

## ORDINANCE NO 1076

AN ORDINANCE OF THE CITY OF ROSLYN, WASHINGTON, RELATING TO THE CITY'S ANIMAL CODE, AND SPECIFICALLY RE-ENTITLING RMC CHAPTER 6.05 FROM "DOG REGULATIONS" TO "REGULATIONS"; AMENDING RMC 6.05.020 PROHIBITING DOGS AT LARGE; AMENDING RMC 6.050.030 REGARDING LICENSING AND REGISTRATION; REPEALING RMC 6.05.040 REGARDING DOG AND CAT TAGS AND COLLARS; AMENDING RMC 6.05.060 PROHIBITING EXCESSIVE NOISE; REPEALING RMC 6.05.180 RELATING TO PENALTIES FOR VIOLATIONS; ADOPTING A NEW SECTION 6.05.025 ESTABLISHING REQUIREMENTS FOR PROPER DISPOSAL OF PET WASTE; ADOPTING A NEW SECTION 6.05.180 RELATING TO PENALTIES FOR VIOLATIONS; AMENDING RMC 6.05.210 RELATING TO CRUELTY TO ANIMALS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, the Animal Control Officer serves the City of Roslyn, the City of Cle Elum, and the Town of South Cle Elum; and

**WHEREAS**, it is in the City's best interest to have certain provisions in its Animal Code, codified at Roslyn Municipal Code ("RMC") Chapter 6.05 (Dog Regulations), mirror similar provisions in the Animal Codes of Cle Elum and South Cle Elum; and

**WHEREAS**, in order to best ensure that the Animal Codes of Roslyn, Cle Elum, and South Cle Elum are consistent with each other, the City desires to repeal, amend, and adopt certain sections of RMC 6.05 relating to licensing and registration, dogs at large, and excessive animal noise; and

**WHEREAS**, the City further desires to amend the penalty provision for violations of RMC Chapter 6.05 to provide that first and second violations of any provision of Chapter 6.05, except for RMC 6.05.210 related to animal cruelty, shall incur civil penalties, and third and subsequent violations shall incur criminal penalties; and

**WHEREAS**, the City desires to require the disposal of pet waste therefore a new section 6.05.025 of the RMC is created, and

**WHEREAS**, the City desires to make animal cruelty as set forth in RMC 6.05.210 a criminal offense in all cases;

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

**Section 1. Amending Title of RMC Chapter 6.05.** Roslyn Municipal Code Chapter 6.05 entitled "Dog Regulations" is hereby amended to be entitled "Regulations".

**Section 2. RMC Section 6.05.020, Amended.** Roslyn Municipal Code Section 6.05.020 (Dogs not to be permitted at large) is hereby amended to read as follows:

**6.05.020 Dogs/Cats not permitted at large.**

No owner or custodian of any dog or cat shall permit the same to go at large. A dog is considered at large when it is free of restraint or confinement, without leash, and without a person to control the animal. A cat is considered at large when it is on private or public property without the consent of the owner or custodian of the property. A dog or cat shall not be "at large" if it remains on the owner's premises; or is in the presence of the owner within the area commonly known as the Roslyn Urban Forest, as depicted on the map attached hereto as Attachment "A", the owner shall be in possession of a leash and shall maintain control of the animal when in the urban forest. Any dog chasing or molesting wildlife in the Roslyn Urban Forest or any other violation of this section is declared to be a nuisance and dangerous to the public health, safety and welfare.

**Section 3. RMC Section 6.05.030, Amended.** Roslyn Municipal Code Section 6.05.030 (License and registration required) is hereby amended to read as follows:

**6.05.030 License and registration required.**

A. All dogs and cats in the city of Roslyn must be licensed and registered if over three months of age. The animal license shall be an annual license which shall expire at midnight on December 31st of each year. Upon payment of the license fee, the city shall issue to the owner or the custodian a license fee receipt and a metal tag for each animal so licensed. The license shall be stamped thereon with the city's name, the current year, and the number corresponding with the number on the issued receipt. Every owner or custodian must provide each dog and cat with a collar to which the license tag must be securely fastened, and must ensure that the collar and tags are worn by the dog or cat at all times. Dog and cat tags are not transferable from one animal to another. No refund shall be made on any animal license fee as a result of death to a dog or cat or for any other reason.

B. Animal license applications must include proof of current rabies and distemper immunization (for dogs), and proof of rabies, panleukopenia, rhinotracheitis, calicivirus, and chlamydia immunizations (for cats).

C. This section shall not apply to dogs and cats brought temporarily into the city.

**Section 4. Repealer.** Roslyn Municipal Code Section 6.05.040 (Tag and Collar) is hereby repealed in its entirety.

**Section 5. RMC Section 6.05.060, Amended.** Roslyn Municipal Code Section 6.05.060 (Excessive noise by dogs prohibited) is hereby amended to read as follows:

**6.05.060 Excessive noise by dogs/fowl prohibited.**

No owner or custodian of any dog or fowl shall permit the same to remain outside of the dwelling of such owner or custodian or outside of the closed building where the dog or fowl is kept while any such dog or fowl is causing excessive or frequent noises which disturb or are likely to disturb the comfort or repose of

other persons in the neighborhood. A violation of this section is declared to be a public nuisance and adverse to the public health and welfare.

