REPORT TO COUNCIL
City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
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Consent
May 1, 2007

Honorable Mayor and
Members of the City Council

Title: Ordinance (Pass for Publication): Amendment to Police Mounted Unit's Activities in Pedestrian Malls (SCC 12.44) and Parks (SCC 12.72)

Location/Council District: Citywide

Recommendation: 1) Review the **Ordinance** amending Chapters 12.72 and 12.44 of the Sacramento City Code (SCC) to permit on-duty law enforcement officers to engage in horse mounted police activities, while acting within the course and scope of their employment, in City parks (SCC 12.72.060) and on pedestrian street malls (SCC 12.44.260); 2) pass for publication of the **Ordinance** title as required by Sacramento City Charter section 32(c); and 3) continue to May 8, 2007, for final adoption.

Contact: Sylvia Moir, Lieutenant, 433-0728

Presenters: Not applicable

Department: Police

Division: Metro

Organization No: 2123

Description/Analysis

Issue: The Sacramento Police Department (SPD) requests that two existing codes be revised to accommodate the daily operation of the Department's Mounted Unit and its efforts to provide for public safety and community outreach on pedestrian malls and in City parks. Currently, SCC 12.72.060 prohibits any person from engaging in horseback riding unless on designated bridle paths. Only one park in the City limits offers a sanctioned bridle path. Additionally, SCC 12.44.260 prohibits any person from riding, leading, or driving a horse upon any mall, including K Street Mall, unless authorized by a special permit. Under both provisions, there is no exception for law enforcement personnel.

Policy Considerations: The Police Mounted Unit has proven to be a tremendous asset to the Department's community outreach efforts while also providing for public safety. The proposed revisions would bring the Sacramento City Code into accord with the operations of this Unit.

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.

Commission/Committee Action: On March 6, 2007, the Law & Legislation Committee unanimously approved the ordinance. At the request of Councilmember Hammond, staff reviewed whether an exemption for Regional Transit (RT) stations needed to be included in the proposed amendments. Currently, there are no City Code provisions regulating horseback riding outside of City parks and malls. Thus, no express exemption is necessary for RT stations under the Sacramento City Code. Therefore, these activities are regulated by the California Vehicle Code (CVC). Pursuant to CVC 21113, the City is required to receive authorization from the RT Governing Board to utilize Police horses at RT stations.

Rationale for Recommendation: The Mounted Unit's activities involve the need for mounted officers to ride on the K Street Mall and in City parks. Under the existing ordinances, such activities are prohibited in any City park, unless there is a designated bridle path, and in any pedestrian mall. Del Paso Park is the only park within the City with a designated bridle path.

Both SCC 12.72.060 and 12.44.260 were implemented prior to the creation of the Department's full-time Mounted Unit.

The intent of these revisions is to change existing codes to allow on-duty peace officers, acting within the course and scope of their duties, to engage in horse mounted police activities in City parks and pedestrian malls.

Financial Considerations: There are no financial considerations associated with this report.

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by: _____
Sylvia Moir, Lieutenant

Approved by: _____
Albert Nájera, Chief of Police

Recommendation Approved:

_____
for Ray Kerridge
City Manager

Ref: COP 3-7

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Attachment 1

Background

The Police Department has operated a full-time Mounted Unit since 1998. The Unit is very popular with visitors, residents, and business operators. It is also extremely effective in providing high visibility patrols in the core of the downtown area.

As part of the Unit's daily activities, mounted officers regularly patrol the K Street Mall and City parks near the Mall. The Unit also patrols other City parks and makes numerous appearances at special events in parks Citywide. Additionally, mounted officers from allied agencies have assisted SPD mounted officers in enforcement activities involving major events and dignitary visits within the City limits.

Attachment 2

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 12.44.260 OF THE SACRAMENTO CITY CODE PERTAINING TO THE PRESENCE OF ANIMALS ON MALLS AND AMENDING SECTION 12.72.060 OF THE SACRAMENTO CITY CODE PERTAINING TO THE USE OF PARKS

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

SECTION 1

Subsection A of section 12.44.260 of Title 12 of the Sacramento City Code is hereby amended to read as follows:

A. No person shall ride, lead or drive any horse, mule, burro or other wild or domestic animal other than a cat or a leashed dog upon any mall unless the same has been specifically authorized by a permit issued for a special event. This subsection shall not apply to any peace officer while the peace officer is engaged in the performance of his or her duties.

Except as specifically amended above, the provisions of section 12.44.260 shall remain unchanged and in effect.

SECTION 2

Subsection O of section 12.72.060 of Title 12 of the Sacramento City Code is hereby amended to read as follows:

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.

Except as specifically amended above, the provisions of section 12.72.060 shall remain unchanged and in effect.