



Roll Call Training Bulletin

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Katherine Lester, Chief of Police
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Enforcement of Vehicle Codes on “Off-Street Parking Facilities”

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There are several privately-owned properties labeled as “off-street parking facilities” within the city limits that allow SPD officers to enforce certain vehicle codes pursuant to California Vehicle Code (CVC) § 21107.8. Arden Fair Mall is the most well-known example. SPD and the City Attorney’s Office recently added Delta Shores Shopping Center (“Delta Shores”) to the list of properties.

WHAT IS AN “OFF-STREET PARKING FACILITY?”

- Any publicly or privately owned parking facility;
- For which no fee is charged for the privilege to park; and
- Which is held open for the common public use of retail customers.

WHICH COMMON VEHICLE CODES CAN OFFICERS ENFORCE WITHIN ALL “OFF-STREET PARKING FACILITIES” REGARDLESS OF POSTING?

- Reckless Driving (CVC § 23103)
- Speed Contest/Exhibition of Speed (CVC § 23109)
- Unlicensed/Suspended Driving (CVC §§ 12500, 14601.1);
- Hit & Run (CVC §§ 20001, 20002); or
- DUI (CVC § 23152).

WHICH VEHICLE CODES CAN OFFICERS ENFORCE ONLY WITHIN THE “OFF-STREET PARKING FACILITIES” ENUMERATED IN SCC § 10.42.010?

- If the property has been designated by city ordinance or resolution, and the property has been properly posted as described in CVC § 21107.8, at each entrance, officers can enforce the following vehicle codes:
 - Unsafe speeds for the conditions (CVC § 22350)
 - Reckless Driving (CVC § 23103)
 - Speed Contest/Exhibition of Speed (CVC § 23109)
 - Any of the provisions of CVC Division 16.5 governing off-highway vehicles

WHAT IS CVC DIVISION 16.5?

- CVC Division 16.5 governs the use of off-highway vehicles.
 - A vehicle qualifies as an “off-highway vehicle” per CVC § 38006 when the vehicle is registered, or would be required to be registered, under the provisions of CVC § 4000a.
- Enforcement is permitted related to “off-highway vehicles” on “off-street parking facilities” when:
 - The vehicle is located on a property that is listed in SCC § 10.42.010 and the property is posted, pursuant to the requirements of CVC § 21107.8(b), notifying motorist of the applicability of the Vehicle Code to the specific property.
- Examples of useful codes which may be cited at posted off-street parking facilities, pursuant to CVC Division 16.5 are listed at the bottom of this RCTB.

WHICH PROPERTIES ARE DESIGNATED BY CITY ORDINANCE AS “OFF-STREET PARKING FACILITIES?”

- For a list of properties labeled as “off-street parking facilities” in Sacramento, refer to SCC § 10.42.010(A).



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DOCUMENTATION

- When citing or arresting for the above-mentioned misdemeanor or felony violations, SPD policy states that a report must be generated.
- Ensure observed signage is documented within the report, and that the signage complied with **SCC § 10.42.020** and **CVC § 21107.8(b)**.
- Ensure that the property being designated as an “off-street parking facility” by city ordinance is documented within the report.
- When citing for an infraction, it is recommended that officers note the above information on the citation itself, or by noting comments on the call.

EXAMPLES OF USEFUL CODES WHICH MAY BE CITED AT POSTED “OFF-STREET PARKING FACILITIES” PURSUANT TO CVC DIVISION 16.5

Ensure any cited codes are thoroughly read to ensure all elements are met prior to conducting any form of detention or enforcement action.

- **CVC § 38010(a)**– License plate required.
- **CVC § 38170(b)** – License plate shall be securely affixed to the vehicle.
- **CVC § 38304**– A driver must be able to reach and operate all vehicle controls safely.
- **CVC § 38310**– The prima facie speed limit is 15 MPH, unless otherwise posted, near a concentration of people.
- **CVC § 38312**– No person shall place a vehicle in motion until it can be done safely.
- **CVC § 38314**– No person shall turn a vehicle left or right until safe to do so.
- **CVC § 38318(a)**– Throwing any substance at an off-highway vehicle (misdemeanor).
- **CVC § 38318(b)**– Throwing a rock, brick, etc, or any substance capable of doing serious bodily harm (felony).
- **CVC § 38330**– Operation of a vehicle in an unsafe condition prohibited.
- **CVC § 38335**– Vehicles shall display one white headlamp 30min after sunset and 30min before sunrise.
- **CVC § 38345**– Vehicles shall display one red taillamp 30 min after sunset and 30min before sunrise.
- **CVC § 38365(a)**– Vehicle muffler requirements.