

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1778

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON REGARDING ADDING FIFE MUNICIPAL CODE CHAPTER 6.01 AND NEW SECTIONS 6.01.010, 6.01.020, 6.01.030, 6.01.040, 6.01.050, 6.01.060, 6.01.070, 6.01.080, 6.01.090, 6.01.100, 6.01.110, 6.01.120, 6.01.130, 6.01.140, 6.01.150, and 6.01.160

WHEREAS, City of Fife is in need of regulation for dangerous and potentially dangerous animals; and

WHEREAS, the Fife Municipal Code currently has no regulations on this subject; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 6.01 is hereby added to the Fife Municipal Code to read as follows:

6.01 DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS

Section 2. A new Section 6.01.010 is hereby added to the Fife Municipal Code to read as follows:

6.01.010 Definitions.

Within the provisions of this chapter, the following definitions shall apply:

- (1) "Animal" means any nonhuman mammal, bird, reptile, or amphibian including livestock as defined herein.
- (2) "Animal Control Authority" means any business or agency contracted with, designated by or appointed by the City for the purposes of aiding in the enforcement of this chapter or any other law or ordinance relating to the control of animals or seizure and impoundment of animals.
- (3) "Animal control officer" means any individual employed, contracted with or appointed by the City for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the 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 assignments that involve the seizure and impoundment of any animal.
- (4) "Competent adult" means a person 18 years of age or older who is able to sufficiently care for, control, and restrain his/her animal, and who has the capacity to exercise sound judgment regarding the rights and safety of others.

(5) "Dangerous Animal" means any animal that:

- a. unprovoked, inflicts severe injury on or kills a human being, or
- b. unprovoked, inflicts severe injury on or kills an animal, or
- c. has been previously found to be potentially dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or other animals.

If two or more animals participate in an attack that results in a severe injury or death to a human being or animal, then all such animals shall be deemed to be a dangerous animal.

(6) "Impound" means to receive into the custody of the Animal Control Authority, or into the custody of the City or designee.

(7) "Livestock" means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, other hoof animals, or animals of the equidae family; all pigs, swine, or animals of the suidae family; llamas; and ostriches, rhea, and emu.

(8) "Misdemeanor" means a crime classification with a maximum penalty of 90 days in jail and/or a \$1,000.00 fine, pursuant to FMC 9.05.110

(9) "Muzzle" means a muzzle made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(10) "Owner" means any person, firm or corporation owning, having an interest in, or having control, or custody, or possession of any animal.

(11) "Potentially Dangerous Animal" means any animal that:

- a. unprovoked, bites a human or animal; or
- b. unprovoked, chases or approaches a person or domestic animal in a menacing fashion or apparent attitude of attack.

If two or more animals participate in an attack that results in a bite being inflicted on a human being or animal, then all such animals shall be deemed to be a potentially dangerous animal.

(12) "Proper Enclosure" means, while on the owner's property, the animal shall be confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have a locking door with a padlock, secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot. The structure must comply with all applicable provisions of the local Building and Zoning Codes.

(13) "Severe injury" means any physical injury which results in broken bones or disfiguring lacerations.

(14) "Unconfined" means not securely confined indoors or in a securely enclosed and locked pen or structure upon the premises of the person owning, controlling or having the care of the animal.

(15) "Vicious" means chasing or approaching a human being or animal in a menacing or apparent attitude of attack or the known propensity to do any act which might endanger the safety of any person, animal, or property of another.

(16) "Warning Sign" means a clearly visible and conspicuously displayed sign containing words and a symbol warning (to inform children or other incapable of reading) that there is a dangerous animal on the property.

Section 3. A new Section 6.01.020 is hereby added to the Fife Municipal Code to read as follows:

6.01.020 Declaration of Animals as Potentially Dangerous - Procedure

(1) The Animal Control Officer (“Officer”) shall have the ability to declare an animal as potentially dangerous if the Officer has a reasonable belief that the animal's conduct falls within the definition of a potentially dangerous animal as set forth in Section 6.01.010(11) and that the exclusion contained in Section 6.01.020(2) does not apply.

The finding must be based upon:

- a. The written or verbal complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of Section 6.01.010(11); or
- b. Animal bite reports filed with the City or the City's designee; or
- c. Actions of the animal witnessed by any Animal Control Officer or law enforcement officer; or
- d. Other substantial evidence.

