

ORDINANCE NO. 0-15476 (New Series)

(0-81-193)

Adopted on MAR 31 1981

AN ORDINANCE AUTHORIZING DESIGNATED EMPLOYEES OF THE CITY OF SAN DIEGO TO EXERCISE THE POWERS OF ARREST PURSUANT TO PENAL CODE SECTION 836.5

WHEREAS, certain employees of the City of San Diego, namely the Sanitation Enforcement Supervisor, Supervising Sanitation Inspector, Sanitation Inspectors, and Disposal Fee Collectors, are charged with the responsibility for enforcing certain statutes and provisions of the San Diego Municipal Code dealing with waste disposal; and

WHEREAS, said personnel must currently utilize the formal complaint procedure to initiate criminal proceedings against suspected violators of these Municipal Code provisions; and

WHEREAS, said formal complaint procedures are time consuming, create a substantial administrative burden, and hinder the speedy prosecution of suspected violators; and

WHEREAS, Penal Code Section 836.5 empowers the City Council to authorize the above-named employees to arrest a person without a warrant whenever such employee has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in such employee's presence which is a violation of statute or ordinance which such employee has the duty to enforce; and

WHEREAS, authorizing such City employees to arrest suspected violators of certain statutes or Municipal Code provisions will facilitate the enforcement of the statutes and Municipal Code provisions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the Sanitation Enforcement Supervisor, Supervising Sanitation Inspector, and Sanitation Inspectors are hereby authorized and empowered pursuant

to Penal Code Section 836.5 to arrest any person without a warrant whenever said employee has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in said employee's presence which is a violation of any section of Chapter IV, Article 4, Division 1 of the San Diego Municipal Code or Section 374 of the California Penal Code, said employees being charged with responsibility for enforcing the provisions of such Divisions and Section.

Section 2. That the Disposal Fee Collectors are hereby authorized and empowered pursuant to Penal Code Section 836.5 to arrest any person without a warrant whenever said employee has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in said employee's presence which is a violation of Section 44.0121 of the Municipal Code or Section 23115 of the California Vehicle Code, which Sections they are charged to enforce.

Section 3. No employee holding any of the positions listed in Sections 1 and 2 may exercise the power to arrest authorized by Sections 1 and 2 hereinabove unless such employee shall have first completed a course of training in the exercise of his powers of arrest, which course shall meet the minimum standards prescribed by the Commission on Peace Officer Standards and Training for Penal Code Section 832(a) courses.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Section 5. This ordinance shall not be codified.

APPROVED: John W. Witt, City Attorney

By Susan M. Heath
Susan M. Heath, Deputy

SMH:ps:210
2/24/81
Or.Dept:Gen.Serv.
Form=o.rezx

MAR 31 1981

Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Raymond G. Patterson*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 16 1981

MAR 31 1981

, and on _____.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Raymond G. Patterson*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-15476** Adopted **MAR 31 1981**