



2024 COMPREHENSIVE PLAN & MUNICIPAL CODE UPDATE PROJECT ADVISORY GROUP Meeting Agenda

2024 Comprehensive Plan and Municipal Code Update Project Advisory Group

<https://us02web.zoom.us/j/86790881957>

Telephone: 253-215-8782

Webinar ID: 867 9088 1957

Meeting information is posted online at

<https://stanwoodwa.org/>.

Wednesday, November 15, 2023, at 5:30 PM

- Parks Policy Review
- SMC Title 7 – Health and Sanitation and Title 8 – Animals Draft Text

Staff Report



2024 COMPREHENSIVE PLAN &
MUNICIPAL CODE UPDATE
PROJECT
ADVISORY GROUP

MEETING DATES: November 15, 2023

SUBJECT: November Agenda Items

CONTACT PERSON: Patricia Love, Community Development Director
Tansy Schroeder, City Planner

Parks Policy Review

As part of the Comprehensive Plan Update process, the parks goals and policies need to review and updated. The policies were revised to reflect current conditions, simplify into “plain language” and to reduce redundancy. Below are the revised policies for your review.

PROSG 1 - Equally distribute a park system throughout the City that provides a variety of park types, facilities, and uses to the residents of Stanwood.

PROSP 1.1: Prioritize development and implementation of existing park master plans over development of new parks.

PROSP 1.2: Maintain and expand Heritage Park as a regional attraction while providing community and neighborhood parks to meet the needs of City and UGA residents and businesses.

PROSP 1.3: Provide a variety of active and passive facilities, trails and open space to meet the needs and desires of the community.

PROSP 1.4: Identify City owned parcels and underutilized public rights-of-ways that are not currently part of the park and recreation system and evaluate them for potential public access, trails, or other public use where appropriate.

PROSP 1.5: Incorporate historical and cultural lands, public art, historic sites, structures, and facilities into the park system to preserve these features and provide a balanced recreational and social experience.

PROSP 1.6: Design and renovate city parks, trails and facilities to be accessible to individuals and organized groups of all physical capabilities, skill levels, age, income, and recreational interests.

PROSP 1.7: Emphasize user input in planning, design, and development of park and trail facilities.

PROSP 1.8: Support the development of private recreation facilities as part of the platting process that are accessible, walkable and provides some form of space or equipment for physical activities.

PROSG 2 - Work in collaboration with local, county and state agencies, special districts and businesses to provide a network of park facilities in Stanwood and in neighboring communities to accommodate the recreational needs of the greater Stanwood-Camano region.

PROSP 2.1: Work with the Snohomish County, State agencies, local Tribes, and other public and private agencies, to purchase land and open space areas necessary to provide high quality, convenient park and recreation lands before the most suitable sites are lost to development.

PROSP 2.2: Pursue an agreement with the Stanwood Camano School District to create opportunities for joint ventures to develop and use of combined school, playground, and athletic facilities.

PROSP 2.3: Support and partner with private and non-profit agencies that provide active and passive recreation opportunities, public health, and other facilities that support community needs.

PROSP 2.4: Pursue the acquisition and development of a new community park serving the community in the uptown area of the city.

PROSP 2.5: Consider joint ventures with the Snohomish County Department of Parks & Recreation, Island County, Stanwood Camano School District, Washington State Department of Wildlife, and local public and private agencies to provide coordinated and quality recreational activities and programs in the City where feasible and desirable.

PROSP 2.6: Provide a means for private philanthropy and business participation in supporting parks and recreation including legacy donations funding and volunteerism.

PROSG 3 - Reconnect Stanwood to the Stillaguamish River.

PROSP 3.1: Acquire and develop shoreline properties or easements for waterfront access and parks when opportunities become available.

PROSP 3.2: Develop watercraft access opportunities including a mixture of canoe, kayak, rowboat, raft, and power boating.

PROSP 3.3: Prioritize use of the City owned property on the shoreline of the Stillaguamish River for park, recreation, educational or open space uses.

PROSP 3.4: Connect City waterfront park land and recreation uses with Downtown Stanwood.

PROSG 4 - Provide for the active and passive recreational needs of the Stanwood community.

PROSP 4.1: Provide a variety of quality active recreation facilities sufficient to serve Stanwood residents and area visitors.

PROSP 4.2: Improve and maintain existing recreation facilities to meet the needs of all local citizens, including barrier free access.

PROSP 4.3: Expand, upgrade, and diversify support facilities (restrooms, parking, picnic areas, shelters, and playground equipment, etc.) in recreational areas.

PROSP 4.4: Support the development of indoor community and recreational centers that provide for community usage, athletic uses, and multiuse activities on a year-round basis.

PROSP 4.5: Promote a healthy community by providing an opportunity for exercise and recreation on a local trail system.

PROSP 4.6: Develop a comprehensive, high-quality system of multipurpose trails and corridors for pedestrians and bicyclists that provides access to downtown, public facilities, local neighborhoods and connects to Warm Beach, the Centennial Trail in Arlington, Conway, and Camano Island.

PROSP 4.7: Implement the Stanwood Port Susan Loop Trail in Downtown connecting parks to businesses with connections to the Uptown area.

PROSP 4.8: Apply a wayfinding system as a means of identifying and advertising trail systems.

PROSG 5 - Promote recreation facilities and activities that will attract visitors and enhance the City’s economic development initiatives.

PROSP 5.1: Encourage and promote the use of parks for sport tournaments, special events, community festivals, art shows, concerts, or other economic development activities that attract visitors to the City and that are complementary to recreational uses.

PROSP 5.2: Encourage healthy food production such as community gardens or pea patches in city parks where these uses do not conflict with established recreation uses.

PROSP 5.3: Allow concessionaires in park facilities to support recreation uses with rental of equipment and food vendors.

PROSG 6 - Establish a network of open spaces that enhance the livability of the community.

PROSP 6.1: Acquire, preserve, and protect natural areas, critical areas, shorelines, historical sites and areas of ecological significance for open space, recreation and educational opportunities for the community and visitors.

PROSP 6.2: Encourage the preservation of unique areas and/or site features including natural and exemplary built features such as the Hamilton Smokestack.

PROSP 6.3: To the maximum extent possible connect open space areas on adjacent plats to create open space and wildlife corridors.

PROSG 7 – Regularly review and update Level of Service Standards for Parks and Recreation Facilities.

PROSP 7.1: Identify the amount of land needed to meet Level of Service standards for future park development and types of facilities needed to meet recreation standards.

Facility	Level of Service
Regional Parks	0.002 - 0.003 acres per 1,000 population
Neighborhood Parks	2.5 acres per 1,000 population
Community Parks	2.5 acres per 1,000 population
Trails	2.0 acres per 1,000 population

PROSP 7.2: Update the inventory, surplus and/or deficiency of City park lands based on the official population estimates from the Washington State Office of Financial Management.

