

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 2/8/2016

AGENDA ITEM: Adopting state laws regarding animal cruelty and animal protection	
PREPARED BY: Jon Walker	DIRECTOR APPROVAL:
DEPARTMENT: Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
SUMMARY:	

The municipal code currently adopts several individual sections of the RCW's regarding animal cruelty. Since the code was last amended, other laws have been adopted by the legislature which would enhance and update the city's ability to address the treatment of animals. The proposed code change adopts the entire animal cruelty chapter by reference. In this way, any future changes made to chapter 16.52 RCW would be automatically adopted by reference and the city would not have to adopt change to individual sections or the addition of new sections to the RCW's. The proposed code change also adopts additional RCW's related to the treatment of animals.

RECOMMENDED ACTION: Staff recommends the Council consider approval of the proposed ordinance adopting various animal cruelty and animal protection statutes by reference.

CITY OF MARYSVILLE

ORDINANCE No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON AMENDING SECTION 10.04.380 OF THE MUNICIPAL CODE, AND ADOPTING STATE STATUTES REGARDING ANIMAL CRUELTY AND ANIMAL PROTECTION BY REFERENCE.

WHEREAS, the municipal code currently adopts by reference several individual sections of the Revised Code of Washington regarding animal cruelty and animal protection; and

WHEREAS, new sections have been adopted by the legislature since the municipal code was last amended; and

WHEREAS, the municipal code has not adopted several state statutes that could be enforced by the city to protect animals; and

WHEREAS, adopting additional statutes would enhance the city's authority to protect animals and hold accountable individuals who abuse animals;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MARYSVILLE AS FOLLOWS:

Section 1. Amendment of Municipal Code.

Section 10.04.380 of the municipal code is amended as set forth in Exhibit "A."

Section 2. Severability. If any section, subsection, sentence, clause, 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, clause, phrase or word of this ordinance .

Section 3. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this ___ day of _____ 2016.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to from:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____
Effective Date (one year after publication): _____

EXHIBIT A

10.04.380 Cruelty to animals and mistreatment -- statutes adopted by reference.

The following statutes, as now enacted or hereinafter amended, are adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded regarding **cruelty** to animals are incorporated by reference:

Chapter 16.52 RCW -- "Prevention of Cruelty to Animals"

Chapter 9.08 RCW -- "Animals, Crimes Relating to"

RCW 46.61.660 -- "Carrying Animals on Outside of Vehicle"

RCW 9.91.170 -- "Interfering with dog guide or service animal"

RCW 9.91.175 -- "Interfering with search and rescue dog"

~~16.52.011 Definitions~~

~~16.52.015 Enforcement Powers~~

~~16.52.080 Transporting or Confining Animals in an Unsafe Manner~~

~~16.52.085 Removal of Neglected Animals for Feeding and Restoration to Health Examination Notice Return
Non Liability~~

~~16.52.090 Docking Horses Misdemeanor~~

~~16.52.095 Cutting Ears Misdemeanor~~

~~16.52.100 Confinement Without Food and Water~~

~~16.52.110 Old or Diseased Animals at Large~~

~~16.52.117 Animal Fighting Owners, Trainers, Spectators Exceptions~~

~~16.52.180 Limitations on Application of Chapter~~

~~16.52.185 Exclusions from Chapter~~

~~16.52.190 Poisoning Animals~~

~~16.52.193 Poisoning Animals Strychnine Sales~~

~~16.52.195 Poisoning Animals Penalty~~

~~16.52.200 Sentences Forfeiture of Animals Liability for Costs Civil Penalty~~

~~16.52.207 **Cruelty** to Animals in the Second Degree~~

~~16.52.210 Destruction of Animal by Law Enforcement Officer Immunity from Liability~~

~~16.52.300 Dogs or Cats Used as Bait Penalties~~