

<b>Chapter</b>	<b>13</b>
<b>Section</b>	13.01
<b>Title</b>	Municipal Code Enforcement
<b>Subject</b>	Closing of Skate Park
<b>Effective Date</b>	06/18/2008
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. PURPOSE**

The purpose of this policy is to set forth procedures to be used when it becomes necessary to close the skate park located in Memorial Park during normal operating hours.

## **II. BACKGROUND**

- A. The skate park located within Memorial Park is open at the discretion of the Recreation Division.
- B. A contractor cleans and inspects the park prior to its opening each day so the opening time may be delayed due to maintenance issues.
- C. From time to time it may become necessary for the Recreation and Community Services Division to close the skate park during normal operating hours.

## **III. POLICY**

- A. The Recreation and Community Services Division or Upland Police Department may find it necessary to close the skate park during normal operating hours due to the following conditions:
  - 1. Inclement weather including high winds
  - 2. Wet skating surfaces
  - 3. Standing water in the bowl area
  - 4. Need to make repairs due to vandalism or wear & tear
  - 5. Concern for public safety

6. Violations of safety rules
7. Special event authorized by the City

#### **IV. PROCEDURE**

- A. In the event it becomes necessary to close the skate park the Police Department will be notified of:
  1. The closure;
  2. The reason for the closure and;
  3. The anticipated time the park will reopen.
- B. If the closure is for an extended period of time the information will be posted on the City's website whenever practical and a sign will be posted on the gate.
- C. To prevent vandalism the restrooms adjacent to the skate park may also be closed.
- D. The Upland Police Department has the authority to close the skate park if they deem it necessary for concerns of public safety. If the Police Department closes the skate park they will contact the Recreation Division (or the parks standby person after hours) with the reason for the closure.
- E. The policy and procedure information will be placed on the skate park page of the City's website.

<b>Chapter</b>	<b>13</b>
<b>Section</b>	13.02
<b>Title</b>	Municipal Code Enforcement
<b>Subject</b>	Handling Animal Calls by Patrol Personnel
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

Animal calls are primarily the responsibility of Animal Control Officers. In the absence of Animal Control personnel, the responsibility is with patrol personnel. Normal animal control hours are Monday – Friday 0700-1730, and Saturday – Sunday 0600-1630.

## **II. PROCEDURE**

- A. The handling of animal calls by patrol officers cannot be completely eliminated. The following guidelines should be followed when handling animal calls. The Watch Commander may call out an animal control officer if he deems it necessary. It will be the responsibility of Animal Control Officers to contact Dispatch each morning to check for any calls that came in during their off duty hours.
  1. Vicious animal: Dispatch shall create a call for service and dispatch a patrol officer. The patrol officer shall take appropriate action to ensure the safety of the public. If the vicious animal must be captured and confined, it will be transported to the shelter and put in the appropriate kennel. An Animal Control Officer shall be notified as soon as they are back on duty.
  2. Confined animal: When citizens call the Department to request a confined stray be picked up, the dispatcher may ask the citizen if it is possible for them to keep the dog until Animal Control is on duty. Discretion regarding the need of the citizen and type of animal must be considered. If the citizen requests immediate pick-up, then a patrol officer must handle the pick-up and impound. The handling of animal calls is a low priority, and may be held until a patrol officer is available to handle the call.

