

ORDINANCE 2009-12

ORIGINAL

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SUNNYSIDE, WASHINGTON, AMENDING  
TITLE 2 OF THE SUNNYSIDE MUNICIPAL CODE TO PROVIDE  
NEW CHAPTER 2.22 PERTAINING TO SPECIALLY  
COMMISSIONED PEACE OFFICERS**

**WHEREAS**, RCW 10.93.020 define the various law enforcement commissions available to law enforcement agencies within the State of Washington; and

**WHEREAS**, pursuant to such law, a “specially commissioned peace officer” is an officer whose commission is with limited authority empowered and defined to detect and apprehend violators of laws, prevent violations of law, and to enforce laws, regulations and directives upon specific properties and premises within the City or in limited subject areas for which the City police department is responsible; and

**WHEREAS**, Title 2 of the Sunnyside Municipal Code does not contain a chapter currently authorizing and defining the terms and provisions for designation of specially commissioned peace officers; and

**WHEREAS**, the City Council finds and determines that Title 2 of the Sunnyside Municipal Code should be amended to provide new Chapter 2.22 pertaining to Specially Commissioned Peace Officers; and

**WHEREAS**, the City Council finds and determines that such amendment is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**Section 1.** Title 2 of the Sunnyside Municipal Code is hereby amended to add new Chapter 2.22 which shall read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

**Section 2.** Except as amended herein, Title 2 of the Sunnyside Municipal Code shall remain unchanged.

**Section 3.** This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 26<sup>th</sup> day of May, 2009.

  
\_\_\_\_\_  
PABLO GARCIA, MAYOR

ATTEST:

  
\_\_\_\_\_  
DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
MARK A. KUNKLER, CITY ATTORNEY

## **Chapter 2.22**

# **SPECIALLY COMMISSIONED PEACE OFFICERS**

Sections:

2.22.010	Definitions
2.22.020	Duties and authority
2.22.030	Appointment – qualifications
2.22.040	Revocation of appointment
2.22.050	Administration
2.22.060	Insignia, uniforms and identification
2.22.070	Firearms
2.22.080	Promulgation of rules and regulations

**2.22.010 Definitions.**

As used in this chapter the following terms are defined as follows:

- (a) "City" means the City of Sunnyside, Washington.
- (b) "City Manager" means the City Manager of the City, or his designee.
- (c) "Police Chief" means the Chief of Police of the City, or his designee.
- (d) "Specially commissioned peace officer" means a specially commissioned Washington peace officer as defined by RCW 10.93.020(5), as now existing or hereafter amended, with limited authority empowered and defined by the City Manager through the Police Chief, to detect and apprehend violators of laws, prevent violations of law, and to enforce laws, regulations and directives upon specific properties and premises within the City or in limited subject areas for which the City police department is responsible.

**2.22.020 Duties and authority.**

Specially commissioned peace officers shall have all authority as defined by RCW 10.93.020(5) as limited by the scope established by the City Manager through the Police Chief. Such officers shall have all privileges, immunities, and authority, within the scope of their commission, given to specially commissioned peace officers or recognized by the laws of the State of Washington. Such officers are not, shall not be construed to be, and shall not serve as general authority Washington peace officers as defined in RCW 10.93.020. Such officers' commission as specially commissioned peace officers shall be limited to time when such officer is performing his or her service duties at the assigned location of service, or in the limited service area assigned by the City.

**2.22.030 Appointment – qualifications.**

The City Manager shall be the appointing authority for each specially commissioned peace officer. Qualifications for appointment shall be determined and established by the Police Chief in accordance with requirements of state law and regulations pertaining to such officers, and in accordance with requirements and procedures of the City. Each

EXHIBIT "A"

specially commissioned peace officer must: (a) be at least twenty-one years of age; (b) be a citizen of the United States; (c) be a resident of Yakima County; (d) not have been convicted of a felony or any offense involving moral turpitude; (e) obtain any required basic reserve certificate as a precondition to performing as a specially commissioned peace officer, as required by Section 139-05-810 Washington Administrative Code, as such now exists or is hereafter amended; (f) meet the qualifications for appointment as established by the City; (g) perform in accordance with the scope of duties directed by the City; and (h) execute an oath of office and be specially commissioned to perform such duties.

