

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	January 16, 2024	
<b>Name of Agenda Item:</b>	Ord 23-1680 Amending Civil Penalties Code	
<b>Section of Agenda:</b>	Unfinished Business	
<b>Department:</b>	City Administration	
<b>Council Committee Review:</b>		<b>Legal Review:</b>
<input checked="" type="checkbox"/> Community Development <input checked="" type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: _____		<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
<b>Attachments:</b>		
Draft Ord 23-1680 with Exhibit A - Redline of proposed changes.		
<b>Summary Statement:</b>		
<p>Over the last 12 months City Administration, staff, and legal counsel, Luke Phifer, have been drafting an update to the City's civil penalties code. The revised code defines general penalties, civil infractions, misdemeanors, and gross misdemeanors. It assigns penalties to infractions which would be classified as C-1 through C-9 depending on the severity of the violation. The amended code also establishes a uniform process for citing and correcting violations, a critical tool for staff seeking to provide fair and consistent enforcement of the city's code provisions. The bulk of the civil penalties code will be in Chapter 1 of the Lynden Municipal Code, but many other chapters would also be amended to classify infractions and identify corrective processes.</p> <p>On January 2 the City Council held a public hearing on this item and some specific questions were raised. In response the following items have been revised as reflected in the attached:</p> <ul style="list-style-type: none"> <li>-Removed the "non-deferrable, non-suspendable" language from LMC 1.24.040;</li> <li>-Reworked the "Declaration of Public Nuisance" provision in LMC 1.34.035;</li> <li>-Reworked the "Right of Entry" provision in LMC 1.34.040(E);</li> <li>-Clarified when "days" refers to "calendar days" throughout;</li> <li>-Removed references to the "City Engineer" in LMC 12.16.065, 13.08.010; and 18.20.050 (note: I left the reference in 17.13.010);</li> <li>-Modified the provision related to designees of Enforcement officials in LMC 1.34.030(B)(5);</li> <li>-Added a sentence to LMC 1.34.070(E) to clarify that settlement may include reducing or waiving monetary penalties; and</li> <li>-Added a sentence to 1.34.090(F) to clarify that the Hearing Examiner can reduce or waive monetary penalties.</li> </ul>		
<b>Recommended Action:</b>		
Motion to approve Ord 23-1680 regarding an amendment to the city's Civil Penalties and to authorize the mayor's signature on the ordinance.		