

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2233**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, RELATING TO PORTIONS OF THE SNOHOMISH MUNICIPAL CODE RELATING TO POLICE AND LAW ENFORCEMENT – REPEALING: SECTION 2.06.035 (C), CHAPTER 2.20 “CIVIL SERVICE COMMISSION,” AND CHAPTER 2.21 “WASHINGTON POLICE CORPS;” AMENDING: SECTION 2.64.040 “CITY OFFICIALS—SALARY PROGRAM,” CHAPTER 2.82 “PUBLIC SAFETY DEPARTMENT,” CHAPTER 2.90 TO ADD NEW SECTION 2.90.005 “EXCLUSION,” AND SECTION 5.10.040 “STAFF REVIEW;” AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE**

**WHEREAS**, the City Council desires to update and amend the Snohomish Municipal Code to authorize and support the contracting of Police Services and to provide revisions in the Municipal Code related thereto;

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

**Section 1.** SMC Section 2.06.035 entitled “Exceptions to the Residency Requirements” Subsection (C), relating to the Citizens’ Police Advisory Board, is hereby repealed.

**2.06.035 Exceptions to the Residency Requirements:**

~~C. The members of the Citizens’ Police Advisory Board who represent the liquor serving and selling businesses may reside outside of the City; and (Ord. 1825, 1997; Ord. 1809, 1996)~~

**Section 2.** SMC Chapter 2.20 entitled “CIVIL SERVICE COMMISSION” is hereby repealed in its entirety.

**Section 3.** SMC Chapter 2.21 entitled “WASHINGTON POLICE CORPS” is hereby repealed in its entirety.

**Section 4.** SMC Section 2.64.040 entitled “City Officials—Salary” is amended to read as follows:

**2.64.040 City Officials--Salary.** The salaries of the ~~Police Chief~~, City Planner, City Engineer, City Clerk, and City Treasurer shall be in such amount as the City Manager will determine with the concurrence of the City Council. (Ord. 1754, 1994)

**Section 5.** SMC Chapter 2.82 entitled “PUBLIC SAFETY DEPARTMENT” is amended to read as follows:

**Chapter 2.82**  
**PUBLIC SAFETY DEPARTMENT**

Sections:

- 2.82.005 Authority to Contract for Police Services through Interlocal Agreement – Alternative and Exclusion
- 2.82.010 Public Safety Department
- 2.82.020 Chief of Police
- 2.82.030 Classified Personnel
- 2.82.040 Commissions
- 2.82.050 Rules and Regulations
- 2.82.060 Reserve Officers

**2.82.005 Authority to Contract for Police Services through Interlocal Agreement – Alternative and Exclusion.**

A. As an alternative to providing City employed Police Services, the City of Snohomish is authorized to contract for Police Services through an Interlocal Agreement with other County or Municipal law enforcement agencies (Contract Agency).

B. In the event the City Contracts for Police Services, the following provisions shall apply:

1. All references in the Snohomish Municipal Code (SMC) to the “Public Safety Department,” “Police Department,” “Department,” “Police Department Chain of Command,” “Police Department Chain of Command Protocol,” “Chief’s designee,” “Police Officer,” “Law Enforcement Officer,” “Officer,” or “Police” - its authority, duties, and responsibilities as set forth in this chapter and in the entire Snohomish Municipal Code (SMC), shall apply, unless provided otherwise, to the Contract Agency.
2. All references in the Snohomish Municipal Code (SMC) to the “Chief of Police,” “Police Chief,” or “Chief” and the authority, duties, and responsibilities as set forth in this chapter and in the entire Snohomish Municipal Code (SMC) shall apply, unless provided otherwise, to the “Chief of Police” employed and provided by the Contract Agency and approved and appointed by the City.

C. EXCLUSION: The provisions of SMC Chapter 2.90 entitled “LEGAL ACTION AGAINST CITY OFFICIALS, EMPLOYEES AND VOLUNTEERS” shall not apply to the Employees, Officers, or Police Chief provided by the Contract Agency.

**2.82.010 Public Safety Department.** The Public Safety Department of the City of Snohomish shall be the law enforcement agency of the jurisdiction. Its primary function shall be the detection and apprehension of persons committing infractions or violating traffic or criminal laws duly enacted by the City, state, and federal governments. The Department may operate a City jail and shall enforce parking, animal control, and nuisance laws. The Department shall further perform such other duties and functions as may be delegated to it by the City Manager and City Council, consistent with RCW 35.24.160.

**2.82.020 Chief of Police.** The Chief of Police shall be the commander and administrative head of the Public Safety Department, and shall also be responsible for the City's contract for fire protection and emergency medical services with Snohomish County Fire District #4. The Chief shall be responsible, through the City Manager, to the Mayor and City Council. Eligibility requirements for the position shall generally be established by contract, written job description, and by direction of the City Manager and City Council, and shall be consistent with the criteria specified in RCW 35.21.333. In the absence of the Chief of Police, the command of the department shall be assumed by the next highest ranking officer of the department unless otherwise specified by written directive from the Chief of Police.