**2.22.040 Revocation of appointment.**

The City Manager may revoke any appointment and commission when he deems such revocation is necessary or appropriate in the best interests of the City.

**2.22.050 Administration.**

Duties and scope of commission for specially commissioned peace officers shall be established by the City Manager, and administration of activities within the scope of such duties and commission shall be the prerogative of the City Manager, subject to delegation to the Police Chief. The Police Chief will assign and supervise such officers within the scope of such delegation, and will provide for necessary and appropriate training and equipment for such officers.

**2.22.060 Insignia, uniforms and identification.**

Every specially commissioned peace officer shall be outfitted with a uniform of a distinctive design prescribed and approved by the Police Chief, and every specially commissioned peace officer shall only wear his or her uniform while on duty as a specially commissioned peace officer. In the event that any items of uniform or equipment are issued by the Police Chief to a specially commissioned peace officer, such items shall be and remain the property of the City and shall be surrendered by the member to the Police Chief upon the termination of such member as a specially commissioned peace officer.

The Police Chief shall issue an identification card to each specially commissioned peace officer identifying that officer as a specially commissioned peace officer of the City. An officer whose appointment as a specially commissioned peace officer is terminated, shall immediately surrender his identification card to the Police Chief.

Any police badge issued to a specially commissioned peace officer is to be worn or carried only when such officer is authorized to do so by the Police Chief.

**2.22.070 Firearms.**

If specifically included within the officer's commission, a specially commissioned peace officer may carry a firearm but only while on duty, in uniform, or on assignment of duty in which the Chief of Police considers a firearm necessary; provided, that the specially commissioned peace officer has qualified in a firearms training course approved by the Police Chief.

EXHIBIT "A"

**2.22.080 Promulgation of rules and regulations.**

The Police Chief may adopt such rules and regulations consistent with the provisions of this chapter as he deems necessary or convenient to organize and administer the specially commissioned peace officers and their functions.

Affidavit of Publication

STATE OF WASHINGTON  
COUNTY OF YAKIMA SS

Timothy J. Graff, being first duly sworn on oath deposes and says that he is the Publisher of the DAILY SUN NEWS, a daily newspaper.

That said newspaper is a legal newspaper and it is now and has been for more than six months prior to the date of publications hereinafter referred to, published in the English language continually as a daily newspaper in the city of Sunnyside, YAKIMA County, Washington, and it is now and during all of said time printed in an office maintained at the afforesaid place of publication of said newspaper, and that the said Daily Sun News was on the 4th Day of April, 1969 approved as a legal newspaper by the Superior Court of said Yakima County.

That the annexed is a true copy of a LEGAL PUBLICATION -

City of Sunnyside

Summary of Ord 2009-12

published in regular issues (and not in supplemental forms) of said newspaper once each week for a period of 1 consecutive issue(s) commencing 05/29/09 and ending on 05/29/09, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$ 21.00, amount has been paid in full, at the rate of \$7.00 per column inch per insertion.

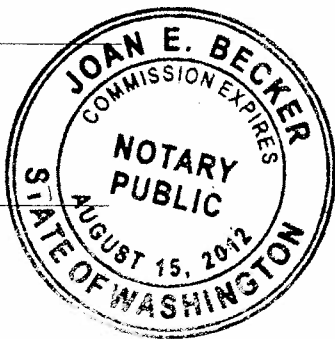
*Tim Graff*

Subscribed and sworn to before me 06/05/09

*Joan E. Becker*

Notary Public in and for the State of Washington

100202-00008



SUMMARY OF ORDINANCE 2009-12 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, AMENDING TITLE 2 OF THE SUNNYSIDE MUNICIPAL CODE TO PROVIDE NEW CHAPTER 2.22 PERTAINING TO SPECIALLY COMMISSIONED PEACE OFFICERS  
Date Approved: May 26, 2009  
Signatories: Pablo Garcia, Mayor  
Deborah A. Estrada, City Clerk  
Mark A. Kunkler, City Attorney

A complete copy of the full text of the Ordinance is available upon request to the City Clerk, Sunnyside City Hall, 818 East Edison Avenue, Sunnyside, Washington 98944.  
PUBLISH: DAILY SUN NEWS  
May 29, 2009