

**CHEHALIS CITY COUNCIL AGENDA**  
 CITY HALL  
 350 N MARKET BOULEVARD, CHEHALIS, WA 98532

Terry F. Harris, District 1, Mayor Pro Tem Daryl J. Lund, District 2 Dr. Isaac S. Pope, District 4	Anthony E. Ketchum Sr., District 3 Mayor	Dennis Dawes, Position at Large Chad E. Taylor, Position at Large Bob Spahr, Position at Large
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**Regular Meeting of Monday, June 25, 2012**

**6:00 p.m.**

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
1. <u>Call to Order.</u> (Mayor)		
2. <u>Pledge of Allegiance.</u> (Mayor)		

<b>CITIZENS BUSINESS</b>		
This is an opportunity for members of the audience to address the council on matters not listed elsewhere on the agenda. Speaker identification forms are available at the door and may be given to the city clerk prior to the beginning of the meeting.		
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<b>PRESENTATIONS</b>		
3. Civil War Re-Enactment Planned – July 22, 2012, in Rural Chehalis. (Ron Sande, W.F. Instructor)	---	

CONSENT CALENDAR		
4. <u>Minutes of the Regular Meeting of June 11, 2012.</u> (City Clerk)	APPROVE	1
5. <u>Vouchers and Transfers.</u> (Finance Manager)	APPROVE	6

ADMINISTRATION AND CITY COUNCIL REPORTS		
6. <u>Administration Reports.</u> a. May financial report. (Finance Manager)	INFORMATION ONLY	7
7. <u>Council Reports.</u> a. Councilor reports. (City Council)	INFORMATION ONLY	
b. Council committee reports. (City Council)	INFORMATION ONLY	

NEW BUSINESS		
8. <u>Resolution No. 10-2012, First and Final Reading – Dissolving the Chehalis Library Board.</u> (Library Manager Corine Aiken, City Clerk)	ADOPT	12
9. <u>Ordinance No. 894-B – Repealing and Replacing Chapter 7.04.130 of the Chehalis Municipal Code, the Nuisance Code.</u> (Police Chief)	PASS	16
10. <u>Ordinance No. 895-B – Repealing and Replacing Chapter 6.04 of the Chehalis Municipal Code, the Animal Control Code.</u> (Police Chief)	PASS	27

THE CITY COUNCIL MAY ADD AND TAKE ACTION ON  
OTHER ITEMS NOT LISTED ON THIS AGENDA

NEXT REGULAR CITY COUNCIL MEETING WILL BE ON MONDAY, JULY 9, 2012

June 11, 2012

The Chehalis city council met in regular session on Monday, June 11, 2012, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 5:00 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Bob Spahr, Daryl Lund, Chad Taylor, and Dennis Dawes. Staff present included: Merlin MacReynold, City Manager; Brian Kelly, Assistant City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Bob Nacht, Community Development Director; Eva Lindgren, Finance Manager; Peggy Hammer, Human Resources Administrator; Herta Fairbanks, Public Works Director; and Rick Sahlin, Street Superintendent. Members of the media included Kyle Spurr from *The Chronicle*.

1. **Work Session - Briefing on Conceptual Alternatives for Future I-5 Widening/Protection Projects.** Bart Gernhart, Assistant Regional Administrator for Engineering, Washington State Department of Transportation (WSDOT) Southwest Region, provided the council with an overview of conceptual projects that could protect the interstate highway and municipal airport at Chehalis and Centralia, and ensure access to medical and other critical community facilities during flood events, per House Bill 2020, approved by the State Legislature in May, 2011. Also in attendance was Colin Newell, WSDOT Area Engineer.

Mr. Gernhart talked briefly about the I-5 Mellen Street to Blakeslee Junction project. He noted, in order to provide access to the hospital from downtown Centralia, they planned to install flood walls and levees around the old sewage treatment plant in Centralia to keep water from encroaching the top of the existing Long Road dike.

Mr. Gernhart gave a brief overview of the I-5 improvements done over the last several years both north and south of Chehalis. He noted WSDOT spent a full year scoping the project for the five-mile gap between 13<sup>th</sup> Street and Mellen Street, noting at some point it would need to be widened from four to six lanes. Mr. Gernhart stated there was no funding available at this time for the I-5 widening project or for the I-5 flood protection project; the Legislature just asked WSDOT to provide alternative projects to consider. He noted his presentation would show how the conceptual projects would relate to the I-5 widening projects.

Mr. Gernhart reported they identified six different options:

- |   |                         |
|---|-------------------------|
| ▪ Raise I-5 using fill material:                        | \$350 to \$450 million  |
| ▪ Raise and widen I-5 to six lanes using fill material: | \$450 to \$550 million* |
| ▪ Raise I-5 using a viaduct:                            | >\$1.5 billion*         |
| ▪ Raise I-5 outside flood plain:                        | >\$2 billion*           |
| ▪ Protect I-5 with walls and levees:                    | \$80 to \$100 million   |
| ▪ I-5 Express lanes or Temporary by-pass lanes:         | Costs undetermined      |

\*Includes widening I-5 to six lanes

Mr. Gernhart noted widening I-5 to six lanes without raising it or protecting it would cost \$250 to \$350 million.

Mr. Gernhart stated by raising I-5 a couple of feet they would have to replace all of the storm sewer systems, guardrail, and lights, which would be very expensive. They would also have to consider the number of bridges, overpasses, and ramps that would need to be replaced, and raise the airport levee.

Mr. Gernhart reported WSDOT used the Chehalis River Basin Flood Authority's model, based on the 2007 flood event, for each of the conceptual projects to show the increase and decrease in water levels. He noted each one of the scenarios had a different outcome.

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Mr. Gernhart talked briefly about the concept of raising I-5 and/or relocating it. He noted both projects were cost prohibitive and it was not reasonable for WSDOT to pursue them.

Mr. Gernhart reported on the 'walls and levees' alternative. He stated in this scenario the big issue would be the winners and the losers, and the overall cost. Mr. Gernhart talked about some of the options evaluated for Salzer and Dillenbaugh Creeks, which included: attaching walls to the bridges, installing culverts, raising the bridges, and realigning Dillenbaugh Creek.

Mr. Gernhart talked briefly about the concept of putting a culvert 'pipe arch' under the four bridges near highway 6. He noted this concept would include large walls or a levee across the top to prevent water from flooding the interchange. Mr. Gernhart reported by doing this they would avoid having to replace all four bridges in the future, saving WSDOT millions of dollars. He suggested this was a cost effective solution to move forward with, even if it doesn't protect I-5.

Mr. Gernhart reported on potential solutions for I-5 from SR6 (Main Street) up to Chamber way, using walls and levees. He noted, if the project were approved, it would need to include a new storm sewer system and mitigation to raise the flood elevations in some locations.

Mr. Gernhart reported the impact of protecting I-5 with walls or levees was very similar to that of raising it. He stated the water level on the west side of I-5 could potentially be 1.8 feet higher than in the 2007 event. Mr. Gernhart suggested mitigation money would be needed to help raise homes that could potentially be affected. He stated if the project does move forward, they would have to go through a full blown NEPA process and get public input to figure out what the true mitigation would be.

Mr. Gernhart talked about a new concept, which involved express lanes through Chehalis. He noted they hadn't done much work with this concept, but the idea was to take one lane of I-5 off the interstate in each direction and have them bypass the floodplain area on a bridge that would follow the Tacoma Rail line through Chehalis and eventually tie into the Mellen Street project. Mr. Gernhart indicated the express lanes would be right at the edge of the Westside Historic neighborhood, noting those folks would obviously not be happy with it.

Mr. Gernhart reported they had a brief conversation with Tacoma Rail regarding the idea, and they didn't say 'absolutely' no. He reminded the council that WSDOT was not proposing anything; these were just some ideas that might be worth further investigation.

Councilor Lund noted the city owns a steam locomotive, which is one of its tourist attractions, and every so many years it has to be rebuilt. He stated if the running gear needs rebuilt the only place he knows to work on it is in Mineral, Washington, and the only way to get there was to use the Tacoma Rail.

Mr. Gernhart suggested there were a lot more problems than that, but it was good to know because they need to document those types of issues and get them to the Ruckelshaus Center, so it can be part of the final report.

Mr. Gernhart reported another option would be a temporary bypass. He noted it would be a lower version of the express lane and would only be used during an emergency event. Mr. Gernhart didn't know if this project would be cost effective, adding the express lane concept was clearly more expensive than flood walls and levees.

Councilor Pope stated his greatest concern is for the people of the two communities and those living in the surrounding areas. He noted they are the ones he wants to protect, not I-5.

Mr. Gernhart reported Ruckelshaus Center was having a workshop on June 14 and 15 where the city and members of the Flood Authority and the general public will have an opportunity to comment.

Mr. Gernhart briefly reviewed the costs of each concept, noting there were a lot of negative issues with all of the options.

Councilor Dawes believed flood walls were nothing more than water retention on a lesser scale, suggesting all it does is push the water back. He stated he certainly cared about I-5, and for a period of time there was the interest of, "We need to

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keep I-5 open at all costs." Councilor Dawes suggested keeping I-5 open at all costs would only end up costing the people who live out in the surrounding communities.

Councilor Dawes stated he hoped those attending the work shop will suggest that they be objective and take into consideration the widest range of solutions, and not just look at protecting I-5. He suggested, as far as the airport, there might be potential assistance from the FAA.

Mr. Gernhart responded to several questions and comments regarding the potential impacts of the concepts presented, including: drainage, economic impacts, mitigation funding, and protection for businesses.

Mayor Ketchum didn't believe the state would disregard our economic status or our needs just to protect the freeway.

Mr. Gernhart stated they would be sharing all of their information, including that of the Flood Authority and WSDOT, with Ruckelshaus Center who would write the report for the Legislature. It was his understanding that the legislature would be the ones to make the final decision, not WSDOT.

Mayor Ketchum closed the work session at 6:15 p.m. and announced the council would take a five minute recess before opening the regular meeting at 6:11 p.m.

2. **Introductions.** Councilor Pope introduced University of Washington student Denver Niles. He noted each summer they have a medical student come and spend some time in the community. Councilor Pope noted this year's community project would be to help provide a portable defibrillator for the Chehalis Municipal Court.

3. **Consent Calendar.** Councilor Dawes moved to approve the consent calendar comprised of the following:

- a. Minutes of the regular meeting of May 29, 2012;
- b. Claim Vouchers No. 103173-103292 and EFT No. 520121 in the amount of \$97,814.23 dated May 31, 2012; Payroll Vouchers No. 35644-35715, Direct Deposit Payroll Vouchers No. 3159-3230, and Electronic Federal Tax Payment No. 111 in the amount of \$647,542.84; and
- c. Authorize City Manager to execute interlocal agreement for equipment use between the City and the City of Centralia.

The motion was seconded by Councilor Spahr and carried unanimously.

4. **Administration Reports.**

a. **Chehalis Library Board.** City Manager MacReynold reported he had been in communication with the council regarding a conversation he had with Library Manager Corine Aiken. He noted Ms. Aiken is recommending that the council consider rolling the current Library Board members into the existing "Friend's" group.

City Manager MacReynold reported, in 1982, the citizens voted to be annexed to and be part of the Timberland Regional Library District. At that point the Governing Board became the Timberland Regional Library and the Chehalis Library Board started acting more like a "Friend's" group. City Manager MacReynold stated, since the mayor makes the appointments to this board with ratification from the council, it was their call whether they want to discontinue the board, or not.

Councilor Spahr suggested if they have no legal input into the operation of the library, they really don't serve any purpose.

Mayor Ketchum thought perhaps the board was left over from when it was the city's library and was never dealt with after the annexation. City Manager MacReynold suspected that was the case and suggested they were probably interested in keeping the board at some level as the transition played out.

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Councilor Spahr inquired about the city's representation on the Timberland Regional Library Board. City Manager MacReynold indicated he had not received an answer to that, but would share it with the council when he does receive it.

The consensus of the council was to have the administration prepare a resolution and bring it back to the council for consideration at the next regular meeting.

b. **Council Work Session.** City Manager MacReynold reported a council work session to discuss the city's strategy for the upcoming year was set for Monday, July 30, at 5:00 p.m. in the council chamber.

5. **Council Reports.**

a. **Update From Councilor Spahr.** Councilor Spahr reported he attended the scholarship award ceremony for the Class of 2012 at W.F. West on Thursday night, as well as their graduation ceremony Saturday evening. He reported the graduating class received about \$1.5 million in scholarships this year. Councilor Spahr noted the class of 1965 started what's called "Dollars for Scholars" and gave out 30 scholarships averaging \$1,000 each.

b. **Update From Councilor Dawes.** Councilor Dawes gave a brief update on the North Lewis County Regional Fire Authority Planning Committee meeting. He reported they were going to start putting together some preliminary numbers to see what it's going to cost and what the model might look like. Councilor Dawes stated they plan to present the preliminary numbers at their July meeting. He reported, as chair of the committee, he has not been approached by any of the districts to say they were not interested in participating.

Councilor Dawes reported he was registered to go to the AWC conference next week, adding he was interested in seeing what's on the horizon.

c. **Flood Authority.** Councilor Taylor indicated he was having difficulty getting up to speed and actually making it to any of the Flood Authority meetings. He noted some of the meetings are one or two days long, adding the preparation before the meetings can be pretty exhausting with regard to the amount of information they have to read. Councilor Taylor didn't know if he was giving it the amount of time it deserves and asked if there was anyone else on the council who would like to help take it on.

Councilor Taylor suggested he become the alternate and make Dr. John Henricksen the primary representative, even though he too has a hard time making it to all of the meetings.

Mayor Ketchum asked if they wanted the administration to try and find another Julie Balmelli-Powe. City Manager MacReynold stated the administration could certainly try.

d. **Update From Councilor Harris.** Councilor Harris reported, on Monday, June 4, he attended the I-5 project groundbreaking ceremony in Centralia. He made a comment with regard to the by-pass alternative presented earlier, noting "They are going to make it easier to just pass by this community." Councilor Harris suggested we are going to have to sharpen our pencils and figure out ways to make our city more inviting, adding he wanted to work close with DOT on things like signage.

