



CITY OF SACRAMENTO

APPROVED
BY THE CITY COUNCIL

APR 10 1985

OFFICE OF THE
CITY CLERK

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April 10, 1985

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OFFICE OF THE
CITY CLERK

City Council
Council Chambers
City Hall
Sacramento, California

S.R. SUBJECT: Emergency Ordinance Repealing and Reenacting Article III of Chapter 30 of the Sacramento City Code, Relating to Special Police Officers and Citation Authority of City Employees

Honorable Members in Session:

SUMMARY

This Ordinance repeals and reenacts Article III of Chapter 30 of the Sacramento City Code, in order to clear up confusion between special police officers and peace officers.

ANALYSIS

Article III of Chapter 30 provides for appointment of special police officers by the City Manager. It is used primarily to grant citation issuance authority to those city employees outside of the police department whose duties include enforcement of City Code provisions or state laws. These "special police officers" receive no extra salary on account of their designation, and are not connected with or directly or indirectly supervised by the Police Department.

Currently, employees in the following functional areas, among others, have citation authority: animal control, revenue and collections, golf course marshal, litter control. Nuisance and zoning code enforcement officers have not yet been granted citation authority by Council resolution, but this is contemplated to be done immediately after this ordinance takes effect.

Unfortunately, confusion has arisen between the "special police officer" and the status of "peace officer" under the Penal Code. This confusion is undesirable because of the consequences of peace officer status under certain other provisions of California law. For example,

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if an individual is a peace officer, there are certain presumptions in his or her favor under the Workers' Compensation Law embodied in the Labor Code. Additionally, the special provisions of the Peace Officers Bill of Rights apply to individuals with peace officer status.

This ordinance would leave in place the power of the City Council to grant citation authority to appropriate city employees, but would remove confusion caused by the designation of "special police officer." It is an emergency ordinance to take effect immediately so that the granting of citation authority pursuant to this ordinance, especially to nuisance and zoning code enforcement officers, can be accomplished immediately.

RECOMMENDATION

It is recommended that this ordinance be passed for publication and continued to April 23, 1985.

Respectfully submitted,

JAMES P. JACKSON
City Attorney

By: Diene B. Balter
DIANE B. BALTER
Deputy City Attorney

Recommendation Approved:

Walter J. Slope
Walter J. Slope, City Manager

April 16, 1985
All Districts

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ORDINANCE NO. 85-133

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE REPEALING ARTICLE III OF CHAPTER 30 OF THE SACRAMENTO CITY CODE, RELATING TO SPECIAL POLICE; ENACTING ARTICLE III OF CHAPTER 30 OF THE SACRAMENTO CITY CODE, RELATING TO CITATION AUTHORITY OF CITY EMPLOYEES; AND AMENDING SECTION 6.26 OF THE SACRAMENTO CITY CODE, RELATING TO ANIMAL CONTROL OFFICERS, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

APPROVED
BY THE CITY COUNCIL

APR 20 1985

OFFICE OF THE
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Section 1.

Article III of Chapter 30 of the Sacramento City Code, Sections 30.13-1 through 30.20, is repealed as of the effective date of this ordinance.

Article III. -- Special Police

Sec. 30.13-1. Application; fees.

~~Any person may apply to the city manager to appoint a named individual as a special policeman for special service.~~

~~Applications shall be filed with the city manager on such forms as he may prescribe and shall contain such information as the city manager shall reasonably deem necessary for the proper processing of the application.~~

~~A nonrefundable fee shall be established by resolution of the city council and shall accompany the application. -- This fee shall be in addition to any fee or tax imposed by chapter 23 of this code. (Ord. 4095, \$9; Ord. 4356, \$1)*~~

Sec. 30.14. Investigation of application.

~~The city manager shall cause such investigation of the application to be made as he deems necessary and shall within 20 days after receiving the application, deny the application or appoint the special policeman. -- (Ord. 3394, \$1)~~

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Sec. 30-15 - Denial of application

The city manager may deny an application if he shall find that the person to be appointed has been convicted of a felony, has been convicted of a misdemeanor involving moral turpitude, has violated any law or lawful regulation of the United States, or any state or county or city other than minor traffic offenses, or has made any material misstatement or concealment in the application. -- (Ord. 3394, -51)

Sec. 30-16 - Revocation of appointment

An appointment made under the provisions of this article may be revoked by the city manager upon three days written mailed notice to the applicant at the address given in the application for any act which constitutes grounds for denial of an application as specified in section 30-15. -- (Ord. 3394, -51)

