



MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE OFFICER
COUNTY OF PLACER

DATE: January 5, 2016

TO: Honorable Board of Supervisors

FROM: David Boesch, County Executive Officer
By: Joel Joyce, Management Analyst

SUBJECT: Quality of Life

ACTION REQUESTED

1. Receive an update on Quality of Life concerns.
2. Introduction of an Ordinance, waive oral reading, adding Article 9.14 and sections 9.14.010 to 9.14.110 to the Placer County Code regarding a Spray Paint and Graffiti Prohibition.
3. Introduction of an Ordinance, waive oral reading, adding Article 9.38 and sections 9.38.010 to 9.38.070 to the Placer County Code regarding Aggressive Panhandling.
4. Introduction of an Ordinance, waive oral reading, adding Article 9.40 and sections 9.40.010 to 9.40.040 to the Placer County Code regarding Urinating or Defecating in Public Places.

BACKGROUND

On November 17, 2015, your Board received a presentation on various "quality of life" issues in Placer County as constituents have reached out to Placer County through emails and phone calls expressing concerns in their communities and the degradation of safety, cleanliness, and community character. In response, your Board directed staff to further review quality of life issues regarding how other jurisdictions address the problem and how the California Penal Code addresses these issues. Additionally, your Board directed staff to reach out to Dr. Robert Marbut who is consulting the County on such issues and how to avoid constitutionality concerns in regards to criminalizing vulnerable populations. For graffiti, aggressive panhandling, and public urination/defecation, the table below compares these three quality of life issues with California State Penal Code, Sacramento County, City of Roseville, and finally, potential ordinances for Placer County.

Issue	CA State Penal Code	County of Sacramento	City of Roseville	Potential Placer County
Graffiti	<p>Section 594 (a) - "Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:</p> <p>(1) Defaces with graffiti or other inscribed material.</p> <p>(2) Damages.</p> <p>(3) Destroys..."</p>	<ul style="list-style-type: none"> • Declares Graffiti a public nuisance • Authority to abate • Cost Recovery • Penalty for violation refers to state law 	<ul style="list-style-type: none"> • Declares graffiti a public nuisance • Authority to abate • Prohibition against sales of graffiti implements to minors and abatement procedures for graffiti vandalized property • Treble Damages • Violation is an infraction or a misdemeanor 	<ul style="list-style-type: none"> • Declares graffiti a public nuisance • Authority to abate • Prohibition against sales of graffiti implements to minors and abatement procedures for graffiti vandalized property • Treble Damages • Violation is an infraction or a misdemeanor
Aggressive Panhandling	<p>Section 647© - "Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms."</p>	<ul style="list-style-type: none"> • Banks and ATMs; • Motor Vehicles; • Median Strips; • Driveways of Shopping Centers, Retail and Business Establishments; • Public Transportation Vehicles and Stops; and, • Gas Stations. 	<ul style="list-style-type: none"> • Banks and ATMs; • Motor Vehicles; • Median Strips; • Driveways of Shopping Centers, Retail and Business Establishments; • Public Transportation Vehicles and Stops; and, • Gas Stations. • No solicitation at night 	<ul style="list-style-type: none"> • Banks and ATMs; • Motor Vehicles; • Median Strips; • Driveways of Shopping Centers, Retail and Business Establishments; • Public Transportation Vehicles and Stops; and, • Gas Stations. • No solicitation at night
Public Urination / Defecation	<p>Section 370 - Public Nuisance - "Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons.."</p>	<ul style="list-style-type: none"> • Illegal to urinate or defecate in public place or public view • Penalty for violation is a misdemeanor 	<ul style="list-style-type: none"> • Illegal to urinate or defecate in public place or public view • Creates infraction or misdemeanor 	<ul style="list-style-type: none"> • Illegal to urinate or defecate in public place or public view • Creates infraction or misdemeanor

Ordinance Discussion

Graffiti

Graffiti is a crime that impacts all members of the community. Individuals often use graffiti to mark and establish identity and recognition among their peers. Graffiti has many negative impacts including: property owners incur 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.

Unless the County acts to remove graffiti from public and private property, the graffiti tends to remain and spread. Other properties become the target of graffiti, and entire neighborhoods are affected and become less desirable places, all to the detriment of the County and surrounding jurisdictions.

The proposed ordinance would find that graffiti on public and private buildings, structures and on personal property creates a condition of blight within the County and is inconsistent with the County's goals of maintaining property and preventing crime. While state law classifies graffiti as a form of vandalism and can be considered a felony, it gives cities and counties the authority to adopt laws they deem appropriate to address this problem within their own jurisdiction. The recommendations set forth in this memo aim to make youth accountable for their graffiti activity.

