



ORDINANCE NO. 3029

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S ANIMAL CONTROL REGULATIONS; AMENDING SECTIONS 6.02.020, 6.02.060, 6.02.070, AND 6.02.090, OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, FOR AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.

WHEREAS, the City is authorized to adopt animal control regulations including but not limited to licensing, impound, enforcement, and other regulatory provisions relating to owning and maintaining animals within the City; and

WHEREAS, the City Council has enacted animal control regulations in Chapter 6.02 of the Lynnwood Municipal Code; and

WHEREAS, currently, the City seeks to contract with the The City of Everett Animal Shelter for the provision of animal shelter and other animal control related services; and

WHEREAS, the City Council has determined that amendments to the City's animal control regulations and fees, as set forth below in this Ordinance, are necessary and would be beneficial to the City; and

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City's animal control regulations, as stated in this Ordinance; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Section 6.02.020 of the Lynnwood Municipal Code is amended to read as follows:

6.02.020 Licensing.

A. License Required. All dogs, cats and miniature pot-bellied pigs over the age of six months within the city limits must be licensed by the city except:

1. Dogs and cats whose owners are nonresidents temporarily within the city;
2. Dogs and cats brought into the city for the purpose of participating in shows, exhibits, or competitions;
3. Dogs who are specially trained to assist visually impaired, hearing impaired, or otherwise physically disabled persons, if the dog is in training or is actually serving as a guide or service dog as defined in Chapter 70.84 RCW, are required to be licensed; however, they are exempt from licensing fees;
4. Dogs and cats kept and intended for sale by licensed pet stores; and homeless or feral animals.

B. Tags and Fees.

1. Tags. The police department or other animal control agency designated by the city council shall issue animal licenses consisting of a metal tag with a number corresponding to the number of the application to the applicant. The applicant is required to cause the tag to be attached or fixed to the animal. The tag is not transferable.
2. Fees. The fees for the following, as shown in Chapter [3.104](#) LMC, shall be paid for licenses required under this chapter. Animal licenses shall be valid for one year from the date of purchase. The contract shelter for the animal control authority may sell animal licenses and reimburse the City via monthly invoices less the shelters administrative fee.
 - a. Altered cats and dogs (annual).
 - b. Unaltered cats and dogs (annual).
 - c. Replacement tags (lost).
 - d. Late fees shall be charged on all license renewal applications submitted more than 30 days after the end of the assigned expiration month.

C. Any person who violates this section shall be guilty of a civil infraction and shall pay a monetary fine as follows: first offense, \$25.00; second offense, \$50.00. Any owner who fails to respond to a notice of civil infraction as promised or to appear at a requested hearing shall be guilty of a misdemeanor and may be punished by a fine not to exceed \$1,000 and confinement not to exceed 90 days. Any person who receives two infractions for violations of this section within one year and who subsequently violates this section shall be guilty of a misdemeanor and may, upon conviction, be punished by a fine not to exceed \$1,000 and confinement not to exceed 90 days.

Section 2. Section 6.02.060 of the Lynnwood Municipal Code is amended to read as follows:

6.02.060 Impound, boarding, and other fees.

The animal control authority shall be entitled to charge the following fees as described in Chapter [3.104](#) LMC:

- A. Impound fees (domestic animals);
- B. Boarding fees (domestic animals per day);
- C. Per animal fee based upon the cost that the contract shelter charges the city of Lynnwood (domestic animals);
- D. Transport fee (domestic animals);
- E. Apprehension fee (domestic animals);
- F. Impound fees (livestock);
- G. Boarding fees (livestock per day);
- H. Impound fees (other animals);
- I. Boarding fees (other animals per day).

The contract shelter for the animal control authority shall be entitled to charge and collect all the applicable fees for domestic animals per Chapter [3.104](#) LMC and credit such fees to the City on the applicable monthly invoice. The owner of any animal confiscated or impounded under this title shall pay the city assessed penalties and all fees and costs associated with apprehension, transportation, impoundment, care, boarding, and any veterinary costs incurred including euthanasia and disposal if applicable, as a result of the confiscation or impoundment, whether or not the animal is redeemed. Relinquishment of the animal by its owner does not constitute a waiver of the fees or costs incurred under this section or fines otherwise imposed. The city may collect the penalties, fees and expenses by use of appropriate legal remedies.

Section 3. Section 6.02.070 of the Lynnwood Municipal Code is amended to read as follows:

6.02.070 Running at large prohibited.

A. Running at Large. No domestic animal, with the exception of cats, or exotic animal or livestock of any kind shall be permitted to run at large during any hours of the day or night. This section shall not apply to dogs which are in special areas designated and posted by the chief of police as dog training areas so long as the regulations of the chief of police with

respect to the use of such areas are complied with and such dogs are under the custody and control of their trainer.

B. Found Stray Animals. It shall be the duty of a person who takes into his possession any stray animal found within the city limits, not owned by him or not placed into his possession by the person having the lawful custody and control thereof, to release such animal to a city officer or other animal shelter upon demand and without any charge.

C. Any person who violates this section shall be guilty of a civil infraction and shall pay a monetary fine as follows: first offense, \$25.00; second offense, \$50.00. Any owner who fails to respond to a notice of civil infraction as promised or to appear at a requested hearing shall be guilty of a misdemeanor and may be punished by a fine not to exceed \$1,000 and confinement not to exceed 90 days. Any person who receives two infractions for violations of this section within 12 months and who subsequently violates this section shall be guilty of a misdemeanor and may, upon conviction, be punished by confinement not to exceed 90 days and a fine not to exceed \$1,000.