3. Injured or sick animal: All injured animals picked up shall be cared for according to the procedure outlined below.
  - a. All injured domestic animals picked up by officers on weekends or during evening hours shall be taken to the Central Animal Hospital, 281 N. Central Ave, for treatment.
  - b. If an injured domestic animal is picked up during normal weekly business hours (8:00 a.m. to 5:00 p.m.) Monday through Friday, the injured animal may be taken to the closest veterinary hospital.
  - c. Injured wild animals shall be transported to the shelter and put in the appropriate kennel. An animal Control Officer shall be notified immediately and will take appropriate action.
4. Dead animals: The procedure regarding dead animals shall remain in effect. If the animal can be moved to the side of the road, and is not near a school, the officer may leave the dead animal for Animal Control.
  - a. A dead animal shall not be left on the side of the roadway, unless Animal Control is on duty the next day.
5. Barking dogs: Under normal circumstances a barking dog complaint shall be held for Animal Control the following day. The dispatcher shall create a call for service and close the call out. A barking dog complaint that is considered abnormal could warrant an officer response. An example might be a dog barking at a prowler or barking because something is wrong with its owner. Dispatchers should consult with the watch commander in these situations.
6. Animal bites: An officer shall respond and obtain both the owner and victim information. The owner shall be advised to quarantine the animal on the property. Animal control shall be notified of the bite as soon as they come back on duty.
7. Poisonous snakes: An officer shall be dispatched to determine if the snake is poisonous (rattlesnake). If the officer determines that capturing the snake is the best course of action the following procedure should be used. A snake captured "alive" shall be put in the snake box (located in the animal control van) and then placed in the freezer at the shelter. A snake that has been euthanized should be placed in a bag, and then placed in the freezer at the shelter. In both cases the animal control officer should be notified as soon as they are back on duty.
8. Leash Law: Dispatchers shall create a call for service and dispatch a patrol officer. Patrol officers will follow the procedures set forth in Section 13.3.

<b>Chapter</b>	<b>13</b>
<b>Section</b>	13.03
<b>Title</b>	Municipal Code Enforcement
<b>Subject</b>	Citations – Dog Leashing and Licensing
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/16/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

The following procedures will govern the issuance of citations to persons who are in violation of the Upland Municipal Code requiring leashing (U.M.C. 6.04.120) and licensing (U.M.C. 6.04.030) of dogs.

## **II. PROCEDURE**

- A. Leash Law Violations (U.M.C. 6.04.120): Where a dog is off the owner's property, a warning should be issued to the owner. On aggravated cases, where the owner has previously received adequate warning, a citation will be issued to appear in Fontana Traffic Court.
- B. Citation: Forfeiture type of violation, the number and description of dogs will be entered in the "Remarks" section. A court appearance date shall be noted on the citation, giving the customary ten days. An attempt will be made to have the owner sign the citation. Defendants who sign the citation will then be given the pink copy. If the person refuses to sign the citation, the words "Complaint To Be Filed" will be written on the signature line. A case report will be written, outlining the general circumstances resulting in the citation. The case may be written on the back of the citation unless more space is needed.
- C. Filing: The case report and/or citation will be forwarded to Records, where a copy of the case with citation attached will be sent to the court. If the citation was not signed by the owner, the pink copy of the citation, along with a "Notice of Complaint" letter is mailed to the owner.

<b>Chapter</b>	<b>13</b>
<b>Section</b>	13.04
<b>Title</b>	Municipal Code Enforcement
<b>Subject</b>	Municipal Code Enforcement
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/12/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

**I. POLICY**

Persons may be physically arrested for misdemeanor violations of Upland Municipal Code Ordinances. Persons committing infractions may be issued a citation.

**II. PURPOSE**

To adhere to City Council legislation for the enforcement of municipal code violations.

**III. APPLICATION**

It has always been the intent of the Police Department to seek compliance for Municipal Code violations rather than take immediate enforcement action. This policy will continue in the form of attempting to alleviate problems through advice and warnings. Whenever these efforts fail, the only alternatives are the issuance of a citation, or through the seeking of a complaint through the District Attorney or to effect a physical arrest, when authorized by law.

**IV. PROCEDURE**

- A. Parking Violations: The present procedure of warnings or parking citations shall continue.
- B. Leash Law and Animal Control Violations: When efforts to gain compliance have failed, Animal Control Officers will issue a citation which will be sent through the police department, accompanied by a report establishing all the necessary elements of the violation.

