

ORDINANCE 2017-1044

AN ORDINANCE OF THE CITY OF WAITSBURG, WASHINGTON, AMENDING CHAPTERS 1 & 3 OF TITLE 8 AND CHAPTER 6A TITLE 12 OF THE WAITSBURG MUNICIPAL CODE

WHEREAS, the City staff regularly reviews the City Municipal Code to identify necessary changes, clarifications, updates, and amendments; and

WHEREAS, the City staff has determined that updates are needed to the City Municipal Code to amend and clarify various sections of the code to ensure consistency with Chapter 16.08 Revised Code of Washington, “Dogs.”

NOW THEREFORE, the City Council of the City of Waitsburg ordains as follows:

Section I. Code Sections to be amended.

Waitsburg Municipal Code, Title 8, Chapter 1, is amended as follows:

“8.01.020. Miscellaneous Livestock Violations.

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H. “Zoning Restrictions.” No Livestock is allowed in any zone in the City unless the lot or combination of lots owned by the same person upon which such Livestock are intended to be kept constitutes at least one-quarter (¼) of one acre (10,890 square feet) of open space.

Notwithstanding, the foregoing,

Swine are not allowed in any zone in the City with the exception being granted on a case by case basis by the City Administrator.

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8.01.040. Any livestock found in violation of any part of 8.01.020 ~~(A-G) four or more times~~ will be prima facia evidence of intent to violate this Chapter by such person or persons owning or having possession or control of said livestock. A person found guilty of violating 8.01.040 shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding \$300.00 for each violation.”

Waitsburg Municipal Code, Title 8, Chapter 3, is amended as follows:

“8.03.030. Animal Control. It shall be unlawful for a keeper:

....

G. To permit any dangerous dog, potentially dangerous dog, or vicious dog to be outside a proper enclosure unless the dog is muzzled and leashed on a substantial leash and under the control of a person physically able to restrain and control such animal. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.”

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“8.03.080. Enforcement, Action and Penalties.

A. The Animal Control Officer, the City Administrator, or his designee may rely on ~~W~~written complaints, along with photographic evidence, ~~are required in order for the Animal Control Officer or the City Administrator or his designee~~ to determine that a violation of any part or provision of 8.03.020 or 8.03.030 has occurred. To allow for timely consideration, ~~W~~written complaints and photos ~~should~~must be provided to the City within one week of the date of the incident being reported. Except when considering whether a dog should be declared a dangerous dog, potentially dangerous dog, or vicious dog (see subparagraph B below), ~~Once~~ it has been determined that a violation exists, such officer or person may serve upon the owner or keeper a written notice advising the owner or keeper of the specific violation(s). If those violations are not addressed within the parameters set forth in the written notice, then the owner or keeper will receive a formal abatement notice, which shall be sent by certified mail, return receipt requested, postage prepaid to the owner or keeper, or at the City’s option, shall be personally delivered. Any person who receives such written abatement notice and who desires to contest that a violation has occurred as alleged in the notice shall be entitled to contest such determination by following the procedure set forth in WMC 7.01.070 pertaining to contesting a determination that a nuisance has occurred or exists. The provisions of WMC 7.01.070 shall apply to the processing and resolution of any request to contest a determination that a violation of this chapter has occurred as alleged in the abatement notice. If the owner or keeper fails to file a timely request contesting the notice that a violation has occurred as set forth above, then the owner or keeper shall be deemed to have violated 8.03.020 or 8.03.030 as described in the written notice and such owner or keeper shall be liable for the penalty or penalties as provided below.

B. The City Administrator (or his designee) will comply with RCW 16.08.080(1), (2), and (3) in order to determine whether a dog is a dangerous dog, potentially dangerous dog, or a vicious dog. Although RCW 16.08.080(1), (2), and (3) only refer to a determination related to a dangerous dog, the same procedures and rules also apply within the City of Waitsburg to determinations related to potentially dangerous dogs and vicious dogs. A owner may appeal or contest a determination by the City Administrator that a dog is a dangerous dog, potentially dangerous dog, or vicious using by following the procedures set forth in WMC 7.01.070 pertaining to contesting a determination that a nuisance has occurred or exists. While the appeal is pending, the City may order that the dog be confined or controlled in compliance with WMC 8.03.030(G). If the Dog is determined to be dangerous, potentially dangerous, or vicious, the owner must pay all costs of confinement and control.