The proposed ordinance includes a prohibition against sales of graffiti implements to minors and abatement procedures for graffiti vandalized property; classifies graffiti as a public nuisance; sets up administrative and civil remedies and penalties against persons applying graffiti. The penalties include citations, civil penalties, and treble damages.

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. Courts have upheld ordinances that put limitations on certain acts of solicitation or panhandling where the regulations are narrowly tailored to address problems so long as the ordinance does not ban all opportunities for solicitation. Courts have also struck down a number of panhandling ordinances that attempted to regulate what the court determined was protected speech.

The proposed ordinance adopts reasonable time, place and manner restrictions to avoid the negative effects of solicitation while not unreasonably restricting the expressive activity of people. The restrictions contained in the attached ordinance are neither overbroad nor vague and are narrowly tailored to serve a public interest. The goal of this ordinance is to protect Placer County residents, visitors and solicitors from traffic safety problems, along with intrusive conduct and personal intimidation.

The proposed ordinance prohibits people from behaving or acting in a way that would cause a reasonable person to fear bodily harm to themselves or others, or damage to or loss of property, or otherwise be intimidated into donating money. These behaviors include touching the person,

following them, and/or using violent gestures. Additionally the proposed ordinance prohibits people from soliciting in the following locations, where based on the unique circumstances, the person being solicited would reasonably feel vulnerable to a crime:

- Banks and ATMs;
- Motor Vehicles;
- Median Strips;
- Driveways of Shopping Centers, Retail and Business Establishments;
- Public Transportation Vehicles and Stops; and,
- Gas Stations.

Soliciting from people in places where the people are a “captive” audience is problematic because it increases the vulnerability to intimidation of residents and visitors since they must have cash out or readily available at such sites, and thereby creates an unacceptable risk to the residents’ safety and welfare. Restricting soliciting in these places will provide a balance between the rights of solicitors and the rights of persons who will commonly be carrying cash and wish to decline or avoid solicitors.

Public Urination / Defecation

The proposed ordinance makes it illegal for any person on any street, sidewalk, alley, park, public property, private parking lot, any place open to the public, or in a place exposed to public view to urinate or defecate unless it is done in proper restroom facilities.

FISCAL IMPACT

There may be costs of administrative procedures, enforcement and certain prosecutorial actions. The specific cost is unknown at this time.

Attachments:

- Attachment 1 - Graffiti ordinance
- Attachment 2 - Aggressive Panhandling Ordinance
- Attachment 3 - Public Urination and Defecation Ordinance

Attachment 1
Graffiti Ordinance

Before the Board of Supervisors County of Placer, State of California

In the matter of:

AN ORDINANCE AMENDING PLACER
COUNTY CODE CHAPTER 9, PUBLIC
PEACE SAFETY AND WELFARE, BY
ADDING ARTICLE 9.14 SPRAY PAINT
AND GRAFFITI.

Ordinance No.: _____

First Reading: _____

The following **ORDINANCE** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA HEREBY FINDS AND DECLARES THE FOLLOWING:

WHEREAS, the County of Placer ("County"), finds and determines that graffiti, as defined below, is a public nuisance and destructive of the rights and values of property owners as well as the entire community; that graffiti promotes blight in the neighborhoods in which it occurs and encourages similar acts of vandalism; that without

prompt removal of graffiti, other properties become the target of graffiti and entire neighborhoods are affected and become less desirable places in which to live and work; and

WHEREAS, the County, in the interest of public health, safety and welfare, further finds and declares that to be truly effective in the deterrence, eradication and removal of graffiti, it is necessary to implement a comprehensive anti-graffiti ordinance; and

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

Section 1: Chapter 9 Public Peace, Safety and Welfare is hereby amended to add Article 9.14, which shall read as follows:

**Article 9.14
SPRAY PAINT AND GRAFFITI**

SEC. 9.14.010 Purpose.

Aerosol spray paint cans are currently being used as a means of defacing public and private property, resulting in the creation of unsightly graffiti. Graffiti reduces property values, encourages blight and frequently becomes a forum for gang-related, potentially criminal activities. In order to assist law enforcement personnel in dealing with this growing problem, the Board of Supervisors deems it necessary and appropriate to regulate the use and possession of aerosol spray paint cans and the application of graffiti, and to provide for the abatement of graffiti.

SEC. 9.14.020 Definitions.

Graffiti means the intentional spraying of paint or marking of paint, ink, chalk, dye or other similar substances upon private or public property without permission of the owner of the property. For purposes of this Chapter, "Graffiti" shall mean any inscription, word, figure or design that is marked, etched, scratched, drawn or painted on any surface of public or private property without the property owner's authorization.

"Graffiti coordinator" means a person appointed by the Sheriff to assist in the implementation and enforcement of this article.

SEC. 9.14.030 Graffiti prohibited.

It is unlawful for any person to intentionally place graffiti upon any private or public property. A mistake as to the private property owner's identity shall not be a defense to a violation of this section.

SEC. 9.14.040 Possession of aerosol spray paint cans by minors prohibited.

It is unlawful for any minor person under the age of 18 to have in their possession any aerosol spray can containing any substance commonly known as paint, while upon any public

highway, street, alleyway, park, playground, swimming pool or other public place, whether such minor is or is not in any automobile, vehicle or other conveyance.

This section shall not apply if such minor is in possession of an aerosol spray can in order to perform a task as directed by the minor's parent, guardian, instructor or employer, and if that task would not be a violation of this chapter if conducted by an adult.

SEC. 9.14.050 Sale of aerosol spray paint cans to minors prohibited.

It is unlawful for any person to sell to a minor any aerosol spray can containing any substance commonly known as paint. This section shall not apply to the furnishing of six ounces or less of an aerosol container of paint for the minor's use or possession under the supervision of the minor's parent, guardian, instructor or employer.

SEC. 9.14.060 Signs to be placed in retail establishments.

A sign not smaller than 8½ inches by 11 inches shall be prominently displayed in the proximity of the merchandise in all retail establishments which offer for sale to the public paint in aerosol spray cans. These signs shall read as follows:

"Possession by or sale to a minor of an aerosol spray can containing paint is unlawful. California Penal Codes § 594.1, Placer County Code sections 9.14.040 and 9.14.050."

SEC. 9.14.070 Penalties.

Violation of this chapter may be charged as either an infraction or a misdemeanor in the discretion of the District Attorney.

SEC. 9.14.080 Declared nuisance.

The Board of Supervisors of the County of Placer makes the following findings and declarations:

Graffiti on private or public property creates a condition tending to reduce the value of private and public property, to promote blight and deterioration, to reflect badly on the community and to be injurious to the health, safety and general welfare. Furthermore, graffiti has been used as a forum for gang-related activities and can lead to an increase in crime in the county. Therefore, the presence of graffiti on private or public property is declared to constitute a public nuisance which may be abated as such in accordance with provisions of this chapter, or any other applicable provision of law.

SEC. 9.14.090 Board of Supervisors to Determine Costs.

The Board of Supervisors shall from time to time determine and fix an amount to be assessed as administrative costs excluding the actual cost of removal of the graffiti.

SEC. 9.14.100 Authority to Remove.

Upon discovering the existence of graffiti on private or public property within the city, the graffiti coordinator shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter.

SEC. 9.14.110 Form of Notice to Remove.

A 10-day Notice of Intention to Abate and Remove the Graffiti shall be mailed by registered or certified mail or served upon the owners of the property in the manner required for service of a summons and mailed by registered or certified mail to any individuals who have violated Section 9.14.080 of this article. The Notice shall advise that if the graffiti is not removed within the time frame set forth in the Notice, the county shall remove the graffiti and assess the costs to the property owner and/or the individuals responsible. If a responsible individual is a minor, costs shall be assessed to the parents or guardians of that minor. The Notices shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND
REMOVE GRAFFITI

Date:

Re: Graffiti at (address)

As owner shown on the last equalized assessment roll of the land located at _____ you are hereby notified that pursuant to Section 9.14.110 of the Placer County Code the undersigned has determined that there exists upon said land certain Graffiti which constitutes a public nuisance pursuant to the provisions of Section 9.14.080 of the Placer County Code.

You are hereby notified to abate the nuisance by removing the Graffiti within ten (10) days from the date of service of this notice and upon your failure to do so the same will be abated and removed by the County of Placer. The cost of removal, together with administrative costs, will be assessed to you as owner of the land on which the Graffiti is located and the cost of removal may be collected at the same time and in the same manner as general property taxes.

As owner of the land on which the Graffiti is located you are hereby notified that you may, within ten (10) days after the service of this Notice of Intention, request a public hearing and if such request is not received by the Sheriff within such ten (10) day period, the Graffiti Coordinator shall have the authority to abate and remove the Graffiti as a public nuisance and assess the costs as aforesaid without a public hearing.

You may submit a sworn written statement within such ten (10) day period denying responsibility for the presence of said Graffiti with your reasons for denial and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or any other responsible party or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Graffiti Coordinator
County of Placer

NOTICE OF INTENTION TO ABATE AND
REMOVE GRAFFITI

Date:

Re: Graffiti at (address)

As the person responsible for the Graffiti located at _____ you are hereby notified that pursuant to Section 9.14.110 of the Placer County Code the undersigned has determined that said Graffiti constitutes a public nuisance pursuant to the provisions of Section 9.14.080. You are hereby notified to abate the nuisance by removal of the Graffiti within ten (10) days of the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the County of Placer and the costs thereof, together with administrative costs will be assessed to you as the person responsible for the Graffiti. If you are a minor, costs may be assessed to your parents or guardians.