1. Should the violator refuse to sign the citation or is unavailable to sign, the Animal Control Officer must prepare a written report and process it through the Detective Bureau, who will seek a long form complaint.
- C. Offenses Handled by the Police Services Technician: Public nuisances such as accumulation of abandoned vehicles and other offenses regulated by the Police Services Technician shall be handled in the same manner as outlined for Animal Control Officer.
- D. Offenses Handled by Patrol Personnel: Officers will usually cite the offender directly to Municipal Court. Citations may or may not be accompanied by a police report. Offenses in which the defendant refuses to sign the citation, or which are of an involved technical nature, must be submitted to the Detective Bureau, who will seek a long form complaint.
- E. Nature of Reports: In most cases, a handwritten report will suffice. However, lengthy investigations which involve evidence, witnesses, etc., and which will undoubtedly terminate in a prosecution, should be entered into the records management system following the standard case report format.
- F. Juveniles: Persons under the age of eighteen (18) years involved in offenses such as curfew, loitering, etc., can be handled in the same manner as in the past (transported to the station, released to parent, and complete a report) or released to the parent in the field along with the completion of a report. Sections W&I 601 and 602 provide for the authority of such arrests.
- G. Use of Municipal Code Ordinances: Officers are encouraged to always use a State law rather than a Municipal Code Ordinance whenever appropriate, except in enforcement of parking regulations.
- H. Enforcement by Other City Departments: The Building, Planning, and Business License Departments of City Hall will handle their own enforcement and seek their own complaints in areas of their responsibilities. It is probable that the Police Department will occasionally be requested to assist one of these Departments in assisting with an enforcement action or investigating a criminal act committed while they are carrying out their responsibilities. In such cases, the officer will handle the problem or complaint in the same manner as any other investigation.
1. It is anticipated that there will be questions and problems which will arise as a result of these changes. It is recommended that supervisors confer with their respective Division Commander when such problems are encountered.

**V. ARRESTABLE OFFENSES**

- A. All persons in violation of Upland Municipal Code offenses defined as misdemeanor maybe subject to physical arrest.
- B. The officer shall have discretion based on the severity of the offense, the number of times the offender has been issued a warning and/or cited or arrested in the past, and other relevant information known to the officer at the time of the incident.

<b>Chapter</b>	<b>13</b>
<b>Section</b>	13.05
<b>Title</b>	Municipal Code Enforcement
<b>Subject</b>	Real Estate Signs
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/12/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

**I. POLICY**

All laws pertaining to the posting of signs, except where special variances have been granted, shall be strictly enforced.

**II. PURPOSE**

To regulate the posting of real estate "open house" signs on public parkways.

**III. APPLICATION**

Real estate "open house" signs are permitted in accordance with UMC 17.15.110 which reads:

- A. This allowance applies to Fridays, Saturdays, Sundays, and legal holidays only.
- B. One open house directional sign may be placed in the parkway at any two intersections of the City. An additional third sign will be allowed if the home is located within a cul-de-sac street.
- C. Two flags and one open house sign may be placed in the parkway of the open house.
- D. No open house flags or signs shall be allowed in the parkways on any day of the week except Fridays, Saturdays, Sundays, and legal holidays.
- E. No signs shall be posted at any time in the Euclid Avenue median or parkway, on a street tree, or utility pole.
- F. Any open house signs remaining in the parkway after the weekend or holiday shall be subject to confiscation, and a citation may be issued after one written warning.

<b>Chapter</b>	<b>13</b>
<b>Section</b>	13.06
<b>Title</b>	Municipal Code Enforcement
<b>Subject</b>	Yard Sales
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

In considering the many important functions which must be performed by patrol officers, it is appropriate to place a low priority on yard sales. Therefore, the procedure that will be followed in regard to yard sale code enforcement will be as follows.

## **II. PROCEDURES**

- A. Officers will not be required to provide routine inspections of yard sales for the purpose of determining whether a permit for such sale has been obtained.
  - 1. Officers should, however, be alert for persons conducting yard sales on a regular basis.
  - 2. The Upland Municipal Code allows each resident a maximum of three sales per year.
- B. Officers shall continue to check their beats for illegal yard sale signs and provide for their removal.
- C. If the officer determines that there is a need to contact the resident concerning the yard sale or illegal signs, he may:
  - 1. Ask if a permit has been obtained.
    - a. If the permit was not obtained, advise the resident to do so on the following Monday morning.
  - 2. Require the resident to remove signs illegally posted at intersections, on poles, trees, etc.
  - 3. Contacts will be quickly and courteously made, with as little disruption to the sale as possible.

