



Shelton City Council
Study Session Agenda
April 12, 2022 – 6:00 p.m.
Virtual Platform

A. Call to Order

B. Roll Call

C. Study Agenda

1. Ordinance No. 1983-0122 Animal Control – Presented by City Manager Jeff Niten

D. New Items for Discussion

E. Adjourn

The City of Shelton is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please call (360) 432-5103 at least 48 hours in advance of the meeting.



2022 Looking Ahead

(Items and dates are subject to change)

<p>Tues. 4/19 6:00 p.m.</p>	<p>Regular Meeting</p>	<p>Consent Agenda</p> <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes • February Financial Status Report <p>Business Agenda</p> <ul style="list-style-type: none"> • YMCA Purchase and Sale Agreement • Public Hearing Ordinance No. 1984-0222 Shelton Municipal Code Chapter 20.08 and 20.64 • Resolution No. 1235-0322 Approval of City Manager Contract • Resolution No. 1231-0222 ILA with MTA • Resolution No. 1236-0322 EM&R Dump Truck Purchase <p>Action Agenda</p> <ul style="list-style-type: none"> • Resolution No. 1227-0222 EMS Replacement Levy • Ordinance No. 1985-0322 Sign Regulations • Ordinance No. 1986-0322 Graffiti Abatement • Resolution No. 1233-0322 Surplus of 218 N 5th Street Structure <p>Administration Report</p> <ul style="list-style-type: none"> • 	<p>Packet Items Due: 4/8 – 5:00 p.m.</p>
<p>Tues. 4/26 6:00 p.m.</p>	<p>Study Session</p>	<p>Study Agenda</p> <ul style="list-style-type: none"> • High School Representative on Council • Movie Nights in the Park 	<p>Packet Items Due: 4/22 @ noon</p>
<p>Tues. 5/3 6:00 p.m.</p>	<p>Regular Meeting</p>	<p>Consent Agenda</p> <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes <p>Presentation</p> <ul style="list-style-type: none"> • Public Works Week Proclamation <p>Business Agenda</p> <ul style="list-style-type: none"> • Ordinance No. ____ - ____ Ch. 20.47.010 Related to Camping on Private Property <p>Action Agenda</p> <ul style="list-style-type: none"> • YMCA Purchase and Sale Agreement • Ordinance No. 1984-0222 Shelton Municipal Code Chapter 20.08 and 20.64 • Resolution No. 1235-0322 Approval of City Manager Contract • Resolution No. 1231-0222 ILA with MTA • LTAC Appointments <p>Administration Report</p> <ul style="list-style-type: none"> • 	<p>Packet Items Due: 4/22 – 5:00 p.m.</p>

Tues. 5/10 6:00 p.m.	Study Session	Study Agenda <ul style="list-style-type: none"> FCS Group - ER&R Presentation 	Packet Items Due: 5/6 @ noon
Tues. 5/17 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> Vouchers/Payroll Warrants/Meeting Minutes March Financial Status Report Business Agenda <ul style="list-style-type: none"> Action Agenda <ul style="list-style-type: none"> Ordinance No. ____ - ____ Ch. 20.47.010 Related to Camping on Private Property Administration Report <ul style="list-style-type: none"> 	Packet Items Due: 5/6 – 5:00 p.m.
Tues. 5/24 6:00 p.m.	Study Session	Study Agenda <ul style="list-style-type: none"> Stormwater Management Plan 	Packet Items Due: 5/20 @ noon
Tues. 6/7 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> Vouchers/Payroll Warrants/Meeting Minutes Business Agenda <ul style="list-style-type: none"> Action Agenda <ul style="list-style-type: none"> Administration Report <ul style="list-style-type: none"> 	Packet Items Due: 5/27 – 5:00 p.m.
Tues. 6/14 6:00 p.m.	Study Session	Study Agenda <ul style="list-style-type: none"> Public Works Laydown Yard 	Packet Items Due: 5/10 @ noon
Tues. 6/21 5:45 p.m.	SMPD Meeting	Consent Agenda <ul style="list-style-type: none"> Vouchers/Payroll Warrants/Meeting Minutes Business Agenda <ul style="list-style-type: none"> Action Agenda <ul style="list-style-type: none"> Administration Report <ul style="list-style-type: none"> 	Packet Items Due: 5/10 – 5:00 p.m.
Tues. 6/21 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> Vouchers/Payroll Warrants/Meeting Minutes April Financial Status Report Business Agenda <ul style="list-style-type: none"> Action Agenda <ul style="list-style-type: none"> Administration Report <ul style="list-style-type: none"> 	Packet Items Due: 5/10 – 5:00 p.m.

