

ORDINANCE NO. 2019-_____

AN ORDINANCE amending certain sections of Chapter 1.48 of the City of Yakima Municipal Code relating to limited commissions for the purpose of clarifying eligibility for limited commissions and powers of limited commissions; and, amending City of Yakima Municipal Code Chapter 6.20 for the purpose of clarifying limited commission enforcement powers of animal control officers.

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. The following section, 1.48.025, of the City of Yakima Municipal Code is hereby amended to read as follows:

1.48.025 Police chief—Limited commissions.

The police chief is, in addition to any other authority granted by law or the city council, authorized to commission persons with special authority ~~police officers~~ limited commissions for limited law enforcement related purposes such as, but not limited to, service of warrants at the city jail by corrections officers, ~~or~~ impoundment of hulk or abandoned vehicles by employees of the code administration division, or issuance of parking citations. Such limited commissions shall be issued only to persons otherwise employed by the city of Yakima or persons either (1) employed by an organization with whom the city has duly contracted with to perform duties associated with a limited commission or (2) persons with whom the city has duly contracted with in an individual capacity to perform duties associated with a limited commission. Such persons with special authority limited commissions ~~officers~~ shall not carry weapons unless specifically authorized to do so by the police chief and shall not, by virtue of their commission, be entitled to any specific relief or pension benefits under any plan administered under state statute. The police chief may revoke any limited commission at will, which revocation shall be effective immediately upon issuance in writing. Any and all limited commissions issued under the authority granted by this section shall be automatically revoked if and when (1) the holder of the commission ceases to be employed by the city or with an organization the city has duly contracted with to perform duties associated with a limited commission or (2) if the contract with the organization or person to perform duties associated with a limited commission is terminated.

Section 2. The following section, 1.48.026, of the City of Yakima Municipal Code is hereby amended to read as follows:

1.48.026 Limited commissions—Specific limited commissions and powers.

A. Specific Authorized Limited Commissions. The following limited commissions are specifically authorized to have such enforcement powers as stated in this section. This section does not preclude the police chief from authorizing other limited commissions as he/she deems necessary, in accordance with YMC 1.48.025 and shall not be construed

as to limit the power of the police chief to grant other limited commissions in accordance with YMC 1.48.025.

1. Law enforcement officers, fire code inspectors, their manager, and supervisor may enforce the provisions of Yakima Municipal Code Title 10.
2. Law enforcement officers, building code inspectors, their manager, and supervisor may enforce the provisions of Yakima Municipal Code Title 11.
3. Law enforcement officers, code compliance officers, their manager, and supervisor may enforce the provisions of Yakima Municipal Code Title 15.
4. Law enforcement officers, code compliance officers, their manager, and supervisor may enforce the provisions of Yakima Municipal Code Chapter 6.56.
5. Refuse code compliance officers, their manager, and supervisor may enforce the provisions of Yakima Municipal Code Chapters 4.16, 6.27 and YMC 6.86.030.

6. Law enforcement officers, animal control officers, their manager, and supervisor may enforce provisions of Yakima Municipal Code Chapter 6.20. Animal control officers shall have the enforcement powers enumerated in Yakima Municipal Code 6.20.020.

B. Powers.

1. Unless specifically enumerated elsewhere. All persons receiving a limited commission from the chief of police acting pursuant to this section shall have the following enforcement powers when enforcing the Yakima Municipal Code:

(a) The power to issue citations based on probable cause to offenders for civil infraction, misdemeanor and gross misdemeanor violations ~~of this title of the Yakima Municipal Code within the scope of the authorized limited commission;~~

(b) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate criminal violations of the Yakima Municipal Code within the scope of the authorized limited commission ~~of this title~~ and to seize evidence of those violations.

2. All persons acting pursuant to a limited commission shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce other criminal laws of the state of Washington.

C. Training and Authority.

1. A limited commission shall only be issued upon completion of a Yakima police department limited commission training course.
2. These limited commissions are granted pursuant to YMC 1.48.025.

Section 3. The following section, 6.20.020, of the City of Yakima Municipal Code is hereby amended to read as follows:

6.20.020 Enforcement—Animal control officers.

~~(1)—Law enforcement agencies and animal control officers may enforce the provisions of Chapter 6.20 of the city of Yakima Municipal Code.~~

~~(2)~~ Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce other criminal laws of the state of Washington.

~~(3)~~ Upon receiving a limited commission from the chief of police, animal control officers have the following enforcement powers when enforcing Chapter 6.20 of the city of Yakima Municipal Code:

(A) The power to issue citations based on probable cause to offenders for civil infraction and misdemeanor and gross misdemeanor violations of Chapter 6.20 of the city of Yakima Municipal Code;

(B) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate criminal violations of Chapter 6.20 of the city of Yakima Municipal Code, and to seize evidence of those violations;

(C) The power to pursue animals running at large onto city-owned property, vacant property, and unenclosed private property and seize, remove, and impound the same.

~~(4)~~ Upon request of an animal control officer who has probable cause to believe that a person has violated provisions of YMC 6.20.170, a law enforcement agency officer may arrest the alleged offender. (Ord. 2018-037 § 1 (part), 2018: Ord. 2018-021 § 1 (part), 2018: Ord. 2005-69 § 1 (part), 2005).

Section 4. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 4th day of June, 2019.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____