that other conditions related to the applicant or to the parks contained in the application justify denial.
- Grounds for revocation – Specific grounds could be identified under which a special permit could be revoked, such as loss of State license, violations of conditions of the special permit, unsafe or dangerous behavior by the security guards, or other reasons.
- Appeal process – A process to appeal a denial or revocation could be created.
- Special permit conditions – As a condition for receiving a permit, permit holders could be required to take certain actions, such as regular reporting about incidents in which the special permit was used, rapid reporting of certain critical incidents that occur when operating under the special permit, reporting of complaints received about the permit holder's activities in a park, and others.
- Prohibitions – Certain actions could be prohibited by all special permit holders, such as initiating enforcement in a park not related to a specific call for service from the permit holder's customer. For example, permit holders could be prohibited from entering parks to take enforcement action against suspected drug dealing or to resolve a dispute related to a reserved picnic area. Instead, the permit holders could be required to make observations and report them to the proper City enforcement unit.

Sacramento City Code

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES
Chapter 12.72 PARKS, PARK BUILDINGS AND RECREATIONAL FACILITIES

Article I. Definitions

12.72.010 Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning set forth in this section, unless the context otherwise clearly requires.

“Alcoholic beverages” means alcohol, spirits, liquor, beer, wine or any other liquid which contains one-half of one percent or more of alcohol by volume.

“Amplified sound” means speech, music or other sound projected or transmitted by electronic equipment including amplifiers, loud speakers, microphones, or similar devices or combinations of devices which are powered by electricity, battery or combustible fuel and which are intended to increase the volume, range, distance or intensity of speech, music or other sound.

“Building” means and includes those buildings or structures, or any portion thereof, under the supervision of the department of community services.

“Business activity” means any activity other than “commercial activity” (as defined in this section) engaged in or carried on by a business entity primarily to aid or facilitate the earning of a profit.

“Business entity” means any organization or enterprise operated for profit, including, but not limited to, a proprietorship, partnership, firm, corporation or association.

“Camping” includes:

1. Occupying for living or sleeping purposes a camper trailer, motor home or other vehicle equipped for human habitation; or
2. The erection of any tent or other shelter; or
3. The arrangement of sleeping bags or other bedding for the purpose of, or which will permit, remaining overnight.

“Children’s playground area” means and includes park areas which are specifically designed and include equipment and structures for use by children.

“City manager” means the city manager of Sacramento, the acting city manager, or the city manager’s designee.

“Commercial activity” means the selling, offering for sale, or solicitation for future delivery or performance of any goods, wares, merchandise or services in any park or building, but shall not include magazines, books, newspapers, periodicals or pamphlets.

“Co-sponsored” means activities that provide specific organized recreation/community services for participants and for which the department of community services shares the responsibility for the activity with other community agencies and/or organizations or individuals.

“Decibel” or “dB” means a unit which denotes the ratio between two quantities which are proportional to power, the number of decibels corresponding to the ratio of two amounts of power is ten (10) times the logarithm to the base of ten (10) of this ratio.

“Designated area” or “designated building” means an area or building specifically designed or equipped for special uses, and set aside for such uses.

“Director” means the department head of the department of community services or his or her designee.

“Fund raising” means and includes the act of making a request, directly or indirectly, for money, credit, property, financial assistance or other things of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for charitable purposes (as the term “charitable purposes” is defined in Section 5.40.020 of this code) or for any purpose other than that of pecuniary profit.

“Noise level” means the “A” weighed sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) microPascals. The unit of measurement shall be designated as dBA.

“Nonprofit organization” means any group or persons associated for religious, scientific, literary, educational, recreational, benevolent or other purpose not of pecuniary profit.

“Parks” means and includes all parks, parkways, malls, plazas, greenbelts, gardens, lakes, and any other property owned by the city, including structures thereon, and used, operated, or maintained for recreational purposes whether passive or active. The term “park” also includes all off street parking areas which are used or intended to be used in connection therewith. The term “owned” includes any property interest under which the city department of community services operates, maintains, or controls said property. The term also includes any property owned or kept by the city as open space, including undeveloped sites for future parks.

“Person” means and includes persons, associations, partnerships, firms and corporations.

“Picnicking” means the consumption of food and/or beverage outdoors.