Other – TBD

- UGA/Annexation Policy (Water/Sewer Extensions)
- More Standing Committees by the Council
- Water and Sewer Fee Schedule Revisions (Ordinance removing rates from SMC)
- Public Hearing Ordinance No. 1968-0321 Water Comp Plan Adoption

ORDINANCE NO. 1983-0122

AN ORDINANCE OF THE CITY OF SHELTON WASHINGTON AMENDING TITLE 7 AND SECTION 7.02.010 OF THE SHELTON MUNICIPAL CODE RELATING TO ANIMAL CONTROL

WHEREAS, the City of Shelton has police power authority to protect public health, welfare and safety by regulating animals within the City limits; and

WHEREAS, the City Council wishes to update its municipal code provisions relating to the regulation of animals.

NOW, THEREFORE, the Shelton City Council hereby ordains as follows:

Section 1. A new Section 7.02.010, entitled "Definitions," is added to the Shelton Municipal Code to read as follows:

A. The following definitions apply throughout Title 7 of the Shelton Municipal Code:

1. Except where the Code expressly applies only to dogs, cats, or domestic animals, "animal" means any nonhuman mammal, bird, reptile or amphibian.
2. "Animal control officer" means any individual employed, contracted, or appointed by the City of Shelton to aid in the enforcement of ordinances or laws regulating the care and control of animals.
3. "Altered" means a domestic animal has been spayed or neutered.
4. "At large" means an animal that is off or outside its owner's property, has no licensed owner, or has been abandoned by its owner, and is not being securely confined by a responsible party or restrained by a leash.
5. "Euthanize" means to humanely kill an animal through legal means, such as by a licensed veterinary service.
6. "Foster home" means a temporary home with approval by the animal control officer to house lost, abandoned, or unwanted dogs and cats until an adoptive home is located.

7. "K-9 law enforcement dog" means a dog used by a law enforcement agency that is specially trained for law enforcement work.
8. "Law enforcement officer" means an individual employed, contracted, appointed or otherwise authorized by law to aid in the enforcement of ordinances or laws regulating the care and/or control of animals.
9. "Leash" means to physically restrain an animal by lead or chain ~~6~~ 20 feet or less in length.
10. "Microchip" means permanent electronic identification injected into an animal.
11. "Owner" means any person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.
12. "Pet animal" means a tamed or domesticated animal legally retained by a person and kept as a companion. "Pet animal" does not include livestock raised for commercial purposes.
13. "Rabies certificate" means a verification from a licensed veterinarian that an animal has been vaccinated against rabies.
14. "Service dog" means any animal that is trained or being trained to aid a person who has a visual, hearing, or mobility impairment or other disability, and is used for that purpose in accordance with the Americans with Disabilities Act. The term does not include animals whose sole purpose is to provide comfort or emotional support.
15. "Spay or neuter" means surgical procedures performed in order to prevent animals from reproducing.

Section 2. Chapter 7.04 of the Shelton Municipal Code is amended to read as follows:

7.04.010 Purpose.

It is the policy of the city of Shelton to secure and maintain a level of animal control sufficient to protect human health and safety, and to the greatest degree practicable, prevent injury to property. To this end, it is the purpose of this chapter to provide a means of licensing dogs and cats, ~~and~~ controlling errant animal behavior and ~~to~~ avoiding public nuisance. Nothing in this

chapter shall limit or regulate any dog or other animal used by an animal control or law enforcement officer in performing official duties.