Councilor Harris reported the decoration committee met and are getting close to having a completed project for the Chehalis Foundation to take on. He noted he made a short presentation to the Chehalis Community Renaissance Team last Friday, adding once he gets it perfected for the Foundation he would bring it back to the council. Councilor Harris suggested it was a great group to work with, noting it took them a little while to get started because one of the key members, Centralia-Chehalis Chamber Executive Director Jim Valley, has been out ill and was working hard to try and keep his health. He asked that everyone keep Mr. Valley in their thoughts and prayers.

e. **Update From Councilor Pope.** Councilor Pope reported he had been receiving a number of verbal comments from citizens regarding a particular piece of property on the corner of 16<sup>th</sup> Street and Grandview Avenue. He suggested the home was in disrepair and has become an eyesore. Councilor Pope asked if there was a legal process the city could go through to encourage the property owner to clean it up.

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City Manager MacReynold stated he couldn't speak to the legal process, but the city did have a code process that could place the property owner on notice.

Police Chief Glenn Schaffer reported he could have someone go by and check it out. He suggested even though there may be things that are eyesores, they may not violate the code. Chief Schafer stated, if in fact it does violate the code, it would fall into the city's nuisance abatement process and the property owner would receive a letter and have an opportunity to correct it on their own before the city steps in.

6. **Resolution No. 9-2012, First and Final Reading – Adopting the 2013-2018 Six-Year Transportation Improvement Plan**. Herta Fairbanks reported this was the final step in the adoption process of the city's 2013-2018 six-year transportation improvement program. She stated on May 14 a public hearing was held to solicit public comment, and no comments were received. Ms. Fairbanks noted, at the request of the council, the attachment to the agenda was updated to remove any vehicles and rolling stock, making the list a cleaner version that focuses on street projects only. She reported the entire capital improvement program for city streets is currently about \$60 million, but over the next six-year period in was more in the realm of \$3 million.

Councilor Harris noted the last time the issue was presented his interest was sparked by the fact that the scour project on National Avenue was going to cost \$190,500, with only \$40,000 going towards the actual work. Ms. Fairbanks indicated it was actually a little more than \$40,000, but a significant portion of the total cost would be for environmental and permitting. Councilor Harris asked Ms. Fairbanks to provide the council with the actual numbers, noting he would like to send a letter to our Legislators and have them explain why a project should be 25 percent costs and 75 percent permitting.

Councilor Lund asked if the letter shouldn't come from the entire council. Councilor Harris suggested having the city clerk prepare a letter for the entire council to sign.

Councilor Pope moved to adopt Resolution No. 9-2012 on first and final reading.

The motion was seconded by Councilor Taylor and carried unanimously.

There being no further business to come before the council, the meeting adjourned at 6:38 p.m.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk


**SUGGESTED MOTION**


I move that the council approve the minutes of the regular city council meeting of June 11, 2012.

**CITY OF CHEHALIS**  
**AGENDA REPORT**

DATE: June 15, 2012

TO: The Honorable Mayor and City Council

FROM: Eva Lindgren, Finance Manager 

PREPARED BY: Michelle White, Accounting Tech II 

SUBJECT: Vouchers and Transfers

ISSUE

Council approval is requested of the following financial transactions:

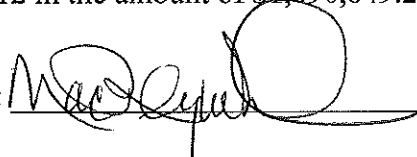
Claim Vouchers No. 103294 through 103433 and EFT No. 52012 in the amount of \$1,090,849.20 dated June 15, 2012 and the transfer of \$83,032.48 from the General Fund, \$3,276.00 from the Tourism Fund, \$14,199.30 from the Federal & State Grants Fund, \$533.90 Automotive Equipment Reserve Fund, \$1,258.25 from the Garbage Fund, \$962,422.33 from the Wastewater Fund, \$20,856.03 from the Water Fund, \$1,662.91 from the Storm & Surface Water Utility Fund, \$3,600.00 from the Firemen's Pension Fund and \$8.00 from the City Agency Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council approve the June 15, 2012 Claim Vouchers No. 103294 through 103433 and EFT No. 52012 in the amount of \$1,090,849.20.

SUGGESTED MOTION

I move to approve the June 15, 2012 Claim Vouchers No. 103294 through 103433 and EFT No. 52012 in the amount of \$1,090,849.20.

Reviewed by:  \_\_\_\_\_, City Manager



To: The Honorable Mayor and Council  
 Via: Merlin MacReynold, City Manager  
 From: Eva K. Lindgren, Finance Manager  
 Date: June 14, 2012  
 Subject: Monthly Financial Reports for May

City of Chehalis  
 Comparative Financial Reports  
 May 2011 and 2012

GENERAL FUND (#001) REVENUES	A May 2011		B Actual		C=B/A %		D Budget		E May 2012		F=E/D %		G Expected % Rec'd*		H^ Var h/c firm Expected		I=F-G %	
	Budget	Actual	Budget	Actual	Rec'd	%	Budget	Actual	Budget	Actual	Rec'd	%	Expected % Rec'd*	Var h/c firm Expected	Variance			
General Property Taxes	\$1,219,000	\$479,911	\$1,235,000	\$489,467	39.4%	39.4%	\$1,235,000	\$489,467	39.6%	39.6%	41.7%	41.7%	(\$25,116)	-2.1%				
EMS Property Taxes	233,000	91,872	236,000	93,657	39.4%	39.7%	236,000	93,657	39.7%	39.7%	41.7%	41.7%	(4,676)	-2.0%				
Sales & Use Tax	3,000,000	1,234,161	3,000,000	1,214,109	41.1%	40.5%	3,000,000	1,214,109	40.5%	40.5%	41.7%	41.7%	(35,891)	-1.2%				
Electricity Tax	375,000	192,109	400,000	212,283	51.2%	53.1%	400,000	212,283	53.1%	53.1%	41.7%	41.7%	45,616	11.4%				
Gas/Natural Gas Tax	253,000	142,291	250,000	141,618	56.2%	56.6%	250,000	141,618	56.6%	56.6%	41.7%	41.7%	37,451	14.9%				
Criminal Justice Tax	92,000	34,394	88,000	34,897	37.4%	39.7%	88,000	34,897	39.7%	39.7%	41.7%	41.7%	(1,770)	-2.0%				
Interfund Water/Sewer Tax	350,000	126,864	340,000	132,332	36.2%	38.9%	340,000	132,332	38.9%	38.9%	41.7%	41.7%	(9,335)	-2.8%				
Garbage Tax	65,000	29,295	62,000	28,998	45.1%	46.8%	62,000	28,998	46.8%	46.8%	41.7%	41.7%	3,165	5.1%				
Cable Tax	80,000	45,732	92,000	45,999	57.2%	50.0%	92,000	45,999	50.0%	50.0%	41.7%	41.7%	7,666	8.3%				
Telephone Tax	335,000	137,195	325,000	137,560	41.0%	42.3%	325,000	137,560	42.3%	42.3%	41.7%	41.7%	2,143	0.6%				
Leasehold Excise Tax	35,000	8,574	35,000	8,810	24.5%	25.2%	35,000	8,810	25.2%	25.2%	41.7%	41.7%	(5,773)	-16.5%				
Other Taxes	0	0	0	0	N/A	0.0%	0	0	0.0%	0.0%	41.7%	41.7%	(13)	-41.7%				
<b>Total Tax Revenues</b>	<b>6,037,000</b>	<b>2,522,398</b>	<b>6,063,030</b>	<b>2,539,730</b>	<b>41.8%</b>	<b>41.9%</b>	<b>6,063,030</b>	<b>2,539,730</b>	<b>41.9%</b>	<b>41.9%</b>	<b>41.7%</b>	<b>41.7%</b>	<b>13,468</b>	<b>0.2%</b>				
Licenses & Permits	120,200	30,022	63,630	22,424	25.0%	35.2%	63,630	22,424	35.2%	35.2%	41.7%	41.7%	(4,089)	-6.5%				
Intergov't Grants/Entitlements	256,150	110,488	643,765	77,471	43.1%	12.0%	643,765	77,471	12.0%	12.0%	41.7%	41.7%	(190,764)	-29.7%				
Charges for Goods and Svcs.	780,094	312,315	800,725	329,645	40.0%	41.2%	800,725	329,645	41.2%	41.2%	41.7%	41.7%	(3,990)	-0.5%				
Fines and Forfeitures	101,824	68,983	167,080	68,305	67.7%	40.9%	167,080	68,305	40.9%	40.9%	41.7%	41.7%	(1,312)	-0.8%				
Interest Earnings	18,800	5,941	12,546	3,487	31.6%	27.8%	12,546	3,487	27.8%	27.8%	41.7%	41.7%	(1,741)	-13.9%				
Rents & Royalties	64,200	27,328	71,422	23,792	42.6%	33.3%	71,422	23,792	33.3%	33.3%	41.7%	41.7%	(5,967)	-8.4%				
Donations/Contributions	0	71,270	42,200	30,063	N/A	71.2%	42,200	30,063	71.2%	71.2%	41.7%	41.7%	12,480	29.5%				
Misc. Revenue/Insurance	3,500	3,553	3,100	8,882	101.5%	286.5%	3,100	8,882	286.5%	286.5%	41.7%	41.7%	7,590	244.8%				
Non-Revenues	5,500	2,008	4,866	1,659	36.5%	34.1%	4,866	1,659	34.1%	34.1%	41.7%	41.7%	(369)	-7.6%				
<b>Total Non-Tax Revenues</b>	<b>1,350,268</b>	<b>631,908</b>	<b>1,809,334</b>	<b>565,728</b>	<b>46.8%</b>	<b>31.3%</b>	<b>1,809,334</b>	<b>565,728</b>	<b>31.3%</b>	<b>31.3%</b>	<b>41.7%</b>	<b>41.7%</b>	<b>(188,161)</b>	<b>-10.4%</b>				
Proceeds of Long-Term Debt	1,131,362	0	0	0	0.0%	N/A	0	0	N/A	0	41.7%	41.7%	0	N/A				
Operating Transfers-In	0	0	1,024,017	0	N/A	0.0%	1,024,017	0	0.0%	0.0%	41.7%	41.7%	(426,674)	-41.7%				
<b>Total Other Financing Sources</b>	<b>1,131,362</b>	<b>0</b>	<b>1,024,017</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>	<b>1,024,017</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>	<b>41.7%</b>	<b>41.7%</b>	<b>(426,674)</b>	<b>-41.7%</b>				
<b>TOTALS</b>	<b>\$8,518,630</b>	<b>\$3,154,306</b>	<b>\$8,896,381</b>	<b>\$3,105,458</b>	<b>37.0%</b>	<b>34.9%</b>	<b>\$8,896,381</b>	<b>\$3,105,458</b>	<b>34.9%</b>	<b>34.9%</b>	<b>41.7%</b>	<b>41.7%</b>	<b>(\$601,367)</b>	<b>-6.8%</b>				

Key:  
 \* The expected percentage is calculated as follows: since the report is for the 5th month of the year, 5 is divided by 12-the number of months in the year.  
 ^To calculate the dollar variance between expected and actual expenditures, the following formula is used:  
 H=(D\*G) -E (i.e.(annual budgeted amount x expected % expended) - actual expenditures.)

City of Chehalis  
Comparative Financial Reports  
May 2011 and 2012

GENERAL FUND (#001) EXPENDITURES	A May 2011		B		C=B/A		D		E		F=E/D		G		H <sup>A</sup>		I=G-F				
	Budget	Actual	Actual	Exp'd	%	Budget	Actual	Exp'd	%	Actual	Exp'd	%	Expected % Exp*	Expected	Varnc frm Expected	%	Variance				
City Council	\$97,509	\$38,205	\$38,205	39.2%	39.2%	\$100,319	\$40,213	40.1%	40.1%	\$40,213	40.1%	40.1%	41.7%	\$1,587	1.6%	1.6%					
Municipal Court	324,523	126,297	126,297	38.9%	38.9%	334,309	132,003	39.5%	39.5%	132,003	39.5%	39.5%	41.7%	7,292	2.2%	2.2%					
City Manager	322,761	132,399	132,399	41.0%	41.0%	338,840	139,326	41.1%	41.1%	139,326	41.1%	41.1%	41.7%	1,857	0.6%	0.6%					
Finance	312,765	127,541	127,541	40.8%	40.8%	319,776	135,418	42.3%	42.3%	135,418	42.3%	42.3%	41.7%	(2,178)	-0.6%	-0.6%					
City Clerk	91,523	35,021	35,021	38.3%	38.3%	93,216	37,216	39.9%	39.9%	37,216	39.9%	39.9%	41.7%	1,624	1.8%	1.8%					
Non-Departmental	1,515,052	108,302	108,302	7.1%	7.1%	1,377,555	127,466	9.3%	9.3%	127,466	9.3%	9.3%	41.7%	446,515	32.4%	32.4%		(2)			
Human Resources	130,751	56,304	56,304	43.1%	43.1%	132,619	53,168	40.1%	40.1%	53,168	40.1%	40.1%	41.7%	2,090	1.6%	1.6%					
Police	2,314,569	916,901	916,901	39.6%	39.6%	2,346,053	933,071	39.8%	39.8%	933,071	39.8%	39.8%	41.7%	44,451	1.9%	1.9%					
Fire	1,714,518	748,562	748,562	43.7%	43.7%	1,727,813	723,278	41.9%	41.9%	723,278	41.9%	41.9%	41.7%	(3,356)	-0.2%	-0.2%					
Public Works - Streets	499,379	133,615	133,615	26.8%	26.8%	890,073	162,744	18.3%	18.3%	162,744	18.3%	18.3%	41.7%	208,120	23.4%	23.4%		(1)			
Public Works - Engineering	111,538	48,875	48,875	43.8%	43.8%	111,017	41,478	37.4%	37.4%	41,478	37.4%	37.4%	41.7%	4,779	4.3%	4.3%					
Community Development	1,251,480	523,496	523,496	41.8%	41.8%	1,167,726	499,070	42.7%	42.7%	499,070	42.7%	42.7%	41.7%	(12,518)	-1.0%	-1.0%					
<b>TOTALS</b>	<b>8,686,368</b>	<b>2,995,518</b>	<b>2,995,518</b>	<b>34.5%</b>	<b>34.5%</b>	<b>8,939,316</b>	<b>3,024,451</b>	<b>33.8%</b>	<b>33.8%</b>	<b>3,024,451</b>	<b>33.8%</b>	<b>33.8%</b>	<b>41.7%</b>	<b>700,264</b>	<b>7.9%</b>	<b>7.9%</b>					
<b>Net Budget/Income/Variance:</b>																<b>(\$167,738)</b>	<b>\$158,788</b>	<b>(\$42,935)</b>	<b>\$81,007</b>	<b>\$98,897</b>	<b>1.1%</b>

Key:

\* The expected percentage is calculated as follows: since the report is for the 5th month of the year, 5 is divided by 12-the number of months in the year.