(2) Exclusions. An animal shall not be declared potentially dangerous if the threat, injury, or bite alleged to have been committed by the animal was sustained by a person who was at the time committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or who was tormenting, abusing, or assaulting the animal, or who was committing or attempting to commit a crime.

(3) The declaration of a potentially dangerous animal shall be in writing and shall be served on the owner in one of the following methods:

- a. Regular and certified mail to the owner's last known address. Service shall be deemed complete upon the third day following the day upon which the notice was placed in the mail; or
- b. Personally; or
- c. If the owner cannot be located by one of the first two methods, by posting the declaration in a conspicuous location at the owner's residence.

(4) The declaration shall state at least:

- a. The description of the animal.
- b. The name and address of the owner of the animal, if known.
- c. The whereabouts of the animal if it is not in the custody of the owner.
- d. A brief statement of facts upon which the declaration of potentially dangerous animal is based.
- e. A reference to the Code Section that contains the definition of a potentially dangerous animal and to this Section.

f. The availability of a hearing in case the person objects to the declaration, if a request is made within ten calendar days.

g. The restrictions placed on the animal as a result of the declaration of a potentially dangerous animal.

h. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.

(5) The owner of the animal may appeal the declaration of potentially dangerous animal by filing an appeal of the declaration to the Fife Municipal Court.

- a. The owner must submit a written appeal ten calendar days of service of the declaration.

b. Except as provided by this Chapter, the appeal shall proceed according the applicable law of the state pertaining to courts of this kind and according to any local rules to the extent permitted by law.

c. Notice of the Municipal Court hearing shall be mailed to the owner at the address listed on the notice of appeal.

d. At the Municipal Court hearing, the scope of evidence and the scope of review shall be de novo.

e. The burden shall be on the City to prove, by a preponderance of evidence, that the animal is a potentially dangerous animal as defined in FMC 6.01.010(11) and that the exclusion contained in FMC 6.01.020(2) does not apply.

f. The Municipal Court shall render a decision on the appeal within 30 calendar days following the conclusion of all testimony and hearings and closing of the record unless a longer period of time is agreed to by the parties.

(6) The decision of the Municipal Court shall be considered final and conclusive unless a writ of review is filed in Superior Court within 20 calendar days of the Municipal Court's decision.

(7). During the entire appeal process, it shall be unlawful for the owner appealing the declaration of a potentially dangerous animal to allow or permit such animal to go beyond the premises of the owner unless such animal is securely leashed, under the control of a competent adult, and humanely muzzled or otherwise securely restrained. Upon noncompliance with this subsection, the Animal Control Authority is authorized to impound the animal subject to the procedures set forth in FMC 6.01.100 through 6.01.160.

Section 4. A new Section 6.01.030 is hereby added to the Fife Municipal Code to read as follows:

6.01.030 Declaration of Animals as Dangerous - Procedure

(1) The Animal Control Officer ("Officer") shall have the ability to declare an animal as dangerous if the Officer has a reasonable belief that the animal's conduct falls within the definition of a dangerous animal as set forth in Section 6.01.010(5) and that the exclusion contained in Section 6.01.030(2) does not apply. The finding must be based upon:

a. The written or verbal complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of Section 6.01.010(5); or

b. Animal bite reports filed with the City or the City's designee; or

c. Actions of the animal witnessed by any animal control officer or law enforcement officer; or

d. Other substantial evidence.

(2) Exclusions. An animal shall not be declared dangerous if the threat, injury, or bite alleged to have been committed by the animal was sustained by a person who was at the time committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or who was tormenting, abusing, or assaulting the animal, or who was committing or attempting to commit a crime.

(3) The declaration of a dangerous animal shall be in writing and shall be served on the owner in one of the following methods:

- a. Regular and certified mail to the owner's last known address. Service shall be deemed complete upon the third day following the day upon which the notice was placed in the mail;
- b. Personally; or
- c. If the owner cannot be located by one of the first two methods, by posting the declaration in a conspicuous location at the owner's residence.

(4) The declaration shall state at least:

- a. The description of the animal.
- b. The name and address of the owner of the animal, if known.
- c. The whereabouts of the animal if it is not in the custody of the owner.
- d. A brief statement of facts upon which the declaration of dangerous animal is based.
- e. A reference to the Code Section that contains the definition of a dangerous animal and to this Section.

f. The availability of a hearing in case the person objects to the declaration, if a request is made within ten calendar days.

g. The restrictions placed on the animal as a result of the declaration of a dangerous animal.

h. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.