**Section 6. Repealer.** Roslyn Municipal Code Section 6.05.180 (Penalty for violation) is hereby repealed in its entirety.

**Section 7. New RMC Section 6.05.025 (Requirement for Disposal) Adopted.** Roslyn City Code Section 6.05.025 is hereby adopted as a new section to read as follows:

**6.05.025 Requirement for Disposal.** All pet owners and custodians are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person, provided however, that any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

**Section 8. New RMC Section 6.05.180 Adopted.** A New Roslyn Municipal Code Section 6.05.180 (Penalty for violation) is hereby adopted to read as follows:

A. Civil Penalties – First and Second Violations. Any person and any owner or custodian violating any provisions of this chapter (with the exception of RMC 6.05.210) shall incur a fine in the amount of \$50 for a first violation, and a fine in the amount of \$100 for a second violation within the twelve consecutive month period following the date on which the first violation was found to be committed if the second violation is for a violation of the same provision.

B. Criminal Penalties – Third and Subsequent Violations. A third violation of the same provision of this chapter (with the exception of RMC 6.05.210) within the twelve consecutive month period following the date on which the first violation was found to be committed shall be a misdemeanor, punishable by not more than 90 days in jail and a fine of not more than \$500. A fourth violation of the same provision of this chapter (with the exception of RMC 6.05.210) within the 12 consecutive month period following the date on which the first violation was found to be committed shall be a gross misdemeanor, punishable by not more than one year in jail and a fine of not more than \$5,000. A fifth or subsequent violation of the same provision of this chapter (with the exception of RMC 6.05.210) shall be a gross misdemeanor, regardless of the passage of time from the date on which the first violation was found to be committed, punishable by not more than one year in jail and a fine of not more than \$5,000.

**Section 9. RMC Section 6.05.210, Amended.** Roslyn Municipal Code Section 6.05.210 (Cruelty to animals) is hereby amended to read as follows:

**6.05.210 Cruelty to animals.**

A. Injuring Animal with Vehicle. No person shall willfully injure, beat, abuse or run down any animal with a vehicle. Any person who kills or injures an animal while driving a vehicle shall stop at the scene of the accident and render such assistance as practicable, shall make reasonable efforts to locate and identify themselves to the owner or to any person having custody of the animal and shall report the accident immediately to the police department.

B. Feeding and Care of Animals. It is unlawful for any person to keep or harbor an animal within the city without providing a suitable amount of wholesome food and clean water for the nutrition and comfort thereof, and without providing a clean sleeping area, or to leave the premises upon which the animal is confined or through which it customarily returns for more than 24 hours without providing for the feeding and care of such animal in the absence of the person.

C. Poisoning of Animals. It is unlawful for any person to willfully or maliciously poison any domestic animal or bird or to lay out or expose any kind of poisoned food or drink for man, animal or fowl, or any substance or fluid whatever whereon or wherein there is or shall be deposited or mingled any kind of poison or poisonous or deadly substance or fluid whatever, on any premises or in any unenclosed place, or to aid or abet any person in doing so; except, that the provisions of this section shall not apply to the killing by poison of any animal or bird in a lawful and humane manner by the owners thereof or by a duly authorized servant or agent of such owner, or by the owner, or by a person acting pursuant to the instructions from a duly constituted public authority, in accordance with the exceptions provided in RCW 16.52.190.

D. Injury to Animal – Neglect of Injured Animal. It is unlawful for any person to: (1) willfully and cruelly injure or kill any animal by any means causing it fright and pain, except for the humane slaughter of animals and fowl used for human food; (2) by reason of neglect or intent to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury such person has caused to any animal; or (3) maintain any place where fowl or any animals are suffered to fight upon exhibition or for sport upon any wage.

E. Criminal Penalty. Any person and any owner or custodian found to have violated this Section shall be shall be guilty of a misdemeanor, punishable by not more than 90 days in jail and a fine of not more than \$500.