As the person responsible for the Graffiti, you are hereby notified that you may, within ten (10) days of the mailing of this Notice of Intention, request a public hearing. If such request is not received by the Sheriff within this ten (10) day period, the Graffiti Coordinator shall have the authority to abate and remove said Graffiti without a hearing.

Notice mailed _____

Graffiti Coordinator,
County of Placer

SEC. 9.14.120 Abatement Lien.

a. The cost of abating the graffiti shall constitute a lien and a special assessment against the property where the graffiti is located, and may be collected at the same time and in the same manner as property taxes.

b. If the cost of abating the graffiti is not paid within 30 days of mailing of demand by the county, the cost of abatement along with a penalty assessment of eight percent of the total, will be transmitted to the county auditor for entry upon and collection with the next tax roll and to the county recorder to be recorded as a lien against the property. Thereafter, such amount shall be collected with property taxes and shall be subject to additional interest and penalties in the case of delinquency, along with sale, because the assessment shall constitute a lien upon the property. The cost of recording and removing a lien on property on which this amount has been assessed will be borne by the property owner.

SEC. 9.14.130 Public hearing and appeal.

Upon written request by the owner of the property or any violator of Section 9.14.030 received by the Sheriff within 10 days of mailing or service on an owner or mailing to a violator of the notices of an intention to abate and remove the graffiti, a public hearing shall be held by the Sheriff or designee on the question of the cost of abatement. Those individuals to whom notice has been sent may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the graffiti. Following the public hearing, the Sheriff

shall make written findings of fact showing whether the graffiti tends to reduce the value of private property to promote blight and deterioration and be injurious to the health, safety and general welfare. Such written findings of fact shall be the basis for the decision of the Sheriff.

Appeal from any decision of the Sheriff may be made in writing to the Board of Supervisors within 10 calendar days from the Sheriff's action. Within the same 10-day period, the appellant shall pay a nonrefundable fee of \$75.00.

SEC. 9.14.140 Treble damages.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that any person is responsible for the unlawful application of graffiti, a fine in the amount of three times the cost of abatement shall be paid by the violator(s).

Section 2. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.

Attachment 2
Aggressive Panhandling Ordinance

Before the Board of Supervisors County of Placer, State of California

In the matter of:

AN ORDINANCE AMENDING PLACER
COUNTY CODE CHAPTER 9, PUBLIC
PEACE, SAFETY AND WELFARE, BY
ADDING ARTICLE 9.38 AGGRESSIVE
PANHANDLING.

Ordinance No.: _____

First Reading: _____

The following **ORDINANCE** was duly passed by the Board of Supervisors of the County
of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF
CALIFORNIA HEREBY FINDS AND DECLARES THE FOLLOWING:

WHEREAS, the County of Placer ("County") seeks to improve the quality of life and
economic vitality of the County by protecting the public from certain abusive solicitation

and panhandling practices with the imposition of reasonable time, place and manner restrictions on solicitation and panhandling; and

WHEREAS, there is a duty to protect the health, safety, and welfare of the citizens of the County; and

WHEREAS, the County recognizes that panhandling and begging are protected by the First Amendment to the United States Constitution; and

WHEREAS, aggressive panhandling includes approaching or following pedestrians, the use of abusive language, unwanted physical contact or the intentional blocking of pedestrian or vehicular traffic; and

WHEREAS, the regulation of solicitation and panhandling set forth below is narrowly tailored to apply only to designated locations where solicitation and panhandling create the greatest risks due to generally higher pedestrian or vehicular traffic volume and congestion; and

WHEREAS, the presence of individuals who solicit or panhandle for money from persons at or near banks or automated teller machines or panhandle from people in places where it is impossible or difficult for them to exercise their own right to decline or to avoid solicitation or panhandling from others, is especially threatening and dangerous; and

WHEREAS, the panhandling prohibited by this ordinance constitutes a nuisance that deprives the citizens of the County of an acceptable environment in which they may live.

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

Section 1: Chapter 9 Public Peace, Safety and Welfare is hereby amended to add Article 9.38, which shall read as follows:

**Article 9.38
AGGRESSIVE PANHANDLING**

SEC. 9.38.010 Purpose.

A. The Board of Supervisors finds that aggressive panhandling for money or anything of monetary value directed at residents of and visitors to the County of Placer threatens public safety, impairs commercial activity and harms public welfare. Aggressive panhandling interferes with the public's inherent right to use and enjoy public places without fear of intimidation caused by those persons who harass others by asking for or demanding money or goods. Such conduct can undermine economic vitality by inconveniencing patrons and thus reduces shopping activity within the County. Such conduct can discourage visitors and prospective customers from coming to the County of Placer for business, shopping or recreation because it creates an atmosphere of discomfort and fear.

