

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6409

AN ORDINANCE amending the Bellevue City Code to create a new Chapter 3.34 specific to the Bellevue Police Department; and establishing an effective date.

WHEREAS, Art. XI § 11 of the Constitution of the State of Washington vests the City of Bellevue with the authority to enforce within its limits all local police, sanitary and other regulations that are not in conflict with general laws; and

WHEREAS, RCW 35A.11.020 further vests the City of Bellevue with authority, *inter alia*, to adopt and enforce ordinances of all kinds relating to and regulating City of Bellevue affairs and appropriate to the good government of the city, and may impose penalties for the violation of such ordinances; and

WHEREAS, Pursuant to RCW 35A.21.160 the City of Bellevue may exercise the powers and authority of first class cities; and

WHEREAS, RCW 35.22.280 (34)–(35) provide authority to first class cities, *inter alia*, to provide for the punishment of criminal activity or other practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of the city; and

WHEREAS, RCW 35A.21.161 provides that the City of Bellevue shall observe and enforce, in addition to its local regulations, the provisions of state law relating to the conduct, location and limitation on activities as regulated by state law and shall supply police information to the identification and criminal history section of the state patrol; and

WHEREAS, the City of Bellevue created the Bellevue Police Department in 1953 to carry out the functions authorized by law, and the Bellevue Police Department has continually operated as a department within the City since its establishment; and

WHEREAS, RCW 35A.13.090 provides that on recommendation of the city manager or upon its own action, the council may create such departments, offices and employments as may be found necessary and may determine the powers and duties of each department or office; and

WHEREAS, RCW 35A.13.090 and RCW 35A.13.100 provides the appointive officers shall include a chief law enforcement officer and the city manager may

authorize the head of a department responsible to him to appoint and remove subordinates in such department; and

WHEREAS, for purposes of maintaining accreditation with the Commission on Accreditation for Law Enforcement Agencies (CALEA), the Bellevue Police Department would benefit from being specifically recognized as an administrative department within the City, now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 3.34 is added to the Bellevue City Code to read as follows:

3.34.010 Department Established – Supervision

There is created and established a police department to be operated under the direction and control of the Chief of Police, subject to the supervision of the City Manager, or the substitute City Manager in the absence, disability or suspension of the City Manager, or during any period of vacancy in the City Manager's office.

3.34.020 Chief – Appointment

The Chief of Police shall be appointed by the City Manager, upon the basis of his or her qualifications and experience for such office.

3.34.030 Personnel

The police department shall consist of regular commissioned personnel, specially commissioned personnel, and non-commissioned personnel in such numbers as shall be determined by the City Council by inclusion in and adoption of the annual budget of the city.

3.34.040 Police Powers

The Chief of Police and all commissioned police personnel shall have all of the powers granted, together with the duties imposed, by the laws of the State of Washington relating to Chiefs of Police and law enforcement personnel of cities of the class to which the City of Bellevue now or hereafter belongs. The Chief of Police and all commissioned police personnel shall have the power and duty to enforce the ordinances of the City of Bellevue and to perform such other services as the laws of the State of Washington or the ordinances of the City of Bellevue may now or hereafter require.

Specially or limited commissioned police personnel shall have the limited powers granted, together with the limited duties imposed, by law to enforce the laws

of the State of Washington or the ordinances of the City of Bellevue as may now or hereafter be required.

Section 2. This ordinance shall take effect and be in force five (5) days after after passage and legal publication.

Passed by the City Council this _____ day of _____, 2018,
and signed in authentication of its passage this _____ day of _____,
2018.

(SEAL)

John Chelminiak, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Cindy M. Lin, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____