

## **ORDINANCE NO. 713**

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE POLICE DEPARTMENT, CREATING THE POLICE DEPARTMENT, WHICH SPECIFICALLY INCLUDES THE RESERVE POLICE OFFICERS UNIT, DESCRIBING THE QUALIFICATIONS, POWERS AND DUTIES OF THE POLICE CHIEF, ELIMINATING THE OUTDATED CODE REQUIREMENTS FOR ELIGIBILITY, DUTIES, POWERS, COMPENSATION AND LIABILITY OF RESERVE POLICE OFFICERS, ADDING A NEW CHAPTER 2.47; REPEALING CHAPTER 2.48 OF THE GIG HARBOR MUNICIPAL CODE, AND IMPLEMENTING THE PROCEDURE IN GHMC 1.08.020(B) FOR ADOPTION OF ORDINANCES ON THE DAY SUCH ORDINANCE IS INTRODUCED.

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WHEREAS, RCW 35A.12.020 requires that the authority, duties and qualifications of all appointive officers, such as the chief law enforcement officer of the City, be prescribed by ordinance; and

WHEREAS, RCW 35A.12.080 requires that before entering upon the performance of his duties, the chief law enforcement officer may be required to take an oath, as prescribed by ordinance, and that the oath be filed with the County auditor; and

WHEREAS, RCW 35A.12.080 also requires that the City's chief law enforcement officer be required to furnish an official bond conditioned upon the honest and faithful performance of his/her duties, and that such bond be furnished on an annual basis, pursuant to City policy; and

WHEREAS, the Gig Harbor Municipal Code needs to be updated to reflect these requirements as well as the creation of the Police Department; and

WHEREAS, chapter 2.48 of the Gig Harbor Municipal Code also needs to be repealed to remove outdated references to the duties, eligibility, powers, compensation and liability of the Reserve Police Unit; and

WHEREAS, because this ordinance sets forth the oath of office for the police chief, it should be adopted as soon as possible, so that the City's new police chief can be sworn in; and

WHEREAS, GHMC Section 1.08.020(B) allows the City Council to take action on a proposed ordinance on the day of its introduction, upon the affirmative vote of a majority plus one of the whole membership of the City Council; and

WHEREAS, at its regular City Council meeting of January 22, 1996, the Gig Harbor City Council considered this ordinance and a majority plus one of the City Council members have voted in favor of its adoption under the procedure in GHMC Section 1.08.020(B); Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. A new chapter 2.47 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**Chapter 2.47**  
**POLICE DEPARTMENT**

Sections:

2.47.010	Police Department Established -- Supervision
2.47.020	Chief of Police -- Appointment
2.47.030	Chief of Police -- Oath
2.47.040	Chief of Police -- Bond
2.47.050	Chief of Police -- Duties
2.47.060	Police Department -- Powers

**2.47.010 Police Department Established -- Supervision.**

There is established and created a department of police to be operated under the direction and control of the City's chief law enforcement officer, the Chief of Police. This department shall include the reserve police officers unit. The Chief of Police shall be subject to appointment and removal as described in RCW 35A.12.090, and any relevant provisions of the City's personnel manual and the City's contract with the Chief of Police.

**2.47.020 Chief of Police -- Appointment.** The Chief of Police shall be appointed by the Mayor on the basis of his/her qualifications, experience and the eligibility requirements of RCW 35.21.333 and RCW 35.21.335, as the same now exists or may hereafter be amended. Before making any appointment for a Chief of Police, a background investigation shall be performed, as required by RCW 35.21.334.

**2.47.030 Chief of Police -- Oath.** A person seeking appointment to the office of Chief of Police shall provide a sworn statement to the City, which shall be under penalty of perjury, stating that he/she meets the requirements of RCW 35.21.333, as the same now exists or may hereafter be amended. Before entering upon the performance of his/her duties, the Chief of Police shall be required to take the following oath:

I, \_\_\_\_\_, solemnly swear that I will bear true faith and allegiance to the United States of America, the State of Washington, Pierce County and the City of Gig Harbor, and that I will serve them honestly and faithfully, and that I will obey the orders of the officers appointed over me according to the law and the rules and regulations of the Police Department, and that I will uphold the Constitution of the United States, the State of Washington, the laws of the State of Washington, Pierce County and the City of Gig Harbor.

The oath shall be filed with the county auditor.

**2.47.040 Chief of Police -- Bond.** The Chief of Police shall annually provide an official bond conditioned on the honest and faithful performance of his/her official duties. The terms and penalty of official bonds and the surety therefor shall be as prescribed by the City by ordinance and the bond shall be approved by the City Administrator. The premiums on such bond shall be paid by the City. Compliance with this provision is an essential part of qualification for office as the Chief of Police.

**2.47.050 Chief of Police -- Duties.** The Chief of Police is the commanding officer to the Police Department. The powers and duties of the Chief of Police are those granted under the laws of the state and the ordinances of the City.

**2.47.060 Police Department -- Powers --** The Chief of Police and all commissioned police personnel, including reserve police officers, shall have the powers granted, with the duties imposed, by the laws of the State of Washington relating to the Chief of Police and law enforcement personnel of Optional Municipal Code cities. In addition, the Chief and all other commissioned police personnel of the police department shall have the power and the duty to enforce the ordinances of the City, and to perform such other services as the ordinances of the City may now or hereafter require. Pursuant to RCW 35A.21.161, the Chief and all other commissioned police personnel of the police department shall also observe and enforce the provisions of state laws relating to the conduct, location and limitations on activities regulated by state law and shall supply police information to the section on identification of the state patrol as required by chapter 43.43 RCW.

Section 2. Chapter 2.48 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: 1/18/96  
PASSED BY THE CITY COUNCIL: 1/22/96  
PUBLISHED: 1/31/96  
EFFECTIVE DATE: 2/5/96  
ORDINANCE NO. 713

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_**

of the City of Gig Harbor, Washington

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On the \_\_\_\_ day of \_\_\_\_\_, 199\_, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

The full text of this Ordinance will be mailed upon request.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 199\_.

CITY ADMINISTRATOR, MARK HOPPEN