B. The Board of Supervisors further finds that the presence of individuals who panhandle at or near banks, automated teller machines, or in public transportation vehicles is especially troublesome because of the enhanced fear of crime in those confined environments. Likewise, persons panhandled in public at night have an enhanced fear of crime. Such activities carry with them an implicit threat to both persons and property.

C. The activity of panhandling occupants of vehicles distracts drivers from their primary duty to watch traffic and pedestrians and to be alert for potential hazards in the roadway, to observe all traffic control signals, signs or warnings, and to be prepared to move through the city's streets and intersections.

D. This article is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect citizens from the fear and intimidation accompanying certain kinds of panhandling and solicitation.

SEC. 9.38.020 Definitions.

A. "After dark" means any time from one-half hour after sunset to one-half hour before sunrise.

B. "Automated teller machine" means any electronic information-processing device that accepts or dispenses cash in connection with a credit, deposit or convenience account.

C. "Automated teller machine facility" means the area comprised of one or more automated teller machines, and any adjacent space that is made available to banking customers after regular banking hours.

D. "Bank" means any member of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

E. "Check cashing business" means any person duly licensed as a check seller, bill payer, or prorate pursuant to Division 3 of the California Financial Code, commencing with Section 12000.

F. "Credit union" means any federal credit union and any state-chartered credit union the accounts of which are insured by the National Credit Union Administration Board, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

G. "Outdoor dining area" means an outdoor or indoor dining area of a restaurant or other establishment serving food for immediate consumption.

H. "Panhandle, solicit, ask or beg" means to make a request in person seeking an immediate donation of money or other item of monetary value from another person (regardless of the panhandler's purpose or intended use of the money or other thing of monetary value), without offering a clearly identifiable good or service in return.

I. "Public place" means a place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, highway, sidewalk, alley, bridge, driveway, parking lot, building, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby and other portion of any business establishment, an apartment house, hotel or motel not constituting a room or apartment designed for actual residence.

J. "Public transportation vehicle" means any vehicle, including a trailer bus, designed, used or maintained for carrying 10 or more persons, including the driver; or a passenger vehicle designed for carrying fewer than 10 persons, including the driver, and used to carry passengers for hire.

K. "Savings and loan association" means: (1) a federal savings association or state savings association (as defined in Section 3(b) of the Federal Deposit Insurance Act) having accounts insured by the Federal Deposit Insurance Corporation; and (2) a corporation described in Section 3(b)(1)(C) of the Federal Deposit Insurance Act that is operating under the laws of the United States.

SEC. 9.38.030 Aggressive Panhandling Prohibited.

A. No person shall panhandle, solicit, ask or beg in an aggressive manner in any public place.

B. "Aggressive manner" means any of the following:

1. Approaching or speaking to a person or following a person before, during or after panhandling, soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to (a) fear bodily harm to oneself or to another, damage to or loss of property; or (b) otherwise be intimidated into giving money or other thing of monetary value;

2. Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of panhandling, soliciting, asking or begging;

3. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

4. Using violent or threatening gestures toward a person panhandled either before, during, or after panhandling, soliciting, asking or begging;

5. Persisting in closely following or approaching a person, after the person panhandled has been panhandled and informed the panhandler by words or conduct that such person does not want to be panhandled or does not want to give money or any other thing of monetary value to the panhandler; or

6. Using profane, offensive or abusive language that is inherently likely to provoke an immediate violent reaction, either before, during, or after panhandling.

SEC. 9.38.040 All Panhandling, Soliciting, Asking or Begging Prohibited at Specified Locations.

A. Banks and ATMs. No person shall panhandle, solicit, ask or beg within 25 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 25 feet of any automated teller machine during the time it is available for customers' use. Nothing in this subsection shall be construed to prohibit: (1) the lawful vending of goods and services within such areas; or (2) panhandling, soliciting, asking or begging within the restricted area after obtaining the permission of the authorized owner, manager, or supervisor of the business operating at the building.

B. Entrances and Exits to any Building. No person shall panhandle, solicit, ask or beg within 25 feet of any entrance into or exit from any building open to the public other than those buildings subject to subsection (A)(1) of this section. This prohibition shall not apply if the authorized owner, manager, or supervisor of the business operating at the building grants permission to panhandle, solicit, ask or beg within the restricted area.

