

CITY OF STANWOOD  
Stanwood, Washington

ORDINANCE NO. 1298

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING PORTIONS OF THE STANWOOD MUNICIPAL CODE (SMC) CHAPTER 8.02 ADDING SECTION 8.02.020 (18) DEFINITION OF “ANIMAL CONTROL OFFICER” ; AND AMENDING SECTION 8.02.170 RELATING TO FINANCIAL RESPONSIBILITY OF AN ANIMAL OWNER, AND ANIMAL RELINQUISHMENT FEE; AND PROVIDING FOR SEVERABILITY.**

WHEREAS, the City desires to update SMC Chapter 8.02 entitled “Animal Control and Licensing;

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

Section 1. SMC Section 8.02.020 entitled “Definitions” is amended to add a new paragraph (18) entitled “Animal control officer”, 8.02.020 (18) “Animal control officer” shall read as follows:

(18) “Animal control officer” means any individual employed, contracted with or appointed by the City of Stanwood, for the purpose of aiding in the enforcement of this chapter or any other law or ordinance in the City of Stanwood relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include the seizure and impoundment of any animal. This term shall have the same meaning as in RCW 16.08.070.

Section 2. SMC Section 8.02.170 entitled “Dogs and Cats – Impoundment – Redemption” is amended to read as follows:

**8.02.170 Dogs and cats – Impoundment – Redemption.**

- (1) The animal control officer of the City of Stanwood may impound dogs and cats, which fall in one or more of the following categories:
  - (a) Those dogs which are not licensed as defined in SMC 8.02.020(16);
  - (b) Those dogs which do not exhibit the identification tag, as required in SMC 8.02.020(16);
  - (c) Stray animals as defined in SMC 8.02.020(5);

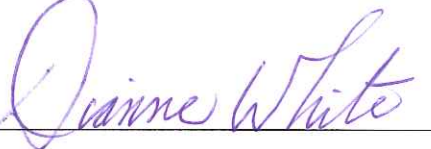
- (d) Biting dogs as defined in SMC 8.02.020(5);
  - (e) Dangerous dogs as defined in SMC 8.02.020(7);
  - (f) Noisy dogs and cats as defined in SMC 8.02.020(13);
  - (g) Trespassing dogs and cats as defined in SMC 8.02.020(17);
  - (h) Dogs running in packs;
  - (i) Chasing or intimidating dogs as defined in SMC 8.02.020(6);
  - (j) Dogs habitually running at large as defined in SMC 8.02.020(3).
- (2) The animal control officer shall use his or her best efforts to notify the owner of the animal impounded pursuant to this section.
- (3) If an animal is sold pursuant to this chapter, the net proceeds from the sale shall offset the accrued transportation/impoundment fees and for room and board. The net proceeds of the sale shall not offset any delinquent court fines. (Ord 1033. 1998).
- (4) The owner of any animal confiscated or impounded under Chapter 8.02 shall pay the City of Stanwood assessed penalties and all fees and costs associated with apprehension, transportation, impoundment, care, boarding, and any veterinary care 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 fees or costs incurred under this section or fines otherwise imposed. The City of Stanwood may collect the penalties, fees and expenses by use of appropriate legal remedies.
- (5) Residents of the City of Stanwood may for a fee equal to the costs associated with the current agreement deliver and relinquish ownership of unwanted dogs or cats owned by them to any animal shelter providing that service pursuant to a contract with the City exists.
- (a) The fee shall be paid directly to the animal shelter by the person relinquishing the animal at the time of release.
  - (b) All fees become the property of the City of Stanwood and shall be transmitted to the City of Stanwood in the same manner as other fees are collected and remitted according to the process specified in the current shelter services contract.

Section 3. 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 shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor this 8<sup>th</sup> day of September, 2011.

CITY OF STANWOOD

By 

DIANNE WHITE, Mayor

ATTEST:

By   
MELISSA COLLINS, City Clerk

Approved as to form:

By   
GRANT K. WEED, City Attorney

Date of Publication: \_\_\_\_\_