



# REPORT TO COUNCIL

## City of Sacramento

# 21

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

Public Hearing  
**August 22, 2006**

**Honorable Mayor and  
Members of the City Council**

**Title: Emergency Ordinance: Enforcement of California Vehicle Code Sections  
on Privately Owned Off-Street Parking Facilities and Roads**

**Location/Council District: Citywide**

**Recommendation:** The Law & Legislation Committee and staff recommend the adoption of an Emergency **Ordinance** adding Chapter 10.42 to the Sacramento City Code relating to the enforcement of the California Vehicle Code (CVC) on privately owned off-street parking facilities and roads.

**Contact:** Jeff Schiele, Captain, 566-6464; Kevin Gardner, Lieutenant, 566-6446

**Presenters:** Jeff Schiele, Captain

**Department:** Police

**Division:** Operations

**Organization No:** 2127

### **Description/Analysis**

**Issue:** Many of the large off-street private parking lots and private roads, which serve commercial establishments, have recently become gathering places for young adults and teenagers who loiter in these areas to take part in vehicle "sideshow" events. These events perpetuate criminal activity and pose safety risks to people and property involved and in the surrounding vicinity.

**Policy Considerations:** Article III, Section 32(g) of the City Charter allows the City Council to enact an ordinance as an emergency measure. Due to the safety risks and escalating activity levels, staff is recommending adoption of the proposed ordinance as an emergency measure which would enable the ordinance to be effective immediately upon adoption by the City Council.

**Environmental Considerations:** This activity is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined in section 15378 of the CEQA Guidelines, and is otherwise exempt pursuant to Sections 15321(b) (law enforcement activities) and 15601(b)(3) (no significant effect on the environment) of the CEQA Guidelines.



**Rationale for Recommendation:** The Sacramento Police Department (SPD) must immediately address this public safety issue, while it is in its early stage, in an attempt to mitigate further negative impact and activity associated with this problem. Unfortunately, officers are limited in their ability to take enforcement action against activity on private property. As a result, spectators and participants are merely driven from one private parking lot or road to another in an attempt to avoid officer intervention.

CVC sections 21107.6 and 21107.8 provide the necessary enforcement tools by permitting cities and counties to enact ordinances enabling officers to enforce the CVC on private roads serving commercial establishments, and enforce specified sections of the CVC that address dangerous driving on privately owned off-street parking facilities. Enacting this ordinance will assist the SPD's efforts to curb this public safety problem.

**Financial Considerations:** The approval of this ordinance will not impact the General Fund. Cost to implement this ordinance (posting signage) will be borne by the owners of private property parking lots who agree to participate.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased as a result of this ordinance.

Respectfully Submitted by: Jeff Schiele  
Jeff Schiele, Captain

Approved by: Albert Nájera  
Albert Nájera, Chief of Police

Recommendation Approved:

Ray Kerridge  
Ray Kerridge  
City Manager

Ref: COP 8-16

**Table of Contents:**

Report	pg. 1
<b>Attachments</b>	
1 Background	pg. 4
2 Code References	pg. 5
3 Ordinance	pg. 7

**Attachment 1**

**Background**

Vehicle sideshow events, where one uses a vehicle to engage in “rodeo-like” driving maneuvers to demonstrate driving abilities and entertain assembled spectators, have begun to emerge as a significant public safety problem. During sideshows, the driver of a vehicle will perform reckless driving maneuvers such as driving tight high-speed circles, high-speed acceleration which causes the vehicle to spin its tires and emit smoke, and high-speed fishtailing, in which the rear end of the car is made to sway from side-to-side. In addition to these maneuvers, speed contests and speed exhibitions are also common activities at these events. Sideshows are performed while a crowd of spectators encircle the participants and play loud music in a party-like atmosphere.

