

ORDINANCE NO. 3634

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 5.05 OF THE EDMONDS CITY CODE RELATING TO ANIMAL CONTROL BY AMENDING SECTION 5.05.010 TO ADD A NEW DEFINITION FOR “PET” AND ADDING A NEW SECTION 5.05.110 CRIMES RELATING TO THE CONFINEMENT OF ANOTHER’S ANIMAL, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council finds that the trapping of pets for the purpose of depriving an owner of the pet’s company and enjoyment should be a criminal act, and

WHEREAS, the City Council wishes to make other acts, potentially harmful to the welfare of animals, crimes or civil infractions, NOW, THEREFORE,

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

Section 1. ECC 5.05.010 Definitions is hereby amended by the addition of a new section L, and the renumbering of current sections L through Q to accommodate the addition of the new definition, such definition to read as follows:

5.05.010 Definitions.

...

L. “Pet” is a domestic animal owned and kept by an individual or family for enjoyment and pleasure rather than utility. The term “pet” includes all animals required to be licensed under the terms of this chapter when properly licensed.

Section 2. Chapter 5.05 Animal Control is hereby amended by the addition of a new Section 5.05.110 Crimes relating to the confinement of another’s animal and the abatement of private nuisances.

5.05.110 Crimes relating to the confinement of another's animal and the abatement of private nuisances.

A. An owner of private real property has the right under Washington common and statutory law to protect his or her property from trespass by persons or other instrumentalities including covered and domestic animals such as pets. The City Council finds that the exercise of these civil rights are limited by animal cruelty laws and other ordinances and statutes intended to protect the health and safety of animals. Further, the City Council finds that the inappropriate or negligent use of even humane traps may pose a threat to animals and therefore prohibits the use of all traps except under the conditions set forth in this ordinance.

B. Crimes.

1. Unlawful capture or confinement of a pet. A person is guilty of crime of the unlawful capture or confinement of a pet if a person traps, captures or otherwise confines an animal known by the person to be the pet of another. The unlawful capture or confinement of a pet shall be a gross misdemeanor punishable as provided in Section 5.50.020.

2. Trapping. It shall be unlawful for any person by means of a trap or similar mechanical device to intentionally trap a domestic animal, covered animal or pet. Trapping shall be a misdemeanor punishable as provided in Section 5.50.020. Nothing herein shall be interpreted to prohibit a property owner from using other lawful means to drive off a covered and domestic animal or pet of another.

3. Negligent confinement of an animal. A person is guilty of the crime of negligent confinement of an animal if a person who traps, captures or confines an animal fails to promptly release an animal which the person knows or should have known to be confined and which is not the property of that person. The term "release" shall include a report to a law enforcement or animal control officer of the City of Edmonds. Negligent confinement of an animal shall be a misdemeanor punishable as provided in Section 5.50.020.

C. Defenses. The following acts are excluded from the crime of unlawful capture or confinement of a pet as set forth in Section B(1) or trapping as set forth in Section B(2) above:

1. The capture, trapping or confinement of an injured or diseased animal in order to protect the animal from harm or in

order to deliver or report the animal to a veterinarian, animal control officer, Washington State wildlife official, animal shelter or other charitable or governmental agency charged with animal welfare and protection; and/or

2. The actions of a city, county or state animal control officer, law enforcement officer or other public safety officer in the performance of his or her duties.

Section 3. 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 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being subject to referendum, shall take effect thirty (30) days after passage and publication of an approved summary thereof consisting of the title, unless a referendum petition is filed pursuant to Chapter 35A.11 RCW.

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: 03/23/2007
PASSED BY THE CITY COUNCIL: 03/27/2007
PUBLISHED: 04/01/2007
EFFECTIVE DATE: 05/01/2007
ORDINANCE NO. 3634

SUMMARY OF ORDINANCE NO. 3634

of the City of Edmonds, Washington

On the 27th day of March, 2007, the City Council of the City of Edmonds, passed Ordinance No. 3634. 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 PROVISIONS OF CHAPTER 5.05 OF THE EDMONDS CITY CODE RELATING TO ANIMAL CONTROL BY AMENDING SECTION 5.05.010 TO ADD A NEW DEFINITION FOR "PET" AND ADDING A NEW SECTION 5.05.110 CRIMES RELATING TO THE CONFINEMENT OF ANOTHER'S ANIMAL, 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 March, 2007.

CITY CLERK, SANDRA S. CHASE