

**City Of Woodland
City Council Meeting Agenda Summary Sheet**

Agenda Item: Adopt Ordinance No. 1293-
an ordinance amending Title 7.04.080 relating to
penalties for violations of title 7.04, Dogs, Cats and
Other Pets (FIRST READING)

Agenda Item #: (K) Action

For Agenda of: 03/03/2014

Department: Police

Date Submitted: 02/27/2014

Cost of Item: _____

Amount Budgeted: _____

Unexpended Balance: _____

BARS #:

Description:

Department Supervisor Approval: Brad Gillaspie, Police Chief / s /

Committee Recommendation: Presented at the workshop on 2/24/2014

Agenda Item Supporting Narrative (list attachments, supporting documents):

Ordinance No. 1293

Sections of RCW 7.80.120 and WMC 1.12.020-Penalties

Summary Statement/Department Recommendation:

Recommend approval to adopt FIRST READING of Ordinance No. 1293- an ordinance amending Title 7.04.080 relating to penalties for violations of title 7.04, Dogs, Cats and Other Pets.

CITY OF WOODLAND

ORDINANCE No. 1293

AN ORDINANCE AMENDING TITLE 7.04.080 RELATING TO PENALTIES FOR VIOLATIONS OF TITLE 7.04, DOGS, CATS, AND OTHER PETS AND APPROVING AN ORDINANCE SUMMARY FOR PUBLICATION AS MORE PARTICULARLY SET FORTH HEREIN.

FINDINGS OF FACT

The City Council of the City of Woodland finds as follows:

WHEREAS, [RESERVED];

WHEREAS, [RESERVED];

AND, WHEREAS, [RESERVED].

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodland as follows:

1. Section WMC 7.04.080 - Infractions

The following old section is deleted:

OLD SECTION 7.04.080 - Infractions

Violation of the following sections of this chapter shall constitute a class 4 civil infraction:

- A. Section 7.04.040(A): Failure to license;
- B. Section 7.04.050(A): Dog at large;
- C. Section 7.04.050(B): Nuisance pet animal;
- D. Section 7.04.050(C): Pet animals on public property;
- E. Section 7.04.050(E): Failure to remove fecal material;
- F. Section 7.04.050(F): Failure to sterilize an adopted pet animal;
- G. Section 7.04.050(G): Keeping of pets and domestic animals that are not allowed in residential zoning districts.

Civil infractions shall be heard and determined according to RCW Chapter 7.80, as amended, and any applicable court rules.

The following new section replaces the prior 7.04.080 in its entirety:

NEW SECTION 7.04.080 - Infractions

7.04.080 Civil Penalties – Schedules

A person found to have committed an infraction under this Chapter shall be assessed a monetary civil penalty, not including any other statutory assessments under State law and filing fees, as follows:

- A. Violations of 7.04.040 and 7.04.050
 - 1. First offense: \$50.00 (or amended WMC 1.12.020) [ALTERNATE LANGUAGE: A first offense is a Class 3 Civil Infraction]
 - 2. Second offense in 12-month period: \$125.00 (or amended WMC 1.12.020) [ALTERNATE LANGUAGE: A second offense is a Class 2 Civil Infraction]
 - 3. Third offense in 12-month period: \$250.00 (or amended WMC 1.12.020) [ALTERNATE LANGUAGE: a third offense is a Class 1 Civil Infraction]

- B. Violations of 7.04.52, 704.054 and 7.04.058
 - 1. First offense: \$250.00 [Proposed fee is INCONSISTENT with RCW 7.80.120 and WMC 1.12.020 if kept as civil infraction]
 - 2. Second offense in 12-month period: \$500.00 [Proposed fee is INCONSISTENT with RCW 7.80.120 and WMC 1.12.020 if kept as civil infraction]
 - 3. Third offense in a 12-month period: \$750.00 [Proposed fee is INCONSISTENT with RCW 7.80.120 and WMC 1.12.020 if kept as civil infraction]

Civil infractions shall be heard and determined according to RCW Chapter 7.80 as amended, and any applicable courts rules.

2. Severability

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or constitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

3. Effective Date

This ordinance shall become effective five (5) days after its publication in the media or paper of record as required by law.

4. Publishing

A summary of this ordinance shall be published.

This ordinance shall be in full force and effect five days after publication as required by law.

ADOPTED IN OPEN MEETING THIS 17th day of March, 2014.

CITY OF WOODLAND, WASHINGTON

Approved:

Grover Laseke, Mayor

Attest:

Mari E. Ripp, Clerk/Treasurer

Approved as to form:

William J. Eling, City Attorney

**SUMMARY OF ORDINANCE NO. 1293
OF THE CITY OF WOODLAND, WASHINGTON**

On March 17, 2014 the City Council of the City of Woodland, Washington, approved Ordinance No. 1293 the main point which may be summarized by its title as follows:

AN ORDINANCE AMENDING TITLE 7.04.080 RELATING TO PENALTIES FOR VIOLATIONS OF TITLE 7.04, DOGS, CATS, AND OTHER PETS AND APPROVING AN ORDINANCE SUMMARY FOR PUBLICATION AS MORE PARTICULARLY SET FORTH HEREIN.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting on 17th day of March, 2014.

Mari E. Ripp, Clerk-Treasurer

Published: March 26, 2014
Effective: March 31, 2014

RCW 7.80.120**Monetary penalties — Restitution.**

(1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments, except for an infraction of state law involving (i) potentially dangerous litter as specified in RCW 70.93.060(4) or violent video or computer games under RCW 9.91.180, in which case the maximum penalty and default amount is five hundred dollars; or (ii) a person's refusal to submit to a test or tests pursuant to RCW 79A.60.040 and 79A.60.700, in which case the maximum penalty and default amount is one thousand dollars;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution.

[2013 c 278 § 3. Prior: 2003 c 365 § 3; 2003 c 337 § 4; 1997 c 159 § 2; 1987 c 456 § 20.]

Notes:

Findings -- 2003 c 365: See note following RCW 9.91.180.

Findings -- 2003 c 337: See note following RCW 70.93.060.

1.12.020 Civil infractions.

- A. A person found to have committed a civil infraction shall be assessed a monetary penalty.
 - 1. The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments;
 - 2. The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;
 - 3. The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and
 - 4. The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.
- B. The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.
- C. Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of time in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.
- D. The court may also order a person found to have committed a civil infraction to make restitution.

(Ord. 815 § 1, 1996)