PROSP 7.3: Identify parklands for acquisition in advance of its actual need based on: a) level of service standards, b) population growth, c) neighborhood benefit, and d) regional demand.

PROSG 8 – Incorporate principles of sustainability in the site development, maintenance, operations and programming of park facilities.

PROSP 8.1: Incorporate green stormwater runoff development techniques into park design as mitigation when converting land to recreational use.

PROSP 8.2: Develop guidelines for park users to encourage sustainable practices with park activities, and events techniques such as use of compostable plastics, composting, and carpooling.

PROSP 8.3: Work with the Snohomish County Conservation District to identify and implement opportunities to incorporate conservation techniques in park design and ongoing maintenance and operations.

PROSP 8.4: Maintain the wetland area in Heritage Park as a location for offsite mitigation, and potentially convert to a wetland mitigation bank, to encourage sustainable development throughout the City.

PROSG 9 – Implement the 2022 Parks and Recreation Feasibility Study through a phased approach balancing community desires with budget constraints.

PROSP 9.1: Implement a phased and scalable approach to improving city parks and services prior to formally creating a City Parks Department.

PROSP 9.2: Focus the Public Works Parks Division on park planning and maintenance around the following generalized actions:

- Increase maintenance levels to have tournament-ready ballfields
- Increase signage and wayfinding around the city
- Improve trails and walkability
- Increase parking capacity and improved parking maintenance
- Increase park development and planning

PROSP 9.3: Consider forming a City Parks Department once recreational programming is provided which includes, but is not limited to providing recreation classes, hosting / managing tournaments, and / or building a community center or other buildings that support parks and recreation.

Stanwood Municipal Code Title 7 – Health and Sanitation & Title 8 – Animals

Staff is beginning the review of Title 7 – Health and Sanitation and Title 8 – Animals. In July, staff brought before the Advisory Group the scoping memos for these titles

The attached Titles are in draft form and are currently being reviewed by staff and the City Attorney. Comments by the Advisory Group will be added to the staff comments and addressed in the second draft of the amendments.

Title 7 – Health and Sanitation

Title 7 is the general nuisance code for the City. The rewrite of Title 7 will retain the existing chapters while updating the language for consistency with the style guide in addition to adding a new chapter for smoking and vaping.

Chapter 7.04 – Garbage Collection: This chapter will be renamed to Solid Waste to reflect modern terminology and will be updated to be consistent with the City’s service agreement with Waste Management, adding anti-scavenging provisions, and setting penalties for violations or fees for additional service.

Chapter 7.12 – Litter Control: This entire chapter is out of date and will be rewritten to reference current state law. It is also proposed to rename the chapter “Littering”.

Chapter 7.16 – Nuisances: Adoption of the existing nuisances enforceable by the City Code Enforcement Office and Police Department with the addition of junk vehicles and materials, abandoned properties, graffiti, unmaintained vegetation, and chronic nuisances.

New Chapter 7.20 – Smoking and Vaping: The smoking provisions contained in Title 6 will be expanded to cover any indoor or outdoor public places, not just parks and open spaces.

New Chapter 7.30 – Noise Control: Noise control is being moved from Title 9 – Public Peace, Safety and Welfare, to be consolidated with the other nuisance provisions.

Title 8 – Animals

Title 8 contains the animal control licensing and regulations of the City. This Title as currently written contains only one chapter and is difficult to follow and attempts to combine too many issues that may or may not be consistent. This Title has been revised into new, logical Chapters addressing specific issues for ease of reading and enforcement.

Chapter 8.02 – General Provisions: Contain provisions applicable to the entire Title such as definitions, enforcement, and severability.

Chapter 8.10 – Dogs: Address dog licensing, leash requirements, limitation on number of dogs allowed, dangerous dogs, animal noise, animal waste, and exemptions for guide dogs.

Chapter 8.20 – Kennels and Catteries: Existing code provisions adopted in its own chapter.

Chapter 8.30 – Pet Shops and Grooming Parlors: Existing code provisions adopted in its own chapter.

Chapter 8.40 – Livestock: Existing code provisions adopted in its own chapter. This Chapter will also address small livestock as pets.

Chapter 8.50 – Dangerous Animals: Create a specific chapter addressing exotic, wild or dangerous animals (other than dogs) consistent with state law.

Chapter 8.80 – Animal Cruelty: Existing code provisions adopted in its own chapter and updated per state law.

Chapter 8.90 – Enforcement and Impoundment: Enforcement chapter for the Title, include laws regarding impound animals and dealing with stray animals.

Stanwood Municipal Code

Title 7

Health and Sanitation

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. __

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING
STANWOOD MUNICIPAL CODE (SMC) TITLE 7, HEALTH AND SANITATION, AND
ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice; and

WHEREAS, the purpose of this code amendment is to eliminate conflicts, improve clarity and overall function of the municipal code, and reflect current city and best practices; and

WHEREAS, Title 7 adopts the City's health and sanitation regulations; and

WHEREAS, the amendments were reviewed for consistency with the state model ordinance and city's review procedures; and

WHEREAS, the amendments update the city's permitting procedures for firework stands, special events, and merchants without a fixed location; and

WHEREAS, the City of Stanwood SEPA Responsible Official has reviewed the proposed amendments to the Stanwood Municipal Code, determined that the amendments are categorically exempt from SEPA, and memorialized those conclusions under file number ____; and

WHEREAS, the Stanwood Advisory Group reviewed the draft ordinance at their ____ meeting, and has recommended that the City Council adopt the ordinance as presented; and

WHEREAS, the Stanwood Planning Commission reviewed the draft ordinance at their ____ meeting and has recommended that the City Council adopt the ordinance as presented; and

WHEREAS, the City Council held a public meeting and first reading of the draft code amendment on ____, a second reading on ____, and accepted public comment; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Stanwood Municipal Code Title 7, Health and Sanitation, is repealed in its entirety and replaced with the new Title 7 provided in Exhibit "A" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is

adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 4. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED and APPROVED this ____ day of _____, 2023.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

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Title 7 Health and Sanitation

- i** This title is a complete rewrite of existing SMC Title 7. We have preserved existing chapter numbers where possible.
- i** Note that RCW 35A.11.020 limits a city to imposing the identical punishment for a criminal violation as state law provides, but that limitation does not apply to civil violations. While this proposed chapter incorporates by reference the level of civil infraction identified in state law, the City could choose to vary from it.

Chapter 7.01 General Provisions

7.01.020 Severability

The various chapters, sections, and clauses of the ordinances codified in this title are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the title must not be affected.

Chapter 7.04 Solid Waste

- i** This chapter is a rewrite of existing chapter 7.04 regarding garbage collection.
- i** This chapter is renamed to encompass all forms of solid waste.
- i** This chapter has been written to be consistent with the city's 2022 solid waste contract with WM.