**Section 10. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 11. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14<sup>th</sup> DAY OF JUNE, 2011.**

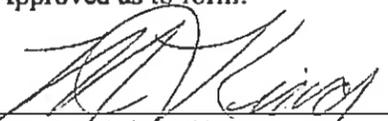
CITY OF ROSLYN

  
\_\_\_\_\_  
Cordy Cooke, Mayor Pro-tem

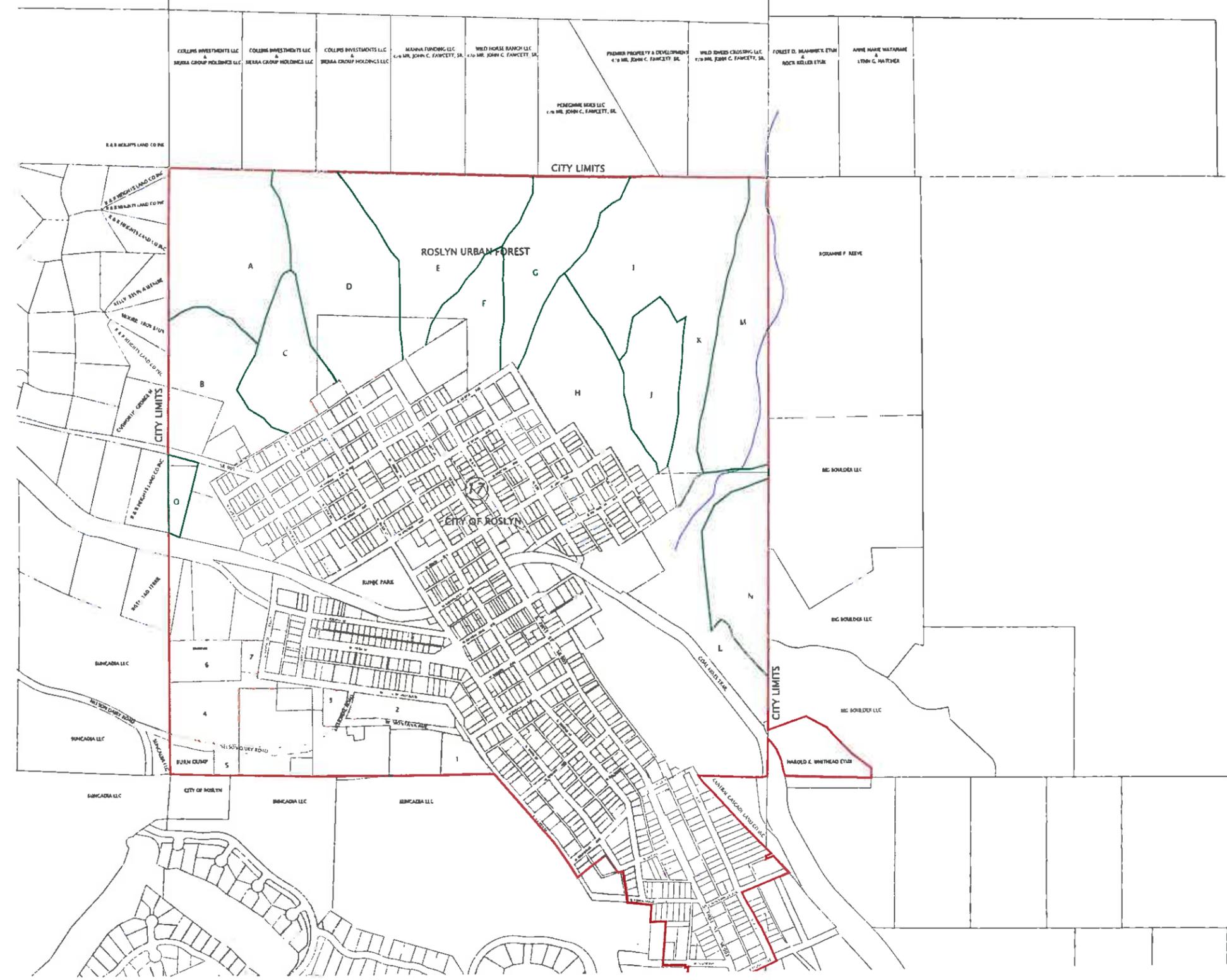
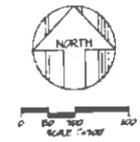
ATTEST/AUTHENTICATED:

  
Amber Shallow, City Clerk

Approved as to form:

  
Margaret King, City Attorney

Filed with the City Clerk: April 8, 2011  
Passed by the City Council: June 14, 2011  
Date of Publication: June 17, 2011  
Effective Date: June 22, 2011



**BASEMAP NOTES:**  
 THIS EXHIBIT IS INTENDED TO SHOW INFORMATION CONTAINED ON FIGURES 1, 8, 9 & 10 OF THE ROSLYN URBAN FOREST LAND STEWARDSHIP PLAN (LSP) DATED JULY 3, 2008 PREPARED BY JAMES BEGLEY OF CENTRAL WASHINGTON UNIVERSITY. THE LSP INFORMATION WAS IMPORTED INTO PREVIOUS NAD 83/91 MAPPING BY GOLDSMITH. TRAIL AND STREAM LOCATIONS HEREON WERE PROVIDED BY GEORGE GREEN OF THE LSP COMMITTEE.

- LEGEND**
- CITY LIMITS
  - INLAND FIBER OPTICS R/W (PER GEORGE GREEN)
  - LSP PARCELS (ROSLYN URBAN FOREST)
  - TREATMENT STANDS



# ROSLYN URBAN FOREST LAND STEWARDSHIP PLAN