^To calculate the dollar variance between expected and actual expenditures, the following formula is used:

H=(D\*G) -E (i.e.(annual budgeted amount x expected % expended) - actual expenditures.)

(1) WSDOT and TIB-funded street projects are pending.

(2) Operating transfers are dependent upon FEMA elevation activity. Transfers will be made out of Non-Departmental, as necessary, to provide adequate cash-flow for the project. These funds will be transferred back to the General Fund from the Federal and State Grant Fund when not required.

City of Chehalis  
Comparative Financial Reports  
May 2011 and 2012

WASTEWATER FUND (#404) REVENUES	A May 2011		B		C=B/A		D		E		F=E/D		G		H^		I=F-G	
	Budget	Actual	Budget	Actual	% Rec'd	% Exp'd	Budget	Actual	May 2012	Actual	% Rec'd	% Exp'd	Expected	% Rec'd*	Expected	Var'nc frm Expected	% Variance	
Wastewater Fees	\$3,338,552	\$1,443,783	\$3,404,344	\$1,490,910	43.2%	43.8%	\$3,404,344	\$1,490,910	May 2012	Actual	43.8%	41.7%	\$72,433	41.7%	\$72,433	2.1%		
Sewer Connection/Misc. Fees	35,000	13,129	25,000	11,473	37.5%	45.9%	25,000	11,473			45.9%	41.7%	1,056	41.7%	1,056	4.2%		
Rentals	3,750	3,750	3,750	3,323	100.0%	88.6%	3,750	3,323			88.6%	41.7%	1,761	41.7%	1,761	46.9%		
Misc. Revenues/Insurance	2,500	1,659	2,000	21,124	66.4%	1056.2%	2,000	21,124			1056.2%	41.7%	20,291	41.7%	20,291	1014.5%		
Interfund Principal Repayment	565,681	0	0	0	0.0%	N/A	0	0			N/A	41.7%	0	41.7%	0	N/A		
Interest Earnings	16,000	6,527	4,655	2,236	40.8%	48.0%	4,655	2,236			48.0%	41.7%	296	41.7%	296	6.3%		
Totals:	\$3,961,483	\$1,468,848	\$3,439,749	\$1,529,066	37.1%	44.5%	\$3,439,749	\$1,529,066			44.5%	41.7%	\$96,837	41.7%	\$96,837	2.8%		

WASTEWATER FUND (#404) EXPENSES	A May 2011		B		C=B/A		D		E		F=E/D		G		H^		I=G-F	
	Budget	Actual	Budget	Actual	% Exp'd	% Exp'd	Budget	Actual	May 2012	Actual	% Exp'd	% Exp'd	Expected	% Exp*	Expected	Var'nc frm Expected	% Variance	
Operating Expenses	\$2,394,038	\$973,357	\$2,532,028	\$1,062,467	40.7%	42.0%	\$2,532,028	\$1,062,467	May 2012	Actual	42.0%	41.7%	(\$7,455)	41.7%	(\$7,455)	-0.3%		
Capital Outlay	290,000	17,363	650,000	39,297	6.0%	6.0%	650,000	39,297			6.0%	41.7%	231,536	41.7%	231,536	35.7%		
Debt Principal	1,685,894	134,300	1,694,944	138,640	8.0%	8.2%	1,694,944	138,640			8.2%	41.7%	567,587	41.7%	567,587	33.5%		
Interest Expense	50,166	23,986	40,660	19,646	47.8%	48.3%	40,660	19,646			48.3%	41.7%	(2,704)	41.7%	(2,704)	-6.6%		
Totals:	4,420,098	1,149,006	4,917,632	1,260,050	26.0%	25.6%	4,917,632	1,260,050			25.6%	41.7%	788,963	41.7%	788,963	16.1%		

Net Budget/Income/Variance: (\$458,615)      \$319,842      (\$1,477,883)      \$269,016      \$884,801      18.9%

Key:  
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^To calculate the dollar variance between expected and actual expenditures, the following formula is used:  
H=(D\*G) - E (i.e.(annual budgeted amount x expected % expended) - actual expenditures.)

- (1) Capital expenditures are not made evenly throughout the year.
- (2) Debt is not paid evenly throughout the year.

**City of Chehalis  
Comparative Financial Reports  
May 2011 and 2012**

WATER FUND (#405) REVENUES	A May 2011		B		C=B/A		D		E		F=E/D		G		H <sup>^</sup>		I=F-G	
	Budget	Actual	% Rec'd	Budget	Actual	% Rec'd*	May 2012 Budget	May 2012 Actual	% Rec'd	Expected % Exp*	Expected % Rec'd*	Var'nc frm Expected	% Variance	Expected % Rec'd*	Var'nc frm Expected	% Variance		
Water Sales	\$2,541,852	\$902,587	35.5%	\$2,456,633	\$941,178	38.3%	20,000	24,495	122.5%	41.7%	41.7%	(\$82,419)	-3.4%	41.7%	16,162	80.8%		
Water Connection/Misc. Fees	26,000	11,719	45.1%	0	0	N/A	0	0	N/A	41.7%	41.7%	0	N/A	41.7%	0	N/A		
Intergovernmental Revenues	0	14,520	N/A	0	0	0.0%	0	0	N/A	41.7%	41.7%	0	N/A	41.7%	0	N/A		
Interfund Principal Repayment	565,681	0	0.0%	0	0	N/A	0	760	N/A	41.7%	41.7%	760	N/A	41.7%	760	N/A		
Misc. Revenues/Insurance	0	487	N/A	10,000	2,673	26.7%	10,000	2,673	26.7%	41.7%	41.7%	(1,494)	-15.0%	41.7%	(1,494)	-15.0%		
Interest Earnings	16,000	3,720	23.3%	\$2,486,633	\$969,106	39.0%	\$2,486,633	\$969,106	39.0%	41.7%	41.7%	(\$66,991)	-2.7%	41.7%	(\$66,991)	-2.7%		
Totals:	\$3,149,533	\$933,033	29.6%															

WATER FUND (#405) EXPENSES	A May 2011		B		C=B/A		D		E		F=E/D		G		H <sup>^</sup>		I=G-F	
	Budget	Actual	% Exp'd	Budget	Actual	% Exp'd	May 2012 Budget	May 2012 Actual	% Exp'd	Expected % Exp*	Expected % Exp*	Var'nc frm Expected	% Variance	Expected % Exp*	Var'nc frm Expected	% Variance		
Operating Expenses	1,837,325	762,752	41.5%	1,900,894	708,676	37.3%	1,900,894	708,676	37.3%	41.7%	41.7%	83,363	4.4%	41.7%	267,065	33.8%		
Capital Outlay	290,000	35,217	12.1%	790,000	62,102	7.9%	790,000	62,102	7.9%	41.7%	41.7%	46,199	35.5%	41.7%	46,199	35.5%		
Debt Principal	129,077	8,000	6.2%	130,077	8,000	6.2%	130,077	8,000	6.2%	41.7%	41.7%	5,880	24.4%	41.7%	5,880	24.4%		
Interest Expense	26,496	4,575	17.3%	24,131	4,175	17.3%	24,131	4,175	17.3%	41.7%	41.7%	402,506	14.2%	41.7%	402,506	14.2%		
Totals:	2,282,898	810,544	35.5%	2,845,102	782,953	27.5%	2,845,102	782,953	27.5%	41.7%	41.7%			41.7%				

Net Budget/Income/Variance: \$866,635 \$122,489  
(\$358,469) \$186,153

Key:  
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 ^To calculate the dollar variance between expected and actual expenditures, the following formula is used:  
 H=(D\*G) - E (i.e.(annual budgeted amount x expected % expended) - actual expenditures.)

(1) Capital expenditures are not made evenly throughout the year.

City of Chehalis  
Comparative Financial Reports  
May 2011 and 2012

STORM FUND (#406) REVENUES	A		B		C=B/A		D		E		F=E/D		G		H <sup>^</sup>		I=F-G	
	Budget	May 2011 Actual	Actual	Rec'd	%	Budget	May 2012 Budget	Actual	Rec'd	%	Expected % Rec'd*	Expected	Var'nc frm Expected	%	Expected	Var'nc frm Expected	%	
Storm & Surface Water Fees	\$401,500	\$169,402	\$170,407	42.2%	\$407,780	0	\$170,407	41.8%	41.7%	41.7%	499	0.1%						
Storm Connection/Misc. Fees	10,000	489	5,477	4.9%	0	500	5,477	N/A	41.7%	41.7%	5,477	N/A						
Interest Earnings	500	0	0	0.0%	0	0	0	0.0%	41.7%	41.7%	(208)	-41.7%						
Misc. Revenues/Insurance	0	324	2,461	N/A	0	2,461	2,461	N/A	41.7%	41.7%	2,461	N/A						
<b>Totals:</b>	<b>\$412,000</b>	<b>\$170,215</b>	<b>\$178,345</b>	<b>41.3%</b>	<b>\$408,280</b>	<b>\$178,345</b>	<b>\$178,345</b>	<b>43.7%</b>	<b>41.7%</b>	<b>41.7%</b>	<b>\$8,228</b>	<b>2.0%</b>						

STORM FUND (#406) EXPENSES	A		B		C=B/A		D		E		F=E/D		G		H <sup>^</sup>		I=G-F	
	Budget	May 2011 Actual	Actual	Exp'd	%	Budget	May 2012 Budget	Actual	Exp'd	%	Expected % Exp*	Expected	Var'nc frm Expected	%	Expected	Var'nc frm Expected	%	
Operating Expenses	\$358,747	\$122,998	\$132,021	34.3%	\$358,897	0	\$132,021	36.8%	41.7%	41.7%	\$17,519	4.9%						
Capital Outlay	0	0	0	N/A	31,416	0	0	0.0%	41.7%	41.7%	13,090	41.7%						
<b>Totals:</b>	<b>358,747</b>	<b>122,998</b>	<b>132,021</b>	<b>34.3%</b>	<b>390,313</b>	<b>132,021</b>	<b>132,021</b>	<b>33.8%</b>	<b>41.7%</b>	<b>41.7%</b>	<b>30,609</b>	<b>7.9%</b>						
<b>Net Budget/Income/Variance:</b>	<b>\$53,253</b>	<b>\$47,217</b>	<b>\$46,324</b>		<b>\$17,967</b>	<b>\$46,324</b>	<b>\$46,324</b>				<b>\$38,838</b>	<b>9.9%</b>						

Key:  
 \* The expected percentage is calculated as follows: since the report is for the 5th month of the year, 5 is divided by 12-the number of months in the year.  
 ^To calculate the dollar variance between expected and actual expenditures, the following formula is used:  
 H=(D\*G) -E (i.e.(annual budgeted amount x expected % expended) - actual expenditures.)

RECOMMENDATION/COUNCIL ACTION DESIRED  
 This report is for the Council's information only. No action is necessary.

Received by  City Manager

## **CITY OF CHEHALIS**

### **AGENDA REPORT**

**DATE:** June 19, 2012  
**TO:** The Honorable Mayor and City Council  
**FROM:** Corine Aiken, Library Manager and Judy Schave, City Clerk  
**SUBJECT:** Resolution No. 10-2012 – Dissolving the Chehalis Library Board

#### **ISSUE**

The Chehalis Timberland Library Board no longer serves a purpose or benefit to the City, and a resolution has been prepared for the Council's consideration.

#### **DISCUSSION**

In 1975, the governing body of the Library Board changed to an advisory body when the City joined the Timberland Regional Library District. During a special library election held on November 2, 1982, the citizens overwhelmingly voted 1,722 to 537 that the City of Chehalis be annexed to and be a part of the Timberland Regional Library District of Grays Harbor, Lewis, Mason, Pacific, and Thurston Counties. The city has two representatives on the District Board, which are appointed by the Lewis County Commissioners.

Each of the Timberland Regional Library District's has a "Friends" group, a non-profit organization that supports the mission of the Timberland Regional Library, to provide information, resources, services and places where all people are free to read, learn and grow. The "Friends" group serves as advocates for the Library and provides support for special projects and activities of the Library.

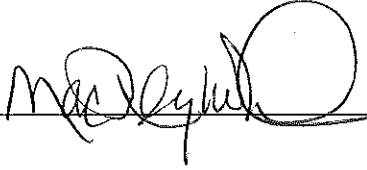
A proposal has been presented to the city administration to consider dissolving the current five member board. The board members would be encouraged to join the Chehalis "Friends" group, to continue their work as advocates for the Library.

#### **RECOMMENDATION/COUNCIL ACTION DESIRED**

The administration recommends that the council adopt Resolution No. 10-2012 on first and final reading.

#### **SUGGESTED MOTION**

I move that the council adopt Resolution No. 10-2012 on first and final reading.

Reviewed by:  \_\_\_\_\_, City Manager

**RESOLUTION NO. 10-2012**

**A RESOLUTION OF THE CITY OF CHEHALIS,  
WASHINGTON, DISSOLVING THE CHEHALIS LIBRARY  
BOARD.**

**WHEREAS**, construction of the Chehalis First Free Library started in July 1908 and opened to the public on May 11, 1910; and

**WHEREAS**, in 1975 the governing body of the Library Board changed to an advisory body when the City joined the Timberland Regional Library District; and

**WHEREAS**, on August 23, 1982, an agreement was entered into by the Timberland Regional Library Board of Trustees and the City of Chehalis, accepting the annexation by the City to the Timberland Regional Library District; and

**WHEREAS**, during a special library election held on November 2, 1982, the citizens overwhelmingly voted to be annexed to and be a part of the Timberland Regional Library District of Grays Harbor, Lewis, Mason, Pacific and Thurston Counties.

**WHEREAS**, on November 8, 1982, the Board of Library Trustees of the Timberland Regional Library agreed to continue to render full and complete rural library district services to the city; and

**WHEREAS**, each Timberland Library has a "Friends" group, a non-profit organization that supports the Timberland Regional Library mission to provide information, resources, services and places where all people are free to read, learn, and grow; and

**WHEREAS**, the "Friends" of the library meet monthly and serve as community advocates for the library; and

**WHEREAS**, it is the desire of the council to dissolve the Chehalis Library Board at this time and encourage the current members to join the "Friends" of the Chehalis Timberland Library to continue to provide support for special projects and activities of the library.