Regionally, sideshow activity has directly contributed to property damage, accidental death of spectators and participants, and criminal homicide. The issue has particularly impacted the City of Oakland, California. The City of Oakland passed ordinances, similar to the proposed addition to the Sacramento City Code, in order to help combat the problems associated with sideshows. Though the problem has not been completely eradicated, Oakland has been able to decrease sideshow activity with strict enforcement.

The proposed ordinance was heard by the Law & Legislation Committee on August 1, 2006. It was unanimously approved and directed to be heard by the City Council as an emergency ordinance.

**Attachment 2****CODE REFERENCES****California Vehicle Code****Section 21107.6.**

(a) Any city or county may, by ordinance, find and declare that there are privately owned and maintained roads as described in such ordinance within the city or county which are generally held open to the public for purposes of vehicular travel to serve commercial establishments. Upon enactment by a city or county of such an ordinance, the provisions of this code shall apply to any such privately owned and maintained road. No ordinance shall be enacted under this section without a public hearing thereon and 10 days' prior notice to the owner of the privately owned and maintained road involved.

(b) Notwithstanding the provisions of subdivision (a) no ordinance enacted thereunder shall apply to any road described therein on which the owner has caused to be erected a notice of such size, shape and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect that the road is privately owned and maintained and that it is not subject to public traffic regulations or control.

(c) The department shall not be required to provide patrol or enforce any provisions of this code on any privately owned and maintained road subjected to the provisions of this code under this section, except those provisions applicable to private property other than by action under this section.

**Section 21107.8.**

(a) Any city or county may, by ordinance or resolution, find and declare that there are privately owned and maintained off-street parking facilities as described in the ordinance or resolution within the city or county that are generally held open for use of the public for purposes of vehicular parking. Upon enactment by a city or county of the ordinance or resolution, Sections 22350, 23103, and 23109 and the provisions of Division 16.5 (commencing with Section 38000) shall apply to privately owned and maintained off-street parking facilities, except as provided in subdivision (b).

(b) Notwithstanding the provisions of subdivision (a), no ordinance or resolution enacted thereunder shall apply to any off-street parking facility described therein unless the owner or operator has caused to be posted in a conspicuous place at each entrance to that off-street parking facility a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that the off-street parking facility is subject to public traffic regulations and control.

(c) No ordinance or resolution shall be enacted under subdivision (a) without a public hearing thereon and 10 days prior written notice to the owner and operator of the privately owned and maintained off-street parking facility involved.

(d) Section 22507.8 may be enforced without enactment of an ordinance or resolution as required under subdivision (a) or the posting of a notice at each entrance to the off-street parking facility as required under subdivision (b).

(e) The department shall not be required to provide patrol or enforce any provisions of this code on any privately owned and maintained off-street parking facility subject to the provisions of this code under this section except those provisions applicable to private property other than by action under this section.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

DATE

**AN ORDINANCE ADDING CHAPTER 10.42 TO THE SACRAMENTO CITY CODE RELATING TO THE ENFORCEMENT OF THE CALIFORNIA VEHICLE CODE ON PRIVATELY OWNED OFFSTREET PARKING FACILITIES AND ROADS, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY**

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

**SECTION 1.**

Chapter 10.42 of the Sacramento City Code is added as follows:

Chapter 10.42

PRIVATELY OWNED OFFSTREET PARKING FACILITIES AND ROADS

10.42.010 Private Offstreet Parking Facilities.

(a) The City Council, pursuant to the authority granted by Section 21107.8 of the California Vehicle Code and subject to the conditions and limitations specified in Section 10.42.020 finds and declares that the following privately owned and maintained offstreet parking facilities are generally held open for public use. As provided in California Vehicle Code Section 21107.8, Sections 22350, 23103, 23109, and the provisions of Division 16.5 (commencing with Section 38000) of the Vehicle Code are hereby made applicable to said parking facilities:

1. All those parking facilities located within the Arden Fair commercial corridor, bounded on the east by Ethan Way, on the south by Alta Arden and Arden Way, on the west by Royale Road; and on the north by the fenced property lines.
2. All those parking facilities located within the south side of Arden Way, bounded on the east by Ethan Way, on the south by Exposition Boulevard, on the west by Challenge Way, and on the north by Arden Way.