“Residential property” means a parcel of real property which is developed and used either in part or in whole for residential purposes other than transient uses such as hotels and motels, and other than nonconforming residential uses within C-4, M-1, M-2, M-1-S, and M-2-S zones.

“Sponsored” means activities organized by the department of community services and over which the department retains total responsibility.

“Trash” means garbage, refuse, litter, paper, vegetable matter and rubbish.

“Vehicle” means and includes gasoline, electric, or other fuel-powered devices by which any person or object may be propelled, moved, or drawn, including go-carts, minibikes, model boats and model airplanes. (Ord. 2007-056 § 1; prior code § 27.02.010)

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 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. (Ord. 2009-021 § 1; Ord. 2007-056 § 2: prior code § 27.02.020)

Article II. Building Use

12.72.030 Building use regulations.

No person shall:

A. Engage in any commercial activity in any building, except a nonprofit organization pursuant to a fund raising permit issued therefor;

B. Engage in any fund raising activity in any building, except pursuant to a permit issued therefor; provided, however, that funds may be raised without first securing a

permit for organizational dues or to defray the costs of the activity by a nonprofit organization or in connection with a city sponsored or co-sponsored activity;

C. Engage in any business activity in any building;

D. Use, attempt to use or interfere with the use of any building or portion thereof which at the time is reserved by permit for the exclusive use of any other person or group; or

E. Smoke in any building or portion thereof where signs are in place prohibiting smoking. The director shall have the authority to designate building or portions thereof where smoking is prohibited. (Prior code § 27.02.030)

12.72.040 Building use permits—Purpose, designation of buildings, reservations.

A. Purpose and Exclusive Use. The city's designated buildings may be made available for the exclusive use of persons or groups subject to the issuance of a permit by the director and subject to the payment of fees, where applicable. Designated buildings and portions thereof may be reserved for neighborhood parties, athletic events, social clubs, dancing parties, entertainment, dramatics, civic meetings and community gatherings.

B. Designation of Buildings. The director shall designate buildings or portions thereof for which an application may be made for building use permits. Such designation shall include the times such buildings shall be open and shall be maintained in the office of the department of community services.

C. Reservations. Reservations may be made as far in advance as desired for the current calendar year, upon payment of the fee. However, no group or individual will be permitted to reserve in advance for more than one date without the written permission of the director. (Prior code § 27.02.040)

12.72.050 Coloma Community Center—Special rules.

Any other provisions of this article notwithstanding, the director shall promulgate special rules relating to use of the Coloma Community Center and its surrounding park which rules may permit use for commercial and business activities, and may include exclusive use provisions, reservation procedures, fee schedules and other regulations different from those which are applicable to other buildings and parks. Such special rules shall be adopted by and may be amended by resolution of the city council. (Prior code § 27.03.045)

Article III. Park Use

12.72.060 Park use regulations.

No person shall:

A. Conduct or carry on an assembly of more than fifty (50) people in a park, which assembly is intended or can reasonably be expected to last more than thirty (30) minutes or which does in fact last more than thirty (30) minutes, unless a park use permit has been first issued therefor;

B. Conduct or carry on any organized activity in the park facilities designated as McKinley Park Rose Garden, William Carroll Memorial Amphitheater, Callahan Memorial Bank Shell, or Land Park Village Green, unless a park use permit has first been issued therefor;

C. Use any amplified sound without first obtaining an amplified sound permit. This prohibition shall not apply to the use of any radio, tape player, tape recorder, record player or television in compliance with Section 10.12.090 or Section 8.68.200(M) of this code or to broadcasts from any vehicle to which the provisions of Sections 10.60.010 through 10.60.090 of this code are applicable.

D. Engage in any commercial activity in any park, except a nonprofit organization pursuant to a fund raising permit therefor or pursuant to a lease or concession contract issued under Chapters 3.68 or 3.72 of this code, or pursuant to any exemption to Chapters 3.68 or 3.72.

