



# Response to City Code Violations

City Council Meeting  
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# Focus on Quality of Life

- Broad array of ordinances designed to preserve quality of life in Santa Rosa, including:
  - Weed and rubbish abatement
  - Smoking restrictions
  - Noise limitations
  - Littering
  - Restrictions on alcohol consumption in public
  - Public urination and defecation
  - Graffiti
  - Obstruction of streets and sidewalks
  - Aggressive panhandling
  - Camping on public and private property
  - Others

# Authorized Enforcement Methods

- City Code Chapter 1-28:
  - Unless otherwise provided, violations of Code prohibitions constitute misdemeanor
  - City Attorney given discretion to prosecute instead as infraction
  - City Attorney given discretion to pursue through administrative or civil proceedings
- Some Code sections provide that initial violation(s) constitute infractions only.
- Some Code sections provide that all violations constitute infractions only.



# Misdemeanor vs Infraction

- Misdemeanor:
  - Fine up to \$1000
  - Up to six months in jail
  - Or both
- Infraction:
  - Fine only
  - First conviction: up to \$250
  - Second or subsequent conviction within one year: up to \$500

# Past Enforcement Practices

- Infraction and misdemeanor citations / arrests
- Prosecuted through the cooperative efforts of Police, Office of the City Attorney and the Office of the District Attorney
- Code Enforcement Division focused on Building, Zoning, Health and Safety Code violations on private property

# Current Enforcement Practices

- Police issue infraction citations
- Office of the City Attorney involved only in civil and administrative enforcement
- Code Enforcement Division continues to issue citations on nuisance cases; uses civil and administrative hearings on health and safety issues

# Future Enforcement

- Resumption of misdemeanor citations
- Partnerships needed with District Attorney, County Sheriff and Courts
- Where appropriate, coordination with non-profit service providers
- Additional City resources will be needed
- Initial steps now underway to explore options

# Sample of Code Violations

The Police Department responds to many city ordinance violations such as:

- 9-12.050 Littering, burning or burying prohibited
- 10-01.010 Public Urination/Defecation
- 10-04.010 Possession or consumption of alcohol in public
- 10-12.010 Unreasonable obstruction or interference
- 10-12.030 Lying or sitting so as to obstruct
- 10-36-110 Aggressive Panhandling
- 11-22.020 Camping on public streets and public property
- 11-22.030 Camping on private property.
- 13-24.050 Possession or consumption of alcohol in a city park
- 13-24.070 Prohibition of glass containers in a city park



# Police Response

- Officers currently address City Ordinance violations when:
  - The violation occurs in the presence of the officer,
  - Responding to calls for service, or
  - Responding to complaints for a specific violation or a specific area.
- City Ordinance violations are currently addressed in two ways:
  - Verbal warnings
  - Citations

# Police Response

- City Ordinance violations are sent to the Sonoma County Traffic Court as infractions.
- 2016 statistics: **839** City Ordinance Citations
  - **728** (87%) Failed to Appear or Pending Court Appearance
  - **63** (7%) Convictions
  - **48** (6%) Dismissals
- “Failure to Appear” are sent to collections

# Code Enforcement Division

- Focus on Building, Zoning, Health and Safety Codes
- Focus on private property
- Seek resolution of most cases at lowest administrative level
- If voluntary compliance is not achieved, administrative citations may be issued
- Misdemeanor citation is utilized if violations occur 3 or more times in a 12 month period

QUESTIONS?