~~7.04.020 Definitions—Principles of liability.~~

~~A. Principles of liability as defined in Chapter 9A.08 RCW apply to this chapter.~~

~~B. The following definitions apply throughout this chapter:~~

~~1. “Animal control officer” means any individual employed, contracted, or appointed by the city of Shelton to aid in the enforcement of ordinances or laws regulating the care and control of animals.~~

~~2. “Chief of police” means the chief of police of the city of Shelton, Washington, police department.~~

~~3. “Owner” means any person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.~~

~~4. “Pet animal” means a tamed or domesticated animal legally retained by a person and kept as a companion. “Pet animal” does not include livestock raised for commercial purposes.~~

7.04.0230 Licensing.

A. All dogs and cats kept in the city of Shelton over six months of age shall be licensed and registered annually, except animals that have been implanted with a microchip identification device in which case a life time licensing fee applies. Before a license is issued by the city, the owner must ~~show proof that the animal has a valid rabies vaccination~~ provide a rabies vaccination certificate.

B. The following animals are exempt from licensing:

1. Animals kept by registered nonprofit animal welfare organizations;

2. Animals kept in foster homes for dogs and cats that are affiliated with a registered nonprofit animal welfare organization;

3. K9 officer dogs;

4. Service dogs with proof of rabies certificate.

7.04.0340 Fees—Penalty.

Licenses shall be issued by the city of Shelton upon application and payment of an annual license fee to the city of Shelton. The annual license fee is due ~~and payable on January 1st of each year~~ at the time of application. ~~The license fee will not be reduced, regardless of the date on which the application is submitted, except in the case of a lost or transferred license.~~ Dog ~~license~~ fees shall be set by resolution, and shall offer a reduced fee for animals that are altered and/or microchipped. Microchipped animals are subject to a one time lifetime licensing fee.

7.04.0450 Term of license.

Licenses shall expire ~~on the thirty-first day of December of each year~~ one year after issuance. Licenses issued to microchipped animals shall be in effect for the lifetime of the animal.

7.04.0560 Tags required.

It shall be the duty of the owner to see that the license tag is attached to a suitable collar and kept on the dog or cat.

7.04.0670 Removal of tags.

It is unlawful for any person to remove the license tag from any dog or cat, except:

- A. Where there is a lawful change of ownership;
- B. When or for the purpose of renewing the license tag is being renewed.
- C. When the dog or cat is inside the home or securely confined on the property of the legal owner.

7.04.080 Effect of change of ownership on license—Lost license.

A. It is unlawful for any owner to use any license tag for any dog or cat other than the one for which it has been issued.

B. In case of a transfer of ownership of a licensed dog or cat, the new owner shall apply for a transfer and ~~there will be~~ pay a nominal transfer fee set by resolution.

C. In case of a lost license, the owner shall apply for a replacement license and ~~there will be~~ pay a nominal replacement fee set by resolution.

7.04.090 Maximum Number of dogs and cats allowed.

A. No more than ~~three~~ four dogs and/or cats ~~dogs~~ over the age of six months may be owned, maintained, kept or trained at any one residence, for a maximum total of four animals, except in a licensed kennel or cattery which must be sited in accordance with all applicable

Shelton Municipal Code zoning provisions. After giving a written warning and a minimum of thirty (30) days to comply, the City may impound animals that are over the maximum number.

7.04.100 Impounding dogs and cats —Procedure and authority.

A. The city will maintain a suitable pound for dogs and cats and will ensure that all dogs and cats kept in that facility are adequately fed and treated in a humane manner. The city may seize and impound any dog or cat deemed a nuisance or at large, or when any person persists despite a written warning notice in keeping a number of animals over the maximum number allowed by this Chapter.

