

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: SUE GALLAGHER, ASSISTANT CITY ATTORNEY
CITY ATTORNEY'S OFFICE
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POLICE DEPARTMENT
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SUBJECT: QUALITY OF LIFE ORDINANCES -- ENFORCEMENT OPTIONS

AGENDA ACTION: NONE

RECOMMENDATION

It is recommended that Council hold a Study Session to discuss the City's existing ordinances regarding quality of life and the City's past, current and proposed practices to enforce those ordinances. This item is for information only and no action will be taken.

EXECUTIVE SUMMARY

This Study Session will provide the City Council with an overview of the City's existing ordinances regarding quality of life in the City, and the City's past, current and proposed practices to enforce those ordinances.

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 charge most such violations as infractions.

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City staff is now exploring the possibility of resuming the practice of filing misdemeanor charges for significant violations of the City's quality of life ordinances, and desires to inform the Council of its efforts.

PRIOR CITY COUNCIL REVIEW

Not applicable.

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 include, but are not limited to:

- Title 9 – Health and Safety: Including 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, defecation and urination in public, graffiti, aggressive panhandling, unlawful distribution of advertising materials, weapons, and 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 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.

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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 is now exploring the possibility of resuming the practice of filing misdemeanor charges for significant violations of the City's quality of life ordinances. Staff recognizes that the feasibility of that practice will depend upon partnerships and coordination with the District Attorney, the Courts, and the County Sheriff, and will require additional City resources. Initial steps in the exploration are just now getting underway.

FISCAL IMPACT

Not applicable. Study Session only.

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.

NOTIFICATION

Not applicable.

ATTACHMENTS

None.

CONTACT

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