E. Engage in any fund raising activity in any park, except pursuant to a permit issued therefor; provided, however, that funds may be raised without first securing a permit for organizational dues or to defray the cost of the activity by a nonprofit organization or in connection with a city sponsored or co-sponsored activity;

F. Engage in any business activity in any park;

G. Interfere with the use of any park or portion thereof which at the time is reserved by permit for the use of any other person or group;

H. Ride bicycles, smoke, drink alcoholic beverages or picnic in children's playground areas;

I. No person eighteen (18) years or older shall remain in or enter a children's playground area unless actually engaged in the care, custody or supervision of a person younger than eighteen (18) years of age who is using the facilities in the area;

J. Bring any wild or domesticated animal or pet into or upon grounds of the zoo, Fairytale Town, any swimming pool, any golf course, commercial amusement area or children's playground area;

K. In park areas other than those designated in subsection J of this section, no person shall bring any domesticated animal or pets unless they are leashed except as provided in Section 9.44.020(D)(1) of this code.

L. Possess, discharge or shoot any firearm or bow and arrow in any park, except in areas designated for such use. Slingshots, airguns, fireworks, and other devices potentially harmful to park visitors are prohibited in all parks;

M. Play or practice golf in any area not designated for such use;

N. Swim or wade except in supervised swimming or wading pools;

O. Engage in horseback riding in any park, except in the following activities:

1. Horseback riding on designated bridle paths,

2. Horseback riding by any peace officer while the peace officer is engaged in the performance of his or her duties;

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;

Q. Intentionally remove, break, injure, deface, or disturb any plant material, structure, or improvement;

R. Contaminate in any way any water, fountains, pools, lakes, rivers, other water supply, or wash any clothing or cooking utensils in any such waters;

S. Dispose of trash or garbage not accumulated within park areas; no person shall dispose of trash or garbage accumulated within park areas other than in receptacles provided for this purpose;

T. Start or maintain fires in parks other than in "on-site" barbecue pits or personal portable barbecues within designated picnic areas. No person shall fail to extinguish live coals or fires before leaving the picnic area;

U. Open, expose, or interfere with any water system or utility, provided that this prohibition shall not apply to the use of any drinking fountain for its intended purpose;

V. Use or operate any vehicle or other motorized objects in the following ways:

1. Operating gasoline or other fuel-powered vehicles (except golf carts where authorized) in any park, except upon streets, parking lots or other areas designated for such use, unless expressly permitted in writing by the director. This subsection shall not apply to city employees on official business,

2. Operating or parking any vehicle as defined in the California Vehicle Code within a park, except upon areas designated for such use, unless expressly permitted in writing by the director. This subsection shall not apply to city employees on official business;

W. Camp in any park without a park use permit;

X. The playing of softball or baseball by any person fifteen (15) years of age or older on any softball or baseball field where signs are posted which prohibit such play by such person;

Y. Do the following acts in Garcia Bend Park, Miller Park, or the Sacramento Boat Harbor:

1. Park outside the areas designated for parking or double-park at any time,

2. Park any vehicle or trailer in a boat launch area other than while putting a boat in or taking a boat out of the water,

3. Park any trailer in any section posted "NO TRAILER PARKING";

Z. Dock a vessel at any city-owned or city-managed recreation dock for more than thirty-six (36) consecutive hours or for the purpose of living on board the vessel for more than one night while docked at the recreation dock. One or more persons on board the vessel at any time between the hours of one a.m. and six a.m. shall be conclusively presumed to be living aboard for the night. A vessel which departs a courtesy dock after being docked for twenty-four (24) hours or more, or which departs a courtesy dock after having docked for the purpose of living on board for one night, shall not return to the same courtesy dock until at least twenty-four (24) hours have elapsed. The term "recreation dock" shall include the courtesy docks in Miller Park, Garcia Bend, and Old Sacramento, and any other dock operated primarily for temporary docking purposes. Notwithstanding the foregoing, the city council, by resolution, may establish special rules relating to use of the courtesy docks in Old Sacramento, which rules may permit longer periods of docking, impose fees for overnight docking privileges, and permit other special uses. (Ord. 2007-044 § 2; Ord. 98-019 § 1; prior code § 27.04.050)

12.72.065 Spontaneous use of a city park.

Applications for spontaneous use of a city park involving free speech rights and which are occasioned by news or affairs coming into public knowledge within ten (10) days of the date of the proposed use of the city park shall be processed in the same manner as applications for spontaneous parades under Section 12.48.030 of Chapter 12.48 of Title 12 of this code. (Ord. 2004-069 § 4)

