

ORDINANCE NO. 1972

AN ORDINANCE AMENDING CHAPTER 5.12, TO THE SELAH MUNICIPAL CODE, "ENFORCEMENT/PENALTIES" TO ENSURE CONSISTENCY IN PENALTY PROVISIONS; ESTABLISHING AN EFFECTIVE DATE; AND, PROVIDING FOR SEVERABILITY

WHEREAS, there is a need to amend the penalty provisions within Chapter 5.12 of the Municipal Code for consistency and so that violations can be efficiently processed through the Selah Municipal Court;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DOES ORDAIN as follows:

Section 1. Selah Municipal Code Chapter 5.12 "Enforcement/Penalties"

Selah Municipal Code Chapter 5.12 is amended as follows:

Chapter 5.12 - ENFORCEMENT/PENALTIES

5.12.010 - Enforcement:

Any animal control officer may issue a criminal misdemeanor nontraffic citation to any person who has violated any chapter or section or provision of Title 5 of this code dealing with animals.

- (1) License permit violations, Chapter 5.02
 - (A) Failure to license dog, Section 5.02.020
 - (B) False information or counterfeit tag, Section 5.02.080(e);
 - (C) Failure to display tag, Section 5.02.080(a);
 - (D) Unauthorized removal of tag, Section 5.02.080(b);
 - (E) Failure to license commercial establishment, Section 5.08.010
 - (F) Failure to obtain permit for private kennel, Section 5.09.010
 - (G) Failure to obtain permit for livestock and poultry, Section 5.10.010
 - (H) Failure to obtain permit for wild, exotic and nondomesticated animals, Section 5.11.010
- (2) Rabies Control, Chapter 5.03
 - (A) Failure to report bite, Section 5.03.020
 - (B) Failure to maintain quarantine, Section 5.03.030
 - (C) Destroying suspected rabid animal without approval, Section 5.03.060
- (3) Animal shelter and impoundment, Chapter 5.04
 - (A) Retention without consent, Section 5.04.040
 - (B) Unauthorized removal of animal from shelter, Section 5.04.050

- (4) Humane treatment of animals, Chapter 5.05
 - (A) Abandoning animals, Section 5.05.010
 - (B) Poisoning animals, Section 5.05.020
 - (C) Unlawful equipment, Section 5.05.030
 - (D) Animal struck by vehicle, duty to aid and report, Section 5.05.040
 - (E) Animals as contest prizes prohibited, Section 5.05.050
 - (F) Animal sales in public places prohibited, Section 5.05.060
 - (G) Unattended animals, Section 5.05.070
 - (H) Sale and novelty prohibited, Section 5.05.080
 - (I) Violation of human animal care, Section 5.05.090

- (5) Animals at large—Leash restraints and public nuisances, Chapter 5.06
 - (A) Leash required, Section 5.06.010
 - (B) Dogs in parks, playgrounds or school prohibited, Section 5.06.020
 - (C) Dogs prohibited from running unrestrained, Section 5.06.030
 - (D) Animal trespassing, Section 5.06.050
 - (E) Permitting property damage, Section 5.06.060
 - (F) Female dogs during breeding period to be confined, Section 5.06.070
 - (G) Wild animals to be confined, Section 5.06.090
 - (H) Animal noise prohibited, Section 5.06.100
 - (I) Excreta nuisance prohibited, Section 5.06.110
 - (J) Restrictions for keeping animals, Section 5.06.120

- (6) Dangerous dogs, Chapter 5.07
As prescribed in the chapter dealing with dangerous dogs.

- (7) Commercial establishments, Chapter 5.08
 - (A) Display of license required, Section 5.08.080
 - (B) Violation of humane animal care, Section 5.08.120

- (8) Private establishments, Chapter 5.09
 - (A) Failure to keep available for inspection permit and records, Section 5.09.090

- (9) Livestock and poultry, Chapter 5.10
 - (A) Keeping poultry or rabbits, Section 5.10.020
 - (B) Staking, grazing, running at large, Section 5.10.050
 - (C) Keeping of roosters, Section 5.10.080

5.12.020 - Obstructing an animal control officer.

It shall be unlawful for any person to hinder, delay or obstruct an animal control officer from enforcing any chapter, section or provision of this title. Any person convicted of obstructing an animal control officer is guilty of a misdemeanor punishable by a fine of one thousand dollars or up to ninety days in jail and/or by both fine and imprisonment.

5.12.030 - Penalties.

(a) Unless specifically designated, the maximum penalty for a violation of any chapter, section or provision of this title shall upon conviction be a fine up to five hundred one thousand dollars and/or imprisonment up to ninety (90) days.

(b) The Selah municipal court judge shall establish a forfeitable schedule for any violation that does not specifically include an imprisonment provision. All violations which do not include an imprisonment provision shall be classified as nontraffic infractions and the penalty imposed shall be forfeitable. The animal control officer shall have the authority to forgo the forfeitable schedule and issue a citation instructing the violator to appear before the Selah municipal court judge when the violator has committed multiple violations or repeated violation of any chapter, section or provision of this title.

(c) The Selah municipal court judge has the authority to order animals of any owner who continually or habitually violate any chapter, section or provision impounded and disposed of according to law or humanely destroyed. "Continually or habitually" means three violations of this title within a six-month period, five violations within a year, six violations within two year, or any violation thereafter. The judge may consider documented warnings issued by the animal control officer, forfeited fines paid and any other violations pending before the court when determining whether to impound and lawfully dispose of the violator's animal(s).

Section 2. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, clause or phrase of this Ordinance.

ORDAINED this 22nd day of September, 2015.



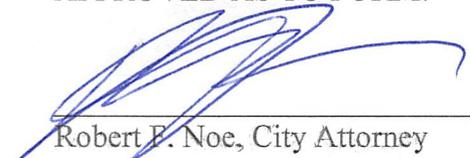
John Gawlik, Mayor

ATTEST:



Dale E. Novobielski, Clerk Treasurer

APPROVED AS TO FORM:



Robert F. Noe, City Attorney

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