7.04.010 Applicability.

This chapter applies to solid waste and collection services for solid waste within the City of Stanwood.

7.04.020 Definitions

- i** Definitions are based on the city's 2022 solid waste contract with WM.

"Collection services" means the process by which solid waste is removed from single-family and commercial premises; transported to a transfer, disposal, or processing facility; and subsequently disposed of or processed.

"Commercial premises" means non-single-family premises and includes multi-family premises and premises on which business, governmental, religious, or educational activity is conducted; however, a business conducted upon a single-family premises which is permitted under applicable zoning regulations, and is not the primary use of the premises, is excluded.

"Construction and demolition debris" means commonly used or discarded materials removed from construction, remodeling, repair, demolition, or renovation operations on any pavement, dwelling unit, single-family premises, commercial premises or other structure, or from landscaping. such materials include, but are not

limited to, dirt, sand, rock, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastic pipe, roofing material, carpeting, concrete, wood, masonry, trees, remnants of new construction materials (including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, and/or packaging); but does not include any unacceptable waste.

"Food waste" means waste composed of animal, fruit or vegetable matter, resulting from food preparation or consumption.

"Garbage" means all putrescible and non-putrescible solid, semi-solid, and liquid wastes including, but not limited to rubbish, cold bagged ashes, industrial wastes, swill, dead small animals completely wrapped in plastic and weighing less than fifteen pounds (15 lbs.), and discarded recyclable materials. Needles or "sharps" are included in the definition of garbage to the extent such items may be disposed of in accordance with applicable law. Garbage includes construction and demolition debris; but does not include any recyclables, organic waste, hazardous waste, or unacceptable waste.

"Multi-family premises" means any premises with five or more attached or unattached dwelling units, where all such dwelling units receive centralized collection services and are billed collectively.

"Organic waste" means food waste and yard debris and includes shredded paper. Organic waste excludes any unacceptable waste.

"Recyclables" means the types of materials identified in the City's agreement with its provider of solid waste collection services.

"Single-family premises" means premises in the service area having less than five dwelling units, where each dwelling unit is occupied individually by a renter or owner, that receive individual collection services and are billed individually.

"Solid waste" means all putrescible and non-putrescible solid, semi-solid, and liquid wastes that are generated or coming to exist in the Service Area, including Garbage, Recyclables and Organic Waste, but excluding any Unacceptable Waste.

"Solid waste container" means a container provided to the customer by the City or the City's provider of solid waste collection services for the type of waste intended to be deposited into it.

"Unacceptable waste" means any waste tires, radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious, bio-hazardous, regulated medical or hazardous waste, toxic substance or material, as defined by, characterized, or listed under applicable federal, state, or local laws or regulations, any materials containing information protected by federal, state or local privacy and security laws or regulations, or any material the acceptance or handling of which would cause a violation of any applicable law, damage or threatened damage to collection service equipment or facilities, or present a substantial endangerment to the health or safety of the public or the collection service's employees. Title to and liability for unacceptable waste will always remain with the generator of such unacceptable waste.

"Yard Debris" means leaves, grass, and clippings of woody, as well as fleshy plants, and unflocked holiday trees. Materials larger than 4" in diameter or 4' in length are excluded.

7.04.030 Mandatory Service

- (1) Garbage and recyclables collection service is mandatory for single-family premises.
- (2) Garbage collection service is mandatory for multi-family and commercial premises.

7.04.040 Hauling Restrictions

i This section is based on Bellingham MC 9.12.020 and implements section 2.1 in the city's 2022 contract with WM.

- (1) It is unlawful for any person, other than a contractor having a contract for solid waste collection and disposal with the city, to collect, haul or dispose of garbage or refuse within the city. This subsection does not apply to the collection of garbage and refuse from commercial locations within the city by a person who does not have a contract with the city so long as such person holds a valid, permanent certificate of public convenience and necessity under which the Washington Utilities and Transportation Commission has authorized the collection of garbage and refuse from such locations.
- (2) It is unlawful for any person, other than a contractor having a contract for garbage collection and disposal with the city, to collect, remove, haul, or dispose of any recyclables from any public or privately owned premises within the city without first obtaining the consent of the occupant or owner of the premises.
- (3) A violation of this section is a class 1 civil infraction and may also be enforced per SMC Title 13.

7.04.050 Deposit of Solid Waste

i This section is based on Bellingham MC 9.12.030.

- (1) An owner, occupant, or tenant of a single-family or multi-family premises must deposit or cause to be deposited all solid waste that may accumulate on any premises owned or occupied by such owner, occupant, or tenant, into a solid waste container except:
 - (a) Organic waste may be composted on private premises or at a public place designated for composting, providing the compost site is maintained so as not to create odors, expose raw garbage, allow garbage to become scattered, or increase the risk from pests. Non-putrescible garbage and refuse, animal wastes, and materials containing animal or vegetable fats may not be composted.
 - (b) Organic waste may be provided to the city's service provider for solid waste service consistent with that provider's policies.
 - (c) Solid waste may be hauled or transported from one's own premises to an authorized disposal area or transfer station.
- (2) A violation of this section is a class 3 civil infraction.

7.04.060 Solid Waste Containers

- (1) All customers must use solid waste containers only for the type of waste intended to be deposited into it.
- (2) A solid waste container must be either empty, or at all times supported or braced in such a manner that dogs or other animals cannot enter or tip or tilt the container.
- (3) A solid waste container must have its cover closed at all times so that flies, insects, dogs and other scavengers cannot gain access.
- (4) A solid waste container must be located off of any public street, alley, sidewalk, or other public place except at or about the time of collection.
- (5) After it is provided to a premises, a solid waste container is the responsibility of the owner or lessor of that premises. Damage or loss caused by their negligence will result in a charge to their account.
- (6) It is unlawful for any person to willfully damage or destroy any solid waste container.

(7) A violation of this section is a class 4 civil infraction.

Chapter 7.12 Littering

i This chapter is a rewrite of existing chapter 7.12, renamed from "Litter Control."

7.12.020 Definitions

- (1) "Junk vehicle" has the meaning provided in RCW 70A.200.030.
- (2) "Litter" has the meaning provided in RCW 70A.200.030.
- (3) "Litter receptacle" has the meaning provided in RCW 70A.200.030.
- (4) "Potentially dangerous litter" has the meaning provided in RCW 70A.200.030.

7.12.040 Littering Prohibited

i The following section incorporates the state law, which sets penalties as follows:

- Littering less than 1 cubic foot = class 3 civil infraction (base fee \$50)
- Litter more than 1 cubic foot, but less than 1 cubic yard = misdemeanor
- Littering more than 1 cubic yard = gross misdemeanor
- Potentially dangerous litter (e.g., cigarette butts) = class 1 civil infraction (base fee \$250)

[RCW 70A.200.060](#), prohibiting litter and abandonment of junk vehicles, as presently constituted or hereinafter amended is adopted by reference.