12.72.070 Exception—Certain commercial activities.

Any other provision of this article notwithstanding, the director or his or her designee may authorize commercial activities within any park in connection with special programs or events sponsored or co-sponsored by the city, if he or she determines that the commercial activity complements and enhances the special program or event and does not detract from the use of the park for ordinary park purposes. In determining the type and extent of commercial activities to be authorized, the director of the department of parks and community services or his or her designee shall consider their potential impact on the park and surrounding neighborhood. The director shall establish guidelines for selection of commercial applications. The selection decisions made by the director shall be final. (Prior code § 27.04.055)

12.72.080 Regulation of consumption of alcoholic beverages and possession of open alcoholic beverage containers.

When the chief of police determines that the consumption of alcoholic beverages in any park has resulted in activity that jeopardizes the safety of other persons or interferes with the use and enjoyment of the park by other persons, and that such activity is likely to continue unless the possession of open alcoholic beverage containers or the consumption of alcoholic beverages, or both, is prohibited in the park or certain areas within the park, then the chief of police is authorized to designate such an area as one in which the possession of open alcoholic beverage containers, or the consumption of alcoholic beverages, or both, is prohibited. In so acting, the chief of police shall post or cause to be posted a sign or signs as may be necessary to provide reasonable notice

of these regulations. No person shall possess any open alcoholic beverage container or drink any alcoholic beverage in any park or portion thereof where such signs are in place prohibiting such act.

As used in this section, "activity" includes, but is not limited to, disturbing and excessive noise, physical altercations, and throwing of bottles or cans. (Prior code § 27.04.060)

12.72.090 Remaining or loitering in parks during certain hours prohibited.

A. No person shall remain or loiter in any public park:

1. Between the hours of midnight Friday or Saturday and five a.m. of the following day; and

2. Between the hours of eleven p.m. Sunday through Thursday and five a.m. of the following day.

B. The prohibitions contained in subsections (A)(1) and (A)(2) of this section shall not apply:

1. To any person on an emergency errand;

2. To any person attending a meeting, entertainment event, recreation activity, dance or similar activity in such park provided such activity is sponsored or co-sponsored by the department of parks and community services or a permit therefor has been issued by the department of parks and community services;

3. To any person exiting such park immediately after the conclusion of any activity set forth in subsection (B)(2) of this section;

4. To any peace officer or employee of the city while engaged in the performance of his or her duties.

C. The director, with the concurrence of the chief of police, may designate extended park hours for any park when the director determines that such extension of hours is consistent with sound use of park resources, will enhance recreational activities in the city, and will not be detrimental to the public safety or welfare. The prohibitions contained in subsections (A)(1) and (A)(2) of this section shall not apply to any person present in a public park during extended park hours designated pursuant to this subsection.

D. The chief of police, with the concurrence of the director of parks and community services, may order any park closed between sunset and sunrise when he or she determines that activities constituting a threat to public safety or welfare have occurred or are occurring in the park and that such closing is necessary to protect the public safety or welfare. At least one sign designating the sunset to sunrise closing shall be installed prominently in the park. When a park is ordered closed between sunset and sunrise, it is unlawful for any person to remain or loiter in said park during said period. (Prior code § 27.04.070)

12.72.100 Park areas for nonexclusive use.

Any person may, upon notifying the department and payment of a charge established by resolution of the city council, request the department to schedule use on the date and time and for the duration specified by such person. If it is reasonably possible to do so, the director shall arrange for irrigation and other park maintenance

and provide additional trash containers to accommodate the use. Nothing in this section shall be deemed to:

A. Authorize exclusive use by the person requesting such service of the department; or

B. Require any person to apply for a park use permit unless required by some other provision of this chapter. (Prior code § 27.04.080)

12.72.110 Amplified sound.

A. The park areas available for the use of amplified sound shall be set forth by resolution pursuant to Section 12.72.230 of this chapter.

