

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OCEANSIDE
AUTHORIZING DESIGNATED LIFEGUARDS OF THE CITY
TO EXERCISE THE POWERS OF ARREST PURSUANT TO
PENAL CODE SECTION 836.5, AND REPEALING
ORDINANCE NO. 87-42

WHEREAS, the City Council Of the City of Oceanside desires that certain City employees, namely the Beach Lifeguard Chief, Beach Lifeguard Captain, Beach Lifeguard Lieutenant, Beach Lifeguard Sergeant, and Beach Lifeguard have the authority to enforce certain provisions of the Oceanside City Code, as listed in Exhibit "A" attached hereto and incorporated herein;

WHEREAS, Ordinance No. 87-42, conferred this authority on certain lifeguard positions that no longer exist, and does not include certain current lifeguard positions;

WHEREAS, Lifeguard personnel who are not listed in Ordinance No. 87-42 must utilize the formal complaint procedure to initiate criminal proceedings against suspected violators of these Oceanside City Code provisions;

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

WHEREAS, Penal Code section 836.5 empowers this City Council to authorize such Lifeguard personnel 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 an ordinance which such employee has the duty to enforce; and

WHEREAS, authorizing Lifeguard personnel to arrest suspected violators of certain City Code and ordinance provisions will facilitate the enforcement of the Oceanside City Code.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Ordinance No. 87-42 is hereby repealed in its entirety.

SECTION 2. The Beach Lifeguard Chief, the Beach Lifeguard Captain, the Beach Lifeguard Lieutenant, the Beach Lifeguard Sergeant and Beach Lifeguards of the City of

1 Oceanside are hereby authorized pursuant to Penal Code 836.5 to arrest any person without
2 warrant whenever said employee has reasonable cause to believe that the person to be arrested
3 has committed an infraction or misdemeanor in said employee's presence which is a violation
4 of any section of the Oceanside City Code or other ordinance of the City of Oceanside
5 specifically listed in Exhibit "A" attached hereto and incorporated herein by reference.

6 SECTION 3. No employee holding the position of Beach Lifeguard Chief, Beach
7 Lifeguard Captain, Beach Lifeguard Lieutenant, Beach Lifeguard Sergeant, or Beach Lifeguard
8 may exercise the power of arrest authorized pursuant to SECTION 2. hereinabove unless such
9 employee shall have first completed a course in training in the exercise of powers of arrest
10 which course shall meet the minimum standards prescribed by the Commission on Peace
11 Officer Standards and Training for Penal Code section 832(a) courses.

12 SECTION 4. The City Clerk of the City of Oceanside is hereby directed to publish this
13 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
14 days after its passage in the North County Times, a newspaper of general circulation published
15 in the City of Oceanside.

16 SECTION 5. This ordinance shall take effect and be in force on the thirtieth (30th) day
17 from and after its final passage.

18 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
19 California, held on the ___ day of _____, 2008, and, thereafter,

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Oceanside California, held on the ____ day of _____, 2008, by the following vote:

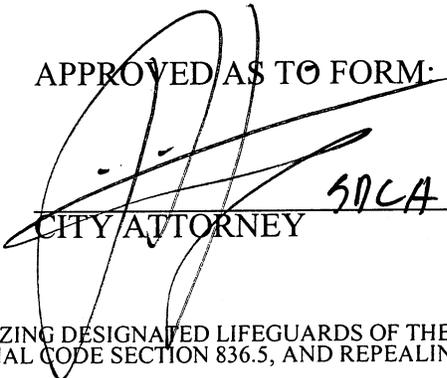
- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

CITY CLERK



CITY ATTORNEY *SOCA*

AN ORDINANCE OF THE CITY OF OCEANSIDE AUTHORIZING DESIGNATED LIFEGUARDS OF THE CITY TO EXERCISE THE POWERS OF ARREST PURSUANT TO PENAL CODE SECTION 836.5, AND REPEALING ORDINANCE NO. 87-42

EXHIBIT "A"

Oceanside City Code for Citation Authority

<u>Authority</u>	<u>Description of Violation</u>
Oceanside City Code:	
Section 4.15	Dogs on public beach.
Section 10A.3	Smoking prohibited
All sections of Chapter 18	Municipal Pier
All sections of Chapter 19	Oceanside Beaches
Section 20.20.2	Urinating or defecating in public
Section 20.21(a)(1)	Encampment on public property
Section 20.40	Drinking in public prohibited
Section 21.01	Prohibition of glass containers
All sections of Chapter 30A	Special events