7.12.060 Unsecured Loads Prohibited

i The statutory penalty for unsecured loads varies from a \$93 infraction to a gross misdemeanor, depending on the severity.

[RCW 46.61.655](#), prohibiting unsecured loads, as presently constituted or hereinafter amended is adopted by reference.

Chapter 7.16 Nuisances

! After reviewing the list of nuisances below, do we want to designate the Planning and Community Development Director as responsible for enforcement of this chapter?

7.16.020 Public Nuisance Defined


i Based on existing SMC 7.16.025(2). See also existing SMC 13.10.050.

- (1) A public nuisance is a crime against the order and economy of the city.
- (2) The following are public nuisances: every act unlawfully done and every omission to perform a duty, that:

- (a) annoys, injures, or endangers the safety, health, comfort and repose of any considerable number of persons;
- (b) offends public decency;
- (c) unlawfully interferes with, befouls, obstructs, or tends to obstruct or render dangerous for passage a lake, navigable river, bay, stream, canal, or in a public park, square, street, alley, highway or sidewalk; or
- (d) in any way renders a considerable number of persons insecure in life or use of property shall be a public nuisance.

7.16.030 Public Nuisances Enumerated

 The list in this section is derived from existing SMC 7.16.020.

 Are there any additional common nuisances that staff think should be included? What should be deleted?

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance in the city of Stanwood:

- (1) The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard, or interferes with access to any public utility connection, drain, outlet or other use needed by those responsible to check, service, repair or use;
- (2) The existence of any obstruction to a street, alley, crossing or sidewalk, and any excavation in or under any street, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, or which, having been made by lawful permission, is kept and maintained after the purpose thereof has been accomplished, and for an unreasonable length of time;
- (3) The 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 the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease causing places, conditions, or things:
 - (a) Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles;
 - (b) Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous;
 - (c) Accumulation of bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in covered bins or galvanized iron receptacles;
 - (d) Accumulation of trash, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard;
- (4) The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, park, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, lawn clippings, manure or other rubbish or material;
- (5) The existence of any fence or other structure or thing on private property which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition;

- (6) The existence on any premises of any abandoned, unusable trailer, house trailer, automobile, boat or other vehicle or major parts thereof;
- (7) The existence on any premises of any abandoned or unused well, cistern or storage tank without first demolishing or removing from the city such storage tank or securely closing and barring any entrance or trapdoor thereto or without filling any well or cistern or capping the same with sufficient security to prevent access thereto by children;
- (8) The existence on any premises, in a place accessible to children, of any unattended and/or discarded icebox, refrigerator, other large appliances and attractive nuisances;
- (9) The existence on any premises of abandoned, wrecked, dismantled, or inoperative vehicles which are not properly cared for, stored, licensed, or maintained and which constitute an attractive nuisance to children on public or private property except as provided for elsewhere in this chapter are declared a public nuisance and may be abated. It is unlawful for any person, firm or corporation to place or keep an abandoned vehicle, abandoned automobile hull, wrecked, dismantled or inoperative vehicle or parts thereof upon any public or private property in the city or as owner, occupier or partly in control of any real property within the city to permit or allow any such automobile or portion thereof to be placed or kept on said property;
- (10) The existence on any premises of any items of personal property which are not properly stored and maintained and which constitute junk and trash;
- (11) Buildings which are in a state of disrepair which do not meet state, county or city codes for habitability, use, or occupancy and which could constitute an attractive nuisance to children;
- (12) Any toxic substance or hazardous waste as defined in Chapter 70.105 RCW et seq., Hazardous Waste Management, and in WAC 173-303-080, 173-303-081, 173-303-082, 173-303-083 and 173-303-084, Dangerous Waste Regulations, and as hereinafter amended, which is improperly stored or discharged upon the ground, into the air or into the water within the city limits;
- (13) Smoke, odors and/or noxious fumes which may be detrimental to the health of a number of people within the city limits;
- (14) Any unlawful obstruction of the city streets or sidewalks, curbs, gutters or parking strips;

i Items below this point are grouped from existing code.

! I prefer the following structured list over the existing code's list. Do we want to retain the existing code approach or this organizational scheme?

(15) Undesirable vegetation.

- (a) The existence of any dead, diseased, infested or dying tree that may constitute a danger to street trees, streets or portions thereof;
- (b) The existence of any tree, shrub or foliage, unless by consent of the city, which is apt to destroy, impair, interfere or restrict:
 - (i) Streets, sidewalks, sewers, utilities or other improvements,
 - (ii) Visibility on, or free use of, or access to such improvements;
- (c) The existence of any vines or climbing plants growing into or over any street tree, or any public hydrant, pole or electrolier, or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto;
- (d) Noxious weeds as defined in Chapter 16-750 WAC;

- (e) Any weeds growing on lots within the city, including blackberry bushes, which the law enforcement officer determines to be unsightly, harbor vermin or present a fire hazard;
- (f) Fruit trees or other trees, bushes, or shrubs that are infested with insects;

i The following is from PAMC 8.30.060.

- (g) Any vegetation, or parts thereof, which hang lower than eight feet above any public walkway or sidewalk; or hang lower than 14 feet above any public street; or which are growing in such a manner as to obstruct or impair the free and full use of any public walkway, sidewalk, or street;
- (h) Dead, decaying, or diseased vegetation of any type, except when in an enclosed container or in a managed composting operation.
- (i) Compost not kept in a manner to prevent it from attracting infestations of rodents or insects, or emitting foul odors.

i The following items are from Burlington Municipal Code 8.08.010.

- (j) Vegetation, or parts thereof, which obscures or conceals any traffic control sign, signals or other device so as to interfere with the full and effective use and visibility of the same to the motoring or pedestrian public;
- (k) Vegetation, or parts thereof, which obscures the visibility of the motoring or pedestrian public as such persons approach a street intersection for a distance of greater than 50 feet in any direction from the intersecting existing rights-of-way lines upon which the property abuts;
- (l) Grass, weeds, bushes, trees or vegetation which has died and which constitutes a fire hazard or a harborage for rats, vermin, and/or pests;
- (m) A dead, diseased, infested or dying tree or trees that constitute a danger to health or safety;
- (n) Any vines or climbing plants growing into or over utility pole or transformer, or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair access thereto;
- (o) Grass, weeds, or other similar vegetation, exclusive of flowers or plants within a flower bed or container, trees and shrubs, exceeding an average height of 12 inches.

i Items below this point are new material from PAMC 8.30.060.

(16) Buildings, structures, and improvements.

- (a) Any building or structure, or portion thereof, that is decayed, dilapidated, unsafe, damaged, or in disrepair, to the extent that it poses a threat of collapse, structural failure, or falling.
- (b) Any building or structure, or portion thereof, constructed with inappropriate materials, or improperly fastened together or anchored, to the extent that it poses a threat of collapse, structural failure, or falling.
- (c) Any partially constructed building or structure, or portion thereof that has been left unattended and unfinished for more than 90 continuous days.
- (d) Any building or structure, portion thereof, or improvement, that does not comply with the building codes.