3. All those parking facilities located within the south side of Arden Way, bounded on the east by Challenge Way, on the south by Response Road, on the west by Heritage Lane, and on the north by Arden Way.
4. All those parking facilities located within the south side of Arden Way, bounded on the east by Heritage Lane, on the south by Response Road, on the west by Point West Way, and on the north by Arden Way.
5. All those parking facilities located within the Arco Arena Sports Complex, bounded the east by Arco Arena Boulevard, on the south by Arena Boulevard, on the west by East Commerce Way, and on the north by unimproved land.
6. All those parking facilities located within the lot on the 4200 block of Norwood Avenue, bounded on the east by Norwood Avenue, on the south by Jessie Avenue, on the west by private residential property, and on the north by private residential property.
7. All those parking facilities located within the Promenade Shopping Center I on the 3500 and 3600 block of North Freeway Boulevard, bounded on the east by unimproved land, on the south by North Freeway Boulevard, on the west by Gateway Park Boulevard, and on the north by the East Drainage Canal.
8. All those parking facilities located within the lot on the 2300 block of Northgate Boulevard, bounded on the east by Northgate Boulevard, on the south by unimproved land and private property, on the west by unimproved land, and on the north by West El Camino Avenue.
9. All those parking facilities located within the lot on the 3300 block of Northgate Boulevard, bounded on the east by Northgate Boulevard, on the south by Rio Tierra Avenue, on the west by unimproved land and a church building, and on the north by San Juan Road.
10. All those parking facilities located within the lot on the 3600 block of Northgate Boulevard, bounded on the east by Northgate Boulevard, on the south by San Juan Road, on the west by residential private property, and on the north by unimproved land.
11. All those parking facilities located within the lot located at 4100 Northgate Boulevard, bounded on the east by East Levee Road, on the south by Interstate 80 Freeway, on the west by Northgate Boulevard, and on the north by commercial property.
12. All those parking facilities located within the Natomas Marketplace lot on the 3600 block of Truxel Road, bounded on the east by Truxel Road, on

- the south by Interstate 80 Freeway, on the west by unimproved land, and on the north by unimproved land.
13. All those parking facilities located within the lot on the 3800 block of Truxel Road, bounded on the southeast by North Freeway Boulevard, on the west by Truxel Road, and on the north by commercial property and unimproved land.
  14. All those parking facilities located within the lot on the 2700 and 2800 blocks of Del Paso Road, bounded on the east by Town Center Drive, on the south by Del Paso Road, on the west by E Commerce Way, and on the north by New Market Drive.
  15. All those parking facilities located within the lot on the 4600 and 4700 blocks of Natomas Boulevard, bounded on the east by The East Drainage Canal, on the south by Del Paso Road, on the west by Natomas Boulevard, and on the north by North Bend Drive.
  16. All those parking facilities located within the lot on the 2500 block of Riverside Boulevard, bounded on the east by Riverside Boulevard, on the south by residential private property, on the west by residential private property, and on the north by Broadway.
  17. All those parking facilities located within the lot on the south side of Florin Road on the 2300 block, bounded on the east by 24<sup>th</sup> Street, on the south by unimproved land, on the west by residential private property, and on the north by Florin Road.
  18. All those parking facilities located within the lot on the north side of Florin Road on the 2200 and 2300 block, bounded on the east by 24<sup>th</sup> Street, on the south by Florin Road, on the west by Tamoshanter Way, and on the north by residential private property.
  19. All those parking facilities located within the lot on the 5000 block of Franklin Road, bounded on the east by Franklin Boulevard, on the south by 26<sup>th</sup> Avenue, on the west by unimproved land, and on the north by commercial property building.
  20. All those parking facilities located within the lot on the 5600 block of Stockton Boulevard, bounded on the east by residential private property, on the south by Jansen Drive, on the west by Stockton Boulevard, and on the north by Fruitridge Road.
  21. All those parking facilities located within the lot on the 5500 block of Mack Road, bounded on the east by unimproved land, on the south by Mack