B. In addition to the provisions of Section 12.72.060 of this chapter, the use of amplified sound in any park, public street or parking area within any park, shall be subject to the following regulations:

1. No amplified sound shall be used except music or human speech, or both;

2. No person shall use amplified sound except between sunrise and sunset, except at lighted facilities as set forth by resolution pursuant to Section 12.72.230 of this chapter;

3. No person shall use amplified sound exceeding a noise level of eighty-six (86) dBA at a distance of twenty-five (25) feet from a noise source or sources, or exceed a noise level of fifty-five (55) dBA on any residential property;

4. The provisions of subsections (B)(2) and (B)(3) of this section shall not apply to:

a. Broadcasts from any vehicle to which the provisions of Section 10.60.010 through 10.60.090 of this code are applicable,

b. Use of any radio, tape player, tape recorder, record player, or television to which the provisions of Section 10.12.090 or Section 8.68.200(M) this code are applicable,

c. To the use of any amplified sound by any peace officer or employee of the city while engaged in the performance of his or her duties. (Prior code § 27.04.090)

12.72.120 Helmet, elbow pads and knee pads required at city skateboard facilities.

Any person riding a skateboard at any skateboard park or facility owned, leased, or operated by, or licensed to, the city, including but not limited to a skateboard facility located on property owned by the United States Postal Service on the north side of R Street between 18th Street and 19th Street, shall wear a helmet, elbow pads, and knee pads at all times while so riding. (Ord. 98-052 § 1; prior code § 27.04.091)

12.72.130 Designation of certain property as recreational area where in-line skating is permitted.

Pursuant to California Health and Safety Code Section 115800.1, the city designates that certain property on the north side of R Street between 18th and 19th Streets, owned by the United States Postal Service and licensed for use by the city, as a recreational area in which in-line skating is permitted.

The designated property shall be adequately posted with notices advising the public that in-line skating in the designated property by adults is deemed to be a hazardous recreational activity and that the city may not be liable for injuries incurred by

persons participating in the hazardous recreational activity on the designated property. (Ord. 98-052 § 2; prior code § 27.04.092)

12.72.135 Prohibition of smoking in parks.

- A. Smoking is prohibited in parks.
- B. No person shall dispose of any tobacco product, or any part of a tobacco product in any park, except in a designated waste disposal container.
- C. Notwithstanding subsection A of this section and unless otherwise provided by state or federal law, smoking is permitted in designated areas in community parks or regional parks authorized by the director of parks and recreation. Designated smoking areas shall be prominently marked with signs.
- D. For purposes of this section, the following words and phrases shall have the meaning set forth in this subsection.
 - 1. The word “parks” as defined in Section 12.72.010 of the Sacramento City Code does not apply to this section. Instead, parks means and includes all parks owned or controlled by the city and all parkways owned or controlled by the city. The term parks also includes all parking lots, off-street parking areas, bike paths, and alleys which are used or intended to be used in connection with a park or parkway. Parks does not include golf courses or the sidewalks along the perimeter of parks.
 - 2. “Smoking” means possessing (and “smoke” means to possess) any object containing a lighted tobacco product or any other lighted weed or plant, or the lighting of any object containing a tobacco product or any other weed or plant.
 - 3. “Tobacco product” means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco. (Ord. 2007-056 § 3)

Article IV. Fund Raising

12.72.140 Fund raising permit.

- A. In addition to any other permit required by this chapter, any nonprofit organization desiring to raise funds in any park or building shall first obtain a fund raising permit, provided, however, that no permit shall be required for a religious organization to raise funds for a religious purpose or for sponsored/co-sponsored activities. Such application shall be filed at least ten (10) business days prior to the activity.
- B. Application for a fund raising permit shall be made to the director stating:
 - 1. The name, address and telephone number of the nonprofit organization which is the applicant;
 - 2. The dates and hours of the activity; and
 - 3. The estimated attendance. (Prior code § 27.05.100)

12.72.150 Action on application, grounds for denial, procedure.

The director shall issue the permit within eight business days of the filing of the application, unless he or she finds on the basis of the information provided in the application or from his or her independent investigation that:

- A. The application is not complete or timely;

B. The park, building or portion thereof is not available because of prior reservation, prior contract, or city sponsored or co-sponsored event, or will not accommodate the activity because of the number of persons expected to attend. (Prior code § 27.05.110)

Article V. Permit Procedure for Building Use, Park Use, Amplified Sound Permit Applications

12.72.160 Building use, park use, amplified sound permit applications.

Whenever a building use, park use, or amplified sound permit is required by provisions of this article, an application shall be filed with the director at least ten (10) business days in advance of the date for which the permit is sought stating:

- A. The name, address and telephone number of the applicant;
- B. The name, address and telephone number of the person, group, organization, or corporation sponsoring the activity;
- C. Dates and hours of the activity;
- D. Estimated attendance;
- E. Assurance of responsibility of cleaning entire area;
- F. Description of the proposed activity including a description of equipment to be used in connection therewith and the use to be made of such equipment;
- G. The building or park or portion thereof for which application is made;
- H. The name, address and telephone number of each monitor the applicant will provide, if any; and
- I. Any other information which the director determines to be reasonably necessary to insure the activity will not result in injury to persons or property or involve violations of law. (Prior code § 27.06.120)

12.72.170 Application—Waiver of time.

The director shall waive the period for permit applications when the activity is spontaneous or organized on short notice in response to an event of obvious importance such as local grievances or important national events, and the full period for permit application would deprive the activity of immediate response to such an event. The director may waive the period where circumstances make it impractical or unnecessary. (Prior code § 27.06.130)

12.72.180 Action on application—Grounds for denial—Procedure.

- A. Applications for building use, park use and amplified sound permits shall be acted upon by the director within a reasonable time under the circumstances, but in no event less than eight business days before the date for which the permit is sought.
- B. The director shall issue the permit unless he or she finds:
 1. The building, park or portion thereof applied for is not available because of prior reservation or city sponsored or co-sponsored event or will not accommodate the activity of the applicant because of the number of persons expected to attend;
 2. That the proposed activity is of a size, nature, or duration that requires the diversion of so great a number of police officers of the city to properly police the areas, as to hinder the police protection of the city;
 3. That the applicant failed to file timely application;

4. That the proposed activity would violate federal, state, or local laws or regulations;

5. Applicant fails to agree in writing to clean, repair and restore the building or park or portion thereof to its condition immediately prior to the activity for which the permit is sought;

6. Applicant fails to agree in writing to provide monitors at the ratio of one for every fifty (50) persons expected to attend. Such monitors shall be responsible adults and shall be in attendance for the duration of the event or activity for which the permit is issued;

7. The organizers of the event, or agents or persons acting in concert with the organizers, have specific intent, manifested by specific plans, to engage in or provoke violence;

8. That in the case of park use permits or amplified sound permits, the applicant fails to agree in writing to provide chemical toilet facilities for any event where the estimated attendance exceeds one thousand (1,000) persons or, in parks which do not have toilet facilities, chemical toilets for any event where the estimated attendance exceeds fifty (50) persons. Such facilities shall be provided at the ratio of one for each additional four hundred (400) persons or fraction thereof. This requirement shall apply only if the director specifically requires chemical toilet facilities for the application.

C. Where the director finds, from the application and his or her initial investigation thereof, that one or more of the conditions exist justifying denial, he or she shall notify the applicant thereof in writing of his or her intent to deny the permit. The notice shall specify the grounds for the denial. The applicant may request in writing that a hearing be held before the director on the matter. Such notice shall be filed with the director within two business days of the director's notice specified above and the hearing shall be held not more than two business days thereafter. The director within one business day of the hearing shall render his or her decision to the applicant. Said decision shall be in writing and shall specify the grounds therefor. If no request is made by the applicant for a hearing before the director as provided herein, the notice of intent to deny the permit shall operate as a denial.

D. Any decision of the director may be appealed by the applicant to the city manager pursuant to Section 12.72.190 of this chapter. (Prior code § 27.06.140)

Article VI. Appeals—Miscellaneous Provisions

12.72.190 Appeals of decisions on permits.

An applicant may appeal the decision of the director on any permit provided for in this article to the city manager. The applicant must file such appeal with the city manager within two business days of the director's decision. The city manager or his or her designee shall hold a hearing within two business days of the filing of such appeal, at which time applicant may present any evidence relevant to the application. The city manager shall within two business days of such hearing issue his or her decision either affirming the denial of the application, or directing the director to issue a permit. The decision of the city manager shall be in writing, shall specify the grounds therefor, and shall be final. (Prior code § 27.07.150)

12.72.200 Fees.

Fees for the permits provided for in this article shall be as provided by resolution of the city council. Such fees must be paid at the time the application is filed, and the application shall not be considered complete until such fee is paid. (Prior code § 27.07.160)

12.72.210 Provisions for special events not covered by chapter—Authority of city manager to close parks and buildings, remove persons therefrom, etc.