Sec. 30-17 - Appeal of revocation or denial of appointment

Any act of the city manager in denying or revoking the appointment provided for by this article may be appealed by the applicant to the city council. -- Notice of appeal shall be filed in writing with the city clerk not later than five days after the denial or revocation of the application. -- The city council shall conduct a hearing on the appeal not later than ten days after the date on which the appeal is filed in the office of the city clerk. -- The decision of the city council shall constitute a final and conclusive determination on the matter appealed. (Ord. 3394, -51)

Sec. 30-18 - Salary

No special policeman appointed under the provisions of this article shall receive any pay from the city for his services as such special policeman but shall be paid by the person who applies for such appointment.

If a special policeman is a city employee and is appointed on the application of the head of a department, he shall receive no compensation in addition to his regular salary. -- (Ord. 3394, -51)

Sec. 30-19 - Termination

When the services of a special policeman are no longer required or desired, applicant shall file notice with the city manager and the city manager shall terminate such appointment. -- (Ord. 3394, -51)

Sec. 30-20 - Indemnity

Applicant shall be writing indemnify and hold harmless the city and its officers and employees from all claims, loss, damage,

~~Injury and liability of every kind, nature and description directly or indirectly arising from the appointment of a special policeman under this article. (Ord. 3394, §1)~~

Section 2.

Article III is added to Chapter 30 of the Sacramento City Code, to read as follows:

Article III. Citation Authority - City Employees

Sec. 30.13. Scope of Article.

The provisions of this Article shall govern the designation of certain city job classifications requiring citation issuance and arrest authority, and the designation of individuals holding positions within those job classifications who have the power to issue citations and make arrests for violations of provisions of the Sacramento City Code and specific state laws which those individuals are required to enforce.

It is not the intent of this Article to designate such persons as "peace officers" for any purpose. The intent of this Article is to establish authority for citation issuance and arrests pursuant to Penal Code §836.5 as that section now exists, or as it may in the future be amended or renumbered.

Sec. 30.14. Authority of the City Manager.

The City Manager shall have the authority to designate those city job classifications which require citation issuance and arrest authority. Only such classifications as contain positions which have the duty to enforce provisions of this Code or a specific state statute shall be so designated.

Sec. 30.15. Authority of Individual Employees.

The City Manager or other designated city officer shall submit to the City Council a list of persons, occupying positions within the job classifications designated pursuant to Section 30.14, who are required to enforce provisions of this Code or a specific state statute. The City Council, by resolution, shall grant to such persons the authority to issue citations and make arrests for violations of this Code or the pertinent state statutes.

From and after adoption of such a resolution, the persons so designated shall have the authority to issue citations and make arrests for violations of this Code or of pertinent provisions of state law.

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE REPEALING ARTICLE III OF CHAPTER 30 OF THE SACRAMENTO CITY CODE, RELATING TO SPECIAL POLICE; ENACTING ARTICLE III OF CHAPTER 30 OF THE SACRAMENTO CITY CODE, RELATING TO CITATION AUTHORITY OF CITY EMPLOYEES; AND AMENDING SECTION 6.26 OF THE SACRAMENTO CITY CODE, RELATING TO ANIMAL CONTROL OFFICERS, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

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Section 3.

Article II of Chapter 6 of the Sacramento City Code, Section 6.26, is hereby amended to read as follows:

~~Sec. 6.26 - Appointment of animal control officers as special policemen.~~

~~The city council may, upon the recommendation of the city manager and the chief of police, appoint the chief animal control officer, his assistants and deputies as special policemen for the purpose of enforcing the provisions of this chapter. Any animal control officer so appointed shall be deemed to be a special policeman as defined by article III of chapter 30 of the Sacramento City Code and shall, pursuant to section 830.6 of the penal code of the state of California, be vested with the powers and immunities of a peace officer for the specific purpose of enforcing this chapter. -- (Ord. 2795, §1)~~

Sec. 6.26. Authority to Issue Citations.

In accordance with the provisions of Article III of Chapter 30 of the Sacramento City Code, persons employed as Animal Control Officers shall be granted citation issuance and arrest authority for purposes of enforcement of the provisions of this Chapter and pertinent state statutes.

Section 4.

This ordinance is an emergency ordinance to take effect immediately. The reason for the emergency is the need to immediately grant citation authority to certain city employees, including code enforcement officers, pursuant to this ordinance, in order to permit prompt and efficient enforcement of the Sacramento City Code.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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CITY CLERK