Section 4. Section 6.02.090 of the Lynnwood Municipal Code is amended to read as follows:

6.02.090 Impound procedures.

A. Impounding Animals. If a law enforcement officer or animal control officer has probable cause to believe that an owner of an animal has violated this title or Chapter 16.52 RCW, and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant or a court order, the removal of the animal to a suitable place for care and feeding of the animal. An officer may remove an animal without a warrant only if the animal is in an immediate life-threatening condition, or is in danger of serious harm, or if the animal presents an immediate threat to the safety of others.

B. Notice of Impounding. When any licensed animal is impounded, the officer or department impounding such animal shall attempt to give notice to the owner the same day either by mail, or by leaving written notice at the address contained in the license application or by telephone. The notice shall inform the owner of the impounding of such animal and the reason for impounding the animal. Neither the city nor its agents or employees are liable for failure to notify an owner of impoundment.

C. Redemption of Animals by Owner. If, at any time before disposal by the animal control officer, the owner of an impounded animal claims the animal, the owner shall be entitled to possession of the animal only after paying all legal charges and expenses incidental to the impoundment and boarding of the animal. If a domestic animal is impounded and taken to the contract shelter more than twice during a 12-month period it will be mandatory that a microchip capable of being scanned by an "AVID" or other equivalent brand microchip scanner be implanted in the animal before it is released to the owner. The owner of said

animal shall incur all expenses incidental to the microchip process that are charged by the contract shelter.

D. Disposition of Impounded Animals. When in the judgment of a licensed veterinarian or the animal control authority's contract shelter that an animal should be euthanized or not returned to the owner for humane or public health reasons, that animal may not be redeemed by its owner. The animal control authority's contract shelter may find a responsible person to adopt the animal not less than 15 days after the animal is impounded. Before an animal is euthanized or adopted out, the animal control authority shall take reasonable steps to serve the owner with notice of the proposed action. Such notice will include the owner's right to appeal the decision in accordance with LMC [6.02.145](#). The disposition shall be stayed until the appeal process is complete. If the appellate authority decides that the animal should be euthanized, or adopted out, the owner shall be liable for the costs of boarding the animal. The animal control authority shall not be held civilly liable for the euthanasia of the animal.

Section 5. If any section, subsection, sentence, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, phrase or word of this ordinance.

Section 6. This ordinance or an approved summary thereof consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five days following its publication.

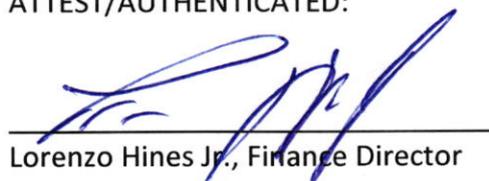
PASSED this 28th day of October, 2013, and signed in authentication of its passage this 12th day of November, 2013.

APPROVED:



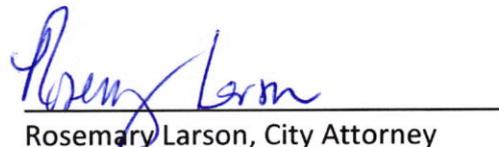
Don Gough, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 11/4/2013
PASSED BY THE CITY COUNCIL: 10/28/2013
PUBLISHED: 10/31/2013
EFFECTIVE DATE: 11/05/2013
ORDINANCE NUMBER: 3029



On the 28th day of October, 2013 the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3029. A summary of the content of said ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3029

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S ANIMAL CONTROL REGULATIONS; AMENDING SECTION 6.02.020, 6.02.060 AND 6.02.090 OF THE CITY OF LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

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

DATED this 31st day of October, 2013.


Lorenzo Hines Jr., Finance Director



LYNNWOOD
WASHINGTON

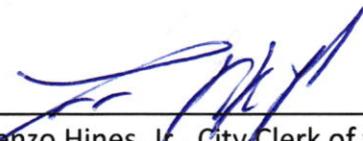
CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3029 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3029

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S ANIMAL CONTROL REGULATIONS; AMENDING SECTION 6.02.020, 6.02.060 AND 6.02.090 OF THE CITY OF LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on October 28, 2013 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on October 31, 2013.



Lorenzo Hines, Jr., City Clerk of the
City of Lynnwood, Washington

Everett Daily Herald

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } ss

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice is a true copy of City Ordinances - Ordinance Summaries: 3027, 3028, 3029 524078

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

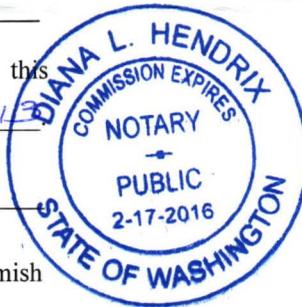
2 issue(s), such publication commencing on 10/31/2013 and ending on 10/31/2013 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$ 41.40.

Karen E. Zroma

Subscribed and sworn before me on this 1st day of November, 2013

Diana L. Hendrix



Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

City of Lynnwood EDH127890 - PO: ORD 3027, 3028, 3029
ORDERED BY: DEBBIE KARBER