- (e) Any building, structure, or portion thereof, used for habitation that does not have functioning electricity, water, or sanitation services.
- (f) All vacant, unused, or unoccupied buildings and structures, that are allowed to become or to remain open to entrance by unauthorized persons or the general public.

(17) Accumulations of garbage and materials.

- (a) Any accumulation, stack, or pile of building or construction materials associated with a current, in-progress project and not in a lawful storage structure or container.
- (b) Any accumulation of broken, discarded, inoperable, or neglected items or parts thereof, including, but not limited to, household furniture, furnishings, equipment, appliances, machinery, litter, salvage materials, or junk not in an approved enclosed structure, container, or waste receptacle.
- (c) Any garbage, waste, refuse, litter, debris, recyclables, rubble, or other materials, or combination thereof, not in an approved enclosed structure, container, or waste receptacle.

(18) Noxious and putrid materials. Maintaining, using, placing, depositing, leaving, or permitting to be or remain in or upon, any private or public property any of the following:

- (a) Any unsound, putrid, or unwholesome bone, meat, hides, skin, or the whole or parts of any dead animal or fish or the offal, garbage, or other offensive parts of any animals.
- (b) Any materials, garbage, waste, refuse, litter, or debris in which insects may breed or multiply; which provides harborage for rats or other vermin.
- (c) Any open drain, sewer, or septic tank that emits any noxious, foul, offensive, injurious, unpleasant, or disagreeable odor or substance.
- (d) Any noxious, foul, or putrid substance.
- (e) Harmful insects, including but not limited to tent caterpillars.

(19) Hazardous conditions.

- (a) Any refrigerator, freezer, or food-storage locker having a capacity of 1½ cubic feet or more, or any other container manufactured, custom-made or homemade designed for storage that is discarded, abandoned or left in any place accessible to children and that has not had the door, lid, or latching mechanism removed to prevent the latching or locking of the door or lid.
- (b) Any enclosure which may entrap a human or an animal, including accessible refrigeration appliances, that have not had the doors secured or removed.
- (c) Any excavated or naturally occurring hole, vault, sump, pit, well, or any other similar condition, that is not fenced or otherwise secured to prevent access.

(20) Streets and sidewalks.

- (a) Any protrusion, awning, or overhang that inhibits or obstructs use of a public walkway or sidewalk.
- (b) Any object, construction, damage, condition, or act that interferes with, inhibits, obstructs, or renders dangerous the use of a public walkway, sidewalk, street, or highway and other rights-of-way in the City.
- (c) Accumulations of dirt or debris that inhibits or obstructs the use of a public walkway or sidewalk.
- (d) All obstructions to streets, rights-of-way, or other public ways that are made without lawful permission, or that, having been made with lawful permission, are kept and maintained after the purpose thereof has been accomplished.

- (21) **Fire hazards.** Any stack or accumulation of flammable material left in a manner that poses a substantial risk of combustion or the spread of fire, as determined by the Fire Marshal.
- (23) **Dangerous waste.** Any dangerous wastes, hazardous household substances, hazardous waste, moderate-risk wastes, or any hazardous materials, as defined in RCWs 70.136.020 and 70A.300.010, that are not securely contained within an appropriate storage container.
- (25) **Smoke, soot, dust, or odors.**
- (a) Allowing the escape or emission of any smoke, soot, fumes, gases, or odors that are offensive or harmful to a reasonable person.
 - (b) Burning or disposal of refuse, sawdust, or other materials in such a manner as to cause or permit ashes, sawdust, soot, or cinders to be cast upon the streets or alleys of the City, or to cause or permit the smoke, ashes, soot, or gases arising from such burning to become annoying or to injure or endanger the health, breathing, or comfort of persons.
 - (c) Any disturbance of any land area, or permitting the same, without taking affirmative measures to suppress and minimize the blowing and scattering of dust that unreasonably interferes with the breathing or comfort of a reasonable person.
- (26) **Bodies of water.**
- (a) All stagnant, pooled water, excluding any City-approved structures related to storm drainage systems.
 - (b) The polluting of or unapproved discharge into any waterway, well, or body of water.
 - (c) Interference with, damage to, or polluting of designated habitat areas, restoration sites, streams, creeks, lakes, wetlands, or tributaries and similar areas thereto.
- (27) **Graffiti.** Any unauthorized graffiti visible to a public street or alley.

i You can [access the IPMC online](#) to identify the edits below.

- (28) **Violations of the International Property Maintenance Code.** The International Property Maintenance Code, 2021 Edition, published by the International Code Council, is hereby adopted by reference. The following sections of the IPMC are hereby revised:
- (a) Section 101.1. Insert City of Stanwood.
 - (b) Section 103.1. Insert Community Development Department.
 - (c) Section 107-108. Delete.
 - (d) Section 302.4. Insert 6 inches.
 - (e) Section 602.3. Insert January 1 to December 31.
- (29) **Violations of other code sections.**
- (a) Any noise in violation of SMC Chapter 7.30.
 - (b) Any animal maintained in violation of SMC Title 8.
 - (c) Any litter maintained in violation of SMC Chapter 7.12.
 - (d) Any junk vehicle as defined in RCW 46.55.010.
 - (e) Any abandoned property as defined in RCW 7.100.010.

7.16.040 Agriculture Excluded

Agricultural activities, operation, facility, or appurtenances, regardless of past or future changes in the surrounding area's land use or zoning designation, when conducted or maintained for commercial purposes, and in a manner consistent with current best management practices and state and federal law, are not public nuisances under this chapter.

7.16.050 Enforcement

i Declaring nuisances to be criminal offenses means criminal search warrants are available to facilitate enforcement. Note we've already done this in existing SMC 13.10.050.

- (1) Maintaining a public nuisance is a misdemeanor.
- (2) This chapter may also be enforced per SMC Title 13.
- (3) Enforcement of junk vehicles must comply with the requirements of RCW 46.55.240.

Chapter 7.20 Smoking and Vaping

7.20.010 Purpose

The purpose of this chapter is to protect the health of the public, and especially children, from the risks of secondhand smoke and vapor.

7.20.020 Definitions

- (1) "Smoke" or "smoking" has the meaning provided in [RCW 70.160.020](#).
- (2) "Public place" has the meaning provided in RCW 70.160.020.
- (3) "Place of employment" has the meaning provided in RCW 70.160.020.
- (4) "Playground" has the meaning provided in [RCW 70.345.010](#).
- (5) "School" has the meaning provided in RCW 70.345.010.
- (6) "Vapor product" has the meaning provided in RCW 70.345.010.