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO  
RESOLVE AS FOLLOWS:**

**Section 1.** The Library Board of the City of Chehalis, Washington, is hereby declared to be dissolved upon adoption of this resolution.

**Section 2.** Members of the Chehalis Board are encouraged to join the "Friends" of the Chehalis Timberland Library to continue to provide support for special projects and activities of the Library.



**Section 3.** Periodic updates to the council shall be provided by the Library Manager or by an appointed representative of the Library.

**ADOPTED** by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 25<sup>th</sup> day of June, 2012.

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Mayor

Attest:

---

City Clerk

Approved as to form and content:

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City Attorney

**CITY OF CHEHALIS  
AGENDA REPORT**

**DATE:** June 20, 2012

**TO:** The Honorable Mayor and City Council

**FROM:** Glenn Schaffer, Police Chief

**SUBJECT:** Modification of certain portions of City of Chehalis' animal control and nuisance ordinances to comply with Washington Supreme Court changes to court rules regarding bail forfeitures.

**ISSUE**

Attached is proposed Ordinance No. 894-B regarding Nuisance Violations, and 895-B regarding Animal Violations.

**DISCUSSION**

On June 3, 2012, the Washington Supreme Court adopted changes to court rule CrRLJ 3.2 concerning bail forfeitures. Beginning July 1, 2012, criminal offenses can no longer be resolved by bail forfeiture and all criminal violations require a mandatory court appearance. Currently, our animal and nuisance ordinances include a three tier penalty schedule for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> violations that are criminal. As it stands, the penalty for the first violation for these types of offenses is punishable by fine only (no potential of jail time), which makes them a forfeitable offense, i.e., the defendant can just pay the fine without appearing in court. With the new court rule, these will no longer be allowed. Because of this change by the Supreme Court, the administration thought it would be a good time to look through the ordinances and see what types of offenses we thought might merit a criminal charge and what offenses could be dealt with as a civil infraction. For those that are still listed as criminal, or misdemeanor charges, the 1<sup>st</sup> violation will now include the potential of 30 days jail.

The attached Appendix A outlines the changes made to both ordinances.

**RECOMMENDATION/COUNCIL ACTION DESIRED**

The administration recommends that the council suspend the rules requiring two readings of the ordinances, and pass Ordinance Nos. 894-B and 895-B on first and final reading.

**SUGGESTED MOTION**

I move the council suspend the rules requiring two readings of the ordinances Nos. 894-B and 895-B.

I move that the council pass Ordinance Nos. 894-B and 895-B on first and final reading.

Reviewed by:  \_\_\_\_\_, City Manager

## Appendix A

### Changes made to Nuisance Ordinance include:

The ordinance was amended to reorganize the violation definitions into nuisances which constitute infractions, and nuisances which constitute misdemeanors, and to delineate the penalties for each.

Former paragraphs J concerning the sale and manufacture of intoxicating liquor; N concerning gambling, and T concerning noise were deleted on account of those violations being covered under other ordinances.

Former paragraph R; new paragraph I., in regards to the maintenance of vehicles on the roadway was changed to reflect a 12-hour time limit, as opposed to the previous 2-hour limit.

Former paragraph G1, new paragraph C1 was changed to read the violations “may be abated by the City”

### Changes made to the Animal Control Ordinance include:

6.04.30 The definition of “owner” was clarified and the definition for “responsible person” was added.

6.04.70 Paragraph F giving officers authority to enter onto private property to address an animal violation if unable to contact an owner.

6.04.260 Paragraph A was re-written to clarify the barking dog noise issue, and paragraph B also regarding the continual barking of dogs was added. The remaining paragraphs were re-lettered.

6.04.300 Paragraph S concerning the keeping of animals in vehicles, and Paragraph T concerning animals causing injury to other animals or humans were added.

Paragraphs A through E were revised to read “No person shall permit an animal to...”

6.04.310 Paragraph K regarding the abandonment of animals was added.

6.04.340 Paragraph A was revised to reflect infractions are authorized for certain offenses, and Paragraph C was revised to designate penalty paragraphs.

6.04.350 Paragraphs A and B were revised to designate infractions and misdemeanors. Paragraphs B(1), (2), and (3) were revised to reflect 30 days jail, 60 days jail, and 90 days jail respectively.

**ORDINANCE NO. 894-B**

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,  
REPEALING, AND REPLACING, CHAPTER 7.04.130 OF THE  
CHEHALIS MUNICIPAL CODE, THE NUISANCE CODE**

**WHEREAS**, the City Council of the city of Chehalis has determined that it is in the best interests of the city and its citizens that Chapter 7.04.130 of the Chehalis Municipal Code be repealed and replaced in its entirety to clarify and update the same; now therefore,

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 7.04.130 of the Chehalis Municipal Code, the Nuisance Code, shall be, and the same hereby is, repealed; and

**Section 2.** The following provisions shall replace Chapter 7.04.130 of the Chehalis Municipal Code, the Nuisance Code, together with future amendments thereto:

7.04.130 Nuisances.

A. "Public Nuisance" Defined.

1. Infractions. Every act unlawfully done and every omission to perform a duty, which act or omission constitutes, creates, or acquiesces to any of the following, shall constitute a public nuisance, the penalties for which are set forth at paragraph F below:

- a. Unlawfully interfering with, obstructing or tending to obstruct, or rendering dangerous for passage, any public park, street, alley, sidewalk, highway, or other public area;
- b. Causing or allowing garbage, waste, refuse, litter, debris, or other offensive materials to be collected, deposited, or allowed to remain in any place in the city, unless otherwise permitted by law;
- c. Erecting, continuing, or using any building, room, property, or other place in the city for the exercise of any trade, employment, or manufacture which results in offensive odors being released, and which injures or is detrimental to the health of the individuals there employed or residing, or to the public;

d. Burning of refuse or other material in such a manner as to cause or permit the smoke, ashes, soot, or gases arising from such burning to injure or endanger the health of any person or neighborhood;

e. Erecting, maintaining, using, placing, depositing, leaving, or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, alley, sidewalk, park, parkway, or other public or private place in the city, any one or more of, but not limited to, the following conditions of things:

i. Any unsound, putrid, or unwholesome bone, meat, hides, skin, or the whole or parts of any dead animal or fish;

ii. Any unwholesome or offensive chemical or substance which may be dangerous or injurious, such as oil, grease, poisons, explosives, radioactive materials, and other similar substances in such a manner as to be offensive or injurious to public health or unpleasant or disagreeable to the adjacent residences or persons;

iii. Any cellar, vault, drain, sewer, or septic tank to become, from any cause, noxious, foul, offensive, or injurious to public health, or unpleasant or disagreeable to the adjacent residences or persons;

iv. Any noxious, foul, or putrid liquid or substance, or any liquid or substance likely to become noxious, foul, offensive, or putrid, to be discharged, placed, or thrown upon, or to flow from or out of any adjacent premises or any public street or alley, or to stand, remain, or be upon any premises;

f. Any refrigerator, icebox, or deep freeze locker having a capacity of one and one-half cubic feet or more, or any other container manufactured, custom made, or homemade designed for storage which is discarded, abandoned, or left in any place accessible to children and which has not had the door or latching mechanism removed to prevent the latching or locking of the door;

g. Any sign, poster, or other advertising matter of any nature placed upon telegraph, telephone, or other poles, trees, sidewalks, streets, signs, traffic signs, or other traffic control devices, or other structures or places within streets, alleys, or other public places or rights-of-way;

h. The growing, permitting, maintaining or allowing the growth of grasses, weeds, or other vegetation which exceeds 12 inches in average height or length, or 18 inches at any point, provided: public parks; public facilities; open space zones; properties which

are more than one-half acre in size and either: (i) do not abut a subdivision or neighborhood, or (ii) are located more than 100 feet from any structure; areas of pristine vegetation; National Wetland Inventory (NWI) mapped or delineated wetlands (including approved constructed habitat); agricultural property which has been cultivated in two of the prior three years; and any property determined by the director to be similar in nature to the above shall not be considered to be a grass, weed, or vegetation nuisance;

i. Repairing or servicing vehicles on any city street or right-of-way unless an emergency exists for such repairs and the same can be resolved within a two-hour period;

j. Gas, oil, anti-freeze, fluid, or any other contaminants leaking or discharging onto any city street, storm sewer, or right-of-way from any vehicle, equipment, or machinery;

k. Selling, offering for sale, soliciting, peddling, hawking or any other form of merchandising upon any public or private property, business or residence which is not the approved place of business of such seller, without approved permits and/or licenses for such activity;

l. Any fence or similar structure that is noticeably leaning or in such disrepair so as to be in danger of collapsing or falling onto public or adjoining private property which may be a danger to persons or animals;

m. Storage of any construction or demolition material within any required street setback;

n. Storage of any construction or demolition material outside of a building in any residential zone for more than 30 days.

2. Misdemeanors. Every act unlawfully done and every omission to perform a duty, which act or omission constitutes, creates, or acquiesces to any of the following, shall constitute a public nuisance, the penalties for which are set forth at paragraph F below:

a. Throwing, depositing, exposing, or causing to be disposed of, in any street, alley, sidewalk, park, or other place within the city, any garbage, waste, refuse, litter, debris, or other offensive material, unless the disposal of such items in such place is specifically authorized by law;

- b. Any building, house, room, or other structure or vehicle maintained or used for the purpose of lewdness, assignation, or prostitution;
- c. Any pit, basin, hole, case, mine, or other excavation which is unguarded and dangerous to life, or has been abandoned, or is no longer used for the purpose for which it was constructed, or is maintained contrary to law;
- d. All obstructions to streets, rights-of-way, or other public ways in the city and all excavations in or under the same, which are by ordinance prohibited, or which may be made without lawful permission, or which, having been made by lawful permission, are kept and maintained after the purpose thereof has been accomplished;
- e. All vacant, unused, or unoccupied buildings and structures within the city which are allowed to become or remain open to entrance by unauthorized persons or the general public because of broken, missing, or open doors, windows, foundation, or other openings so that the same may be used by vagrants or other persons in a manner detrimental to the health and welfare of the inhabitants or which may be dangerous or an attractive nuisance;
- f. The depositing or allowing of irrigation or other water to run by any street, alley, or other public place in such manner as to cause settling or damage to the street, alley, or other public place, or to cause damage or hazard to any user of the street, alley, or other public place;
- g. Inoperable or unlicensed vehicles parked on any city streets and/or rights-of-way or any vehicle which would violate any motor vehicle laws if it were to be operated on a public way. All vehicles parked on any city streets and rights-of-way shall be required to have valid vehicle licenses and be legally operable;
- h. Junk, including appliances, or parts thereof, vehicle or equipment parts, iron or metal, glass, concrete, cardboard, lumber, wood, demolition debris, mattresses, old furniture, and other cloth or plastic materials, old limbs or other noncomposted materials;
- i. Exterior storage, or the permitting or allowing of such storage, of any partially dismantled, wrecked, junked, discarded, or otherwise nonoperating motor or recreational vehicle, unless the same is stored so as not to be readily visible from any public place or from any surrounding private property. Any vehicle normally operated on public streets, roads, or highways that is not currently licensed shall be considered nonoperating;

j. Selling or offering for sale tickets to any ball, benefit, drawing or entertainment, or asking or receiving any subscription or promise therefore, for the benefit or pretend benefit of any person, association, or order, without being duly authorized thereto by the person, association, or order for whose benefit the same is done;

k. Any violation of any provision of the International Building Code, International Fire Code, International Mechanical Code, International Plumbing Code, Uniform Housing Code, Uniform Code for the Abatement of Dangerous Buildings, or any other properly adopted code, rule, or regulation, relating to building construction or maintenance;

l. Failing to comply with the requirements of any properly issued correction notice or notice of violation for any rule, regulation, code, or condition of any development permit issued by the city;

#### B. Permitting/Maintaining.

1. It is unlawful for any person, by themselves or by their agents or employees, or as the agent or employee of another person, firm, or corporation, to do or permit to be done, upon any premises over which they have control, or to maintain, carry on, suffer, or allow, at any place or places mentioned in this chapter, any of the acts or things declared to be nuisances in this chapter; or to do, cause, permit, suffer to be done, or maintain any act or thing which is detrimental or injurious to public health, offensive to the senses, or contrary to the public decency or morality.

2. If the owner or agent of any premises has actual or constructive knowledge of the maintenance on or in their premises of any nuisance, as defined in this chapter, they shall be deemed one of the persons in control of the premises.

3. Any person creating, keeping, or maintaining any nuisance, or permitting, allowing, or suffering any nuisance to be maintained, who neglects or fails to abate or remove the nuisance within 24 hours next after so creating, keeping, or maintaining the nuisance or permitting, allowing, or suffering the same to be maintained, may, for each 24 hours thereafter during which the nuisance is continued, be charged with a separate violation of maintaining a public nuisance.

4. Any person creating, keeping, allowing, or maintaining any nuisance condition subsequent to any notice issued by the city to abate such nuisance condition shall be subject to abatement at the discretion of the city.



5. In the case of any violation of subsection A(1)(h) of this section (grass, weed or vegetation violation), the required abatement shall consist of mowing, plowing or otherwise removing such nuisance condition to not more than four inches above finished grade.

#### C. Violation.

1. Any action of any person, agent, firm, or corporation in violation of any provision of this chapter, or failure of any person, agent, firm, or corporation to perform any action or duty required pursuant to the provisions of this chapter, shall constitute a public nuisance and an infraction or a misdemeanor as defined at paragraphs A(1) & (2), and may be abated by the city as provided in this chapter. Nothing herein shall preclude the city from issuing a citation for such violation concurrent with any abatement action.

2. Nothing herein shall preclude the city from exercising its authority to protect the public peace and welfare by summarily abating any nuisance condition determined to be detrimental or an imminent threat to the public peace and welfare, or to protect the welfare of any person, animal, or property, without notice to any person.

3. Any citation written for the violation of any provision of this chapter shall contain an identification number or component to reflect the level of penalty established in subsection F of this chapter, consistent with the capability of the municipal court system.

#### D. Abatement

1. Order. Upon the discovery of a nuisance, the community development director may order the owner or other person creating, keeping, maintaining, or permitting the same to abate it, and in default thereof to undertake the abatement on behalf of the city. At least 10 days before abatement commences, save in those cases of immediate necessity, the community development director shall notify the person creating, keeping, maintaining, or permitting the nuisance, the property owner, and any person in possession of the property, if known, of the city's intentions. The notice shall be served personally or by some type of mail requiring a return receipt, and shall describe with particularity the nature of the violation and the sections of this chapter or other laws which are being violated, and shall specify a reasonable time within which the abatement must be accomplished.