~~A.— A dog may be seized and impounded by the city upon written or oral complaint of any person who has actually witnessed the dog behaving in a manner which constitutes a nuisance as defined by this chapter.~~

B. The impounding officer shall, upon the impound of any dog or cat, make a complete registry, entering the breed, color and sex of such dog or cat and whether licensed, and the time and place of impound. If licensed, the officer shall also enter the name and address of the owner and the license number from the license tag.

C. The dog or cat's known or reputed owner will be notified of such impound, the procedure to ~~redeem~~ reclaim the dog or cat, and the appeal process as soon as ~~is practicable~~ possible.

7.04.1010 Impounded dog or cat boarding fee.

If any dog or cat is held in impound for more than ~~forty-eight~~ twenty-four hours, the owner will be charged a boarding fee for each additional day that the dog or cat is in impound. Such fee will be set by resolution and will be assessed as of ten a.m. of each day, beginning on the ~~third~~ second day after the dog or cat's impound.

7.04.1120 ~~Redemption~~ Reclaiming procedure -failure to reclaim.

~~A.— In City Residents.~~

~~1.— Redemption. Residents of the city of Shelton whose dog has been impounded under this chapter may redeem it~~ A. Reclaim period. Legal owners and persons authorized by legal owners may redeem impounded dogs and cats within ~~three~~ seven business days from the date the City notifies the owner that the animal has been impounded. ~~of impound by paying to the city of Shelton the impound fee, applicable boarding fees and any unpaid dog licensing fees. Calculation of the period shall begin on the first business day following the dog's impound.~~

B. Requirements for reclaiming. Any person wishing to reclaim a dog or cat must be eighteen years or older with proof of age, provide proof of legal ownership or verifiable permission from the owner to reclaim the animal, and bring a collar and leash or crate to securely transport the animal. City residents must license the animal and pay any unpaid licensing fees before the animal may be reclaimed. Impound fees and boarding fees shall be due at the time the animal is reclaimed.

~~2. Notice. If the impounded dog has a license tag or other identification reflecting ownership, the city will make a reasonable effort to notify the apparent owner.~~

~~3B. Adoption. If the dog or cat is not redeemed~~ reclaimed by the owner within ~~three~~ seven business days after the owner is notified, any other person may adopt the dog or cat by paying the fee set by resolution; ~~provided, that the dog's owner has not petitioned the chief of police for the dog's release.~~ The adoption fee shall include a spay or neuter of the dog or cat and a rabies vaccination to be arranged by and paid for by the city of Shelton before the animal is released to the adopting owner ~~adoption is considered final.~~ If the adopting owner is a city resident, the dog or cat shall be licensed in the city prior to adoption.

~~4C. Disposition or Destruction. Within the discretion of the city, if the dog or cat is not reclaimed by the owner within three seven business days and a reasonably prompt adoption is not arranged, redeemed four business days from the date of impound, and no petition has been made, the dog or cat may be humanely destroyed or otherwise disposed of~~ transferred to a registered nonprofit animal welfare organization if the animal is suitable for adoption, or else euthanized by a licensed veterinarian.

~~B. Out of City Residents.~~

~~1. Redemption. Nonresidents of the city of Shelton whose dog has been impounded under this chapter may redeem it within three business days from the date of impound by paying to the city of Shelton the impound fee and applicable boarding fees. Calculation of the redemption period shall begin on the first business day following the dog's impound.~~

~~2. Notice. If the impounded dog has a license tag or other identification reflecting ownership, the city will make a reasonable effort to notify the apparent owner.~~

~~3. Adoption. If the dog is not redeemed by the owner within three business days, any other person may adopt the dog by paying a fee set by resolution; provided, that the~~

~~dog's owner has not petitioned the chief of police for the dog's release. The adoption fee shall include a spay or neuter of the dog to be arranged by and paid for by the city of Shelton before the adoption is considered final.~~

