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ORDINANCE NO. 3486

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC SECTIONS 5.05.030 AND 5.05.127.1 RELATING TO THE SPAYING AND NEUTERING OF ANIMALS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, certain provisions of the animal control ordinance of the City of Edmonds were adopted by the Edmonds City Council in response to an initiative petition; and

WHEREAS, normally the provisions of an initiative must be enacted by a Council without amendment and may not thereafter be amended except by a vote of the people; and

WHEREAS, initiative powers are limited under Washington State law and may only exercise powers delegated to the City in its corporate capacity in a broad and general manner, and may not exercise powers specifically delegated to the City Council, particularly regarding budgetary and other similar specific powers of the City Council; and

WHEREAS, the initiative enacted by the City Council contained language detailing fees to be charged by the City, and such provisions are not appropriate exercises of the initiative power, and

WHEREAS, the City Council reserves to itself the sole power to exercise decision making authority relating to the budget and therefore has enacted this amendment in order to avoid a gift of public funds due to the enhancement in value of an adopted pet, and to provide for a balancing of revenue and expenditure with respect to spaying and neutering of animals; NOW, THEREFORE,

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

Section 1. The Edmonds City Code 5.05.030 Fees authorized is hereby amended
to read as follows:

5.05.030 Fees authorized.

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

1. Impound: \$20
2. Impound and room fees: \$15/day for the first 72 hrs. of custody (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 agent, the animal control authority shall charge fees under this section as follows:

1. Veterinary exam and spay/neuter fees for male or female canines or felines which have not been spayed or neutered: \$50 [deposit only, shall be refundable as provided in ECC 5.05.127.1(B)]
2. Adoption administration fee: \$15

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

Section 2. The Edmonds City Code Section 5.05.127.1 Spay or neuter of owner-surrendered and stray animals required is hereby amended to read as follows:

5.05.127.1 Spay or neuter of owner-surrendered and stray animals required.

A. Stray dogs and cats at least two months of age from the city's animal control service area that are placed at and retained by the city designated shelter, and dogs and cats owned by citizens residing within the City's animal control service area that are surrendered at the city's designated shelter, shall be spayed or neutered, and verification of said surgery shall be provided before animals are adopted. Provided, however, that any animal which has not been spayed or neutered, and which is currently licensed pursuant to ECC 5.05.020 or 5.05.025 shall not be subject to be spayed or neutered until the notification period of ten (10) days established by ECC 5.05.126(D) has expired.

B. The city's designated veterinarian(s) shall determine if said animals are appropriate candidates for surgery. Dogs and cats determined by the city's designated veterinarian to be permanently inappropriate candidates for surgery may be adopted without surgery. Dogs and cats at least two months of age who are determined to be temporarily inappropriate candidates for surgery, and dogs and cats under two months of age, may be adopted without surgery, providing that a \$50.00 deposit shall be collected from the adopter. Said deposit shall be returned to the adopter upon receipt of written verification that the animal has been spayed or neutered within six months of adoption. If the spay or neuter surgery is performed by a city designated veterinarian, the basic surgical costs will be paid by the city as outlined in ECC 5.05.127.2. If the animal is determined to be a permanently inappropriate surgical candidate the surgery will not be required. In such cases the deposit shall be returned to the adopter upon written verification by a veterinarian of the animal's inappropriate surgical candidacy. Failure to have the animal spayed or neutered within the specified time period will result in the forfeiture of the deposit and the deposit shall be placed in the city of Edmonds' animal benefit fund.

C. Dogs or cats which have been spayed or neutered at city expense shall be subject to a fee of \$50 as provided in ECC 5.05. This fee, unlike the deposit provided for in Section B above, shall not be refundable.

Section 3. 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 Declined – refer to memorandum dated 01/23/2004 (attached)
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	01/23/2004
PASSED BY THE CITY COUNCIL:	01/27/2004
PUBLISHED:	02/01/2004
EFFECTIVE DATE:	02/06/2004
ORDINANCE NO. <u>3486</u>	

SUMMARY OF ORDINANCE NO. 3486

of the City of Edmonds, Washington

On the 27th day of January, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3486. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC SECTIONS 5.05.030 AND 5.05.127.1 RELATING TO THE SPAYING AND NEUTERING OF ANIMALS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 28th day of January, 2004.

CITY CLERK, SANDRA S. CHASE