(5) The owner of the animal may appeal the declaration of dangerous animal by filing an appeal of the declaration to the Fife Municipal Court.

- a. The owner must submit a written appeal ten calendar days of service of the declaration.
- b. Except as provided by this Chapter, the appeal shall proceed according the applicable law of the state pertaining to courts of this kind and according to any local rules to the extent permitted by law.

c. Notice of the Municipal Court hearing shall be mailed to the owner at the address listed on the notice of appeal.

d. At the Municipal Court hearing, the scope of evidence and the scope of review shall be de novo.

e. The burden shall be on the City to prove, by a preponderance of evidence, that the animal is a dangerous animal as defined in FMC 6.01.010(5) and that the exclusion contained in FMC 6.01.030(2) does not apply.

f. The Municipal Court shall render a decision on the appeal within 30 calendar days following the conclusion of all testimony and hearings and closing of the record unless a longer period of time is agreed to by the parties.

(6) The decision of the Municipal Court shall be considered final and conclusive unless a writ of review is filed in Superior Court within 20 calendar days of the Municipal Court's decision.

(7). During the entire appeal process, it shall be unlawful for the owner appealing the declaration of a dangerous animal to allow or permit such animal to go beyond the premises of the owner unless such animal is securely leashed, under the control of a competent adult, and humanely muzzled or otherwise securely restrained. Upon noncompliance with this subsection, the Animal Control Authority is authorized to impound the animal subject to the procedures set forth in FMC 6.01.100 through 6.01.160.

Section 5. A new Section 6.01.040 is hereby added to the Fife Municipal Code to read as follows:

6.01.040 Registration, Permits and Fees for Potentially Dangerous Animals

(1) Following the declaration of a potentially dangerous animal and the exhaustion of the appeal therefrom, the owner of a potentially dangerous animal shall obtain a permit for such animal from the Animal Control Authority, and shall be required to pay the fee for such permit in the amount of \$250.00 to the City or the City's designee. In addition, the owner of a potentially dangerous animal shall pay an annual renewal fee for such permit in the amount of \$250.00 to the City or the City's designee.

(2) Should the owner of a potentially dangerous animal fail to obtain a permit for such animal or to appeal the declaration of a potentially dangerous animal, the City or the City's designee is authorized to seize and impound such animal and, after notification to the owner, hold the animal for a period of no more than five days before destruction of such animal.

(3) A registration and permit will be issued to the owner of a potentially dangerous animal upon payment of the permit and inspection fees if the owner is able to pass a site inspection within the prescribed timeframe by meeting the following inspection criteria:

a. A proper enclosure of the animal with a posted warning sign as defined in Sections 6.01.010(12) and (16);

b. Proof that either:

i. The animal has been microchipped (and microchip number is provided), or

ii. The animal has an identifying tattoo, either inside the left ear or inside the left, rear, upper thigh of the animal and a color, digital photo of the tattoo (in electronic format) is provided for identification purposes;

c. Two current, color, digital photographs (in electronic format) of the animal (minimum 3" x 5" in size), for identification purposes;

d. Proof of current rabies vaccination;

e. Proof the animal has been spayed or neutered.

f. Proof of a policy of liability insurance (such as homeowner's insurance) issued by an insurer qualified under Title 48 RCW in the amount of at least \$250,000.00 (with City of Fife listed as the certificate holder), insuring the owner for any personal injuries inflicted by the potentially dangerous animal, or proof of 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 \$250,000.00 and payable to any person injured by the potentially dangerous animal.

(4) Animal must be humanely muzzled, as defined in Section 6.01.010(9) when outside of its primary residence.

An owner who fails to pass inspection will be subject to a \$50.00 re-inspection fee per occurrence. Re-inspection must occur during the prescribed ten calendar day period; it does not extend the allotted timeframe.

Section 6. A new Section 6.01.050 is hereby added to the Fife Municipal Code to read as follows:

6.01.050 Registration, Permits and Fees for Dangerous Animals

(1) Following the declaration of a dangerous animal and the exhaustion of the appeal therefrom, the owner of a dangerous animal shall obtain a permit for such animal from the Animal Control Authority, and shall be required to pay the fee for such permit in the amount of \$500.00 to the City or the City's designee. In addition, the owner of a potentially dangerous animal shall pay an annual renewal fee for such permit in the amount of \$500.00 to the City or the City's designee.