~~4.—Disposition or Destruction. Within the discretion of the city, if the dog is not redeemed or adopted four business days from the date of impound, and no petition has been made, the dog may be humanely destroyed or otherwise disposed of.~~

7.04.130 Appeal procedure.

~~Within three business days of the date of impound, an owner may seek administrative review to prevent the animal's destruction or adoption by providing a written petition to the chief of police. The chief of police may impose conditions in order to return the animal or deny the request and allow the animal to be adopted, destroyed, or otherwise disposed of. The chief of police will respond to any such petition within ten business days of receiving such request. The city shall not allow adoption, disposal, or destruction of the animal once a request has been made until such time as the chief of police has answered the petition and instructed the animal control officer in what manner the officer is to proceed.~~

7.04.120 Reporting found animals

Anyone finding a dog or cat shall notify animal control or the owner directly, if the owner is able to be determined. Finders shall not keep or rehome found animals except upon agreement by the animal control officer to foster the animal.

7.04.150 Injured and diseased ~~pet~~ animals—Euthanasia ~~Destruction~~—~~Immunity from liability.~~

~~A. Any ~~pet~~ animal in the possession of the city that is obviously diseased or has been seriously injured and would otherwise continue to suffer shall be taken to a licensed veterinarian for consultation and, if necessary, euthanized ~~destroyed by an animal control officer.~~ Likewise, any ~~pet~~ animal that is obviously diseased and is a likely threat to the health and safety of humans and/or other animals may be impounded and destroyed by an animal control officer. Such actions shall be undertaken with reasonable prudence and, whenever possible, in consultation with a licensed veterinarian and the owner of the ~~pet~~ animal.~~

~~B.—Animal control officers and licensed veterinarians shall be immune from civil and criminal liability for actions taken under this chapter if reasonable prudence is exercised in carrying out the provisions of this section.~~

7.04.160 Nuisance.

It is unlawful for any owner or custodian of a dog or cat to allow the dog or cat to become a nuisance within the city of Shelton. For the purposes of this chapter, “nuisance” is defined as follows:

~~A. Any dog not licensed as provided for by this chapter;~~

~~B. Any dog running at large in violation of the provisions of this chapter;~~

~~C. Any dog which by frequent or habitual howling, whining, yelping or barking unreasonably disturbs the peace and quiet of persons in the neighborhood continually for at least 30 minutes;~~

~~D. Any dog or cat which causes measurable or costly damage to any property other than that of its owner;~~

~~C. Animals that deposit waste on public property or upon private property without the permission of the owner;~~

~~D. Dogs that chase vehicles, bicycles, people, or pets.~~

7.04.170 Dogs at large prohibited.

It is unlawful for any person to allow any dog owned, or kept by him/her in the city of Shelton, to stray beyond the owner or custodian’s premises. Any time a dog is outside of the owner or custodian’s premises, the dog shall be controlled by a leash or chain not exceeding eight feet in length that is joined to the owner or a duly authorized and competent person; provided, however, that such restraint is not required for any dog when safely and securely held by the owner or confined or controlled in or upon a vehicle.

7.04.180 Dogs prohibited in city parks—Exemptions.

No owner or custodian of a dog shall allow ~~the~~ an unleashed dog to enter any city of Shelton park, except in designated off-leash areas and in accordance with the rules for that area; ~~whether the dog is on a leash or unleashed. Medically necessary and law enforcement dogs are exempt from this provision.~~

~~7.04.190 Diseased animals.~~

~~Any owner or custodian of a diseased animal, who allows the animal to roam beyond the owner or custodian’s property, or who sells or gifts such animal knowing it to be diseased without first apprising the purchaser or person taking the animal of the existence of such disease, shall be guilty of a misdemeanor.~~

7.04.2100 Pet animals—Taking and/or concealing—Penalty.

Any person who, with intent to deprive or defraud the owner thereof, takes, leads away, confines, secretes or converts any pet animal, or conceals the identity of any pet animal or the identity of such animal's owner by obscuring or removing from the animal any collar, tag, license, tattoo or other means of identification shall be guilty of a misdemeanor.