**2.82.030 Classified Personnel.** All fulltime, paid, uniformed, and commissioned employees of the Public Safety Department, excluding clerical employees and the Chief of Police, shall be in the classified service, and under the jurisdiction of the Civil Service Commission. (This section shall not apply if the City chooses to contract for Police Services as authorized in Section 2.82.005.)

**2.82.040 Commissions.** The Chief of Police is authorized to issue the following commissions of law enforcement authority:

- A. 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.
- B. In the event the City employs officers to enforce parking, animal control, and nuisance laws, limited commissions shall be issued to such officers who are employed on a full time, fully compensated basis. Said commissions shall authorize such officers to enforce the parking, animal control, and nuisance laws of the City.
- C. In the event the City employs custody officers, limited commissions shall be issued to such 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.
- D. Reserve commissions shall be issued to reserve officers as defined in Section 2.82.060. 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.
- E. Special commissions may be issued to peace officers of other jurisdictions pursuant to RCW Chapter 10.93.
- F. A limited commission to volunteers to issue notices of infractions for violations of the City's parking regulations pursuant to SMC 11.08. All such volunteers must be at least 21 years of age. In appointing volunteers, the Chief of Police may establish any other qualifications he deems desirable.

**2.82.050 Rules and Regulations.** The Police Chief is authorized to make and enforce such rules and regulations for the administration, implementation, and enforcement of the

duties, functions, and responsibilities of the department as may be necessary from time to time. A copy of such rules and regulations shall be on file in the department, and shall be accessible to all employees and the public during all business hours of the City.

**2.82.060 Reserve Officers.** Eligibility, training requirements, certification procedures, and ranks of reserve officers shall be established by the Chief of Police. Reserve officers shall not be employees of the City, and shall be paid no compensation by the City, except to the extent that reserve officers may be hired under special circumstances as temporary employees of the City. The authority of reserve officers shall be specified by the commission issued by the Chief of Police. All authorized duties, services, and functions performed by reserve officers shall be specified, directed, and supervised by the Chief of Police or his designee. The Chief of Police may revoke a reserve commission, and terminate a reserve officer's position at any time with or without cause. (Ord. 1870, 1998)

**Section 6.** SMC Chapter 2.90 is amended to add a new Section 2.90.005 entitled "Exclusion" - New Section 2.90.005 to read as follows:

**2.90.005 Exclusion.** The provisions of SMC Chapter 2.90 entitled "LEGAL ACTION AGAINST CITY OFFICIALS, EMPLOYEES AND VOLUNTEERS" shall not apply to the Employees, Officers, or Police Chief provided by the Contract Agency for Police Services pursuant to SMC 2.83.005 entitled "Authority to Contract for Police Services through Interlocal Agreement – Alternative."

**Section 7.** SMC Section 5.10.040 entitled "Staff Review" is amended to read as follows:

**5.10.040 Staff Review.**

- A. The application shall be received and date stamped at City Hall by the ~~City Clerk~~ Economic Development Manager, who shall coordinate the process of City Department Review. Copies of the application shall be sent to the Staff Review Committee for comments. This Committee consists of the City Engineer, City Planner, City Clerk, Economic Development Manager, Public Works Manager, Building Official, Police ~~Chief Commander~~, and Fire Department Representative, or their designees. Preliminary staff comments shall be assembled from the Staff Review Committee. A Special Events Contract shall be drafted by the ~~City Clerk~~ Economic Development Manager and reviewed by the City Manager and City Attorney. A copy will be forwarded to the applicant in a timely manner. (Ord. 2051, 2004)
- B. Any department head may recommend conditions that are considered necessary to protect the public health and safety. The Chief of Police or Chief's designee, Fire Chief, and Building Official shall each review the plan for the event and must approve the plans as amended by staff conditions.
- C. The applicant shall have the opportunity to respond to all comments and conditions of the Permit and Special Events Contract either in writing or at a meeting with staff within a two-week period. (Ord. 2051, 2004)

**Section 8.** SMC Subsection Section 5.10.060 (C) (3) (13) is amended to read as follows:

**5.10.060 (C) (3) (13)**

13. Payment to the City or its designee of the cost of providing 2 police officers per 1,000 attendees; provided that:

- a. Said number of police officers may be increased or decreased by the Chief of Police in accordance with the Chief's written assessment of the event's public safety risks based on past experience with the special event in question or with similar events; and
- b. Said payment shall be made by paying 25% of the cost prior to issuance of the special event permit and the remaining 75% within 30 days following the special event; and
- c. For City sponsored special events, the City's financial contribution to the event may include the City absorbing some or all of the cost of providing said number of police officers.

**Section 9. Severability.** If any portion of this ordinance as now or hereafter amended, or its application to any person or circumstances, is held invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged to be invalid or unconstitutional and its application to other persons or circumstances shall not be affected.

**Section 10. Effective date.** This ordinance shall take effect five days after the date of its publication by summary.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 21<sup>st</sup> day of February, 2012.

CITY OF SNOHOMISH

By \_\_\_\_\_  
Karen Guzak, Mayor

ATTEST:

By \_\_\_\_\_  
Torchie Corey, City Clerk

Approved as to form:

By \_\_\_\_\_  
Grant K. Weed