

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: SUE GALLAGHER, CITY ATTORNEY
RAINER NAVARRO, CAPTAIN
POLICE DEPARTMENT
CARMELITA HOWARD, DEPUTY DIRECTOR
HOUSING AND COMMUNITY SERVICES

SUBJECT: QUALITY OF LIFE ORDINANCES -- ENFORCEMENT

AGENDA ACTION: COUNCIL MAY PROVIDE DIRECTION TO STAFF

RECOMMENDATION

This item is to update the Council on the status of the City's enforcement of quality of life ordinances. The Council may provide further direction to staff if desired.

EXECUTIVE SUMMARY

At this time, the Santa Rosa Police charge City Code violations as infractions only. The Department is intending to revise that practice so as to allow officers to charge violations of the City Code as misdemeanors when warranted by the circumstances (significant or repeated violations). The District Attorney has agreed to take on prosecution of those misdemeanors.

BACKGROUND

The City Code contains a series of ordinances designed to preserve and enhance the public health, safety and welfare, and the quality of life in Santa Rosa ("quality of life ordinances"). With certain exceptions, the Code provides that violations of those ordinances constitute misdemeanors. The Code, however, allows the City, in the discretion of the City Attorney, to charge and prosecute such violations as infractions or to pursue enforcement through administrative procedures.

In the past, the City regularly prosecuted violations of the quality of life ordinances as misdemeanors. That practice shifted several years ago and the Police Department now charges most such violations as infractions.

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City staff has explored the feasibility and merits of resuming the practice of filing misdemeanor charges for significant or repeated violations of the City's quality of life ordinances. In light of the adverse community impacts that result from such violations, the Police Department has recommended the citation of such violations as misdemeanors as appropriate in accordance with City Code provisions.

The District Attorney has agreed to resume prosecution of such misdemeanors. The District Attorney and the Office of the City Attorney are preparing an appropriate Memorandum of Understanding.

PRIOR CITY COUNCIL REVIEW

Council held a study session on May 2, 2017 at which it discussed the City's existing ordinances regarding quality of life and the City's past, current and proposed practices to enforce those ordinances. No action was taken at that time.

ANALYSIS

The Santa Rosa City Code contains a series of ordinances related to the preservation of the public health, safety and welfare and the quality of life within the City ("quality of life ordinances"). These ordinances include, but are not limited to:

- Title 9 – Health and Safety: Including provisions for weed and rubbish abatement, restrictions on smoking in public places, and prohibition against littering.
- Title 10 – Public Peace, Morals and Welfare: Including restrictions on public consumption of alcohol, prohibition of public indecency, prohibition of defecation and urination in public, prohibitions against graffiti and aggressive panhandling, prohibition against unlawful distribution of advertising materials, restrictions on weapons, and prohibition against obstructing passage on City streets and sidewalks.
- Title 11 – Vehicles and Traffic: Including prohibition of camping on public property.
- Title 13 – Streets, Sidewalk and Public Places: Including regulation of activities within the City's public parks.
- Title 17 – Environmental Protections: Including noise regulations.

In most instances, violation of these ordinances constitutes a misdemeanor under Chapter 1-28 of the City Code. That Chapter, however, gives discretion to the City Attorney to instead prosecute the violations as infractions, or to pursue administrative

remedies.

In the past, the City, through the coordinated efforts of the Police Department, the City Attorney's Office, the District Attorney and others, regularly enforced and prosecuted violations of the quality of life ordinances as misdemeanors. The City Attorney's Office also worked with the Code Enforcement Division and other Departments in pursuing civil and administrative remedies where appropriate.

Several years ago, the practice shifted and since at least 2013, the Police Department has charged most violations of the quality of life ordinances as infractions rather than misdemeanors. The City Attorney's Office is no longer involved in criminal prosecutions and quality of life violations are not referred to the District Attorney.

On the civil and administrative side, the Code Enforcement Division continues to have primary responsibility for assuring compliance with the City's zoning, building and other codes on private property. The Division has a tremendous workload and seeks to resolve matters through voluntary compliance, administrative procedures and civil actions in Superior Court. If, however, compliance is not obtained and the violation occurs more than 3 times within a 12-month period, the Division may issue a misdemeanor citation to the responsible party.

City staff has determined that it is now feasible to resume the practice of filing misdemeanor charges for significant violations of the City's quality of life ordinances. Staff has determined that when violations are serious, on-going or recurrent, misdemeanor citations can be an effective tool toward gaining compliance. Staff recognizes that prosecution of misdemeanors may require additional staff resources on the part of both the City and the County, and that the effectiveness of the practice will depend upon partnerships and coordination with the District Attorney, the Courts, and the County Sheriff. That coordination is underway.

FISCAL IMPACT

Not known at this time.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

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NOTIFICATION

Not applicable.

ATTACHMENTS

None.

CONTACT

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