~~7.04.210 Obstructing a law enforcement officer.~~

~~RCW 9A.76.020, Obstructing a law enforcement officer, as now enacted or hereafter amended is adopted herein by reference. Obstructing a law enforcement officer is a gross misdemeanor.~~

7.04.210 Carrying animals on outside part of vehicle.

It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, truck bed, or other outside part of any vehicle unless restrained by a suitable harness, cage or enclosure that is attached to the vehicle so as to protect such animal from falling or being thrown from the vehicle.

7.04.220 Violation—Penalties.

Unless otherwise set forth in this chapter, a violation of any provision of this chapter shall constitute a Class 3 civil infraction per Chap. 7.80 RCW for a first offense; a Class 2 civil infraction per Chap. 7.80 RCW for a second offense; and a Class 1 civil infraction per Chap. 7.80 RCW for a third offense. Subsequent violations shall constitute a misdemeanor, punishable by a fine of \$1,000 or 90 days in jail. ~~civil infraction. The first notice of violation shall be one hundred dollars and two hundred fifty dollars for each successive violation in any calendar year.~~

Section 3. Chapter 7.05 of the Shelton Municipal Code is repealed in its entirety.

Section 4. The following additional state law provisions prohibiting animal cruelty are incorporated into Section 9.02.010 of the Shelton Municipal Code: RCW 16.52.080 (transporting/confining in unsafe manner), 16.52.085 (removal of animals for feeding and care), 16.52.095 (prohibited veterinary procedures), 16.52.100 (confinement without food and water), 16.52.190 (poisoning animals), 16.52.200 (sentencing/forfeiture of animals), 16.52.340 (leaving animals in motor vehicles), and 16.52.350 (dog tethering).

Section 5. Chapter 7.06 of the Shelton Municipal Code is renamed "Potentially Dangerous and Dangerous Dogs" and amended as follows:

7.06.010 Adopting state statute.

Chapter 16.08 of the animals and livestock law of the state of Washington (RCW Title 16) as now enacted or hereafter amended is hereby adopted by reference, as a part of the dangerous

dog laws of the city of Shelton, with the exception of any provision constituting a felony and any provision in conflict with the city of Shelton dangerous dogs ordinance. Where this chapter is in conflict with Chapter 16.08 RCW, the Shelton Municipal Code shall govern

7.06.020 Fees and Costs.

An annual fee to register a potentially dangerous dog, in addition to a regular dog license fee, may be imposed by the city. In addition, any costs of confinement, control and/or destruction of the dog, if it has been determined to be “potentially dangerous” or “dangerous,” shall be the responsibility of the dog’s owner. Fees and costs may be set by the animal control authority as necessary to offset the City’s costs. ~~will be set by resolution.~~

7.06.030 Potentially dangerous dogs.

A. The animal control authority ~~shall~~ may declare a dog potentially dangerous if ~~it appears~~ there is probable cause to believe that a dog meets the definition of “potentially dangerous dog” as defined under RCW 16.08.070.

B. Upon determination that a dog is potentially dangerous, the animal control authority shall serve a potentially dangerous dog declaration upon the dog owner in person or by regular and certified mail, return receipt requested.

C. The potentially dangerous dog declaration shall contain:

1. A description of the animal;
2. The name and address of the owner if known;
3. The location of the animal;
4. A warning that states, “The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a Class C felony”;
5. The statutory basis for the action;
6. The reasons the authority considers the animal potentially dangerous, including a reasonably specific description of how the animal inflicted bites on a human or domestic animal (including a dog or cat); chased or approached a person in a menacing fashion; or

has a known disposition to attack unprovoked, cause injury, or otherwise threaten safety of humans or domestic animals;

7. A statement that the dog is prohibited within the city of Shelton if ultimately declared dangerous;

8. An explanation of the owner's rights and proper procedure for appealing the "potentially dangerous dog" ~~or "dangerous dog"~~ declaration; and