(2) Should the owner of a dangerous animal fail to obtain a permit for such animal or to appeal the declaration of a dangerous animal, the City or the City's designee is authorized to seize and impound such animal and, after notification to the owner, hold the animal for a period of no more than five days before destruction of such animal.

(3) A registration and permit will be issued to the owner of a dangerous animal upon payment of the permit and inspection fees if the owner is able to pass a site inspection within the prescribed timeframe by meeting the following inspection criteria:

a. A proper enclosure of the animal with a posted warning sign as defined in Sections 6.01.010(12) and (16);

b. Proof that either:

i. The animal has been microchipped (and microchip number is provided), or

ii. The animal has an identifying tattoo, either inside the left ear or inside the left, rear, upper thigh of the animal and a color, digital photo of the tattoo (in electronic format) is provided for identification purposes;

c. Two current, color, digital photographs (in electronic format) of the animal (minimum 3" x 5" in size), for identification purposes;

d. Proof of current rabies vaccination;

e. Proof the animal has been spayed or neutered.

f. Proof of a policy of liability insurance (such as homeowner's insurance) issued by an insurer qualified under Title 48 RCW in the amount of at least \$250,000.00 (with City of Fife listed as the certificate holder), insuring the owner for any personal injuries inflicted by the dangerous animal, or proof of 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 \$250,000.00 and payable to any person injured by the dangerous animal.

(4) Animal must be humanely muzzled, as defined in Section 6.01.010(9) when outside of its primary residence.

An owner who fails to pass inspection will be subject to a \$50.00 re-inspection fee per occurrence. Re-inspection must occur during the prescribed ten calendar day period; it does not extend the allotted timeframe.

Section 7. A new Section 6.01.060 is hereby added to the Fife Municipal Code to read as follows:

6.01.060 Confinement and Identification of Dangerous or Potentially Dangerous Animals

(1) Following a declaration of a dangerous or potentially dangerous animal and the exhaustion of the appeal therefrom, it shall be unlawful for the person owning or harboring or having care of such dangerous or potentially dangerous animal to allow and/or permit such animal to:

a. Remain outside of a proper enclosure while on the premises of such person; or

b. Go beyond the premises of such person unless such animal is securely leashed and humanely muzzled or otherwise securely restrained.

(2) Dangerous or potentially dangerous animals must be tattooed or have a microchip implanted for identification. Identification information must be on record with the City of Fife or its designee.

(3) Dangerous or potentially dangerous animals must be currently registered and the registration permit to own the animals as defined under Section 6.01.040 and 6.01.050 must be kept current at all times.

Section 8. A new Section 6.01.070 is hereby added to the Fife Municipal Code to read as follows:

6.01.070 Notification of Status of a Dangerous or Potentially Dangerous Animal

(1) The owner of an animal that has been classified as a dangerous or potentially dangerous animal shall immediately notify the City of Fife or its designee when such animal:

a. Is loose or unconfined; or

b. Has bitten or otherwise injured a human being or attacked another animal or livestock.

(2) At least 48 hours prior to a dangerous or potentially dangerous animal being sold, given away, or moved to another location, the owner shall provide the name, address, and telephone number of the new owner to the City or the City's designee. The new owner shall comply with all of the requirements of this Chapter in addition to any state and/or local laws in existence in the new location.

(3) When an animal classified as dangerous or potentially dangerous dies, the owner of said animal shall submit proof (vet records, etc.) to the City or the City's designee within ten calendar days.

Section 9. A new Section 6.01.080 is hereby added to the Fife Municipal Code to read as follows:

6.01.080 Penalty for Failure to Control or Comply with Restrictions.

Any person who violates a provision of Chapter 6.01 shall, upon conviction thereof, be found guilty of a misdemeanor. In addition, any person found guilty of violating this Chapter shall pay all expenses, including shelter, food and veterinary expenses, including identification or boarding and veterinary expenses necessitated by the seizure of any animal for the protection of the public, and such other expenses as may be required for the destruction of any such animal. The animals are subject to seizure and impoundment consistent with Section 6.01.090.

Furthermore, any dangerous or potentially dangerous animal which attacks a human being or animal may be ordered destroyed when, in the Municipal Court's judgment, such dangerous or potentially dangerous animal represents a continuing threat of serious harm to human beings or animals.

