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ORDINANCE NO. 3438

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS CITY CODE SECTIONS 5.05.030 AND 5.05.100(C) TO REQUIRE THAT HENCEFORTH DOGS AND CATS MADE AVAILABLE FOR ADOPTION FROM THE CITY CONTRACTED ANIMAL SHELTER SHALL HAVE BEEN SPAYED OR NEUTERED PRIOR TO ADOPTION, SETTING AN ADOPTION FEE TO RECOVER THE COSTS ASSOCIATED WITH ANIMAL CONTROL, VETERINARY SERVICE AND KENNELING OF DOGS AND CATS, AMENDING CHAPTER 5.05 BY THE ADDITION OF A NEW SECTION 5.05.127.3 DEFINITIONS, A NEW SECTION 5.05.127.4 FAILURE TO SPAY OR NEUTER; PENALTIES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council of Edmonds acknowledges that stray domesticated dogs and cats are both a nuisance and hazard to the safety of Edmonds residents, and

WHEREAS, the City Council also recognizes that stray unaltered domesticated dogs and cats are ill equipped to live in the wild and have a tendency to reproduce thus adding more to the number of animals that must fend for themselves in the wild, and

WHEREAS, the City Council wishes to reduce the safety risk to the residents of Edmonds and to reduce the expense of the control of said stray domesticated dogs and cats, and

WHEREAS, the City Council desires to better integrate the administration of the initiatives' intent through the adoption of definitions and rules of construction NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Section 50.05.030 of the Edmonds City Code is hereby amended to
read as follows:

5.05.030 Fees authorized.

A. In addition to the cost of publication of any notice as required by this Chapter, prior to the release of animals in the custody of the animal control authority, or its agents, to the registered owners of said animals, the animal control authority shall be entitled to charge fees under this chapter as follows:

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|----|---|--|
| 1. | Impound: | \$20.00 |
| 2. | Board and room fees during the first 72 hours of custody: | \$15.00/day (or the actual cost incurred whichever is greater) |
| 3. | All other services: | Cost incurred. |

B. Prior to the adoption of animals in the custody of the animal control authority, or its agents, the animal control authority shall be entitled to charge fees under this section as follows:

- | | | |
|----|---|-----------------|
| 1. | Veterinary exam and spay/neuter fees for male or female canines or felines: (Refundable as provided in ECC 5.05.1271) | \$50.00 Deposit |
| 2. | Adoption Administration fee: (Non-refundable) | \$15.00 |

B. In addition, the contracted animal shelter provider shall be entitled to collect a reasonable room and board fee.

Section 2. Section 20.05.127 (C) of the Edmonds City Code is hereby amended
to read as follows:

5.05.127 Impound procedures.

...

C. Adoption of impounded animals. If an impounded animal is licensed and known to belong to someone who has been unable to claim the animal within 72 hours the animal control authority

may, at its discretion, extend the impound period for up to 10 days prior to release of the animal for adoption.

Section 3. Edmonds City Code Chapter 5.05 is hereby amended by the addition of

a new Section 5.05.127.3 to read in its entirety as follows:

5.05.127.3 Definitions and integration of initiative provisions.

ECC Sections 5.05.127.1 and 5.05.127.2 have been adopted pursuant to a citizens initiative. The initiative's provisions utilize terms which are not defined and in some cases are different than terms utilized in these ordinances and/or in the day to day administration of the City's animal control system.

A. Definitions: When used in ECC 5.05.127.1 and 5.05.127.2, these terms shall have the following definitions:

1. "Designated shelter" shall mean the location designated by ordinance or contract for the custody of stray or other animals by the animal control system of the City and shall include terms such as "designated kennel."

2. "Designated veterinarian(s)" shall mean the veterinarian(s), entity or organization with whom the City has contracted to perform the services required under this chapter.

3. "Deposit" shall mean that portion of the adoption fee which is refundable upon proof of spaying/neutering of the adopted animal. The term does not include administrative fees, fines, or other charges established by this chapter or other City ordinance.

4. "Agreed upon prevailing industry standards for spay and neuter services" shall be determined by reference to the rate established by ordinance or a contract with the designated veterinarian(s).

B. Integration. The provisions of ECC 5.05.127.1 and 5.05.127.2 have been adopted pursuant to initiative (hereinafter "initiative provisions"). Initiatives are prohibited by state law from imposing administrative detail or from exercising powers delegated specifically to the City Council. In the event of ambiguity or conflict regarding the provisions of Sections 5.05.127.1 or 5.05.127.2 ECC, the following rules of interpretation shall apply:

1. With respect to the interpretation of any term or concept of the initiative provisions relating to the adoption of dogs or cats from the City's designated shelter, any ambiguity or conflict relating to adoption shall be interpreted to require or encourage the spaying or neutering of dogs or cats adopted from the City's animal control system.

2. With respect to ambiguities or conflicts between the initiative provisions and administrative provisions of City Code, or any contract approved by the City Council, the administrative provisions of City Code or a contract shall control.

3. With respect to ambiguity or conflict between the initiative provisions and any exercise of a power delegated to the legislative power of the City Council by statute or the Washington State Constitution, the exercise of the City Council's legislative power shall control.

4. Any attempt by the initiative provisions, including Section 3 of Ordinance 3435 to exercise a power in excess of powers available through the initiative process and/or to exercise a power which is unavailable to the City shall be void and interpreted in a manner consistent with the scope of initiative powers.

Section 4. The Edmonds City Code Chapter 5.05 is hereby amended by the addition of a new Section 5.05.127.4 Failure to spay or neuter; penalties. to read as follows:

5.05.127.4 Failure to spay or neuter; penalties.

A. Any person who fails to spay or neuter an animal adopted from the City's designated shelter shall be guilty of an infraction.

B. Penalties:

1. First infraction: punishable by a fine of \$25;

2. Second infraction: punishable by a fine of \$50;

3. Third and subsequent infractions: punishable by a fine of \$100;

4. If an animal is taken up by animal control while running at large in violation of ECC 5.05.050, the fines established above shall be double.

5. All fines set forth herein shall be in addition to any other fine or deposit forfeiture otherwise provided by City ordinance.

Section 5. Severability. 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 severability or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY

W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	01/03/2003
PASSED BY THE CITY COUNCIL:	01/07/2003
PUBLISHED:	01/12/2003
EFFECTIVE DATE:	01/17/2003
ORDINANCE NO. <u>3438</u>	

SUMMARY OF ORDINANCE NO. 3438

of the City of Edmonds, Washington

On the 7th day of January, 2003, the City Council of the City of Edmonds, passed Ordinance No. 3438. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS CITY CODE SECTIONS 5.05.030 AND 5.05.100(C) TO REQUIRE THAT HENCEFORTH DOGS AND CATS MADE AVAILABLE FOR ADOPTION FROM THE CITY CONTRACTED ANIMAL SHELTER SHALL HAVE BEEN SPAYED OR NEUTERED PRIOR TO ADOPTION, SETTING AN ADOPTION FEE TO RECOVER THE COSTS ASSOCIATED WITH ANIMAL CONTROL, VETERINARY SERVICE AND KENNELING OF DOGS AND CATS, AMENDING CHAPTER 5.05 BY THE ADDITION OF A NEW SECTION 5.05.127.3 DEFINITIONS, A NEW SECTION 5.05.127.4 FAILURE TO SPAY OR NEUTER; PENALTIES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 8th day of January, 2003.

CITY CLERK, SANDRA S. CHASE