



MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE OFFICER
COUNTY OF PLACER

To: Honorable Board of Supervisors
From: David Boesch, County Executive Officer
By: Joel Joyce, Management Analyst
Date: November 17, 2015
Subject: Quality-of-Life Concerns

ACTION REQUESTED

Receive an update on concerns around quality-of-life issues in Placer County and provide direction to staff regarding development of related ordinances.

BACKGROUND

Recently constituents have reached out to Placer County through emails and phone calls expressing concerns about "quality of life" issues in their communities and the degradation of safety, cleanliness, and community character.

In order to ensure that their communities remain clean, safe, and attractive places to live and conduct business, some cities and counties throughout the United States have enacted quality of life ordinances in response to varying community concerns. Examples include: neighborhood and commercial district blight, unkempt and dilapidated property, noise pollution, aggressive panhandling, vandalism and graffiti, illegal dumping, overgrown, dead, or unmanaged landscaping and other constituent concerns.

Supporters of these "quality-of-life" ordinances suggest that these laws help maintain the aesthetic quality of cities and counties, safeguard public health and safety, and promote economic vitality in commercial and tourist districts. A number of cities and counties in California have created a "quality-of-life" committee or task force charged with evaluating these issues and developing policy recommendations for their elected boards or councils.

Ordinance Discussion

Littering, Dumping and Graffiti

Litter, dumping and graffiti are costly problems that contribute to the deterioration of property values and general disorder in a community. Litter and littered properties degrade the physical appearance of the County which inhibits economic development.

Illegal dumping is the most frequently committed environmental crime in California. Illegal dumping impacts public health, safety, property values and the quality of life in California. Materials dumped range from: construction and demolition; abandoned vehicles; auto parts and waste; tires; appliances and furniture; yard waste and household trash; and medical and hazardous waste.

Graffiti is a crime that impacts all members of the community. Individuals use graffiti to mark and establish identity and recognition among their peers. Graffiti has many negative impacts including: property owners incur tremendous expense in removing graffiti and may incur devalued property; business owners incur a loss of customers from the negative image that graffiti generates; taxpayers' dollars are spent removing graffiti from public buildings, monuments and park structures and the overall image of a community is affected.

Currently, dumping and littering are prohibited under California Penal Code sections 374.4 and 374.3 and can be prosecuted as misdemeanors.

Open Containers

Placer County does not have an open container ordinance within the unincorporated areas. However, through the California Business and Professions Code §25608.10, in Placer County at Chambers Landing beach and on the portion of the Truckee River from the outfall of Lake Tahoe upstream of the Highway 89 Bridge in Tahoe City to the Alpine Meadows Bridge, a person in a vessel, as defined by §651 of the Harbors and Navigation Code, or a bather, as defined by §651.1 of the Harbors and Navigation Code, shall not possess a container with an alcoholic beverage, whether opened or closed, during the summer holiday periods that the Placer County Board of Supervisors prohibits the consumption of an alcoholic beverage or possession of an open alcoholic beverage container on the land portions along this portion of the river.

Within motor vehicles, the California Vehicle Code prohibits operators and passengers from drinking an alcoholic beverage while in a motor vehicle or be in possession of an open container.

An open container ordinance in Placer County would prohibit the consumption of alcohol in designated public areas such as parking lots, parks, and streets.

Public Urination / Defecation

Many jurisdictions have an ordinance prohibiting urination or defecation in a public place, other than a restroom. Within California, City and District Attorneys have utilized California Penal Code Section 370 to address this concern.

Aggressive Panhandling

Although panhandling or begging has been found to be constitutionally protected under the First and Fourteenth amendments, many courts have determined that local ordinances on "aggressive" panhandling are within constitutional protections because they regulate non-expressive conduct.

Typically, aggressive panhandling law applies only when there is intentional intimidation of another person into giving money or goods. Thus, a prosecutor must show evidence of the person's criminal intent to intimidate: often difficult to prove. Currently, aggressive panhandlers can be cited under California Penal Code Section 647 (c).

Opponents of these measures state that the measures are overly broad and, in some cases, have been found to be unconstitutional as they violate fundamental rights and are particularly aimed at criminalizing vulnerable populations. Members of the law enforcement community contend that laws enforced through the Penal Code, not only cover many of these community concerns, but have served the test of time and been upheld as constitutionally sound by the courts.

FISCAL IMPACT

Depending on direction received, there may be costs associated with conducting an analysis and developing recommendations for proposed ordinances, in addition to potential costs associated with enforcement. The specific fiscal impact is unknown at this time.