Section 10. A new Section 6.01.090 is hereby added to the Fife Municipal code to read as follows:

6.01.090 Impoundment of Dangerous or Potentially Dangerous Animals.

(1) Should the owner of a dangerous or potentially dangerous animal violate the conditions or restrictions of owning and possessing a dangerous or potentially dangerous animal contained in Section 6.01.040 or .050 or imposed by the Animal Control Authority, Fife Municipal Court or Superior Court, such animal may be seized and impounded.

(2) The owner may prevent the animal's destruction by, within two business days, petitioning the Fife Municipal Court for the animal's immediate return.

a. Except as provided by this Chapter, the appeal shall proceed according the applicable law of the state pertaining to courts of this kind and according to any local rules to the extent permitted by law.

b. Notice of the Municipal Court hearing shall be mailed to the owner at the address listed on the notice of appeal.

c. At the Municipal Court hearing, the burden shall be on the City to prove, by a preponderance of evidence, that the owner failed to comply with the conditions or restrictions of owning and possessing a dangerous or potentially dangerous animal.

d. The scope of evidence and scope of review shall be de novo.

e. The Municipal Court shall decide if the animal should be returned to the owner, subject to conditions that will bring the owner into compliance with this Chapter, or be humanely euthanized.

(3) If a decision to euthanize the animal is rendered by the Municipal Court, the owner may prevent the animal's destruction by, within seven calendar days:

a. Petitioning the Superior Court for the animal's immediate return, subject to court imposed conditions; and

b. Posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of 30 calendar days from the seizure date.

c. At the hearing in Superior Court, the burden shall be on the City to prove, by a preponderance of evidence, that the owner failed to comply with the conditions or restrictions of owning a dangerous or potentially dangerous animal.

d. The scope of evidence and scope of review shall be de novo.

e. The decision of the Municipal Court shall be upheld, reversed, or modified by Superior Court.

(4) If the Animal Control Authority has custody of the animal when the bond or security expires, the animal shall be immediately forfeited to the Animal Control Authority unless the court orders an alternative disposition. If a court order prevents the Animal Control Authority from assuming ownership and it continues to care for the animal, the owner shall renew the bond or security, in advance, for all continuing costs for the animal's care.

Section 11. A new Section 6.01.100 is hereby added to the Fife Municipal code to read as follows:

6.01.100 Notice of Impounding Animal.

Upon the impoundment of any animal under the provisions of 6.01.020 or .030, the Animal Control Authority shall immediately notify the owner, if the owner is known, of the impounding of such animal, and of the terms upon which said animal can be redeemed. The impounding authority shall retain said animal for 48 hours following actual notice to the owner. The notifying of any person over the age of 18 who resides at the owner's domicile shall constitute actual notice to the owner. If the owner of said animal so impounded is unknown, then

said Animal Control Authority shall make a reasonable effort to locate and notify the owner of said animal.

Section 12. A new Section 6.01.110 is hereby added to the Fife Municipal code to read as follows:

6.01.110 Hindering an Officer.

It is unlawful for any person to interfere with, hinder, delay, or impede any officer who is enforcing the provisions of this Title as herein provided. A violation of this Section is a misdemeanor.

Section 13. A new Section 6.01.120 is hereby added to the Fife Municipal code to read as follows:

6.01.120 Interference With Impounding.

It is unlawful for any person to willfully prevent or hinder the impounding of any animal, or to by force or otherwise remove any animal from the animal shelter without authority of the person in charge of the animal shelter, or without payment of all lawful charges against such animal, or to willfully resist or obstruct any officer in the performance of any official duty. A violation of this Section is a misdemeanor.

Section 14. A new Section 6.01.130 is hereby added to the Fife Municipal code to read as follows:

6.01.130 Redemption of Dogs.

The owner of any dog impounded under Section 6.01.020 or .030 may redeem said dog within 48 hours from time of impounding by paying to the Animal Control Authority the appropriate redemption fee. The first time a dog is impounded within a one year period, the redemption fee is \$25.00; for the second impound within a one year period the redemption fee is \$50.00; for the third and subsequent impounds within a one year period the redemption fee is \$75.00. In addition to the redemption fee, the redeemer shall pay all charges associated with the care and keeping of such dog, including the first and last days the dog is retained by the impounding authority. If an impounded dog is not redeemed by the owner within 48 hours, then any person may redeem it within the next 48 hours by complying with the above provision. In case such dog is not redeemed within 96 hours, it may be humanely destroyed or otherwise disposed of within the discretion of the Animal Control Authority.