9. Restrictions imposed on the animal, such as a requirement for the animal to be securely enclosed on the owner's property and securely leashed and muzzled outside the property; a surety bond and/or insurance; and/or warning signs; and

~~9. The requirement that the potentially dangerous dog be properly microchipped by a licensed veterinarian of the owner's choice, at the sole expense of the owner, within thirty calendar days of being declared a "potentially dangerous dog" and that proof that the dog has been microchipped shall be provided to the animal control authority.~~

D. The owner of a dog declared "potentially dangerous" must have the dog properly microchipped by a licensed veterinarian of the owner's choice, at the sole expense of the owner, within thirty calendar days of being declared a "potentially dangerous" dog.

E. The owner of a dog declared "potentially dangerous" must, within thirty-five calendar days of such declaration, show proof to the animal control authority that such dog has been properly microchipped.

7.06.035 Declaration of dangerous dog

A. The animal control authority may declare a dog dangerous when there is probable cause to believe the dog meets the definition of RCW 16.08.070, as outlined in Subsection C.6 of this Section.

B. Upon determination that a dog is dangerous, the animal control authority shall serve a dangerous dog declaration upon the owner in person or by regular and certified mail, return receipt requested.

C. The dangerous dog declaration shall contain:

1. A description of the animal;

2. The name and address of the owner if known;
3. The location of the animal;
4. A warning that states, "The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a Class C felony";
5. The statutory basis for the action;
6. The reasons the authority considers the animal dangerous, including a reasonably specific description of how the dog inflicted severe injury on a human being without provocation on public or private property; killed a domestic animal, dog or cat without provocation while the dog was off the owner's property; or was previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bit, attacked, or endangered the safety of humans;
7. A statement that the dog is prohibited within the city of Shelton if ultimately declared dangerous;
8. An explanation of the owner's rights and proper procedure for appealing the "dangerous dog" declaration; and
9. Restrictions imposed on the animal, such as a requirement for the animal to be securely enclosed on the owner's property and securely leashed and muzzled outside the property; a surety bond and/or insurance; and/or warning signs, while awaiting final determination of the dangerous dog designation.

7.06.03540 Dangerous dogs prohibited within the city of Shelton.

- A. Any dog that has been declared a "dangerous dog" as defined by RCW 16.08.070 is prohibited within the limits of the city of Shelton and may be impounded by the animal control authority.
- B. In the event that a dog has been declared a "dangerous dog" under the Shelton Municipal Code and impounded by the animal control authority, the owner of such dog may, within ten business days petition the municipal court for return of the dog upon proof sufficient to the court that the dog will not be kept within the city limits.

C. No sooner than eleven business days after a dog has been declared dangerous, when no appeal is pending to the municipal court to stay destruction and when no petition is pending before the court to authorize removal of the dog from the city, the animal control authority shall arrange for such dog shall to be euthanized humanely destroyed by a licensed veterinarian the animal control authority. All costs of confinement and euthanasia destruction may be charged to the owner.

7.06.040 Appeal procedure

A. The owner of any dog declared to be dangerous or potentially dangerous may request a hearing before the municipal court judge of the city of Shelton to challenge such a determination.

B. The request for a hearing shall state:

1. The name, address and daytime telephone number of the owner;
2. The name, breed, age and license number of the dog declared to be dangerous or potentially dangerous;
3. The date and/or case number of the declaration; and
4. A statement of why the determination should be rescinded or modified, and/or why the animal should be returned to the owner for permanent keeping outside the City limits.

C. The request for hearing shall be served on the municipal court and the animal control authority within ten business days of service of the declaration.

D. The determination of the animal control authority shall become final upon the expiration of ten business days from the date of service if no hearing is requested under this section.

E. The municipal court judge shall hear all requests for appeal of a declaration of dangerous dog or potentially dangerous dog.

