

CITY OF MONROE
ORDINANCE NO. 002/2014

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING SECTION 8.04.055 MMC
RELATING TO POWERS AND DUTIES OF ANIMAL
CONTROL OFFICERS; PROVIDING FOR SEVERABILITY;
AND FIXING A TIME WHEN THE SAME SHALL BECOME
EFFECTIVE

WHEREAS, the City desires to update Section 8.04.055 MMC relating to powers and duties of animal control officers in investigating incidents or information about dogs that may qualify as dangerous or potentially dangerous to reflect changes in state law.

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

Section 1. Amendment of section. Monroe Municipal Code 8.04.055, Powers and duties of animal control officers, is hereby amended as follows:

8.04.055 Powers and duties of animal control officers.

Powers and duties of the animal control officers ~~[shall]~~ **may** be as follows:

- A. To have police power in the enforcement of all provisions of this chapter relating to the licensing and impounding of animals and the citation of persons in lieu of arrest for violation of this chapter as prescribed in MMC 8.04.100;
- B. To establish a place where all animals subject to impoundment may be kept and held safely and provided with proper and sufficient food, water and shelter;
- C. To impound and keep safely any animal that is found doing any of the acts set forth in MMC 8.04.040, or any animal which is apparently abandoned;
- D. To issue uniform animal control ordinance citations pursuant to MMC 8.04.100, and citations for complaints within the city, appear as witnesses and to perform all other acts necessary for the enforcement of this chapter;
- E. To receive and collect any costs and charges hereinafter provided by this chapter;
- F. To investigate incidents or information about dogs that may qualify as dangerous or potentially dangerous. ~~[After providing an opportunity for the owner of the dog to be heard as required by RCW 16.08.080, t]~~ The animal control officer may issue an order declaring the dog to be dangerous or potentially dangerous.

~~[The animal control officer will notify the animal owner of the appeal process in accordance with RCW 16.08.080. The appeal body shall be the Monroe hearings examiner;]~~

1. Potentially Dangerous Dog Appeals. Potentially dangerous dog declarations may be appealed to the Monroe hearings examiner within twenty days of receiving an order declaring the dog to be potentially dangerous. No fee shall be charged for this appeal. At the appeal hearing before the hearings examiner, the animal control officer shall have the burden of proving that the animal is potentially dangerous by a preponderance of the evidence.

2. Dangerous Dog Appeals. After providing an opportunity for the owner of the dog to be heard as required by RCW 16.08.080, the animal control officer may issue an order declaring the dog to be dangerous. The animal control officer will notify the animal owner of the appeal process in accordance with RCW 16.08.080. The appeal body shall be the Monroe hearings examiner. No fee shall be charged for this appeal. At the appeal hearing before the hearings examiner, the animal control officer shall have the burden of proving that the animal is dangerous by a preponderance of the evidence.

G. To issue a certificate of registration to the owner of a dangerous dog if the owner presents to the animal control officer sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog;

2. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least two hundred fifty thousand dollars, payable to any person injured by the dangerous dog; or

3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least two hundred fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.

Section 2. 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 3. Effective Date. This ordinance shall be in full force and effect thirty (30) days from and after its final passage as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 4th day of March, 2014.

1st Reading: February 18, 2014
2nd/Final Reading: March 4, 2014
Published: March 11, 2014
Effective: April 3, 2014

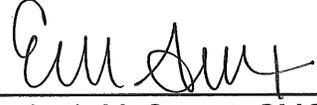
(SEAL)

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

ATTEST:



Elizabeth M. Smoot, CMC, City Clerk

APPROVED AS TO FORM:



J. Zachary Lell, City Attorney