2. Immediate. Whenever any nuisance condition is located within a public right-of-way or public easement, or of such a character and so situated that it can be abated without the invasion or destruction of private property, or the prejudice of any right thereof, the community development director and/or the public works director may summarily and immediately abate and remove the nuisance condition without further notice to any party.

3. By City – Safeguards. In any case where a nuisance is to be abated by the director, it shall be the duty of the community development director to proceed with due care and without unnecessary destruction of property. He shall in all cases be authorized to employ such assistance and adopt such means as may be necessary to effect the entire abatement of the nuisance, including access to private property reasonably necessary to abate such nuisance condition.

4. Costs. Every person, firm, or corporation maintaining a nuisance or permitting, allowing, or suffering a nuisance to be maintained, as prohibited by this chapter or otherwise, shall be liable for all costs and expenses for abating the same when the nuisance has been abated by the community development director. The costs and expenses will be assessed as a part of any prosecution against the party liable and may be recovered as other costs are recovered after they have been assessed; provided, that in such cases, the city shall have been liable in the first instance to pay all costs of the abatement. In all cases where the community development director abates any nuisance, he shall keep an account of all expenses attending such abatement. The community development director shall forward such costs to the finance manager, who shall certify them to the county treasurer for assessment on the tax rolls, and, in addition to other powers given in this chapter to collect such other costs and expenses, may forthwith bring suit for recovery of the costs in any court of competent jurisdiction, in the name of the city, against the person maintaining, keeping, creating, permitting, allowing, or suffering the nuisance abated, and, upon the collection of the costs by such suit, he shall pay the same to the finance manager.

#### E. Administrative Search Warrants.

In the event the community development director has been denied access to any structure, dwelling unit, building, or property pursuant to existing city ordinances, he can at that time of denial of access, obtain from the Chehalis municipal court a search warrant for the structure, dwelling unit, building, or property. Before an administrative search warrant is issued by the municipal court judge, the community development director must set forth by affidavit, under oath, the ordinance or ordinances upon which he is proceeding and state the circumstances upon which he is seeking the search warrant. If the municipal court judge finds that the community development director is proceeding under city ordinance, he shall issue an administrative search warrant for the search of the structure, dwelling unit, building, or property.

#### F. Penalties.

1. Penalty for nuisances defined in paragraph A(1)(a)-(n) above:

a. Any person cited for the first violation of any provision of paragraph A(1)(a)-(n) above shall be fined a monetary penalty of \$250.00.

b. Any person cited for the second violation of any provision of paragraph A(1)(a)-(n) above, whether or not the same provision or a different provision, shall be fined a monetary penalty of \$500.00.

c. Any person cited for the third or subsequent violation of any provision of paragraph A(1)(a)-(n) above, whether or not the same provision or a different provision, shall be fined a monetary penalty of \$1,000.00.

d. Nothing herein shall preclude the city from issuing a citation for such violation concurrent with any abatement action as authorized by this chapter.

2. Penalty for nuisances defined in paragraph A(2)(a)-(l) above:

a. Any person convicted of a misdemeanor for the first violation of any provision of paragraph A(2) above, whether or not the same provision or a different provision, shall be fined a monetary penalty of up to \$1,000 and imprisoned for up to 30 days at the discretion of the court.

b. Any person convicted of a misdemeanor for the second violation of any provision of paragraph A(2) above, whether or not the same provision or a different provision, shall be fined a monetary penalty of up to \$1,500 and imprisoned for up to 60 days at the discretion of the court.

c. Any person convicted of a misdemeanor for the third or subsequent violation of any provision of paragraph A(2) above, whether or not the same provision or a different provision, shall be fined a monetary penalty of up to \$1,900 and imprisoned for up to 90 days at the discretion of the court.

d. Nothing herein shall preclude the city from issuing a citation for such violation concurrent with any abatement action as authorized by this chapter.

3. The provisions of this chapter relative to the abatement of nuisances are not exclusive and all other rights or remedies of the city or any citizen thereof relative to abatement of nuisances are declared to remain in full force and effect.

4. In addition to such other penalties as may be imposed, a court entering a judgment of guilty to a charge of creating a public nuisance may order the abatement of the same on such terms and conditions as may be just and equitable.

[Ord. 831B, 2007; Ord. 810B § 6, 2006; Ord. 755B, 2003; Ord. 672B, 2000.]

**Section 3.** The City Clerk shall be, and she hereby is, instructed to repeal Chapter 7.04.130 of the Chehalis Municipal Code and replace the same as set forth herein.

**PASSED** by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form and for content:

\_\_\_\_\_  
City Attorney

**ORDINANCE NO. 895-B**

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,  
REPEALING, AND REPLACING, CHAPTER 6.04 OF THE CHEHALIS  
MUNICIPAL CODE, THE ANIMAL CONTROL CODE**

WHEREAS, the City Council of the city of Chehalis has determined that it is in the best interests of the city and its citizens that Chapter 6.04 of the Chehalis Municipal Code be repealed and replaced in its entirety to clarify and update the same; now therefore,

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 6.04 of the Chehalis Municipal Code, the Animal Control Code, shall be, and the same hereby is, repealed; and

**Section 2.** The following provisions shall replace Chapter 6.04 of the Chehalis Municipal Code, the Animal Control Code, together with future amendments thereto:

**Chapter 6.04  
ANIMAL CONTROL**

Sections:

- 6.04.010 Title, purpose, and scope.
- 6.04.020 Disclaimer of liability.
- 6.04.030 Definitions.
- 6.04.040 Animals excepted from regulation.
- 6.04.050 Fees.
- 6.04.060 City shelter.
- 6.04.070 Right of entry.
- 6.04.080 Licensing – Dog (canine).
- 6.04.090 Registration – Attack dog.
- 6.04.100 Licensing – Guard dog.
- 6.04.110 Licensing – Cat (feline).
- 6.04.120 Licensing – Exotic animal.
- 6.04.130 Licensing – Livestock.
- 6.04.140 Registration – Microchipped animal.
- 6.04.150 Declaration – Potentially dangerous animal.
- 6.04.160 Requirements – Potentially dangerous animal.
- 6.04.170 Declaration – Dangerous animal.

- 6.04.180 Requirements – Dangerous animal.
- 6.04.190 Form of declaration.
- 6.04.200 Service of declaration or notice/posting.
- 6.04.210 Animal bites – Quarantine.
- 6.04.220 Impound.
- 6.04.230 Holding period and disposition.
- 6.04.240 Appeal.
- 6.04.250 Impounded animals – Safeguards.
- 6.04.260 Nuisance animals.
- 6.04.270 Minimum space requirements – Domestic animal.
- 6.04.280 Minimum space requirements – Livestock.
- 6.04.290 Minimum space requirements – Exotic animals.
- 6.04.300 Animal control.
- 6.04.310 Cruelty.
- 6.04.320 Trapping of nuisance animals.
- 6.04.330 Severability.
- 6.04.340 Violation.
- 6.04.350 Penalty.

6.04.010 Title, purpose, and scope.

A. This chapter shall be known as the animal control regulations and may be referred to as such.

B. The purpose of this chapter is to:

1. Minimize the potential hazards to the physical health of Chehalis citizens caused by animals;
2. Prevent the cruel or inhumane treatment of animals;
3. Cause the persons responsible for owning, keeping or maintaining animals to exercise proper care and treatment of such animals; and
4. Provide a means to eliminate animals which may be a threat to society, and remove animals from a cruel or inhumane environment.

C. The provisions of this chapter shall apply to every domestic animal, livestock animal and exotic animal located within Chehalis, whether or not such animal is owned, kept or maintained within the city, except as specified in CMC 6.04.040. [Ord. 704B, 2001.]

#### 6.04.020 Disclaimer of liability.

It shall be the responsibility of every person owning, keeping and/or maintaining any animal within the city to comply with the requirements of this chapter. Any decision made or action performed by any police officer, animal control officer or administrative officer in exercising authority in the normal course of their employment under this chapter, and/or the licensing of any animal by the city, shall not constitute or create any liability whatsoever, nor shall any such activity create any cause of action against the city, or any official or employee thereof, for any direct or consequential damage that may result from such activity. No action or inaction by any citizen relating to the owning, keeping, or maintaining of any animal shall create a cause of action or liability against the city. [Ord. 704B, 2001.]

#### 6.04.030 Definitions.

“Abandon” means the deliberate act of leaving an animal:

1. Unattended, without food, water, or care for 24 hours or more; or
2. In a situation where the conditions present an immediate, direct and serious threat to the life, safety or health of the animal; or
3. In the custody of the city after a required holding period without an approved disposition of the animal.

“Animal control officer” means a code enforcement officer when providing service or enforcement relating to animals.

“Animal, dangerous” means any animal that has:

1. Inflicted severe injury or multiple bites on a human being without provocation on public or private property; or
2. Killed a domestic animal or livestock while off the owner’s property; or
3. Been previously declared potentially dangerous, and subsequently bites, attacks or endangers the safety of humans or other animals.

“Animal, domestic” means any/all of the following:

1. Dog (canine) having no genetic portion of exotic animal;
2. Cat (feline) having no genetic portion of exotic animal;

3. Potbellied pig when housed within the residence of the owner;
4. Any animal certified by an approved training facility to perform assistance to a disabled person when housed within the residence of such person;
5. A bird such as a canary, parakeet, cockatiel, cockatoo, parrot, and similar bird which is capable of surviving in a caged environment within a residential structure, and is so caged;
6. Rabbit or hare when housed within the residence of its owner;
7. Carrier pigeon;
8. Hamster, gerbil, white mouse and other rodent which does not carry any disease.

“Animal, exotic” means any/all of the following when owned, maintained or kept by any person:

1. Wolf hybrid (any animal having any genetic portion of wolf);
2. Any canine other than a domestic dog which is capable of maintaining its normal lifestyle and procreating in a caged environment;
3. Any feline other than a domestic cat which is capable of maintaining its normal lifestyle and procreating in a caged environment;
4. Any domestic bird which is not kept within a cage;
5. Any snake, lizard or other reptile;
6. Any nonhuman primate or prosimian;
7. Any bear;
8. Any crocodilia, alligator, caiman or gavial;
9. Any shark, barracuda, piranha, stingray, jellyfish and similar fish capable of injuring a human;
10. Any spider, tarantula or other arachnid;
11. Any bee, hornet, wasp or other similar insect capable of injuring a human;
12. Any turtle or tortoise;
13. Any ferret or other weasel or similar mammal;



14. Any other hybrid animal or wildlife, other than a domestic animal, which is secured, kept, and/or maintained within a residential structure or premises.

“Animal, livestock” means any/all of the following:

1. Cow, bovine;
2. Horse, mule, jack, jenny, burro and other horse hybrid;
3. Sheep, goat, and ram;
4. Pig, hog, and swine;
5. Rabbit and hare when not housed within the residence of its owner;
6. Ostrich, emu, and similar fowl;
7. Llama;
8. Chicken, hen, rooster, duck, goose, swan, and similar poultry;
9. Any other cloven-hoofed animal;
10. Any domestic or exotic animal when bred and/or sold for commercial purposes.

“Animal, potentially dangerous” means any animal that:

1. When unprovoked, bites a human or a domestic animal either on public or private property; or
2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of aggression or attack; or
3. Is a breed or type with a propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals, and has exhibited such behavior in any degree or fashion; or
4. Has any portion of its genetic makeup consisting of wolf or wolf hybrid.

“Animal waste” means:

1. The remains of any animal that has died and begun decomposition (carcass); or
2. Fecal matter deposited on any surface by any animal (feces).

“Animal, wildlife” means any animal which is not domestic, exotic or livestock.

“At large” means any animal off the property of an owner or custodian, and not properly confined by a tether, pen, enclosed structure, fenced area, or on a leash eight feet or shorter and under the direct physical control of the owner or custodian. This does not include an animal in an approved obedience school, on a field training exercise under the direct control of a handler, or an animal within a vehicle.

“City” means the city of Chehalis.

“CMC” means the Chehalis Municipal Code.

“Code enforcement officer” means a city employee appointed by the director to administer and enforce the provisions of this chapter.

“Confine” means to prevent an animal from access to other than a designated area by means of an enclosure.

“Cruelty” means any act by any person, other than a licensed veterinarian while practicing medicine, whether deliberate or negligent, which can cause pain, suffering, fear, illness, agitation, anger, discomfort or death to any animal.

“Custodian” means a person possessing an animal and responsible for its care and maintenance as an agent for the owner.

“Department” means the department of community development of the city.

“Detain” means to prevent an animal from access to other than a designated area by means other than an enclosure.

“Director” means the director of the department of community development of the city, a designee, or an authorized representative.

“Dispose of” means to:

1. Euthanize an animal by a lethal dose of sodium phenobarbital or a similar approved substance;
2. Deposit any animal waste into an approved trash receptacle.

“Disposition” means an agreed and approved course of events providing for the release of an animal from the custody or control of the city.

“Dog, attack” means any dog (canine) not owned by a government agency, which has been trained and is used for the purpose of exhibiting hostile and aggressive behavior, or which will attack and/or bite on signal or command.

“Dog, dangerous” means a canine which is a dangerous animal.

“Dog, guard” means any canine not owned by a government agency which has been trained and is used for the purpose of protecting persons or property by exhibiting hostile and aggressive behavior.

“Dog, potentially dangerous” means a canine which is a potentially dangerous animal.

“Enclosure, dangerous animal” means a locked pen or structure, suitable to prevent the entry of children and designed to prevent the animal from escaping; such pen or structure having secure sides and a secure top and bottom, and providing protection from the elements for the animal.

“Enclosure, estrus” means a fenced yard or structure suitable to prevent the animal from escaping, and prevent uncontrolled access by other animals to the yard or structure.

“Enclosure, potentially dangerous animal” means a locked pen or structure, suitable to prevent the entry of children and designed to prevent the animal from escaping; such pen or structure having secure sides and top, and providing protection from the elements.

“Excessive temperature” means ambient air temperature at the location of an animal which is less than 40 degrees Fahrenheit or more than 90 degrees Fahrenheit.

“Harbor” means to allow any animal which is not owned to remain, be lodged, fed or sheltered on property one owns, occupies or controls, for more than 24 hours.