- D. Officers shall not close down yard sales because a permit has not been obtained, or due to illegal signs. Likewise, citations usually will not be issued and the resident will not be required to remove reasonable signs on or in the immediate area of their property which advertise such sale.
  - 1. This section does not apply to those residents known to be conducting yard sales on a regular basis. In these cases, at the discretion of the Watch Commander, officers may take whatever action is appropriate, including closing down the sale immediately.

<b>Chapter</b>	<b>13</b>
<b>Section</b>	13.08
<b>Title</b>	Municipal Code Enforcement
<b>Subject</b>	Political Signs
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/18/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

It shall be the policy of the Upland Police Department to enforce all laws governing the display of political signs and “special event” encroachments on state highways.

## **II. PURPOSE**

To reduce the potential for distraction or hazard to motorists. Remove political signs that are displayed in an unlawful manner.

## **III. PROCEDURE**

### **A. Political Signs**

#### **1. Restrictions**

- a. Display of political signs within the city limits are restricted by Section 9405.073. of the Upland Municipal Code:
  - 1) .010 Statement of understanding.
  - 2) .020 Time limit.
  - 3) .030 Maximum number of signs per site.
  - 4) .040 Maximum size allowed.
  - 5) .050 Maximum height allowed.
  - 6) .060 Lighting prohibited
  - 7) .070 Attachment prohibited
  - 8) .080 Public right-of-way prohibited

## 2. Enforcement

- a. All patrol officers and code enforcement officers are responsible for the removal of political signs displayed on the public right-of-way.
  - 1) Public right-of-way is any public street, sidewalk, alley, parkway and median.

## 3. Private property

- a. Enforcement of the Upland Municipal Code relating to political signs on private property shall be the responsibility of code enforcement.
  - 1) The code enforcement officer shall contact the property owner and the organization responsible for the sign and advise them of the violation. The officer shall advise them, a citation will be issued if the violation is not corrected immediately.
  - 2) If the violation is not corrected in a reasonable amount of time, a citation shall be issued to the property owner and the candidate, or the campaign manager of the political issue.
  - 3) If the violation continues, the code enforcement officer shall seek removal of the sign(s) as stated in Sec.17.15.060 of the Upland Municipal Code.

## 4. Removed Signs

- a. All signs removed by department employees shall be taken to city yards and stored at the designated collection area.

## **B. Encroachment on State Highways**

### 1. Restrictions

- a. All special events occurring within the right-of-way of a state highway require an encroachment permit. Encroachment permits for the Upland area are issued at the CALTRANS office in San Bernardino. CALTRANS will not issue a permit for political purposes.

### 2. Streets and Highways Code

- a. 660(a) Defines "Highway" to include all, or any part, of the entire width of the right-of-way of a state highway, whether or not the entire area is actually used for highway purposes.

- b. 660(b) Defines “Special Events Encroachment” to include any street festival, sidewalk sale, community-sponsored activity, or community-approved activity.

### 3. Enforcement

- a. Historically political elections have shown a pattern of activity on state highways within the city. The majority of this activity has occurred on the median at the intersection of Euclid Avenue (State Highway 83) and Foothill blvd. (State Highway 66). This activity has included several people standing in the median, holding signs in support of their candidate or cause. This activity is an encroachment on a state highway, and without a permit it is unlawful.
  - 1) Officers responding to this type of activity shall attempt to contact the person(s) supervising the activity. Explain the activity is unlawful and it must stop immediately.
  - 2) If they refuse to leave, issue a citation to all of the participants for Streets and Highways Code 670(b). This is a misdemeanor violation.
  - 3) If two or more persons fail to leave after being cited, a failure to disperse order shall be given by the field supervisor. Those refusing to leave shall be taken into custody for Penal Code 409.

### 4. Information

- a. If any information is needed regarding encroachments on a state highway, contact CALTRANS personnel in San Bernardino.
  - 1) Monday through Friday 0800-1700
    - Supervising Engineer - (909) 383- 4626
    - Assistant Engineer - (909) 383-6348
  - 2) After business hours
    - Traffic Management Center (909) 383-6446