

**CITY OF ILWACO
ORDINANCE NO. 860**

AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, AMENDING CHAPTER 6.04 OF THE MUNICIPAL CODE ENTITLED “DOGS AND LIVESTOCK”, TO ESTABLISH A DESIGNATED SHELTER OF RECORD AND IMPOSE LICENSING FEES.

WHEREAS, the City of Ilwaco has previously identified SPCHS as a shelter of record, but has not adopted legislation authorizing SPCHS to act as the City’s licensing agent and impound facility for the City; and

WHEREAS, this designation would give SPCHS the legal right to re-home stray animals found within the city limits thereby removing the burden of the City operating its own impound facility, licensing, and advertising of stray pets; and

WHEREAS, the City desires to better support humanely and well-run kennels, penalizing unsafe, unhealthy and/or inhumane ‘back yard breeders’ and other businesses not beneficial to dogs or the City; and

WHEREAS, the City Council finds that it would be in the best interest of the city to delegate these duties to the SPCHS and accurately reflect current practice.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 6.04, is amended to read as follows:

DOGS AND LIVESTOCK

Sections:

- 6.04.010 Definitions.
- 6.04.020 Licenses.
- 6.04.030 Kennel license fees and requirements.
- 6.04.040 Verification.
- 6.04.050 License tags.
- 6.04.060 Impoundment.
- 6.04.070 Redemption from impound.
- 6.04.080 Disposition of animals.
- 6.04.090 Public nuisance.
- 6.04.100 Liability for animal bites.
- 6.04.110 Running at large.
- 6.04.120 Livestock.
- 6.04.130 Pet shops.
- 6.04.140 Revocation of license.
- 6.04.150 Penalty.

6.04.010 Definitions.

As used in this chapter:

“Animal” means cats (any animal of the species Felidae) and dogs (any animal of the species Canidae) regardless of sex, or any other vertebrate normally kept as a pet.

“Boarding kennel” means a place where animals are kept for a fee or there are more than ~~four~~ **five** animals present on the property. This is a commercial operation and may only be placed in an area zoned commercial.

“Breeding kennel” means a place where animals are bred usually for the owner’s personal benefit.

Dangerous Dog. Refer to RCW 16.080.070, 16.080.080, 16.080.090 and 16.080.100.

“Hobby kennel” means a place where the owner of the property owns ~~three~~ **four** animals.

“Kennel” means a secure building with clean and humane cages for the keeping of more than ~~two~~ **three** animals.

“Mistreatment” means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustified pain or suffering to any animal. This also includes the teasing or abusing of any animal that is owned or controlled by another.

“Neglect” means failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual and proper for an animal’s health and well-being.

“Nuisance” means any animal which annoys or disturbs the free use of one’s property or city property, or which renders its ordinary use or physical occupation uncomfortable. It extends to everything that endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs the reasonable and comfortable use of property; a wrong arising from an unreasonable or unlawful use of property to the discomfort, annoyance, inconvenience or damage of another, and usually comprehends continuous or recurrent acts.

“Owner” means any person, group of persons, or a corporation which owns, has custody of, possesses, harbors, feeds or exercises control over any animal provided in this chapter. (Ord. 579 § 1, 1995)

6.04.020 Licenses.

A. It is unlawful for any person to own, harbor or keep any dog or cat over six months old within the corporate limits of the city unless he/she shall first procure a license therefor from the ~~city clerk treasurer~~ **City’s licensing agent, the South Pacific County Humane Society.**

- ~~1. For each neutered or spayed dog: \$ 5.00;~~
- ~~2. For each nonneutered or nonspayed dog: \$10.00;~~
- ~~3. For each neutered or spayed cat: \$ 5.00;~~
- ~~4. For each non neutered or non spayed cat: \$ 10.00.~~

B. Such licenses to remain in force for the calendar year in which the same is issued and no longer. ~~An animal license is considered as being due and payable on or before February 1st of each year. A late penalty of one dollar (\$1.00) per month or any part thereof will be charged.~~

C. Newly acquired animals over the age of six months shall have ten days from the date of acquisition to be licensed. (Ord. 579 § 2, 1995)

6.04.030 Kennel license fees and requirements.

A. Hobby kennel \$ 10.00;

Breeding kennel 25.00;

Boarding kennel 200.00.

B. Each applicant for a breeding kennel license must appear before the council of the city at a public meeting on the matter and present the council with letters from each resident within a two hundred (200) foot radius of the kennel location approving the granting of such license. These letters of approval must be presented to the city clerk-treasurer at least five working days prior to the date of the city council meeting.

