

ORDINANCE NO. 1716

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE FOLLOWING ANIMALS AT LARGE SECTIONS OF THE BONNEY LAKE MUNICIPAL CODE 6.04.190 ALLOWING ANIMAL SERVICES TO ENFORCE THE CODE ON PUBLIC AS WELL AS PRIVATE PROPERTY; 6.04.230 SETTING GUIDELINES FOR THE OPTIONS OF LOWERING VIOLATION FEES; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to revise its code to more closely reflect that of other cities served by Metro Animal Services; and

WHEREAS, the current language of the code limits citing animals at large to only those animals that become at large in generally public places; and

WHEREAS, the City Council has determined that this ordinance is in the interest of community health, safety and welfare;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 6.04.190 of the Bonney Lake Municipal Code is hereby amended to read as follows:

6.04.190 General Violations.

It shall be a violation of this chapter for any person or the owner of any animal to:

- A. Permit any domesticated animal to become at large ~~whether licensed or not, in any park or on any public beach, pond, fountain, or stream therein, or upon any public playground or school ground~~; provided, however, that this section shall not prohibit a person from walking or exercising a licensed animal in a public park or on any public beach, where permitted, when such animal is on a leash, tether or chain not to exceed eight feet in length. This section shall not apply to designated off-leash areas or a service animal if a leash would interfere with the service animal's work or the nature of the owner's or keeper's disability prevents use of a leash;
- B. Permit any animal to be a nuisance;

- C. Fail to keep any female dog or cat in heat confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding;
- D. Fail to provide an animal with humane care and treatment and with sufficient and proper nutritional food for its species, sufficient water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering; and not amounting to animal cruelty under BLMC 6.04.140 or as defined in Chapter 16.52 RCW;
- E. Leave an animal unattended for more than 24 consecutive hours without adequate care;
- F. Abandon an animal;
- G. Use any trap for the purpose of seizing domestic animals, except that humane traps may be used as approved by the discretion of the animal control officer for the purpose of capturing abandoned, at large and sick animals.

Section 2. Section 6.04.230 of the Bonney Lake Municipal Code is hereby amended to read as follows:

6.04.230 Violations – Penalties.

- A. Unless otherwise specifically set forth herein, any person violating the provisions of this chapter shall be guilty of a misdemeanor, except those persons who permit animals to become at large (BLMC 6.04.190(A)), permit animals to be a nuisance (BLMC 6.04.010(P) and 6.04.190(B)), fail to keep animal in heat confined (BLMC 6.04.190(D)), fail to provide animal with humane care as defined in BLMC 6.04.190, or fail to have and provide rabies vaccination as defined in BLMC 6.04.250 have committed a Class 1 civil infraction pursuant to RCW 7.80.120.

Persons charged with infractions shall be processed by the municipal court in the same manner as persons charged with traffic infractions. Persons failing to appear for hearings for violations of this chapter shall be subject to the penalties set forth in BLMC 1.16.030. (Ord. 1642 § 1, 2020; Ord. 1352 § 1, 2010).

B. The Prosecutor is encouraged to lower the fine amount for Class 1 civil infractions under this Chapter as permitted under Washington State law when one or more of the following circumstances exists:

- 1. There is no history of a similar incident for the animal, animal owner, or person in control of the animal;

2. There is no history of the animal engaging in behavior that threatens the safety of humans or domestic animals. Examples of such behavior includes, but are not limited to, the following: menacingly approaching; charging; attacking; or, inflicting or attempting to inflict a bite.
3. The person owning or in control of the animal takes corrective measures to prevent the animal to become at large in the future;
4. The person owning or in control of the animal provides an affidavit or sworn testimony to the court regarding a hardship or inability to pay the fine amount; or,
5. Other circumstances determined to be in the interest of justice.

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be 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.

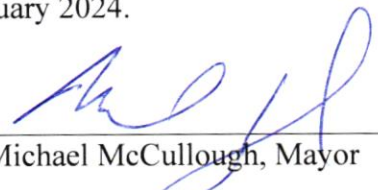
Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.


Section 6. Effective Date. This Ordinance shall be effective thirty (30) days after adoption and publication as provided by law.

ADOPTED by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this 27th day of February 2024.

APPROVED by the Mayor this 27th day of February 2024.


Michael McCullough, Mayor

AUTHENTICATED:


Sadie A. Schaneman, CMC, City Clerk

AB24-14
Passed: 2/27/2024
Valid: 4/7/2024
Published: 3/7/2024
Filed With The City Clerk: 2/27/2024
Effective Date: 4/7/2024
This Ordinance totals 3 page(s)

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Prosecutor's Office / Dena Burke - Deputy City Attorney-Prosecutor	Meeting/Workshop Date: February 27, 2024	Agenda Bill Number: AB24-14
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D24-14	Sponsor:

Agenda Subject: Ordinance Amending BLMC 6.04.

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Following Animals At Large Sections Of The Bonney Lake Municipal Code 6.04.190 Allowing Animal Services To Enforce The Code On Public As Well As Private Property; 6.04.230 Setting Guidelines For The Options Of Lowering Violation Fees; Providing For Severability And Corrections; And Establishing An Effective Date.

Administrative Recommendation: Approve.

Background Summary: When local cities contracted with Metro Animal Services, they sought to create more uniform respective city codes for licensing and keeping of potentially dangerous and dangerous dogs in 2020. In doing so, the Bonney Lake Municipal Code was amended such that the portion of the code that pertained to animals at large was restricted to only animals at large in certain public areas. As the Bonney Lake Municipal Code is currently written, only animals at large in public places are in violation. This is different from other cities that also contract with Metro Animal Services. The proposed amendment includes language that is the same or similar to the other cities and creates a more uniform code in the interest of community health, safety, and welfare. At the November 14 and December 12, 2023, Public Safety Committee Meeting, Councilmembers requested additional language be added to evince the legislative intent that the Prosecutor is encouraged to move for the Court to lower the fine owed in the interest of justice, such as, when it is an isolated incident for the animal/animal owner, the animal owner takes corrective action, an inquiry into the finances of the owner shows a hardship or inability to pay, or otherwise in the interests of justice. The recommended code change has been updated with this intent.

Attachments: Ordinance No.D24-14

BUDGET INFORMATION

Budget Amount	Current Balance	Required Expenditure	Budget Balance	Fund Source
				<input type="checkbox"/> General
				<input type="checkbox"/> Utilities
				<input type="checkbox"/> Other

Budget Explanation: No Direct Budget Impact.

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review:	Public Safety	<i>Approvals:</i>	Yes	No
	Date: 13 February 2024			
		Chair/Councilmember Angela Baldwin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Councilmember Dan Roach	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Councilmember Kerri Hubler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Forward to: Council Meeting		Consent Agenda:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Commission/Board Review:

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/27/2024	Tabled to Date:

APPROVALS

Director: JPV	Mayor: Michael McCullough	Date Reviewed by City Attorney: (if applicable)
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