“Holding period” means either:

1. Three business days commencing at the close of regular business on the day of impoundment of any animal; or
2. Ten calendar days for any quarantined animal.

“Injury, severe” means any injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

“Injury to animal” means:

1. Any physical act or failure to act by a human which causes or results in an animal experiencing any pain, broken bones, laceration, abrasion, contusion, fear, agitation, anger,

internal trauma, damaged organs, chemical trauma, respiratory trauma or any other effect which is detrimental to its well-being;

2. Any action of an animal which could have reasonably been prevented by its owner or custodian that results in an injury to itself.

“Injury to human” means:

1. Any action of any animal, including, but not limited to, biting which causes a laceration, abrasion, contusion or puncture wound of the skin of a human which requires professional medical intervention to mitigate the effect of the injury, or contacts a human with sufficient force to cause the human to lose their balance or fall, whether or not any bones are broken;

2. Conveyance of any disease to a human by any animal by any means.

“Keep” means to allow any animal which is owned to remain, be lodged, fed, or sheltered on property one owns, occupies or controls, for more than 24 hours.

“License” means the metal or plastic identification tag issued for an animal by the city.

“Maintain” means to provide proper food, protection, lodging, and/or medical attention to an animal.

“Owner” means the person who is 18 or more years of age, a firm, or a corporation legally entitled to determine the welfare of an animal, and is legally responsible for the animal pursuant to Washington State law.

“Permit” means human conduct in relation to an owned, kept, or harbored animal which is intentional, deliberate, careless, inadvertent or negligent.

“Provoke” means to:

1. Initiate any action designed or intended to elicit a reactive response from an animal; or

2. Knowingly approach any animal in a manner which would reasonably be interpreted by the animal as threatening or endangering.

“Quarantine” means the 10-day confinement, isolation and observation of an animal that has inflicted a bite upon any person or animal where such bite has broken the skin or otherwise caused blood to appear on the skin.

“Rabies carrier” means any species of animal designated by the state pursuant to WAC 248-100-450 as unlawful to keep or maintain, including, but not limited to, skunk, fox, raccoon, and other wildlife.

“Registration” means the city records identifying the owner, animal, residence and other information relating to a specific license, or to a specific animal if a license is not required.

“Responsible person” means any person who is 16 or more years of age providing exclusive temporary care for and/or control of any animal belonging to an owner for a period of time less than, but up to, 30 days.

“Shelter, city” means the facility designated by the director to be used by the animal control officer for the proper administration and enforcement of this chapter.

“Shelter, county” means the facility operated by Lewis County which provides adoption, euthanasia or other proper disposition of animals and/or renders other services to the city relating to this chapter.

“Sterilized” means any animal rendered permanently incapable of reproducing or procreating by surgical alteration, implantation of a device, or other physical means.

“Trespass” means entry by any person or animal upon the property of another person without the authorization of the lawful occupant.

“WAC” means the Washington Administrative Code.

“Wolf” means a carnivorous mammal, *Canis lupus* of northern regions, or *C. niger* of southwest North America, related to and resembling the dog.

“Wolf, hybrid” means:

1. Any animal resulting from any animal breeding with a wolf or other animal having wolf genetics; or
2. Any animal which has any portion of the genetic makeup of a wolf regardless of the percentage of wolf. [Ord. 810B § 6, 2006; Ord. 784B, 2005; Ord. 704B, 2001.]

#### 6.04.040 Animals excepted from regulation.

The following types of animals shall not be subject to the requirements of this chapter, provided the owners of such animals shall remain liable and responsible for any damage occasioned by such animal consistent with applicable laws:

A. K-9 units (canines) owned by any law enforcement agency while such unit is on active duty, within a secure training facility, or on a controlled field exercise;

B. Wildlife;

C. Any animal owned, kept, or maintained by a licensed or approved circus (or similar type business);

D. Any animal owned, kept, or maintained by a licensed or approved research facility which is routinely inspected and controlled by a government agency; and

E. Any animal owned, kept, or maintained by a licensed or approved zoo facility. [Ord. 704B, 2001.]

#### 6.04.050 Fees.

A. Fees charged for required licensing activity associated with owning, keeping, or maintaining any animal, and for the detainment, quarantine, impoundment and/or disposition of animals by the city shall be as prescribed in CMC Title 17, Appendix Chapter A, Schedule of Fees and Charges.

B. The director may consider reducing applicable fees for activities other than licensing if a formal appeal is filed pursuant to CMC 6.04.240, and the appellant demonstrates to the satisfaction of the director that such reduction is appropriate and justified. [Ord. 704B, 2001.]

#### 6.04.060 City shelter.

A. There shall be a facility designated by the director equipped for handling, keeping, and maintaining animals detained or impounded by the city. Provisions shall be made for cleaning such facility consistent with the type of usage anticipated, and proper disposal of animal waste.

B. The location of such facility shall not be readily accessible to the general public except by special arrangement, and need not be disclosed to unauthorized persons. However, provisions shall be made for transporting specific animals to the community development office for release to an authorized person. [Ord. 810B § 6, 2006; Ord. 704B, 2001.]

#### 6.04.070 Right of entry.

A. Any police officer or animal control officer may enter any private property to determine compliance with the provisions of this title, or to impound any dangerous, potentially dangerous, sick, injured, vicious or threatened animal when such officer has obtained a warrant pursuant to applicable laws.

B. Any police officer or animal control officer may enter any motor vehicle parked on any public property or public right-of-way without a warrant when such officer has reason to believe that the health or safety of any animal contained in such vehicle is in danger, or when any citizen may be in danger from such an animal. Such officer shall be, and hereby is, authorized to insert a temperature probe into such vehicle.

C. Any police officer or animal control officer may enter any private property without a warrant when such officer is in pursuit of any unauthorized animal at large.

D. Any police officer or animal control officer may enter any private property without a warrant when such officer has reason to believe that any animal is in an environment detrimental to its health or welfare, or when any animal is in imminent danger of death or serious injury, or when the environmental conditions of the animal constitute cruelty.

E. Any police officer or animal control officer may enter any private property without a warrant to impound any animal which such officer determines would be neglected because of the incarceration of the caretaker of such animal. [Ord. 704B, 2001.]

F. Any police officer or animal control officer may enter any private property without a warrant to address the nuisance created by the animal in violation of this section and may impound an animal from the property where the violation is occurring between the hours of 10:00 p.m. and 6:00 a.m. if the officer is unable to contact an owner or responsible person or if the owner or responsible person is/are unwilling to take actions to stop the nuisance from occurring.

#### 6.04.080 Licensing – Dog (canine).

A. Every dog which is owned, kept or maintained within the city for more than 30 days, and is more than three months of age, shall be licensed with the city, and shall wear such license on a collar or other approved device. Such license shall be numbered, and shall be registered to the legal owner of such dog.

B. The initial license issued for any dog shall expire on December 31st of the calendar year issued. The fee for a dog license for an unaltered animal may be reduced by one-half if such license is issued on or after July 1st of a calendar year.

C. On or before January 31st of each calendar year, the registered owner of every dog licensed within the city shall renew such license, and pay the required renewal fee. The registered owner of such dog shall be responsible for such renewal. It shall also be the responsibility of such owner to advise the city of any demise or other disposition of such dog which precludes the need for required licensing.

D. The city shall maintain a record system to issue, renew, identify and keep current the license information for each dog within the city. Such record system shall identify the name and address of the owner of each licensed dog, and such other information as determined necessary by the director. Such information shall be considered confidential, and shall only be disclosed to police and animal control officers, or as may be directed by a court proceeding.

E. Every dog required to be licensed within the city shall be currently vaccinated against rabies, and the initial license application and any subsequent renewal shall require proof of such current vaccination.

F. Every dog which has been sterilized, and proof of such sterilization is presented to the city at the time of initial licensing, shall pay a reduced license fee and renewal fee as listed in CMC Title 17, Appendix Chapter A, Schedule of Fees and Charges.

G. If proof of sterilization is presented to the city subsequent to the initial licensing of a dog, the reduced fees shall be applicable on and after the next renewal date for the license. No reduced fees shall be retroactive. [Ord. 704B, 2001.]

#### 6.04.090 Registration – Attack dog.

A. Attack dogs, except those owned and used by a government agency, are prohibited within the city limits except as provided in this section.

B. Attack dogs may be permitted to be used for training and/or exhibition when performing under the immediate control of the chief of police, or an agency authorized by the chief to perform within the city. The conduct of such performance shall be authorized and approved by the chief, and such safeguards as may be directed by the chief shall have been implemented prior to such performance.

C. Any attack dog which is authorized to perform in the city shall be registered with the chief of police. There shall be no fee for such registration; however, the owner of such dog shall be responsible for implementing any safeguards required by the chief. [Ord. 766B, 2004; Ord. 704B, 2001.]

#### 6.04.100 Licensing – Guard dog.

A. Every guard dog within the city shall be licensed as required in CMC 6.04.080.

B. The owner of every guard dog shall obtain a city business license as provided in Chapter 5.04 CMC.



C. The owner of every guard dog shall provide proof of current liability insurance in a minimum amount of \$1,000,000 covering all actions of such dog at all times. Such proof shall be submitted at the time of licensing and be effective during the entire applicable licensing period. [Ord. 704B, 2001.]

#### 6.04.110 Licensing – Cat (feline).

A. Cats shall not be required to be licensed within the city.

B. If the owner of any cat within the city desires to license the cat for identification purposes, such owner may make application for such a license. The same procedure and criteria for licensing dogs (CMC 6.04.080) shall be used for licensing cats, provided annual renewal shall not be mandatory. [Ord. 704B, 2001.]

#### 6.04.120 Licensing – Exotic animal.

A. Exotic animals shall not be required to be licensed within the city.

B. Exotic animals shall be subject to all regulations contained in this title, and owners of exotic animals shall be subject to the performance criteria and liability specified in this title. [Ord. 704B, 2001.]

#### 6.04.130 Licensing – Livestock.

A. Livestock animals shall not be required to be licensed within the city.

B. Livestock animals shall be subject to all regulations contained in this title, and owners of livestock animals shall be subject to the performance criteria and liability specified in this title. [Ord. 704B, 2001.]

#### 6.04.140 Registration – Microchipped animal.

Any animal which is microchipped may be registered with the city. The procedure and criteria specified in CMC 6.04.080 shall be used for processing such registration applications, provided annual renewal for such registration is not required. Any applicable requirements for licensing such animal are not waived by such registration, and any required licensing will also constitute registration of such animal for the purpose of microchip identification. [Ord. 704B, 2001.]

#### 6.04.150 Declaration – Potentially dangerous animal.

A. Any animal exhibiting the characteristics or activity described in CMC 6.04.030 (“potentially dangerous animal”) shall be declared a potentially dangerous animal.

B. The director shall make such declaration, and convey said declaration to the owner of record of the subject animal, or such owner as may otherwise be known to the director.

C. If the circumstances involved in the incident causing such declaration resulted in the animal being impounded by the city, the animal shall be kept in impound until:

1. The owner of such animal has complied with all applicable provisions of CMC 6.04.160;
2. Any applicable quarantine period has elapsed without incident; and
3. All applicable fees have been paid.

D. If the circumstances involved in the incident causing such declaration did not result in the animal being impounded by the city, the city shall issue a notice to the owner of such animal giving five days in which to comply with all applicable provisions of this title.

E. The owner of a potentially dangerous animal may voluntarily relinquish ownership of such animal by submitting a city form for this purpose, and conveying the animal to the city. Such form shall attest to the ownership and shall be notarized. [Ord. 704B, 2001.]

#### 6.04.160 Requirements – Potentially dangerous animal.

The owner of any animal declared potentially dangerous by the city shall comply with the following criteria:

A. License the animal if required by this title.

B. Register the animal as a potentially dangerous animal, whether or not a license is required. Such registration shall be on forms provided by the city and shall be renewed annually, and applicable fees paid.

C. Submit proof of liability insurance in a minimum amount of \$1,000,000 covering actions of the specific animal. Such coverage may be included in a liability insurance policy or a specific rider. Such insurance coverage shall not lapse during the period of time that the potentially dangerous animal is owned, kept, or maintained within the city.

D. Provide a secure enclosure for the animal consisting of:

1. For a dog: a fenced enclosure consisting of minimum six-foot-high walls without horizontal members which would provide an opportunity for climbing; minimum five square feet of area for each pound of weight of the dog within the enclosure; adequate

shelter from the elements, including temperature; provisions for food and water without compromising the security of the enclosure;

2. For other than a dog: the owner of such animal shall submit to the director a plan for a secure enclosure for such animal. The director shall approve or modify such plan consistent with the type of animal and the specific circumstances involved.

E. As an alternative to subsection (D) of this section:

1. Provide a minimum six-foot-high fence enclosing all or a portion of the rear yard area of the property where such fence height is allowable; and

2. Provide an auger anchor within the rear yard area of the premises, and a cable or chain with an approved choke-chain collar sufficient to withstand a minimum 500-pound load without failure, and designed so that the animal cannot entangle itself in such assembly; and reach within five feet of the fence; and

3. Securely attach the animal to the choke collar at any time the animal is outside the owner's residence.

F. Any secure enclosure shall be located:

1. At least five feet from a property line if such enclosure has any openings which would allow a child's finger to pass through (any opening greater than one-quarter inch in width);

2. Within an area of the property which does not violate any provisions of the zoning or development regulations for the size and type of structure.

G. Any secure enclosure which has any openings greater than one-quarter inch in width shall have posted a "dangerous dog" sign issued by the city. Such a sign shall also be posted on any wall which is less than 20 feet from any property line. Such signs shall be approximately centered horizontally on such wall at a minimum height of three and one-half feet and a maximum height of five feet.

H. At such time as the animal is not within the secure enclosure, it shall be:

1. Confined within the residence of its owner; or

2. Secured with a leash, tether, cage, or other means, or under the control of the owner or custodian so that the animal cannot stray more than four feet from the person controlling it.

I. No potentially dangerous animal shall be allowed upon a public right-of-way or public property without being secured on a leash or tether by a person at least 18 years of age and physically capable of controlling the animal, or in an approved cage. [Ord. 704B, 2001.]

6.04.170 Declaration – Dangerous animal.

A. Any animal exhibiting the characteristics or activity described in CMC 6.04.030 (“dangerous animal”) shall be declared a dangerous animal.

B. The director shall make such declaration, and convey said declaration to the owner of record of the subject animal, or such owner as may otherwise be known to the director.