CB. The penalty amounts for violations of 8.03.020 and 8.03.030 shall be as follows:

(1) First Offense: A person who is found to have committed a violation of any of the provisions of this chapter and who has no prior offense within the preceding six months shall be assessed a fine of not less than \$100.00 of which no portion may be waived, reduced, suspended, or deferred.

(2) Second Offense: A person who is found to have committed a violation of any of the provisions of this chapter and who has one prior offense within the preceding six months shall be assessed a fine of not less than \$200 of which no portion may be waived, reduced, suspended, or deferred.

(3) Third Offense: A person who is found to have committed a violation of any of the provisions of this chapter and who has two prior offense within the preceding six months shall be assessed a fine of not less than \$300 of which no portion may be waived, reduced, suspended, or deferred.

DC. Failure to Pay.

If any person is found to have committed an offense under this chapter and fails to pay the penalty amount for such offense within 10 days of the assessment of such penalty by the City, the penalty amount shall be assigned to a collection agency for collection, or the City shall be entitled to resort to any other applicable legal remedies for collection of the penalty amount, as the City determines in its sole discretion.

8.03.090. Special Animal Permits Required.

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C. The Animal Control Officer shall issue a permit to the owner of a dangerous, potentially dangerous, or vicious dog only if the owner presents to the City and Official Animal Control Officer sufficient evidence of:

(1) A proper enclosure to confine a dangerous or potentially dangerous or vicious dog; and

(2) The posting of the premises with clearly visible warning signs that there is a dangerous, potentially dangerous, or vicious dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous or potentially dangerous dog; and

(3) A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW, in a form acceptable to the City Attorney and Animal Control Officer in the sum of at least \$250,000.00, payable to any person injured by the dangerous, potentially dangerous, or vicious dog, or liability insurance that provides coverage for dog attacks issued by an insurer qualified under Title 48 RCW in an amount of at least \$250,000.00, insuring the owner for any injuries inflicted by the dangerous or potentially dangerous or vicious ~~dog~~animal.

D. Any dangerous, potentially dangerous, or vicious dog ~~shall~~may be immediately confiscated by the Animal Control Officer if: (1) the dog is not validly registered under this Chapter; (2) the owner does not secure or maintain the bond or insurance required; (3) the dog is not maintained in a proper enclosure; or (4) the dog is outside of the dwelling of the owner or outside of the proper enclosure and not under physical restraint. The owner must pay the costs of confinement and control. The animal control authority must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason for the confiscation of the dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which

the dog was confiscated are not corrected within twenty days. The animal control authority shall destroy the confiscated dangerous dog in an expeditious and humane manner if any deficiencies required by this subsection are not corrected within twenty days of notification. In addition, the owner of a dangerous dog shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.”

The remaining provisions of Waitsburg Municipal Code, Title 8, Chapter 1 & 3, shall remain unchanged.

Section II. Code Sections to be amended.

Waitsburg Municipal Code, Title 12, Chapter 6A, is amended as follows:

“12.06A.010. U-Turn. It is legal and allowable to make a U-Turn at the intersections of Main and First Streets, as well as at Main and Third Streets. However, no person shall ~~it shall be illegal to~~ make a U-Turn between these intersections, including, but not limited to, the intersections of Main and Second Streets, and the intersection of Main Street and Preston Avenue. Moreover, no person shall ~~it shall be illegal to~~ make a U-Turn across ~~s at any location where double yellow lines are present.~~

12.06A.020. Violations and Penalties. A violation of any provision of this chapter shall be a civil infraction under the Model Traffic Ordinance as adopted by the City. A first offense shall be punishable by a fine of \$50.00. A second offense shall be punishable by a fine of \$100.00. Third and subsequent offenses shall be punishable by fines, in the discretion of the court, up to \$300.00 per infraction.”

Section III. This Ordinance shall take effect immediately upon passage by the Council and publication as required by law.

Passed by the Waitsburg City Council this 20th day of September, 2017.

APPROVED

APPROVED AS TO FORM

Mayor Marty Dunn

City Attorney Jared Hawkins

ATTEST:

City Clerk Randy Hinchliffe