Each applicant for a boarding kennel license must appear before the council of the city at a public hearing on the matter and present the council with letters from property owners within a five hundred (500) foot radius of the kennel location approving the granting of such license. Location of this kennel must be in a location zoned commercial and variances/conditional uses may not be granted. These letters of approval must be presented to the city clerk-treasurer at least five working days prior to the date of the city council meeting. (Ord. 579 § 3, 1995)

6.04.040 Verification.

Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the animal to be licensed has been vaccinated for rabies. Further, an application for a spayed animal license shall be accompanied by a statement from a qualified veterinarian indicating the animal has been spayed. (Ord. 579 § 4, 1995)

6.04.050 License tags.

Upon payment of the license fee, the ~~city clerk~~ **South Pacific County Humane Society** shall issue to the owner a metal tag, showing the calendar year for which the fee is paid and the registration number for each animal so licensed. The tag shall be firmly affixed to the collar ~~furnished~~ by the animal's owner and shall be worn by the animal at all times when off the premises of the licensed owner. Tags are not transferable from one animal to another. (Ord. 579 § 5, 1995)

6.04.060 Impoundment.

A. The impoundment location shall be that physical location where animals are to be confined; **the South Pacific County Humane Society, located at 330 Second Street NE, Long Beach, WA 98631.**

B. It shall be the duty of all law enforcement officers and any persons deputized as animal control officers to impound all animals found running at large anywhere within city limits. Animal control officers shall give notice of impound to the owner of such animal, if known. If the owner is unknown, notice of such impound shall be posted at the place of impound, local Post Office and/or at City Hall. ~~After three days the animal may be disposed of.~~

C. Citizens may impound animals found running at large anywhere within the city limits by taking them to the South Pacific County Humane Society.

D. All animals impounded at the South Pacific County Humane Society will be held for five (5) days, after which the animal may become the property of the Shelter. Animals claimed within the 5-day hold period will be subject to impound and boarding fees, as well as any necessary medical bills incurred. These financial obligations must be met prior to reclaiming the animal.

~~EE.~~ An animal that has bitten a human shall be placed in impound **by law enforcement** until such time a licensed veterinarian determines it is free from rabies. (Ord. 579 § 6, 1995)

6.04.070 Redemption from impound.

A. Spaying and neutering of animals impounded is required before redemption unless the owner is in possession of a city breeding kennel license.

B. The owner shall be entitled to resume possession of an impounded animal ~~upon presentation of a receipt given by the city clerk-treasurer upon compliance with the licensing provisions of Sections 6.04.020 and 6.04.030 and the payment of city~~ **Impound facility** redemption fees. Costs of keeping the animal at impound and any other costs, including **boarding, licensing, medical needs deemed essential by the impound facility,** vaccinations, neutering or spaying will be paid to the impound facility at time of redemption.

~~C. City Redemption Fees.~~

- ~~1. Five dollars (\$5.00) for the first redemption of the animal within any license year;~~
- ~~2. Twenty dollars (\$20.00) for the second redemption within any license year;~~
- ~~3. Forty dollars (\$40.00) for the third redemption within any license year. (Ord. 579 § 7, 1995)~~

6.04.080 Disposition of animals.

A. ~~The animal control officer or law enforcement officer~~ **Impound Facility** need not keep any animal for more than five days ~~after posting notice of impoundment and any animal not redeemed at the end of that time shall be considered forfeited by its owner, and shall be given away or humanely disposed of.~~ **become the property of South Pacific County Humane Society.**

~~B. Any person who is not the rightful owner of an impounded animal, and wishes to own such animal, then that person shall take possession on the fourth day following impoundment upon payment of the impound and boarding fees and have fifteen (15) days to comply with all licensing requirements. (Ord. 579 § 8, 1995)~~

6.04.090 Public nuisance.

It is unlawful and all persons are prohibited from keeping or harboring within the corporate limits of the city, an animal that is a public nuisance. Each day that any animal is so harbored shall constitute a separate offense. (Ord. 579 § 9, 1995)

6.04.100 Liability for animal bites.

The owner of any animal which shall bite any person while that person is in or on a public place or lawfully in or on a private place, including the property of the owner of the animal, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such animal, or the owner's knowledge of such viciousness (RCW 16.08.040). (Ord. 579 § 10, 1995)

6.04.110 Running at large.

A. It is unlawful for any owner or custodian of any animal to permit any such animal to run loose or be at large upon any public street, highway or public place, or upon private property owned by a person or persons other than the owner or custodian of the animal, within the corporate limits of the city unless such animal is confined or controlled by a leash, rope, device or cord not to exceed ten (10) feet in length and is kept sufficiently short to allow for the containment and control of such animal. It is permissible to allow the animal to be at “heel” providing the owner or custodian maintains absolute control and the animal stays within the allowable leash length and is under the control of the owner or custodian.

Any person who elects to be at large within the corporate limits with animals contained and controlled by a leash, rope device or having control with the animal at “heel” as provided for in this section shall be in violation of this section if that person in fact does not or cannot control and contain such animal.