C. Public Transportation Vehicles and Stops. Any person who panhandles, solicits, asks or begs in any public transportation vehicle, or within 25 feet of any designated or posted public transportation vehicle stop, is guilty of a violation of this section if:

1. He or she remains there after being asked to leave by the owner, driver, or operator of a public transportation vehicle; the agent of the owner, driver or operator of a public transportation vehicle; the owner or manager of a public transportation facility; the agent of the owner or manager of a public transportation facility; a member of a security force employed by the public transportation facility; or by a peace officer, as defined in Chapter 4.5 of Title 3 of the California Penal Code (commencing with Penal Code Section 830); or

2. Within the immediately preceding 30 days, he or she engaged in panhandling at that location and had been asked to leave by a person specified in subsection (C)(1) of this section.

Subsection (C)(2) of this section is not violated if a person who has been requested to leave enters the property within the designated period and panhandles, solicits, asks or begs with the express authorization of a person specified in subsection (C)(1) of this section.

D. Restaurants. Any person who panhandles, solicits, asks or begs in any outdoor or indoor dining area of a restaurant or other establishment serving food for immediate consumption is guilty of a violation of this section if:

1. He or she remains there after being asked to leave by the owner, manager or supervisor of the restaurant or other food establishment; the agent of the owner, manager or supervisor of the restaurant; a member of a security force employed by the restaurant; or by a peace officer, as defined in Chapter 4.5 of Title 3 of the California Penal Code (commencing with Penal Code Section 830), acting at the request of any of the persons specified in this subdivision; or

2. Within the immediately preceding 30 days, he or she engaged in panhandling at that location and had been asked to leave by a person specified in subsection (D)(1) of this section.

Subsection (D)(2) of this section is not violated if a person who has been requested to leave enters the property within the designated period and panhandles, solicits, asks or begs with the express authorization of a person specified in subsection (D)(1) of this section.

E. Public Median Strips, Stop Signs and Traffic Signals. No person shall panhandle, solicit, ask or beg from any person by displaying a sign while located: (1) in any public median strip; or (2) within 100 feet of any stop sign or traffic signal open to the public.

SEC. 9.38.050 All Panhandling, Soliciting, Asking or Begging Prohibited in Public After Dark.

No person shall panhandle, solicit, ask or beg in any public place after dark. This section is not violated if a person who is panhandling, soliciting, asking or begging is doing so: (1) on private property that is open to the public; and (2) with the express authorization of the owner, manager, or supervisor of the business operating at the property.

SEC. 9.38.060 Penalties.

Violation of this article may be charged as either an infraction or a misdemeanor in the discretion of the District Attorney.

SEC. 9.38.070 Severability

The provisions of this article are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

Section 2. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.

Attachment 3
Public Urination / Defecation
Ordinance

Before the Board of Supervisors
County of Placer, State of California

In the matter of:

AN ORDINANCE AMENDING PLACER COUNTY CODE CHAPTER 9, PUBLIC PEACE, SAFETY AND WELFARE, BY ADDING ARTICLE 9.40 URINATING OR DEFECATING IN PUBLIC PLACES.

Ordinance No.: _____

First Reading: _____

The following **ORDINANCE** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA HEREBY FINDS AND DECLARES THE FOLLOWING:

WHEREAS public urination or defecation is injurious to public health safety and welfare; and

WHEREAS, while state law prohibits indecent exposure, such exposure must be done in a lewd manner and the act of public urination or defecation does not uniformly constitute indecent exposure; and

WHEREAS, while state law prohibits the dumping of hazardous waste as well as disorderly conduct, neither public urination nor public defecation constitutes a punishable offense under those state laws,

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

Section 1: Chapter 9 Public Peace, Safety and Welfare is hereby amended to add Article 9.40, which shall read as follows:

**Article 9.40
URINATING OR DEFECATING IN PUBLIC PLACES**

SEC. 9.40.010 Acts Prohibited.

No person shall deposit, by means of urination or defecation, any human waste material in any public place (other than in a public toilet or restroom designed to receive waste material), in any place exposed to public view, or upon the surface of the ground or upon any premises, lot, or public street.

SEC. 9.40.020 Human waste material defined.

For the purposes of this chapter, "human waste material" shall be defined as human urine or fecal matter discharged from the body.

SEC. 9.40.030 Penalties.

Violation of this article may be charged as either an infraction or a misdemeanor in the discretion of the District Attorney.

SEC. 9.40.040 Severability

The provisions of this article are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

Section 2. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.

ITEM # 6B

JANUARY 5, 2016

BOARD OF SUPERVISOR'S MEETING

QUALITY OF LIFE

CORRESPONDENCE RECEIVED

PRIOR TO THE MEETING

Eva Koppin

From: Placer County Board of Supervisors
Sent: Thursday, December 24, 2015 11:35 AM
To: COB Correspondence
Subject: FW: Status of implementing Quality of Life Ordinances in North Auburn

This already been distributed to the Board Members.