7.20.030 Smoking Prohibited in Public Places

i SMC Chapter 9.18, Offenses Against Juveniles, incorporates by reference the prohibition in RCW 26.28.080 on selling or giving tobacco to a minor, which is a gross misdemeanor. We have generally tried to place criminal offenses in Title 9.

- (1) The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 70.160.030 Smoking prohibited in public places or places of employment.

RCW 70.160.075 Smoking prohibited within twenty-five feet of public places or places of employment

i RCW 70.160.070 limits the penalty to \$100; a class 3 civil infraction is \$50.

- (2) A violation of this section is a class 3 civil infraction.

7.20.040 Vaping Prohibited in Certain Places

i SMC Chapter 9.18, Offenses Against Juveniles, incorporates by reference the prohibition in RCW 70.345.140, Purchase or possession [of vapor products] by persons under 18, which it makes a civil infraction.

(1) The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 70.345.150 Use of [vapor] products in public places—When prohibited.

i Note that RCW 70.345.210 preempts the City from regulating vapor use in outdoor public places, except those where children congregate, such as schools, playgrounds, and parks.

! Shall we repeal SMC 6.40.070 Smoking and Vaping?

(2) Use of vapor products is prohibited in:

- (a) the public places identified in RCW 70.345.150;
- (b) indoor public places;
- (c) schools, playgrounds, and parks.

i RCW 70.345.140 sets the penalty for possession under age 18 as a class 3 civil infraction.

(3) A violation of this section is a class 3 civil infraction.

Chapter 7.30 Noise Control

i This chapter was recently adopted (during 2023). The only changes here are some reorganization to exempt legal firework noises and to add a process to receive authorization to exceed the noise limits.

7.30.010 Purpose

i This is a new section.

This chapter is intended to regulate noise that constitutes a public nuisance and implement the provisions of Chapter 173-60 WAC.

7.30.020 Definitions

"Director" means the Director of Planning and Community Development or the Director's designee.

7.30.030 Public nuisance and disturbance noise violations.

i The following line is existing section 7.30.020.

(1) It is unlawful for any person to cause or allow to originate, or for any person in possession of property to allow to originate from said property, sound that is a public nuisance.

i The following subsection is existing 7.30.010.

- (2) The following sources of sound are hereby declared to be public nuisances, except to the extent that they may be specifically exempted by other provisions of this chapter:
- (a) Noise levels in excess of the standards established by the Department of Ecology pursuant to Chapter 70A.20 RCW and contained in Chapter 173-60 WAC, which are hereby incorporated by reference;
 - (b) Noise levels in excess of the permitted standards in Chapter 173-62 WAC, Motor Vehicle Noise Performance Standards, which are hereby incorporated by reference;
 - (c) Frequent, repetitive, or continuous noise made by any animal which unreasonably disturbs or interferes with peace, comfort and repose of property owners or possessors, except that such sounds are exempt when originating from lawfully operated animal shelters, kennels, pet shops, and veterinary clinics;
 - (d) The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
 - (e) The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within Class A EDNA, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
 - (f) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time and place so as to unreasonably disturb or interfere with peace, comfort and repose of owners or possessors of real property;
 - (g) The use of a sound amplifier or other device capable of producing or reproducing amplified sound on public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property of the contents therein;
 - (h) The making of any loud and raucous noise which unreasonably interferes with the use of any school, church, hospital, sanitarium, nursing, or convalescent facility;
 - (i) The creation of frequent, repetitive, or continuous sounds which emanate from any building, structure, or property which can be heard at a distance greater than 50 feet from the source or which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings;
 - (j) Sound from audio equipment, including but not limited to tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator;
 - (k) The use of unmuffled engine compression brakes.

i The following is existing 7.30.030, with updated cross-reference.

- (3) Additional provisions.
- (a) For the purpose of enforcing subsection (2)(a), all lands zoned MR, SR 5.0, SR 7.0, SR 9.6, SR 12.4, or TN are declared to be Class A EDNAs.
 - (b) Between the hours of 10:00 p.m. Friday and 9:00 a.m. Saturday, and 10:00 p.m. Saturday and 9:00 a.m. Sunday, the noise limitations of the table in WAC 173-60-040 are reduced by 10 dBA for receiving property within Class A EDNAs.

7.30.040 Noises exempt at all times.

i Existing section, with one change proposed below.

The following noises are exempt from the provisions of this chapter at all times; except that nothing in these exemptions is intended to preclude the city from requiring installation of the best available noise abatement technology consistent with economic feasibility:

- (1) Noise originating from aircraft in flight;
- (2) Noise created by safety and protective devices, such as relief valves where noise suppression would defeat the safety release intent of the device;
- (3) Noise created by fire alarms;
- (4) Noise created by emergency equipment, including, but not limited to, emergency standby or backup equipment, and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community; and including, but not limited to, any emergency work necessary to replace or repair essential utility services;
- (5) Noise created by auxiliary equipment on motor vehicles used for highway maintenance;

i Note the next line changes the existing "public event" to "special event" for consistency with our proposed new chapter on special events (that includes both public and private events).

- (6) Noise originating from an officially sanctioned parade, sporting event, or other special event authorized by SMC Chapter 5.06 Special Events;
- (7) Noise created by warning devices not operated continuously for more than 30 minutes per incident;
- (8) Noise originating from existing natural gas transmission facilities, subject to any requirements that may be established by appropriate state or federal agencies;
- (9) Noise created by existing stationary equipment used in the conveyance of water by a utility and noise created by existing electrical substations;
- (10) Noise created by the operation of equipment or facilities by a railroad in interstate commerce;
- (11) Noise emanating from temporary construction sites except between the hours of 10:00 p.m. and 7:00 a.m., on weekdays, and except between the hours of 6:00 p.m. and 8:00 a.m. on Saturdays, Sundays, and state recognized holidays;
- (12) Noise emanating from marine-oriented construction sites except between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and weekends;
- (13) Noise created by aircraft-engine testing and maintenance not related to flight operations, except between the hours of 10:00 p.m. and 7:00 a.m.;
- (14) Noise created by existing stationary equipment used in the conveyance of water by a utility and noise created by existing electrical substations.

7.30.050 Noises exempt during daytime hours.

i No changes proposed to this existing section.

The following noises are exempt from the provisions of this chapter between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends:

- (1) Noise created by powered equipment used in temporary or periodic maintenance or repair of residential property, including but not limited to grounds and appurtenances, such as lawnmowers, powered hand tools, and composters;
- (2) Noise created by the discharge of firearms on city police department authorized shooting ranges;
- (3) Noise created by the installation or repair of essential utility services;
- (4) Noise created by blasting;
- (5) Noise created by bells, chimes, or carillons not operating for more than five minutes in any one hour;
- (6) Noise originating from forest harvesting.

7.30.055 Noises exempt at other times.

i This is a new section to exempt the noise from legally discharged fireworks. Our original Title 7 scoping memo recommended exemption of legal fireworks noise but that exemption didn't make it into the new noise chapter.

