

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance No. 413 amending Title 6 of the Shoreline Municipal Code to provide for a leash law and offenses relating to sanitation
DEPARTMENT:	City Attorney's Office; City Manager's Office
PRESENTED BY:	Ian R. Sievers, City Attorney Bernard Seeger, Management Analyst

PROBLEM/ISSUE STATEMENT:

Upon incorporation, the City adopted King County's ("KC") Animal Code as the City's Animal Code. The KC Animal Code has a few gaps which this ordinance corrects. First, the KC Animal Code identifies certain zoning districts and specific communities in unincorporated areas of King County as dog control zones, where dogs must be on leash. Shoreline is not covered as a dog control zone under the Animal Code. Thus, no leash law is in effect in Shoreline, outside of parks. Second, the KCC has no provision relating to sanitation (i.e., "pooper scooper" law).

ANALYSIS:

1. Leash Law

Chapter 11.08 (*Leash Law*) of the King County Code is adopted by the City of Shoreline by reference in Title 6 SMC. Chapter 11.08 KCC prohibits dogs from being 'at large' (defined as being off the premises of the owner and not under the control of the owner) in specified dog control zones. The KCC specifies certain King County zoning districts and specific communities in unincorporated areas of King County as dog control zones. The City of Shoreline is not included. Thus, Chapter 11.08 KCC, which prohibits dogs from being 'at large' does not apply to the City of Shoreline. Chapter 11.08 is rescinded and replaced by the City's own leash law in SMC 6.05.040.

Under proposed SMC 6.05.040, all animals must be on leash throughout the City, except in the following circumstances:

- 1) spayed/neutered cats;
- 2) police dogs being utilized by a police officer or officer representative in the performance of official duty;
- 3) on private property, with permission of the owner; and
- 4) in a City designated off leash area.

Since the proposed ordinance requires all animals be on leash (with some exceptions), a repetitive portion in SMC 20.40.240(C) requiring all unaltered animals be on leash is no longer necessary and is repealed.

2. Offense Relating to Sanitation

The KCC does not include offenses relating to sanitation (i.e., a “pooper scooper” law), which this ordinance also adopts. The new section makes it a Class 3 civil infraction for failing to pick up after an animal on public or private property or failing to have a plastic bag or other means of conveyance when the animal deposits on private or public property.

3. Penalty for violating leash law and “pooper scooper” law

Failure to follow the leash law and the “pooper scooper” law subjects the violator to a Class 3 civil infraction in the amount of \$50.00, plus statutory assessments. For a \$50.00 fine, the court adds two statutory assessments for the state’s public safety and education account in an amount of \$52.50, for a total penalty of \$102.50. (The first public safety and education assessment is 70% of the fine, and the second assessment is 50% of the first assessment. Thus, for a \$50.00 fine, the first assessment is \$35.00, and the second assessment is \$17.50.) The court has the discretion to lower or completely waive the \$50.00 penalty, which would also lessen the statutory assessments.

4. Repeal of SMC 6.05.030

SMC 6.05.030 adopts all laws, rules, and regulations referenced in the KC Animal Code. This ordinance repeals SMC 6.05.030 as a repetitive section. First, SMC 6.05.020 adopts all implementing rules. Second, the KC Animal Code sections adopted by the City in SMC 6.05.010 would also adopt the referenced KC code sections.

FINANCIAL IMPACT

Revenue from infraction

The City does not receive any of the revenue from the statutory assessments; the statutory assessments revenue is remitted to the state treasurer. The City does receive 68% of the infraction fine, with the remaining 32% remitted to the state treasurer for deposit in the public safety and education account. Here, assuming the court assesses the full \$50.00 infraction fine, the state treasurer would receive \$68.50 and the City would receive \$34.00.

Cost of enforcement

King County Animal Control has indicated that enforcement of the leash law and the “pooper scooper” ordinance will not result in an increase in rates.