*Thank you
Debbie Hawkins
Administrative Secretary
Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603
(530) 889-4010*

From: Susan [<mailto:susieqbaby@aol.com>]
Sent: Thursday, December 24, 2015 10:58 AM
To: Placer County Board of Supervisors; Jennifer Montgomery; Robert Weygandt; Jim Holmes; Kirk Uhler; Kirk Uhler; David Boesch
Subject: Status of implementing Quality of Life Ordinances in North Auburn

With wanting to do more shopping over the holidays, participating in community events and reaching out to those in our community in need, the depressing and concerning situation with panhandlers, vagrants and transients in North Auburn became in my face apparent this last month. In September I signed a petition to communicate a request to implement Quality of Life Ordinances that was sent to you to with an ask that they be implemented immediately because the problem was rapidly building. No changes have been implemented, PCSO is called out to more and more incidents related to problems these folks create because they have no accountability to behave properly with others in the community. My daughter will be driving soon and there is no way I will let her loose in North Auburn on her own. On your Placer County Government page, someone noted that you wanted more information to consider the ordinances, the information was being gathered and a date that this topic will be on your agenda will be provided soon. Not a date to implement but a date for you to review the information. In the mean time, while you enjoy your holiday sheltered from this blight that has come upon North Auburn, we continue to deal with it day in and day out. I do not sense urgency on your part to address this situation.

Please implement the ordinances as soon as you resume work in January. Each day this is delayed places everyone living in North Auburn at risk, including the panhandlers, vagrants and transients who's own safety is at risk with their walking across the streets against the lights, jay walking and at night; someone will be hurt by this situation and the damages incurred will be beyond repair for someone's loved ones and our county.

Please let me know if you have any questions and a status directly from you on the implementation of the ordinances is expected and will be very much appreciated.

Merry Christmas and Happy New Year to you and your families, may we all enjoy peace during this time.

Susan Fox
11320 Lorenson Road
Auburn CA 95602
9168383840

From: Jen & Adam Russell <jenadam5000@sbcglobal.net>
Sent: Thursday, November 19, 2015 7:34 AM
To: Placer County Board of Supervisors

My husband and I are in favor of the Board of Supervisors implementing ordinances against Aggressive Panhandling, Urination and Defecation in Public areas, Possession of open containers in public areas and Graffiti

Thank you,

Jennifer and Adam Russell

From: Jerry and Lynda Canfield <lyndaandjerry@att.net>
Sent: Thursday, November 19, 2015 7:00 AM
To: Placer County Board of Supervisors
Subject: Quality of Life Ordinances

Please implement ordinances against aggressive panhandling, urination and defecation in public, possession of open containers in public, or graffiti in Auburn, Rocklin, Roseville and Lincoln! Protect our quality of life and common decency!
Lynda Canfield, Auburn CA Sent from my iPad

From: noellerinker [mailto:noellerinker@gmail.com]
Sent: Monday, December 07, 2015 11:00 AM
To: Placer County Board of Supervisors
Subject: Homeless population

To whom it may concern,

My name is Corinne Myers. I live and work here in Auburn and absolutely feel at home here. I am concerned about some recent happenings though. I work in old town and have noticed a big increase in population. I am wondering about a rumor in particular and was hoping for an answer. I have heard that surrounding cities are literally bussing in their homeless to Auburn? If that is the case than I am wondering if the council would be open to meeting with the officials of those cities and work out a plan to help them, and us, with this increasing problem. Could we implement a stricter quality of life act in auburn? I understand that being homeless is not illegal, but if there has been more criminal activity surrounding the population then I feel we have to do something. I know that at the meetings people attending have a number of great ideas that could be useful and are passionate about their town. The shelter was a good idea but maybe have restrictions, such as you must have a job to sleep there? Or give them jobs, like bartering with them. Like, wash people's (and your own) laundry in return for 6 hours of sleep and a shower? Sweep and mop the floor... landscaping... etc. That doesn't help with the number of people, but it may help some of them feel worth which could help them feel like being more productive. I am very concerned about the placement of it. A lot of people feel that the homeless are dangerous (and some have proven that to be true). I don't feel like having the shelter so close to schools is safe or healthy for the children that attend it. Is there another possible building that would work as well but is away from schools, day cares, parks and such? I have not been able to attend the meetings as I work on those days. This has been a hot topic for a few months now with people around me and I would like to join the effort to keep auburn the town that I love.

Thank you for your time.