- Road, on the west by Center Parkway, and on the north by a creek and residential property.
22. All those parking facilities located within the lot on the 6300 block of Mack Road, bounded on the east by Valley Hi Drive, on the south by residential private property, on the west by residential private property, and on the north by Mack Road.
  23. All those parking facilities located within the lot on the 6600 block of Valley Hi Drive, bounded on the east by Alto Valley Drive, on the south by Bruceville Road, on the west by Valley Hi Drive, and on the north by Mack Road.
  24. All those parking facilities located within the lot on the 900 block of Florin Road, bounded on the east by an apartment complex, on the south by commercial property buildings, on the west by Greenhaven Drive, and on the north by Florin Road.
  25. All those parking facilities located within the lot on Florin Road on the 1200 and 1300 block, bounded on the east by unimproved land, on the south by Florin Road, on the west by South Land Park Drive, and on the north by residential private property.
  26. All those parking facilities located within the lot on the 1600 block of Alhambra Boulevard is a triangular shaped property, bounded on the northeast by Stockton Boulevard, on the south by light rail tracks, and on the west by Alhambra Boulevard.
  27. All those parking facilities located within the lot on the 1000 block of Alhambra Boulevard, bounded on the east by commercial property buildings, on the south by Granada Way, on the west by Alhambra Boulevard, and on the north by J Street.

(b) Pursuant to California Vehicle Code section 21107.8, the list of privately owned and maintained parking facilities subject to this section may be expanded by resolution.

#### 10.42.020 Required Postings.

The provisions of Section 10.42.010 shall not apply to any privately owned and maintained offstreet parking facility unless the owner or operator of such facility has caused to be posted in a conspicuous place at each entrance to that facility a notice not less than seventeen by twenty-two inches in size with lettering not less than one inch in height, to the effect that such offstreet parking facility is subject to public traffic regulations and control.

#### 10.42.030 Private Roads.

The City Council, pursuant to the authority granted by Section 21107.6 of the California Vehicle Code and subject to the conditions and limitations specified in Section 10.42.040 finds and declares that all those privately owned and maintained roads within, connecting, traversing or providing access to the offstreet parking facilities described in Section 10.42.010 are generally held open to the public for purposes of vehicular travel to serve commercial establishments. As provided in California Vehicle Code Section 21107.6, the provisions of the Vehicle Code are hereby made applicable to said roads.

#### 10.42.040 Postings.

The provisions of Section 10.42.030 shall not apply to any privately owned and maintained road described in that section on which the owner has caused to be erected a notice of such size, shape and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect that such road is privately owned and maintained and that it is not subject to public traffic regulations and control.

### SECTION 2.

This ordinance is declared to be an emergency measure, to become effective immediately upon its adoption by the City Council pursuant to Sacramento City Charter section 32(g)(2). The facts constituting the emergency are as follows: Large off-street private parking lots in Sacramento recently have become popular venues for vehicle "sideshow" events, during which drivers engage in "rodeo-like" maneuvers such as driving high-speed circles (donuts), high-speed acceleration, and high-speed fishtailing where the rear of the vehicle is made to sway from side to side. Road racing is also a common activity at these events. All of these unsafe maneuvers are performed while a crowd of spectators encircles the participants. Regionally, sideshow activity has directly resulted in property damage, accidental death of spectators and participants, and criminal homicide. Every jurisdiction that has experienced significant sideshow activity has been challenged to deal the associated problems. The increasing incidence of sideshows in the City of Sacramento poses immediate safety risks to participants, spectators, and the public. This ordinance allows law enforcement to enforce the California Vehicle Code on private parking lots and access roads. Immediate proactive measures are needed to protect the public from this destructive and dangerous activity. It is therefore necessary for the ordinance to take effect immediately.