The following noises are exempt from the provisions of this chapter:

- (1) Fireworks discharged consistent with SMC Chapter 9.42.
- (2) A public display of fireworks properly licensed per SMC Chapter 5.04.

7.30.060 Permitted noises.

i This is a new section to add a process to authorize exceedance of the noise limits.

i This section is constructed to be consistent with WAC 173-60-080.

- (1) A variance from the requirements of this chapter may be authorized consistent with this section.
- (2) An application for a variance must be submitted to the Director on forms provided by the Department.
- (3) A variance may be granted if the Director finds that immediate compliance with requirement of this chapter cannot be achieved because of:
 - (a) special circumstances rendering immediate compliance unreasonable in light of economic or physical factors;
 - (b) encroachment upon an existing noise source; or
 - (c) because of nonavailability of feasible technology or control methods.
- (4) A variance must include all of the following:
 - (a) An identification of the persons authorized to vary from the provisions of this chapter.
 - (b) An identification of the location or locations to which the variance applies.
 - (c) An identification of the provisions of this chapter for which the variance is authorized.
 - (d) One or more of the findings described in subsection (3).
 - (e) A schedule for achieving compliance with this chapter. A variance may not be granted for a period longer than 30 days unless the Department provides at least a two-week opportunity for public comment on the application.

7.30.070 Enforcement – Penalties.

i This section is existing SMC 7.30.070. No change proposed to this section.

- (1) Except as otherwise provided, a violation of this chapter may be punished by a class 3 civil infraction.
- (2) A second violation of this chapter within 30 days may be punished by a class 2 civil infraction.
- (3) A third violation of this chapter within 30 days may be punished by a class 1 civil infraction.
- (4) A fourth violation of this chapter within a six-month period may be punished by a misdemeanor.
- (5) A property owner who permits an activity on their property that violates this chapter is jointly and severally liable for the violation.
- (6) This chapter may also be enforced pursuant to SMC Title 13.

7.30.075 Enforcement – Complaints.

i This section is existing SMC 7.30.060, renumbered to make room for the permitting procedure in .060.

The city of Stanwood will generally enforce this chapter only in response to complaints; however, nothing herein may be interpreted to prohibit proactive enforcement.

7.30.080 Provisions not exclusive.

i This section is existing SMC 7.30.080. No change proposed to this section.

The provisions of this chapter are cumulative and nonexclusive, and do not affect any other claim, cause of action or remedy, nor, unless specifically provided, may this chapter be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but must be deemed additional to existing legislation and common law on noise.

7.30.090 Severability.

i This section is existing SMC 7.30.090. No change proposed to this section.

! We could delete this section since the title will now have a general severability provision in chapter 7.01.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter or its application to any person or situation be declared unconstitutional or invalid for any reason, that decision must not affect the validity of the remaining portions of this chapter or its application to any other person or situation. The city council of the city of Stanwood hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, or a portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

7.30.100 No third-party rights.

i This section is existing SMC 7.30.100. No change proposed to this section.

- (1) It is expressly the purpose of this chapter to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- (2) It is the specific intent of this chapter that no provisions nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation and enforcement of this chapter is discretionary and not mandatory.
- (3) Nothing contained in this chapter is intended nor may be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees, or agents.

Stanwood Municipal Code

Title 8

Animals – Draft Text

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING
STANWOOD MUNICIPAL CODE (SMC) TITLE 8, ANIMALS, AND ESTABLISHING
SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice; and

WHEREAS, the purpose of this code amendment is to eliminate conflicts, improve clarity and overall function of the municipal code, and reflect current city and best practices; and

WHEREAS, Title 8 adopts the City's animal regulations; and

WHEREAS, the amendments were reviewed for consistency with the state model ordinance and city's review procedures; and

WHEREAS, the amendments update the city's permitting procedures for firework stands, special events, and merchants without a fixed location; and

WHEREAS, the City of Stanwood SEPA Responsible Official has reviewed the proposed amendments to the Stanwood Municipal Code, determined that the amendments are categorically exempt from SEPA, and memorialized those conclusions under file number ____; and

WHEREAS, the Stanwood Advisory Group reviewed the draft ordinance at their ____ meeting, and has recommended that the City Council adopt the ordinance as presented; and

WHEREAS, the Stanwood Planning Commission reviewed the draft ordinance at their ____ meeting and has recommended that the City Council adopt the ordinance as presented; and

WHEREAS, the City Council held a public meeting and first reading of the draft code amendment on ____, a second reading on ____, and accepted public comment; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Stanwood Municipal Code Title 8, Animals, is repealed in its entirety and replaced with the new Title 8 provided in Exhibit "A" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is

adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 4. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED and APPROVED this ____ day of _____, 2023.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

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Title 8 Animals

i The existing SMC Title 8 includes only a single chapter, 8.02. The proposed revision of this title breaks that chapter up into logical components.

Chapter 8.01 General Provisions

i This is a new chapter.

8.01.010 Purpose

i Based on existing SMC 8.02.030.

The purpose of this title is to encourage, secure, and enforce animal control measures that are desirable and necessary for the protection of human health and safety, and to the greatest degree practicable to prevent injury to property and cruelty to animal life.

8.01.020 Administration

! Is this right? Does the animal control officers report to the police chief?

The police chief is principally responsible for administration of this title.

8.01.030 Definitions

i Definitions based on existing SMC 8.02.260 except where noted.

- (1) "Animal control officer" means any individual employed, contracted with or appointed by the city of Stanwood for the purpose of aiding in the enforcement of this chapter or any other law or ordinance in the city of Stanwood relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include the seizure and impoundment of any animal. This term has the same meaning as in RCW 16.08.070.
- (2) "Livestock" means domestic or farm animals including but not limited to horses, cattle, sheep, donkeys, emus, ostriches, buffaloes, llamas, goats, and swine. Livestock does not include poultry.
- (3) "Poultry" means chickens, turkeys, geese, ducks, pigeons, peahens, or other domestic fowl.
- (4) "Owner" means any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.

8.01.040 Owner Responsibility

i This is a new section.

The owner, as defined in this SMC 8.01.030, of an animal is responsible for compliance with this title.

8.01.050 Third-Party Liability

i This section is based on existing SMC 8.02.520.

- (1) It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- (2) It is the specific intent of this chapter to place the obligation of complying with its requirements upon the owner and possessors of animals and no provisions nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation and enforcement of this chapter is discretionary and not mandatory.
- (3) Nothing contained in this chapter is intended nor may be construed to create or form the basis of any liability on the part of the city, or its officer, employees or agents, for any injury or damage resulting from the failure to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents.

8.01.060 Savings

i Based on existing SMC 8.02.540.