C. If the circumstances involved in the incident causing such declaration resulted in the animal being impounded by the city, the animal shall be kept in impound until:

1. The owner of such animal has complied with all applicable provisions of CMC 6.04.180;
2. Any applicable quarantine period has elapsed without incident; and
3. All applicable fees have been paid.

D. If the circumstances involved in the incident causing such declaration did not result in the animal being impounded by the city, the city shall issue a notice to the owner of such animal giving five days in which to comply with all applicable provisions of this title.

E. The owner of a dangerous animal may voluntarily relinquish ownership of such animal by submitting a city form for this purpose, and conveying the animal to the city. Such form shall attest to the ownership and shall be notarized. [Ord. 704B, 2001.]

6.04.180 Requirements – Dangerous animal.

The owner of any animal declared dangerous by the city shall comply with the following criteria:

A. License the animal if required by this title.

B. Register the animal as a dangerous animal whether or not a license is required. Such registration shall be on forms provided by the city and shall be renewed annually and applicable fees paid.

C. Submit proof of liability insurance in a minimum amount of \$1,000,000 covering actions of the specific animal. Such coverage may be included in a liability insurance policy or a specific

rider. Such insurance coverage shall not lapse during the period of time that the dangerous animal is owned, kept, or maintained within the city.

D. Provide a secure enclosure for the animal consisting of:

1. For a dog: a fenced enclosure consisting of minimum six-foot-high walls without horizontal members which would provide an opportunity for climbing; a secure top; a secure bottom or embedment of the walls a minimum of 24 inches below grade; minimum five square feet of area for each pound of weight of the dog within the enclosure; adequate shelter from the elements, including temperature; provisions for food and water without compromising the security of the enclosure;
2. For other than a dog: the owner of such animal shall submit to the director a plan for a secure enclosure for such animal. The director shall approve or modify such plan consistent with the type of animal and the specific circumstances involved.

E. Any secure enclosure shall be located:

1. At least five feet from a property line;
2. Within an area of the property which does not violate any provisions of the zoning or development regulations for the size and type of structure.

F. Any secure enclosure shall have posted a "dangerous dog" sign issued by the city. Such sign shall be posted on any wall which is visible from any public way or an adjacent property. Such signs shall be approximately centered horizontally on such wall at a minimum height of three and one-half feet and a maximum height of five feet.

G. At such time as the animal is not within the secure enclosure, it shall be:

1. Confined within the residence of its owner; or
2. Secured with a leash, tether, cage or other means, under the control of the owner or custodian, such that the animal cannot stray more than four feet from the person controlling it.

H. No dangerous animal shall be allowed upon a public right-of-way or public property without being secured on a leash or tether by a person at least 18 years of age and physically capable of controlling the animal, or in an approved cage.

I. Any dangerous animal shall wear an approved muzzle when located upon any public way, or within or upon any motor vehicle when located on a public way. Every dangerous animal shall

be confined in a suitable enclosure when outside the passenger compartment of any motor vehicle. [Ord. 704B, 2001.]

6.04.190 Form of declaration.

A. Upon sufficient cause or evidence indicating that any animal constitutes a potentially dangerous or dangerous animal consistent with the definition in CMC 6.04.030, the director shall so declare such animal in writing, and shall notify the owner of record, if such owner is known. If such owner is not known, the director shall make such declaration a matter of record by posting such declaration consistent with CMC 6.04.200.

B. The form of declaration shall include:

1. Description of the animal;
2. Location where the incident causing the declaration occurred;
3. Location where the animal was impounded, if applicable;
4. Name and address of the owner of record, if known;
5. An abbreviated narrative of the facts relating to the incident causing the declaration;
6. Notice of the requirements in CMC 6.04.160 or 6.04.180 relating to such declaration;
7. Notice of a right to an administrative review pursuant to CMC 6.04.240;
8. Notice that the city will hold any unclaimed impounded animal for three working days from the date of notice, then humanely dispose of such animal. [Ord. 704B, 2001.]

6.04.200 Service of declaration or notice/posting.

A. Any declaration of a potentially dangerous or dangerous animal shall be written, posted as prescribed in this section, and served upon the owner of record, if any, of such animal by both certified mail, return receipt requested, and regular mail. Notices other than declarations shall be sent via regular mail to the owner of record, if known, and posted.

B. A copy of any declaration of a potentially dangerous or dangerous animal shall also be mailed to the occupant of all properties within 300 feet of the property where such animal is kept.

C. Refusal of any person to accept certified mail, or inability of the U.S. Postal Service to deliver certified mail when attempted, shall constitute service of such declaration. For purposes of service of notice, the date of refusal shall constitute the date of notice, and the date identified by

the U.S. Postal Service that such letter is unclaimed or undeliverable shall constitute the date of notice.

D. All declarations or notices issued by the city relating to animals shall be posted at a designated, publicly accessible place in the community development department office and the lobby of City Hall. [Ord. 810B § 6, 2006; Ord. 704B, 2001.]

#### 6.04.210 Animal bites – Quarantine.

A. Any animal which bites a human sufficient to cause a puncture wound, laceration or abrasion of the skin, or otherwise contacts a human with its mouth sufficient to cause blood to appear on the surface of the skin, shall be quarantined for a period of 10 calendar days.

B. Quarantine shall be approved by the director, and shall occur in one of the following manners:

1. The animal shall be impounded by the city and held at the city shelter for the quarantine period. All expenses incurred by the animal shall be the responsibility of its owner; or
2. The animal may be transported to a licensed veterinary clinic or hospital by its owner, and quarantined at such facility for the required period. The city shall require a statement from a licensed veterinarian at the termination of the quarantine period that the animal does not appear to have rabies. All expenses incurred by the animal shall be the responsibility of its owner; or
3. The animal may be quarantined at its normal residence, with the approval of the director, if all the following apply:
  - a. Proof of current rabies vaccination is submitted to the city;
  - b. The animal can be maintained in a secure environment with no ability to have contact with a person on a public way, or any other animals, either within a structure or within an enclosure as required for potentially dangerous animals. Such an environment shall be inspected and determined by the animal control officer;
  - c. The bite incident does not involve any other violation of this chapter, including evidence that the animal was not at large.

C. At the termination of the required quarantine period, the city shall be assured that the animal does not have rabies. Such assurance shall consist of a statement from a licensed veterinarian, public health official, animal control officer, or other qualified person attesting to the fact that they have examined the animal and that it does not appear to have rabies.

D. At such time as the city receives the required assurance statement, the owner of the animal shall pay all accrued fees and charges. The city will then release the animal to its owner, except, if the animal has been declared dangerous or potentially dangerous, all applicable requirements of this chapter shall have been complied with prior to release of the animal.

E. If the owner of such animal has submitted a relinquishment of ownership form for the animal, the city shall cause the animal to be euthanized.

F. If any quarantined animal does exhibit any symptoms of rabies:

1. It shall be examined by a public health official, and a determination made by the official as to whether the animal should be tested for rabies;

2. If a public health official has determined that rabies testing of an animal is warranted, the city shall cause the animal to be conveyed to a licensed veterinarian for implementation of the required testing procedure. The cost of such testing will be the responsibility of the registered owner of such animal. [Ord. 704B, 2001.]

#### 6.04.220 Impound.

A. Any animal shall be impounded by the city for any of the following reasons or conditions:

1. When the animal has been apprehended by the city while at large on a public way;

2. When a citizen notifies the city that they have detained an at-large animal and requests the city to impound such animal;

3. When the owner of an animal requests the city to quarantine such animal as a result of a bite incident;

4. When the owner of an animal is incarcerated or institutionalized by a police officer and no caretaker for the animal is identified; and

5. When an animal is observed by the animal control officer and a police officer to be in imminent threat of death, serious illness, or injury from any cause.

B. Any animal may be impounded by the city for any of the following reasons or conditions:

1. When an animal is confined within a motor vehicle and the temperature of its environment exceeds 85 degrees Fahrenheit;

2. When an animal is in violation of the terms of its quarantine;



3. When an animal required to be secured is observed unsecured;

4. When an animal has exhibited any characteristic of a dangerous or potentially dangerous animal, and a secure enclosure is not readily available for confinement of such animal by the owner. [Ord. 704B, 2001.]

#### 6.04.230 Holding period and disposition.

A. Any animal impounded by the city shall be held a minimum of three working days in the city shelter. The date of such impound shall not be considered holding time, and the working day immediately following the date of impound shall be the first day of holding.

B. Any animal quarantined by the city in the city shelter shall be held for 10 calendar days. On and after the eleventh day following the quarantine period, the animal shall be considered to be impounded, and the required holding period shall be considered terminated.

C. Any animal voluntarily relinquished to the city by its owner shall be transported to the county shelter for adoption or euthanasia on or after the date following the relinquishment date.

D. Any animal which remains in the custody of the city on the date following any required holding period, and an approved disposition of the animal has not been determined with the owner of the animal, shall be considered an abandoned animal.

E. Any owner of any animal may terminate the required holding period by providing proof of ownership, if such proof is not currently in the records of the city, complying with all applicable requirements of this chapter, and payment of all applicable fees and charges. Arrangements shall be made by the animal control officer to convey the animal to its owner as soon as practicable.

F. At the termination of any required holding period, the city shall:

1. Transport the animal to the county shelter for adoption or euthanasia; or

2. Return the animal to its owner if all applicable fees and charges have been paid; or

3. Agree to hold the animal for a longer period of time if the city determines that the owner of the animal intends to comply with any terms or conditions of release, and the owner has paid all accrued fees and charges, and the applicable fees and charges which will accrue to the estimated date of release; or

4. Determine that the animal is abandoned if the required fees and charges have not been paid, and no other arrangements have been approved on appeal. Any abandoned animal shall be transported to the county shelter for adoption or euthanasia. [Ord. 704B, 2001.]

6.04.240 Appeal.

A. Any person who owns, maintains, or keeps an animal which is declared by the city to be a potentially dangerous or dangerous animal may appeal such declaration to the city manager.

B. No appeal of any citation issued under this chapter shall be heard by the city manager or the director. Citations shall only be heard and determined by the municipal court.

C. Any appeal filed with the city manager (or director pursuant to CMC 6.04.050) shall contain the following elements:

1. Name of the person filing the appeal;
2. Residence address of the appellant;
3. Mailing address of the appellant if different than the residence address;
4. Common pet name of the animal involved;
5. Specific action(s) of the city which is/are being appealed;
6. Discussion relating to why the appellant feels the action(s) was/were improper or inappropriate;
7. Presentation of alternative actions that the appellant feels the city should take instead of the original action(s) taken;
8. Discussion of why the alternative presented will satisfy the city's regulatory requirements for protection of the public and elimination of a nuisance animal; and
9. Any other information which the appellant desires to present at a hearing.

D. The appellant may submit any evidence or documents relevant to any issue raised in their appeal filing. The appellant shall be responsible for establishing the relevance and relationship with the specific issues being appealed.

E. Upon receipt of a proper appeal filed with the city, the city manager shall solicit all relevant documentation of the issue from the director. Upon receipt of such documentation, and any evidence submitted with the appeal, the city manager shall conduct a closed record review of the matter. The city manager may solicit any additional information and/or clarification on any issue from the appellant and/or the director. Nothing herein shall preclude a closed record appeal hearing at the discretion of the city manager.

F. The city manager may uphold, modify, or overturn the decision of the director in whole or in part. Such decision shall include findings based on the evidence submitted. Nothing herein shall preclude the city manager from determining alternate and/or equivalent methods of compliance with this chapter on appeal, or any decision which may be just and equitable under the specific circumstance.

G. Any decision made by the city manager on appeal shall be implemented and/or complied with, including any specified time frames for compliance.

H. Failure to comply with the city manager's decision on appeal will result in a citation being issued for such failure. Final disposition of such citation shall be determined by the municipal court. [Ord. 704B, 2001.]

#### 6.04.250 Impounded animals – Safeguards.

A. Any animal in the custody of the city shall be subject to the following:

1. No animal shall be released from custody until all applicable provisions of this chapter have been complied with;
2. No abandoned animal shall be released to any person or agency for research purposes, except, if a finding is made documenting a rare or unique circumstance relating to a specific animal, the city may release such animal to a controlled research environment;
3. Animals will be monitored for sickness, disease, or injury. The city will determine an appropriate course of action for every animal in the custody of the city. Any animal observed to be seriously ill or severely injured may be euthanized if a licensed veterinarian determines that such action is in the best interest of the animal.

B. Notice shall be given by the city to the owner of record of any animal that is in the custody of the city. If the owner is unknown, the city shall post notices as provided in CMC 6.04.200.

C. The city shall not be liable for any injury or death of any impounded animal. [Ord. 704B, 2001.]

#### 6.04.260 Nuisance animals.

A. It shall be unlawful for any owner or responsible person to keep or harbor any animal which barks, whines, howls, crows, grunts, ruts or otherwise makes any unprovoked noise on the owner's property where such noise may disturb the quiet of the neighborhood after 10:00 p.m. or before 6:00 a.m. and such animal shall be considered a nuisance animal and such noise may be abated as provided in CMC 7.04.130, Nuisances.

B. It shall be unlawful for any owner or responsible person to permit the continual barking, whining, howling, crowing, grunting, rutting, other noises of any animal between the hours of 6:00 a.m. and 10:00 p.m. Continuous noise shall mean the unprovoked barking, whining, howling, crowing, grunting, rutting, or other noises for a continued period of 5 minutes or more on three or more occasions during any thirty-minute period.

C. Any animal which, because of body odor, lack of cleanliness, fecal matter, urine or any other cause, exudes an odor emanating beyond the property on which such animal is owned, maintained or kept, shall be considered a nuisance animal and such odor shall be abated as provided in CMC 7.04.130, Nuisances.

C. Any animal which trespasses upon the property of another and which interferes with the quiet enjoyment of a residential property, or which flies, buzzes, digs or otherwise harasses any person while off the owner's or custodian's property, shall be considered a nuisance animal and such trespass and/or harassment shall be abated as provided in CMC 7.04.130, Nuisances.

D. Any animal which is observed or otherwise documented as being at large, but which returns to the property where it is owned, maintained, or kept prior to being apprehended by the city, shall be considered a nuisance animal and such action shall be abated as provided in CMC 7.04.130. Any second or subsequent at-large activity by the same animal shall be cause for a citation to be issued to the owner of such animal without notice. [Ord. 704B, 2001.]