B. Animals injured or killed in the street shall be considered as running at large. The law enforcement officer or designee shall remove all such animals and, at his or her discretion, take those needing medical attention to a veterinarian. The owner of such animal shall be responsible for all expenses of the treatment and of the impoundment. All reasonable efforts will be made to notify the owner or custodian of any such animal prior to the animal being treated or impounded. Injured animals may be destroyed humanely, if it is determined by the law enforcement officer or a veterinarian that the animal has sustained critical injuries or the suffering is extreme and/or the prognosis for recovery is poor. The law enforcement officer shall consult with a veterinarian as to the disposition of injured animals, when the animal’s prognosis cannot be ascertained with reasonable certainty. (Ord. 579 § 11, 1995)

6.04.120 Livestock.

It is unlawful for the owner or custodian of any horse, swine, livestock, fowl or other animals generally regarded as farm or ranch animals to permit the same to live within or to run at large within the corporate limits of the city, except as follows:

A. Up to six (6) chickens are allowed for noncommercial, personal use within the city limits. An application for a permit for keeping chickens on the property shall be submitted accompanied by a fifty dollar (\$50.00) fee. Permits shall be approved provided that chickens will be housed in an enclosure that shelters them from the weather and provides a roosting area protected from predators. Applicants for a chicken permit shall include a site plan, as defined in Section 15.04.020, showing the location of the chicken coop and enclosure as they relate to the property lines.

B. Structures housing chickens may not be in front yards, as defined in Section 15.04.020, and must be surrounded by a secure, well-built fence of sufficient height and strength to both confine them and protect them from predators, and the entire enclosure must meet zoning district yard setback requirements.

C. For the purposes of this code, chicken (*Gallus domesticus*) refers only to a female chicken.

D. Ducks, geese, turkeys, peafowl or male chickens/roosters are not permitted.

E. Chickens coops and enclosures shall be maintained in a clean and sanitary condition at all times, including, but not limited to, disposal of manure or waste material of said chickens. Waste may not be disposed of in such a way as to enter the city’s sewer or storm water system.

F. Up to six (6) chickens may be kept on duplex, triplex or multifamily properties with the written consent of the property owner and adjoining occupants.

G. Chickens shall be kept for personal use only. The selling of chickens, eggs or manure, or the breeding of chickens for commercial purposes, is prohibited.

H. Commercial slaughtering of chickens on premises is prohibited.

I. The keeping of chickens is not allowed in RV parks as they are regulated by Pacific County rules and regulations.

J. The keeping of chickens is allowed in the following zoning districts.

1. Single-family residential (R-1).
2. Single-family residential/manufactured homes (R-1S).
3. Multifamily residential (R-2). (Ord. 802 § 1, 2012; Ord. 579 § 12, 1995)

6.04.130 Pet shops.

A. ~~No person owning or operating a pet shop shall **offer for sale** sell any **live** animal which is, at the time of delivery of the animal to the buyer, sick, impaired, unweaned or otherwise so incapacitated that its weakness or incapacity will substantially impair its ability to recover or grow normally.~~

~~B. Every person owning or operating a pet shop shall post a notice, conspicuously displayed and protected by glass, in a place, or places, where it may be seen during hours that the pet shop is closed, containing the names, addresses and telephone numbers of persons to be notified who will proceed immediately to the premises upon request of any duly authorized health officer or police officer having reasonable cause for belief that animals or birds contained therein are in immediate need of care or protection.~~

C. No person owning or operating a pet shop shall tease, or otherwise torment, nor permit any other person to abuse, tease or otherwise torment any animals, birds or fish therein.

D. No person owning or operating a pet shop shall exhibit any animal, bird or fish to public display for more than twelve (12) consecutive hours. At no time shall any animal be placed on public display outside the enclosed premises of a pet shop by chaining or caging the animal upon the public street or other public place. (Ord. 579 § 13, 1995)

6.04.140 Revocation of license.

It is unlawful to keep any animal, kennel, grooming service or pet shop that is noisy, unsanitary, nauseous, foul or offensive, or in any way detrimental to public health and/or safety and not in compliance with this chapter, or any part thereof, and may be cause for revocation of such license or licenses upon petition of a police officer. (Ord. 579 § 14, 1995)

6.04.150 Penalty.

Any person in violation of any part of this chapter shall be charged with an infraction. Each violation will be punished by a fine not to exceed two hundred fifty dollars (\$250.00) per violation nor to exceed a fine of two hundred fifty dollars (\$250.00) per day that violations occur. All proceedings for the civil violation will be in accordance with Section 1.20.020 of this code. (Ord. 718 (part), 2006)

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. Referendum and 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 and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 14TH DAY OF MARCH, 2016.

Mike Cassinelli, Mayor

ATTEST:

Holly Beller, Deputy City Clerk

VOTE	Jensen	Karnofski	Marshall	Chambreau	Forner	Cassinelli
Ayes	X	X	X	X	X	
Nays						
Abstentions						
Absent						

PUBLISHED: March 23, 2016

EFFECTIVE: March 28, 2016