Sent from my Galaxy Tab® E

From: norcalpatriots@gmail.com
Sent: Thursday, November 19, 2015 7:02 PM
To: Placer County Board of Supervisors
Subject: Auburn Homeless

To whom it may concern,

I am small business owner and resident of Auburn and I am discussed and fed up with the amount of homeless who are using our beautiful town, sidewalks & places of businesses as their personal bathroom! Just this morning on the way to work there was a man urinating just across the street of our local sheriff building. It's a public health concern & should be addressed as soon as possible. I'm also very concerned with the capable young men who are out aggressively panhandling & walking through traffic (HWY 49 & Bell) with a total disregard for anyone else's safety!

So when I heard there was going to be new rules put in place to curb the aggressive panhandlers, open-container drinking and people relieving themselves in public. I had to write to show my support.

JOSH TOMBS
OWNER & DESIGNER
IRON MTN. BLACKSMITHING
IRONMOUNTAINBLACKSMITHING@GMAIL.COM
530.263.5669
AUBURN, CA

From: Cynthia Harman <harman_cindy@yahoo.com>
Sent: Thursday, November 19, 2015 10:55 AM
To: Placer County Board of Supervisors
Subject: Implementing Ordiances

Cynthia Harman
3980 Foothill Oaks Dr
Auburn, CA 95502
530 889-0549

I, Cynthia and my husband Paul Harman approve of implementing ordinances against Aggressive Panhandling, Urination and Defecation in Public areas, Possession of open containers in public areas or graffiti. Thank you.

From: Jerry and Lynda Canfield <lyndaandjerry@att.net>
Sent: Thursday, November 19, 2015 7:00 AM
To: Placer County Board of Supervisors
Subject: Quality of Life Ordinances

Please implement ordinances against aggressive panhandling, urination and defecation in public, possession of open containers in public, or graffiti in Auburn, Rocklin, Roseville and Lincoln! Protect our quality of life and common decency!
Lynda Canfield, Auburn CA Sent from my iPad

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Thank you,
Jennifer and Adam Russell

From: Christopher DeVore <christopher.devore@gmail.com>
Sent: Thursday, November 19, 2015 2:10 PM
To: Placer County Board of Supervisors
Subject: Homeless is Auburn.

To whom it may concern:

I wish I could make it to the meeting coming up but I have become sick so I was hoping that you would take this email to heart when you have the next meeting. Yesterday 11/18/2015 I was driving home when I spotted an orange object in the field next to my children's school so I turned around to see what it was because my daughter has been telling me that the hobo's have been walking by the fence at her school and that they cant go anywhere near the fence now for fear that they will try to talk to them. When I went back there to tell the person to leave the male person was urinating in the direction of the children that were on the play ground at the time. When I told him to stop that there were children around all I could smell was liquor on his breath. I called the sheriffs department and he was cited and released. It is not the homeless that I have an issue with, or the shelter that was put up for them. The issue that I have is that it is too close to several schools one being Rock Creek Elementary School and the other being Auburn Elementary School. The people that are housed at the shelter do not have to be clean or sober when they come in at night nor do they have a background check done to see if they are sexual predators or wanted for serious crimes. Today 11/19/2015 I went to three locations near Rock Creek Elementary school and found at least 70 vodka bottles that were empty. I have lived in the town for 21 years and we have always had our homeless population like every other city but they were different they did not stand by ATM machines waiting to hound you for money they did not stand at every corner asking for money. Something needs to be done about the panhandling and drinking and urinating in public.

Thank You,
Christopher DeVore
530-368-3082

Sent from [Mail](#) for Windows 10

From: moabite1@netzero.net
Sent: Thursday, November 19, 2015 4:51 PM
To: Placer County Board of Supervisors
Subject: transients

Dear sirs, I am a resident of north Auburn. Please help us with the new found problem of transients and homeless people. I drive a car, ride a bike, and occasionally take public transportation. Last Wed. a drunk brought into the bus a large beer in a brown bag. By this time he was so wasted he passed out and spilt his beer all over the floorboard of the bus. A petite girl sitting in front of him complained loudly to the bus driver at which point he told her "First, you are a snitch. Secondly, if you knew who I was you'd keep your mouth shut". So the big lug threatened physical violence toward her! Was he homeless or a transient? Can't say for sure but it points to the problem of alcoholism and drug abuse which is prevalent in homeless society. This is just one example of retchid behaviour I have seen on the bus. Placer County Transit needs to be on board to help in combating this problem by being aggressive in not permitting people who are obviously impaired like this man was. They like to sneak in alcohol in travel thermoses. If they know they can get a ride somewhere and don't have to worry about driving, it is just another excuse for them to travel and get drunk. Nothing with having a beer at home but this is clearly abuse and although not illegal, is against PCT policy. It is only through teamwork that our fair city can be improved since we probably cannot achieve perfection but we can certainly try to improve. Thought you might like to know in light of the meeting tonight. We will be watching to see what comes of the meeting.

Sincerely,

Franke Terrazas