



Roll Call Training Bulletin

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Katherine Lester, Chief of Police
Volume 119

Enforcement Guidelines - Sidewalk Ordinance

11-8-2022

INTRODUCTION:

On Sept. 23rd, 2022, the City of Sacramento amended Chapter 12.24 of the Sacramento City Code relating to sidewalk obstructions and pedestrian interference. Upon the amendment, there has been a month-long educational campaign conducted by the Department of Community Response (DCR) to people experiencing homelessness in our community.

This update increases the violation to a **misdemeanor** and protects people's rights to safely travel along sidewalks by providing at least four feet (4') of space for pedestrians and cyclists to pass. In addition, it requires four feet (4') of space around entrances and exits of businesses.

DEFINITIONS:

Sidewalk: Per City Code, a sidewalk is defined as the portion of the public right-of-way, including any landscaped areas, between a building or other property and the roadway, set apart for pedestrian travel by curbs, barriers, markings, or other delineation. This includes manicured landscaped areas commonly referred to as "mow strips."

Immediate threat to the public health, safety, and welfare: Per City Code, the City Manager may enforce certain violations, without notice, in the event of an **immediate threat** to the public health, safety, or welfare. An immediate threat is defined as a situation that causes, or is likely to cause, serious injury, harm, or impairment to or the death of an individual. The following are examples of when enforcement of the Ordinance may occur **without notice**:

- Items which pose extreme fire danger.
- Individuals or items which block the ingress and egress of first responders.
- Items which are substantial transmitters of communicable disease.

Evasive Action: Per City Code, prior to enforcement, a person or driver of a vehicle is *required* to have taken evasive action to avoid physical contact with an encampment. An unwillingness to walk past items or individuals is not sufficient. Whether an evasive action is present will be determined on a case-by-case basis.

ENFORCEMENT:

The enforcement of this ordinance requires a detailed understanding of the procedures necessary to ensure proper response to each case. The procedures emphasize **voluntary compliance** and providing people experiencing homelessness with resources.

A. PRE-PLANNED/SCHEDULED ENFORCEMENT - A City department or employee receives a complaint, and the violation does not pose an immediate public health or safety risk.



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ENFORCEMENT STEPS:

1. **Contact DCR via 311** - Inform of the nature of the complaint, all relevant details (location and risk factors)
 - DCR will develop a weekly schedule for outreach field teams to seek voluntary compliance for relocation and offer services to people who are in violation of the Sidewalk Ordinance.
2. **If voluntary compliance is not met, DCR shall refer the complaint to SPD through the 311 system or at weekly coordination meetings to the Impact Team after reasonable outreach efforts have been made.**
3. **Once the complaint is received, the Impact Team shall:**
 - Visit the location with DCR and attempt to gain voluntary compliance to relocate, clear 4 feet of space and offer services.
 - If voluntary compliance fails, the Impact Team shall post and photograph (BWC acceptable) a written notice of abatement at the location where the violation is occurring, providing no less than 24 hours' notice.
 - Once notice has passed, officers may abate the violation by removal of the items or individuals from the location. Special attention must be given to items constituting life-necessities
 - If enforcement action is taken, a written crime report is required, and the case shall be closed in the 311 system.

B. PROACTIVE ENFORCMENT (non-planned) – An employee receives a complaint in the field or observes a violation of the Sidewalk Ordinance in the course of their duties shall determine whether the violation poses an immediate risk to public health and safety.

ENFORCEMENT STEPS:

1. If the violation **does not pose an immediate risk** to public health and safety:
 - Request voluntary compliance and if met with non-compliance, contact DCR via 311 so that outreach can be scheduled as a first response and, if attempts to gain voluntary compliance and offer of services are unsuccessful, subsequent enforcement can be scheduled.
2. If the violation **poses an immediate risk** to public health and safety:
 - Request voluntary compliance for the person offending to move their property.
 - If met with non-compliance:
 - a. Abate the violation by conducting a custodial misdemeanor arrest for SCC 12.24.020 as the crime is likely to continue.
 - b. Remove the offending individual(s) and/or items, by booking at the individual's property at SPD Property. Garbage may be disposed of with coordination with the Impact Team and Forensiclean.
 - c. Document circumstances in a report surrounding the violation (risk to public health and safety) and photograph.