

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 13, 2022

AGENDA ITEM: Amending the municipal code regarding commissions and adding authority to appoint enforcement officers	
PREPARED BY: Jon Walker	DIRECTOR APPROVAL:
DEPARTMENT: Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
SUMMARY:	

The method set forth in the municipal code for commissioning employees to enforce both criminal and civil laws is antiquated and does not accurately line up with state law. This ordinance would align commissions with state law definitions and limit the chief of police’s authority to commission individuals who are empowered to enforce criminal laws. At the same time it would add a section to chapter 4.02 MMC, civil enforcement procedures, to authorize the chief administrative officer to appoint city employees as “enforcement officers” who would then be able to issue civil infractions and take other action to enforce civil violations.

This would reflect that civil enforcement is a citywide function and not limited to the police department and place the authority for determining which employees should carry out that function in the executive office.

RECOMMENDED ACTION: Staff recommends that Council consider updating the procedures for commissioning officers and appointing employees to issue civil infractions.
RECOMMENDED MOTION: I move to adopt Ordinance No. _____

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO COMMISSIONS AND CIVIL ENFORCEMENT AND ADDING A NEW SECTION TO CHAPTER 4.02 OF THE MUNICIPAL CODE AND AMENDING SECTION 2.48.040 OF THE MUNICIPAL CODE.

WHEREAS, chapter 4.02 of the municipal code addresses civil enforcement procedures;
and

WHEREAS, section 2.48.040 currently invests the chief of police with the authority to issue commissions, including commissions to issue civil infractions; and

WHEREAS, section 2.48.040 does not consistently define the types of commissions consistently with how those commissions are defined in state law and does not reflect the current needs of the city; and

WHEREAS, the city's needs for employees authorized to issue civil infractions for a variety of violations is best determined by the chief administrative officer; and

WHEREAS, RCW 7.80.040 defines "enforcement officer" as a person authorized to enforce the provisions of an ordinance establishing a civil infraction; and

WHEREAS, amending section 2.48.040 to limit the chief of police's authority to issue commissions to officers who have the authority to enforce criminal laws is a proper delegation of authority; and

WHEREAS, authorizing the chief administrative officer to appoint the appropriate city employees as "enforcement officers" to enforce civil infractions better utilizes city resources; and

WHEREAS, amending the municipal code to reflect these changes will proper public safety and welfare.

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

SECTION 1. Section 2.48.040 is amended as set forth in Exhibit A.

SECTION 2. A new section – 4.02.060 – is added to the municipal code as set forth in Exhibit B.

SECTION 3. 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 4. 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 5. 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 _____, 2022.

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): _____