



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: September 3, 2019

Agenda Item 7B
Approvals:
City Manager [Signature]
Dept. Head [Signature]
Attorney [Signature]
Finance [Signature]

Department: Community Development
Prepared By: Adam Atamian, Manager - Code Compliance/Park Rangers [Signature]

Subject: *ESTABLISHMENT OF PARK RANGER ENFORCEMENT AUTHORITY.*

Fiscal Impact: None.

Summary: Staff recommends the City Council adopt an ordinance establishing enforcement authority for the City's Park Rangers to enforce the municipal code against violations occurring in City parks and associated City-park facilities, such as beach areas, the municipal pier and other buildings and structures, walkways, trails, and parking lots.

Background: In 2018, the City Council adopted Resolution 18-52 to reclassify the Lead Park Monitor and the Park Monitor positions to a Lead Park Ranger and Park Ranger positions. The purpose of this reclassification was to increase job responsibilities regarding enforcement at the City's park facilities.

Discussion: The California Penal Code, Section 836.5, and the San Clemente Municipal Code (SCMC), Section 1.16.010, require the City Council to designate and authorize, by adoption of an ordinance, the power to arrest and issue citations upon City officers and employees in order for them to enforce specific statutes or ordinances. The proposed ordinance establishes authority for the Park Rangers to enforce all provisions of the SCMC on City park properties and related park facilities. Typical violations occurring at City parks involve multiple titles of the SCMC, such as unpermitted vending (title 5), unleashed dogs (title 6), possession of alcohol (title 9), illegal parking (title 10), improper fires on the beach (title 12), and prohibited use of open space-zoned property (title 17), among others. Enforcement of these provisions by Park Rangers would commence after staff receives adequate training and certification for such actions, part of which includes completion of the Peace Officer Standards and Training PC 832 Course on laws of arrest, search, and seizure.

Recommended Action: STAFF RECOMMENDS THAT the City Council introduce Ordinance No. _____ entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 1 OF THE SAN CLEMENTE MUNICIPAL CODE TO ESTABLISH ENFORCEMENT AUTHORITY FOR PARK RANGERS."

Attachments: 1. Proposed Ordinance

Notification: San Clemente Times

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 1 OF
THE SAN CLEMENTE MUNICIPAL CODE TO ESTABLISH
ENFORCEMENT AUTHORITY FOR PARK RANGERS**

WHEREAS, on October 2, 2018 the City Council adopted Resolution 18-52 to reclassify the Lead Park Monitor and the Park Monitor positions to a Lead Park Ranger and Park Ranger positions to increase job responsibilities regarding enforcement; and

WHEREAS, the City Council desires the Lead Park Ranger and Park Ranger positions be authorized to address various San Clemente Municipal Code (SCMC) violations which typically occur in City parks and associated City-park facilities, such as beach areas, the municipal pier and other buildings and structures, walkways, trails, and parking lots; and

WHEREAS, pursuant to California State Penal Code Section 836.5 and SCMC Section 1.16.010, the City Council is authorized and required, by adoption of an ordinance, to confer arrest and citation authority upon City officers and employees to enforce a statute or ordinance.

NOW, THEREFORE, the City Council of the City of San Clemente, California, hereby ordains as follows:

Section 1: Chapter 1.12 – Arrest and Citation Procedure, Section 1.12.010 – Arrest powers of certain officers and employees, of the SCMC is hereby amended to add subsection A.6, and to read in its entirety as follows (addition shown in underline):

- A. Pursuant to Section 836.5 of the State Penal Code, the following listed public officers or employees are authorized to arrest a person without a warrant whenever such officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of a statute or ordinance which such officer or employee has the duty to enforce. Those so designated are as follows:
1. Chief of Police and nonsworn police department employees designated by the Chief of Police as having the duties to enforce a statute or ordinance, including but not limited to Parking Control Officer and Community Service Officer;
 2. Employees designated by the City Manager as having to enforce a statute or ordinance, including but not limited to Fire Chief, Fire Marshal, Fire Inspectors, Animal Services Officers and reserve Animal Services Officers;
 3. The Community Development Director and employees designated by the Community Development Director as having the duty to enforce a statute or

ordinance, including but not limited to Building Inspector and code enforcement personnel;

4. The Public Services Director and employees designated by the Public Services Director as having the duty to enforce a statute or ordinance, including but not limited to Marine Safety Captain, Marine Safety Lieutenant, Marine Safety Officer and seasonal marine safety personnel;
5. Business License Inspector and employees designated by the Business License Inspector as having the duty to enforce a statute or ordinance.
6. Park Rangers and employees designated by the City Manager as having the duty to enforce a statute or ordinance, or, notwithstanding any provisions of this Code to the contrary, any provisions of this Code for any violations occurring on public parks, beaches, and other publically-accessible City facilities, or parking violations occurring in parking lots servicing public parks, beaches, and other publically-accessible City facilities.

Section 2: The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor Pro Tem of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the _____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY