

**CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION**

CITY COUNCIL MEETING DATE: May 11, 2020

AGENDA ITEM: Amending MMC 2.48.040 to clarify which city employees may receive a limited commission as code enforcement officer	
PREPARED BY: Jon Walker	DIRECTOR APPROVAL:
DEPARTMENT: Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
<p>SUMMARY: The municipal code currently limits the issuance of code enforcement officer limited commissions to department directors and supervisors and employees of the community development and public works departments. Since the code was last amended, the police department has assumed responsibilities for code enforcement. This amendment would authorize the police chief to issue a limited commission to any city employee designated by the chief administrative officer as a code enforcement officer.</p>	

<p>RECOMMENDED ACTION: The Council consider amending MMC 2.48.040 to clarify which city employees are eligible to receive a limited commission as a code enforcement officer.</p> <p>RECOMMENDED MOTION: I move to adopt Ordinance No. _____</p>
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CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, AMENDING SECTION 2.48.040 OF THE MUNICIPAL CODE
RELATING TO LIMITED COMMISSIONS FOR CODE ENFORCEMENT
OFFICERS.**

WHEREAS, section 2.48.040(5) of the municipal code authorizes the chief of police to issue limited commissions to code enforcement officers; and

WHEREAS, the municipal code currently limits the issuance of code enforcement officer limited commissions to department directors and supervisors and employees of the community development and public works departments; and

WHEREAS, the police department has assumed responsibility for code enforcement; and

WHEREAS, the municipal code should authorize the chief of police to issue a limited commission to any city employee designated by the chief administrative officer as a code enforcement officer.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Section 1.04.020 is amended as set forth in Exhibit A.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 4. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2020.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

2.48.040 Commissions.

The police chief is authorized to issue the following commissions of law enforcement authority:

(1) Full commissions shall be issued to all general authority police officers in the police department who are employed on a full-time, fully compensated basis.

(2) Limited commissions may be issued to animal control officers who are employed on a full-time, fully compensated basis. Said commissions shall authorize such officers to enforce animal control laws of the city and criminal laws relating to the authority of law enforcement officers (see Chapter [6.15](#) MMC).

(3) Limited commissions may be issued to custody officers authorizing them to enforce all criminal laws relevant to the safe and secure operation of the city jail and the control of prisoners. Said commissions shall be effective only during the hours that a custody officer is on duty for the city.

(4) Limited commissions may be issued by the chief of police to the police department administrative division manager and intelligence analysts who are employed on a full-time, fully compensated basis. Said commissions shall authorize such persons to assist in the investigation and analysis of crimes pursuant to all laws of the city and criminal laws relating to the authority of law enforcement officers. Said commissions shall not authorize such persons to carry firearms or to effectuate any arrest for any violation. The commission authorized under this section shall not vest any person with any police civil service or police pension rights under federal, Washington State law or under any ordinance or regulation.

(5) Limited Commission – Code Enforcement Officers. The chief of police may issue limited commissions as a code enforcement officers to ~~department heads or supervisors and~~ city employees designated by the chief administrative officer ~~employed in the community development and public works departments~~ as a code enforcement officers. Such limited commission shall authorize such persons to initiate, issue and serve notice of civil infractions for violations of the Marysville Municipal Code ~~in those areas for which their department is directly responsible~~ and may be limited by the chief of police to specific titles, chapters, or sections of the municipal code. Said commissions shall not authorize such persons to carry firearms or effect any arrest for any violation. Said commission shall not vest any person with any police civil service or police pension rights under federal, Washington State law or under any ordinance or regulation.

(6) Reserve commissions may be issued to reserve officers as defined in MMC [2.48.070](#). Said commissions shall be equivalent to full commissions whenever a reserve officer is called into active service. Said commissions shall be effective only during the hours that a reserve officer is on duty for the city.

(7) Special commissions may be issued to law enforcement officers of other jurisdictions pursuant to Chapter [10.93](#) RCW.