Section 15. A new Section 6.01.140 is hereby added to the Fife Municipal code to read as follows:

6.01.140 Redemption of Livestock.

The owner of livestock impounded under this 6.01.020 or .030 may redeem said livestock within 48 hours from time of impounding by paying to the impounding authority a redemption fee of \$35.00 per animal for small livestock (i.e., goats, sheep, swine, ostriches, rhea, emu, etc.) and a redemption fee of \$75.00 per animal for larger livestock (i.e., cattle, horses, mules, llamas,

etc.). In addition, the cost of a private livestock hauler, if one is used, is to be paid at the time of redemption. In addition to the redemption fee, the redeemer shall pay all charges associated with the caring and keeping of such animal, including the first and last days that the animal is cared for by the impounding authority. The livestock may be cared for by a private boarding facility, in which case that facility's boarding fees and all associated costs shall be paid at the time of redemption.

Section 16. A new Section 6.01.150 is hereby added to the Fife Municipal code to read as follows:

6.01.150 Redemption of Animals Other Than Dogs and Livestock.

The owner of any animal other than a dog or livestock impounded under the provisions of 6.01.020 or .030 may redeem it within 48 hours from the time of impounding by paying to the Animal Control Authority the appropriate redemption fee. In addition to the redemption fee, the redeemer shall pay all charges for the care and keeping of such animal, equal to the current total daily rate, including the first and last days, that the animal is retained by the impounding authority. If such animal is not redeemed by the owner within 48 hours, it may be humanely destroyed or otherwise disposed of at the discretion of the Animal Control Authority; provided, however, that any animal so impounded less than two months of age, at the discretion of the Animal Control Authority, may be humanely destroyed or otherwise disposed of at any time after impounding.

Section 17. A new Section 6.01.160 is hereby added to the Fife Municipal code to read as follows:

6.01.160 Conditions of Release.

The Animal Control Authority is authorized to refuse to release to its owner any animal which has been impounded more than once in a 12-month period unless satisfied that the owner has taken steps that the violation will not occur again. The Animal Control Authority may impose reasonable conditions which must be satisfied by the owner before release of the animal, including conditions assuring that the animal will be confined. Any violation of the conditions of release is unlawful and shall constitute a Class 3 Civil Infraction pursuant to FMC Chapter 1.24.030 and 1.24.040.

Section 18. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

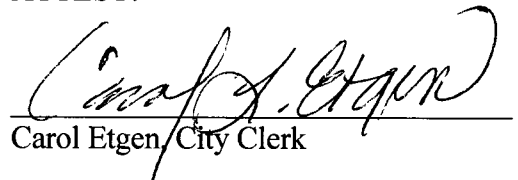
Section 19. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 22nd day of May, 2012.

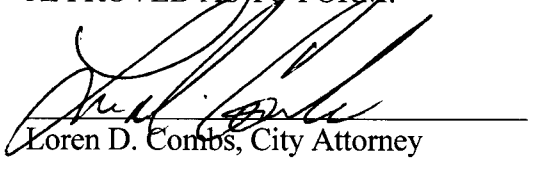
Passed by the City Council on the 12th day of June, 2012.


Dave Zabel, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: 6-14-12
Effective Date: 6-19-12, 2012

NOTICE OF ORDINANCES PASSED BY THE CITY OF FIFE ORDINANCE NO. 1776 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 3.06.010 AND 3.48.010 OF THE FIFE MUNICIPAL CODE, AND ADDING A NEW CHAPTER 3.02 REGARDING BIENNIAL BUDGETS A COMPLETE COPY OF THE ORDINANCE IS ON THE City of Fife website, www.cityoffife.org Carol Etgen City Clerk

ORDINANCE NO. 1778 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, REGARDING ADDING FIFE MUNICIPAL CODE CHAPTER 6.01 AND NEW SECTIONS 6.01.010, 6.01.020, 6.01.030, 6.01.040, 6.01.050, 6.01.060, 6.01.070, 6.01.080, 6.01.090, 6.01.100, 6.01.110, 6.01.120, 6.01.130, 6.01.140, 6.01.150, AND 6.01.160 A COMPLETE COPY OF THE ORDINANCES ARE ON THE City of Fife website, www.cityoffife.org

Publish Dates: 6/14/2012 -6/15/2012