The city manager shall provide for special events and circumstances not covered by this chapter. In so doing, the city manager shall act to secure the public peace and welfare and to further the maximum use of the parks and buildings for the comfort and convenience of all. The city manager may close any park, building or portion thereof, and remove all persons therefrom when in his or her judgment such closing will best preserve the public peace, prevent damage to public property, or quell riots, mobs or violence. The city manager may also cause to be removed any and all persons whose presence on the premises is disruptive to the normal and safe use and enjoyment of the premises. (Prior code § 27.07.170)

12.72.220 Promulgation of regulations.

The director shall have the authority to promulgate regulations to effectuate this article. (Prior code § 27.07.180)

12.72.230 Schedule for uses and capacity of parks.

The director shall promulgate a schedule which shows uses and capacities of each park. Such schedule shall be adopted by and may be amended by resolution of the city council. (Prior code § 27.07.190)

12.72.240 Chapter 9.36 of the Sacramento County Code adopted by reference.

The provisions of Chapter 9.36 of the Sacramento County Code relating to county park facilities are adopted by reference, and shall apply within the city to the extent that they are not inconsistent with this chapter. (Prior code § 27.07.200)

12.72.250 Life preservers.

A. It is unlawful for any parent to permit his or her child under the age of thirteen (13) or for any guardian to permit any child under the age of thirteen (13) in his or her care to access any public waters located within the city unless such child is wearing a life preserver.

B. For purposes of this section, "life preserver" is any device meeting the definition of "personal flotation device" as set forth in Title 8 of the California Code of Regulations.

C. For purposes of this section, "public waters" means all public waters located within the city in any river, stream, lake, reservoir, or other body of water, including all bays, inlets, and estuaries.

D. A violation of this section shall be a misdemeanor. (Ord. 2008-035 § 2)

Title 5 BUSINESS LICENSES AND REGULATIONS
Chapter 5.100 PRIVATE PATROL SERVICE

5.100.010 Definitions.

For the purpose of this chapter, the following definitions shall apply:

A. "Private patrol operator" or "operator of a private patrol service" means any person, who, for any consideration whatsoever, purports to furnish or does furnish any watchman or guard, either uniformed or otherwise, to patrol in the city, or to guard or watch persons or property, or to perform any service usually and customarily performed by the regular patrol units of the police department of the city.

B. "Security guard" or "security officer" means any employee of a private patrol operator who performs the functions described in subsection A of this section on or about the premises owned or controlled by the customer of the private patrol operator or by the guard's employer or in the company of persons being protected.

C. "Street patrolperson" shall mean any security guard or security officer employed by a private patrol operator who performs the functions described in subsection A of this section (a) by utilizing foot patrol, motor patrol, or other means of transportation in public areas, streets or public thoroughfares in order to serve multiple customers. (Ord. 2001-007 § 1 (part): prior code § 30.02.009)

5.100.020 Registration.

A. It is unlawful for any person to operate a private patrol service or to perform services for a private patrol operator as a security guard, security officer or street patrolperson in the city without first registering with the Sacramento police department.

B. The chief of police shall regulate the style of uniform and the insignia and color of the vehicles, if any, which will be used by any private patrol operator providing patrol services within the city.

C. Private patrol operators shall register with the Sacramento police department by providing the following:

1. Two color photographs, full-length, of the uniform to be used;
2. For those private patrol operators who utilize vehicles in the course of providing patrol services, two color photographs of the patrol vehicle depicting the vehicle as it will appear while in use. Such depiction shall include any names and/or logos to be used on the vehicle;

3. A copy of the registrant's pocket identification card issued by the state of California pursuant to Business and Professions Code section 7582.13;

4. For those private patrol operators who utilize firearms in the course of providing patrol services, a copy of a valid firearms qualification card issued by the state of California;

5. The registrant's name, and for those with business names; the name of the business owner.

D. Security guards, security officers and street patrolpersons shall register with the Sacramento police department by providing the following:

1. A copy of the registrant's pocket identification card issued by the state of California pursuant to Business and Professions Code section 7582.13;

2. The registrant's name and the name of the private patrol operator who employs the registrant;

3. For those security guards, security officers or street patrolpersons who utilize firearms in the course of providing patrol services, a copy of a valid firearms qualification card issued by the state of California. (Ord. 2001-007 § 1 (part); prior code § 30.02.010)