6.04.270 Minimum space requirements – Domestic animal.

A. Dogs.

1. The area of the owner's or custodian's residential building when within such a building;
2. Two square feet of accessible floor area for each pound of weight when within a nonresidential building;
3. Five square feet of accessible surface area for each pound of weight when confined within a fenced outdoor area;
4. Five square feet of accessible surface area for each pound of weight when chained or tethered to a fixed point, provided nothing shall be permitted to obstruct the chain or tether so as to render the animal incapable of free access to the required area;
5. Five square feet of accessible surface area for each pound of weight when tethered to a movable cable, wire, pulley, or combination thereof.

B. Cats are not regulated for space requirements.

C. Potbellied pig: same as in subsection (A) of this section, Dogs.

D. Birds are not regulated for space requirements.

E. All other domestic animals: as prescribed by a veterinarian, or qualified study, report or published industry standard, and approved by the director as required for the particular type of animal and circumstance.

F. All domestic animals shall be provided with shelter from excessive temperature and precipitation sufficient to protect the size, type and number of animals. [Ord. 704B, 2001.]

#### 6.04.280 Minimum space requirements – Livestock.

A. Cow/bovine – 10,000 square feet open, fenced area for the first animal, plus 1,000 square feet per additional animal.

B. Horse – 10,000 square feet open, fenced area for the first animal, plus 1,000 square feet per additional animal.

C. Sheep, pig, llama, ostrich, and similar-sized animals – 5,000 square feet open, fenced area for the first animal, plus 500 square feet per additional animal.

D. Other fowl/poultry – Eight square feet per animal within a coop or other enclosed structure plus eight square feet open, fenced area for each animal outside the coop or structure.

E. Rabbit/hare – Eight square feet per animal within a coop or other enclosed structure plus eight square feet open, fenced area for each animal outside the coop or structure.

F. All other livestock – As prescribed by a licensed veterinarian or published industry standard, and approved by the director for the specific type and number of animals and the specific circumstance.

G. No livestock fence shall be located:

1. Within any street setback area established and/or required by CMC Title 17, Uniform Development Regulations;
2. Within 100 feet of any residential structure which is not the residence of the person owning, maintaining or keeping livestock;
3. Within any national wetland inventory mapped area or any Shoreline Management Act jurisdictional area (see CMC Title 17, Uniform Development Regulations);

4. Within, or accessory to, any occupancy where sick or infirm persons reside, except as may be expressly permitted by the operator of such facility, and consistent with the requirements of this chapter.

H. All livestock animals shall be provided with shelter from excessive temperature and precipitation sufficient to protect the size, type, and number of animals. [Ord. 704B, 2001.]

6.04.290 Minimum space requirements – Exotic animals.

A. Snake/reptile, arachnid, other nonaquatic exotic animal not otherwise listed – Within a terrarium or other similar containment vessel at least as long as the animal and not less than one-quarter the length in height and width.

B. Primate/prosimian – Same as the Uniform Housing Code space requirements for housing a human.

C. Bear – Two square feet of accessible cage area for each pound of animal weight.

D. Nondomestic canine – Same as CMC 6.04.270(A), Dog, provided a fenced outdoor area shall be consistent with the containment requirements for a potentially dangerous animal.

E. Nondomestic feline – Same as subsection (D) of this section, Nondomestic canine.

F. Wolf hybrid – Same as subsection (D) of this section, Nondomestic canine.

G. Crocodylia/alligator/caiman/gavial – Same as subsection (D) of this section, Nondomestic canine, provided a pond or other aquatic environment large enough to completely submerge the specific animal shall be provided within the caged area.

H. Listed fish – Same as subsection (A) of this section.

I. Honeybee hives shall not be located closer than 300 feet to any habitable building; other bee hives and all other insect hives shall not be located closer than 1,000 feet to any habitable building.

J. All exotic animals not otherwise listed – As determined by a licensed veterinarian, qualified study or published industry standards, and approved by the director, for the specific type and number of animals, and the specific circumstances.

K. Containment of all exotic animals shall be subject to approval of the director. [Ord. 704B, 2001.]

#### 6.04.300 Animal control.

- A. No person shall permit any animal to trespass upon the property of another, or cause any damage to private property while trespassing.
- B. No person shall permit any animal to enter any public fountain, pool, pond, swimming pool, school, school grounds or other similar public property without the expressed written consent of the owner of such property.
- C. No person shall permit any animal to enter any institution where sick or infirm persons reside without the expressed permission of the owner of such facility.
- D. Every unsterilized female domestic animal shall be confined within an estrus enclosure during the time such animal is in estrus (in heat).
- E. No person shall permit any animal to cause damage to any public property, building, fixture, or equipment, or spill or spread garbage from within a proper trash receptacle located on public property.
- F. No person shall have control or custody of any animal upon any public property, park, grounds, sidewalk, street, or alley without having in their immediate possession an approved means to pick up and dispose of any animal waste (feces). Approved means may include bags, gloves, scoop, or similar device customarily used for eliminating fecal waste.
- G. No person shall harbor or keep any animal which is subject to impound without an agreed disposition approved by the city.
- H. No person shall harbor or keep any animal owned by another person without their expressed permission.
- I. No person shall tether any animal in a manner so as to allow the animal to reach within 10 feet of any public sidewalk, alley or street, or within three feet of any adjacent property.
- J. No person shall tether any animal in a manner so as to allow the animal to become entangled in its own tether such that the animal does not have the minimum space required, or such that the animal injures itself.
- K. No person shall harbor or keep any vicious, dangerous, potentially dangerous, attack or guard animal outside of a secure enclosure.
- L. No person shall interfere with or obstruct any code enforcement officer, animal control officer or police officer in the administration and enforcement of this chapter.

M. No person shall allow any fecal matter which is deposited on any public property, park, grounds, sidewalk, street or alley, or the private property of other persons or businesses, by any animal under their control or custody, to remain on such property. Such fecal matter shall be picked up prior to leaving the immediate vicinity of the waste, or within three minutes of the waste being deposited, whichever occurs first, and properly disposed of.

N. No person shall allow the accumulation of fecal matter which is deposited on their private property by any animal owned, kept, or maintained on their property to remain for more than 24 hours.

O. No person shall own, keep or maintain any rabies carrier within the city.

P. No person shall sell, offer for sale or offer to give away any animal upon any public property or any public right-of-way except through an official activity of the city or county shelter.

Q. No person shall have control or custody of any unconfined dog or canine upon any public property, park, grounds, sidewalk, street, or alley without displaying a valid animal license attached to the collar of said animal.

R. No person shall allow an unconfined dog or canine upon any public property, park grounds, sidewalk, street, or alley, or the private property of other persons or businesses, without being on a suitable leash and under the physical control of the custodian. No dog or canine shall be allowed to run at large. [Ord. 784B, 2005; Ord. 704B, 2001.]

S. No person shall keep or confine any unattended animal in a motorized vehicle or other enclosure or structure for a period in excess of 2 hours and/or under such conditions as may endanger the health and well-being of the animal. Such conditions include, but are not limited to, dangerous temperatures, lack of food or water, and confinement with a vicious animal.

T. No person shall allow any domestic animal to cause an unprovoked injury to an animal or injury to a human being while such animal or human being is in or on a public place or lawfully in or on a private place including the property of the owner of such domestic animal.

#### 6.04.310 Cruelty.

A. No person shall harbor or keep any animal which is sick, diseased or injured without appropriate medical treatment for such condition.

B. No person shall allow two or more animals to attack, fight or injure each other when any such animals are under the control of, or on the premises or property of, such person.



C. No person shall possess or use, or allow the possession or use of, cock spurs, slashers, gaffs or other tools, devices or equipment designed, used or intended to inflict injury on any animal.

D. No person shall maintain, keep or harbor any animal without having an adequate supply of water continuously and readily accessible to such animal, and an adequate supply of food accessible at a frequency appropriate for such animal.

E. No person shall maintain, keep or harbor any animal without having adequate fresh air and/or ventilation sufficient to preclude excessive temperature.

F. No person shall confine any animal within an enclosure having less than the minimum space requirements; provided, any animal being transported from one premises to another may be confined within an appropriate cage, carrier, trailer, or other device approved for such purpose during such period of transport. Such transportation confinement shall not exceed two hours for any domestic animal without alternate means of control which allows the animal freedom to walk about for a minimum of 15 minutes between periods of such confinement.

G. No person shall injure, kill, mistreat or otherwise cause any harm to any animal except as expressly permitted by law (e.g., fishing with worms, rodent abatement, insect abatement, etc.).

H. No person shall intentionally or negligently place, allow or otherwise cause any chemical or other substance, whether liquid or solid, which is poisonous or otherwise detrimental to the well-being of any animal to become accessible to any animal except:

1. Commercially produced rat poison, slug poison, insecticides, fungicides and similar pest control agents when used exclusively for the purpose stated on the label of such product, and applied in strict conformance with the directions and safeguards identified on such label.

2. Any governmental agency acting in an official capacity to administer or enforce an adopted regulation, policy or emergency response to any emergency situation.

I. No person shall place within the city any trap or other device designed, used or intended to be used to kill, snare, capture, or render any animal unable to escape from such trap except:

1. Commercially produced rat, mouse, mole, gopher or other rodent trap when used exclusively for the purpose intended and set in strict conformance with the directions and safeguards identified for such trap, and placed in a manner which precludes domestic animals from becoming trapped;

2. Any governmental agency acting in an official capacity to administer or enforce an adopted regulation, policy or emergency response to any emergency situation;

3. Live traps issued by the animal control officer and used in strict conformance with the city's policies and requirements associated with such traps (see CMC 6.04.320).

J. No person shall provoke any animal, provided any training exercise using positive attributes which does not involve any injury to such animal shall not be considered provocation. [Ord. 704B, 2001.]

K. No person shall abandon any animal by dropping off or leaving said animal on any street, road, or highway, or in any public place, in on the private property of another person, firm, or corporation.

#### 6.04.320 Trapping of nuisance animals.

A. Trapping of nuisance animals shall only occur as provided in this section.

B. No trap of any type, kind or sort shall be used to trap domestic animals except a live trap issued by the animal control officer, and used consistent with the city's procedures and policies issued with such a trap. No leg trap or other type of trap designed or used to injure or kill an animal shall be used for domestic animals under any circumstance.

C. Nuisance wildlife may be trapped with any type of trap appropriate for the specific animal and circumstance, provided:

1. The city's animal control officer is notified when any such trap is set and when it is removed. Failure to notify the officer when a trap is set will be considered a violation of this chapter.

2. No trap shall be set within 500 feet of a residential property unless it is a live trap.

3. Signs or flags shall be posted or installed in the vicinity of any trap (within 25 feet of such trap) identifying the name of the person or company setting such trap and a telephone number to call regarding information about the trap. A minimum of four such signs or flags shall be installed approximately equally spaced around the perimeter of the trap assembly.

D. When determined necessary and appropriate by the animal control officer, the city may use tranquilizing drugs to immobilize any animal for its own protection or the protection of the public.

E. Any trapping of livestock or exotic animals shall be as appropriate for the specific animal and circumstance, and approved by the director. Conditions may be placed on any such trapping activity to protect domestic animals or the public, and shall become conditions of approval. [Ord. 704B, 2001.]

#### 6.04.330 Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter, nor the validity of its application. [Ord. 704B, 2001.]

#### 6.04.340 Violation.

A. Any action of any person, firm or corporation in violation of any provision of this chapter, or failure of any person, firm or corporation to perform any action or duty required pursuant to the provisions of this chapter, shall constitute a public nuisance and an infraction or a misdemeanor as defined at paragraph 6.04.350(A) and (B), and may be abated by the city as provided in CMC 7.04.130(B) et seq., abatement of public nuisances. Nothing herein shall preclude the city from issuing a citation for such violation concurrent with any abatement action.

B. Nothing herein shall preclude the city from exercising its authority to protect the public peace and welfare by summarily abating any nuisance condition determined to be detrimental or an imminent threat to the public peace and welfare, or to protect the welfare of any animal, without notice to a person.

C. Any citation written for the violation of any provision of this chapter shall contain an identification number or component to reflect the level of penalty established in subsection 6.04.350 of this chapter, consistent with the capability of the municipal court system. [Ord. 704B, 2001.]

#### 6.04.350 Penalty.

A. Infractions. Penalty for violation of any sections of CMC 6.04.080, 6.04.100, 6.04.260, 6.04.300, and/or 6.04.320, shall be as follows:

1. Any person cited for the first violation of any section designated in paragraph 6.04.350(A) shall be fined a monetary penalty of \$250.00.
2. Any person cited for the second violation of any section designated in paragraph 6.04.350(A), whether or not the same provision or a different provision, shall be fined a monetary penalty of \$500.00.
3. Any person cited for the third or subsequent violation of any provision of any section designated in paragraph 6.04.350(A), whether or not the same provision or a different provision, shall be fined a monetary penalty of \$750.00.

B. Misdemeanors. Penalty for violation of any section of CMC 6.04.310 shall be as follows:

1. Any person convicted of a misdemeanor for the first violation of any provision of paragraph 6.04.350(B) above, whether or not the same provision or a different provision, shall be fined a monetary penalty of up to \$1,000 and imprisoned for up to 30 days at the discretion of the court.

2. Any person convicted of a misdemeanor for the second violation of any provision of paragraph 6.04.350(B) above, whether or not the same provision or a different provision, shall be fined a monetary penalty of up to \$1,500 and imprisoned for up to 60 days at the discretion of the court.

3. Any person convicted of a misdemeanor for the third or subsequent violation of any provision of paragraph 6.04.350(B) above, whether or not the same provision or a different provision, shall be fined a monetary penalty of up to \$1,900 and imprisoned for up to 90 days at the discretion of the court.

C. The provisions of this chapter relative to the abatement of nuisances are not exclusive and all other rights or remedies of the city or any citizen thereof relative to abatement of nuisances are declared to remain in full force and effect.

D. Nothing herein shall preclude the city from issuing a citation for such violation concurrent with any abatement action as authorized by this chapter.

E. In addition to such other penalties as may be imposed, a court entering a judgment of guilty to a charge of creating a public nuisance may order the abatement of the same on such terms and conditions as may be just and equitable.

**Section 3.** The City Clerk shall be, and she hereby is, instructed to repeal Chapter 6.04 of the Chehalis Municipal Code and replace the same as set forth herein.

**PASSED** by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

Attest:

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City Clerk

Approved as to form and for content:

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City Attorney