RECOMMENDATION

Staff recommends that Council review and discuss Ordinance No. 413 and provide direction to staff for any changes. We will then schedule the ordinance for adoption at the next available regular meeting.

Approved By:

City Manager 

City Attorney 

ATTACHMENTS

Attachment A: Ordinance No. 413

Attachment B: SMC 6.05.030, repealed by Ordinance No. 413.

ORDINANCE NO. 413

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING TITLE 6 OF THE SHORELINE MUNICIPAL CODE TO PROVIDE FOR A LEASH LAW AND OFFENSES RELATING TO SANITATION

WHEREAS, Title 6 of the Shoreline Municipal Code adopts by reference Title 11 of the King County Code as the City of Shoreline's Animal Code;

WHEREAS, King County Code 11.08 does not specify the City of Shoreline as a dog control zone where leashes are required;

WHEREAS, the Shoreline City Council amends Title 6 to require animals be on leash throughout the City of Shoreline;

WHEREAS, the City of Shoreline's Animal Code does not provide for offenses relating to sanitation;

WHEREAS, the Shoreline City Council amends Title 6 to add offenses relating to sanitation;

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

Section 1. New section. A new Shoreline Municipal Code section 6.05.040 is adopted to read as follows:

6.05.040 Leash law

- A. It shall be unlawful for any person to allow any animal under his or her ownership, custody, or control to enter public property or private property without the permission of the property owner if the animal is not on a leash, provided that this section shall not apply to spayed/neutered cats, police dogs while being used in the performance of any lawful duty and dogs within a city designated off leash area. A leash is defined as any rope, cord, or chain not more than fifteen feet in length by which an animal is physically controlled by the person accompanying it.
- B. A violation of this section shall be a Class 3 civil infraction under RCW 7.80.120 with a maximum monetary penalty and default amount of \$50.00, not including all statutory assessments.

Section 2. New section. A new Shoreline Municipal Code section 6.05.050 is adopted to read as follows:

6.05.050 Offenses relating to sanitation

A. It shall be unlawful to:

1. Fail to remove fecal waste deposited by an animal on public property or private property of another without the permission of the property owner before leaving the immediate area where the fecal waste was deposited.
2. Fail to have in his/her possession means of conveyance such as a plastic bag to remove his/her animal's fecal matter deposited on public property, public easement or private property.

B. A violation of this section shall be a Class 3 civil infraction under RCW 7.80.120 with a maximum monetary penalty and default amount of \$50.00, not including all statutory assessments.

Section 3. Amendment. Shoreline Municipal Code Section 6.05.010 is hereby amended to read as follows:

6.05.010 Authority to adopt.

Pursuant to RCW 35A.13.180 and 35.12.140, the city adopts by reference Chapters 11.04, Animal control regulations; ~~11.08, Dog-leash-law;~~ 11.12, Rabies control; 11.20, Disposition of fowl and rabbits; 11.24, Stock restricted area; 11.28, Exotic animals; and 11.32, Guard dogs, of the King County Code (Exhibit A, attached to the ordinance codified in this chapter), as presently constituted or hereinafter amended, as the animal control code. Exhibit A is hereby incorporated by reference as if fully set forth herein.

Section 4. Repeal. Section 6.05.030 is hereby repealed.

Section 5. Amendment. SMC 20.40.240(C) is hereby amended as follows:

Other small animals, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square-feet, five per household on lots of 20,000 to 35,000 square feet, with an additional two per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection (F) of this section; ~~provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a kennel or cattery.~~

Section 6. Effective date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after the publication date.

Approved by the City Council this 6th day of March, 2006.

Robert L. Ransom, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: March 9, 2006
Effective Date: March 14, 2006

6.05.030 Adoption of certain other laws.

To the extent that any provision of the King County Code, or any other law, rule or regulation referenced in the animal control code is necessary or convenient to establish the validity, enforceability or interpretation of the animal control code, then such provision of the King County Code, or other law, rule or regulation, is hereby adopted by reference.