1. A hearing shall be held within ~~ninety~~ thirty days of the owner's request for rescission of a dangerous or potentially dangerous dog declaration.
2. The animal control authority may submit reports and sworn complaints in lieu of live testimony at the hearing.

3. The municipal court judge may consider any ~~other~~ competent evidence relevant to the declaration.

4. The municipal court judge shall determine if, by a preponderance of evidence, the dog has been shown to be dangerous or potentially dangerous. If the evidence fails to establish that the dog is as set out in the declaration, such declaration shall be rescinded and the animal shall be returned to its owner.

5. The municipal court judge may impose conditions for return or continued possession of a dog, such as a requirement for the animal to be securely enclosed on the owner's property and securely leashed and muzzled outside the property; a surety bond and/or insurance; and/or warning signs.

7.06.050 Change of ownership

An owner of a potentially dangerous or dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within five business days, inform the animal control authority, in writing, of the name, address and telephone number of the new owner and the name and description of the dog and the dog's registration number, if any. In addition, the owner shall notify the new owner, in writing, of the details of the dog's record, terms and conditions of maintenance. The owner shall provide the animal control authority with a copy of such notification together with an acknowledgment by the new owner of his/her receipt of the original notification.

~~7.06.055 Registration of dogs already declared potentially dangerous or dangerous.~~

~~Any person who owns a potentially dangerous or dangerous dog residing within the city of Shelton as of the effective date of the ordinance codified in this section shall register said dog with the Shelton animal control authority within thirty calendar days of the ordinance taking effect. Upon registration, the animal control authority shall specify the conditions under which the animal is to be kept (in accordance with this chapter) and, in the case of a dangerous dog, the length of time which the person has to dispose of the dog. Failure to timely register a dog or to comply with the conditions of registration shall constitute a violation of this chapter.~~

Section 6. Chapters 7.08 and 7.12 of the Shelton Municipal Code are repealed in their entirety.

Section 7. A new Chapter 7.08, entitled "Domestic Animals," is enacted to read as follows:

7.08.010 Domestic animal – Defined

For purposes of this Chapter, “domestic animal” means any animal, excluding dogs and cats, that is made to be domestic and kept for agricultural purposes and/or as a pet, including a rabbit, horse, mule, bovine animal, poultry, duck, lamb, goat, sheep or swine.

7.08.020 Domestic animals – conditions for keeping

A. Domestic animals may be kept only where specifically allowed under the development regulations and Section 7.08.030 of this Code.

B. Domestic animals shall be kept securely confined on the property of the owner. Domestic animals that stray from the property of the owner shall be considered at large and subject to abatement.

C. Domestic animals shall be kept in sanitary conditions that emit no noxious odors beyond the property line.

7.08.030 Domestic animals – where allowed

A. Domestic animals may be kept in the neighborhood residential zone on lots or parcels of one acre or more. The acreage restriction does not apply to indoor rabbits kept as pets.

B. Non-avian domestic animals are limited to two total, counting all types, per acre. Birds are limited to twenty total, counting all types, per acre.

C. Barns, coops, and other structures for the sheltering of domestic animals shall be set back not less than thirty-five feet from all property lines and not less than fifty feet from any existing residential dwelling unit on adjoining property.

7.08.040 Domestic animals – chickens

A. Chickens may be kept in the neighborhood residential zone on lots or parcels of 5,000 square feet or more. Roosters are explicitly prohibited.

B. Parcels or lots that are 5,000 square feet up to 43,559 square feet shall not keep more than five chickens.

C. Chicken coops or other structures intended to house chickens must be set back from any property line not less than 10 feet, and shall not be located closer than 30 feet from any residential structure on any adjacent or adjoining parcel or lot.

Section 8. Effective date. This Ordinance shall take effect five days after final passage.

PASSED by the City Council this ____ day of March 2022.

Eric Onisko, Mayor

ATTEST/AUTHENTICATED:

Donna Nault, City Clerk