Nothing contained in this chapter may be construed as abating any action now pending under or by virtue of any ordinance of the city herein superseded; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of passage of the ordinance codified in this title.

8.01.070 Severability

The various chapters, sections, and clauses of the ordinances codified in this title are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the title must not be affected.

Chapter 8.10 Animal Regulations

8.10.020 Leash requirement for dogs

i This section is based on existing SMC 8.02.310, and also implements the definition of "animal at large" in SMC 8.02.020. This language based on AMC 6.04.100. Existing code limited leash length to 8 ft, but with many standard retractable leashes exceeding that length, that limit was deleted.

- (1) It is unlawful to allow any dog to roam, stray, or be away from the premises of the owner or keeper, or to be in or on any public place or property unless such animal is physically controlled by the owner or keeper or other competent and authorized person by means of a physical control device; except while the animal is present within the boundaries of a city-owned or sanctioned off-leash dog park or while participating in an organized exhibition or training session.
- (2) The control device requirements of this section do not apply to a police dog while in the performance of a law enforcement function.

(3) A violation of this section is a class 3 civil infraction.

8.10.040 Limit on number of dogs

i Existing SMC 8.02.105

(1) It is unlawful to keep more than four adult dogs on any premises in the city except as provided for in SMC Chapter 8.20.

(2) A violation of this section is a class 3 civil infraction.

8.10.060 Noisy dogs and cats prohibited

i Based on existing SMC 8.02.230 with revisions based on PTMC 9.09.030.C.8.

(1) It is unlawful to allow a dog or cat to unreasonably disturb persons with frequent, repetitive, or intermittently continuous sounds including but not limited to, barking, howling, yelping, or whining.

(2) It is an affirmative defense under this section that the animal was intentionally provoked to bark or make any other noise by any person.

(3) A violation of this section is a class 2 civil infraction.

8.10.080 Trespassing dogs and cats prohibited

i Based on existing SMC 8.02.210.

(1) It is unlawful to permit any dog or cat to trespass on private or public property without the permission or consent of the property owner.

(2) A violation of this section is a class 3 civil infraction.

8.10.100 Animal waste

i Subsections (1) and (2) are based on existing SMC 8.02.210 (2)-(3). Subsection (3) is new.

(1) It is unlawful to fail to remove fecal matter deposited by an animal on the property of another before the owner and the animal leave the immediate area in which the fecal matter was deposited.

(2) It is unlawful for a person to fail to have in his or possession the equipment necessary to remove fecal matter deposited by an animal when on public property or a public right-of-way.

(3) It is unlawful for any owner or keeper to allow waste to accumulate on the owner's property to the extent that neighbors are adversely affected by odor or runoff.

(4) A violation of this section is a class 3 civil infraction and may also be enforced per SMC Title 13.

8.10.120 Nuisance or destructive behavior

i Based on AMC 6.04.140.

(1) It is unlawful for an owner to:

(a) permit a dog to chase, run after, or jump at vehicles lawfully using the public streets, alleys, and ways;

- (b) permit any dog to trespass on public or private property so as to damage or destroy any lawn, garden, or other property or thing of value;
- (2) It is a defense to a charge of violation of this section that the dog had been intentionally provoked to perform the nuisance or destructive behavior by a person other than the owner.
- (3) A violation of this section is a class 3 civil infraction.

8.10.140 Disposal of diseased animals

i Based on existing SMC 8.02.330.

- (1) If an animal dies or has been killed due to disease, the owner must immediately notify a veterinarian and dispose of the carcass per veterinarian instructions.
- (2) No person may sell, offer to sell, or give away the carcass of any animal, which died or was killed on account of disease.
- (3) The city has the authority to seize the carcass for public health and safety purposes.
- (4) A violation of this section is a class 1 civil infraction.

Chapter 8.12 Dogs—Licensing

8.12.020 License—Required

i Existing SMC 8.02.110

- (1) It is unlawful to own, possess, harbor, or otherwise be the custodian of any dog over the age of six months within the city unless the dog is licensed per this chapter.

i The following is based on part of existing SMC 8.02.150.

- (2) A license is required within 30 days of acquisition of a dog.

i The following is based on part of existing SMC 8.02.120.

- (3) A licensed dog must display its city-issued license tag, securely affixed to a substantial collar or harness, at all times except when the animal is securely confined within a residence or enclosure or is being displayed in an exhibition.
- (4) An electronic identification device is not a substitute for the city-issued license tag.
- (5) A violation of this section is a class 2 civil infraction.

8.12.040 License—Exemptions

i Existing SMC 8.02.160 Dog license exemptions.

- (1) The following dogs are exempt from the requirement for a dog license in SMC 8.10.100:
 - (a) a dog in the custody of a veterinarian, or animal shelter or animal rescuer; or
 - (b) a dog whose owners are nonresidents temporarily within the city for a period not exceeding 30 days.

(2) A service dog is exempt from payment of dog license fees.

8.12.060 License—Application

i Existing SMC 8.02.120 plus additional requirements for application information, existing SMC 8.02.140

! Staff please verify this is consistent with your current practice.

- (1) An application for a dog license or renewal of a dog license must be made to the Finance Director on forms provided by the Finance Department.
- (2) An application for a license for a dog must include the following:
 - (a) The name, address and telephone number of the legal owner of the animal;
 - (b) The name, address and telephone number of the person having custody of the animal, if other than the legal owner;
 - (c) The name, age, breed, color, sex, distinguishing features, markings or tattoos of the animal, and, in the case of dogs, whether the animal has been neutered;
 - (d) The address of the property at which the animal is ordinarily kept or maintained;
 - (e) A certificate of a veterinarian indicating the dog has current rabies immunization;
 - (f) A certificate of a veterinarian indicating the dog has been neutered, if claiming so;
 - (g) EID microchip transponder information, if applicable;
 - (h) Any applicable fees as set by City Council resolution.

8.12.080 License—Renewal

i The following is based on part of existing SMC 8.02.150.

! Staff please verify this is consistent with your current practice.

- (1) Except as provided in (2), a dog license expires on December 31 of each year and must be renewed within 45 days of expiration.
- (2) A lifetime license purchased before May 3, 2015, is valid for the lifetime of the dog, but updated rabies certificates must be submitted when vaccinations expire.

Chapter 8.14 Dogs—Dangerous and Potentially Dangerous

i This chapter is mostly a complete rewrite of the applicable provisions in the existing animals title.

8.14.010 Purpose

The purpose of this chapter is to regulate dogs that may be dangerous to people or other domestic animals.

8.14.020 Applicability

- (1) This chapter applies to all domestic dogs *Canis lupus familiaris*.

(2) For wild animals and wolf hybrids, see SMC Chapter 8.50.

8.14.030 Definitions

i These definitions are taken directly from RCW 16.08.070, and are replicated here instead of incorporated by reference in case the city wishes to expand or otherwise modify them.

- (1) "Dangerous dog" means any dog that (a) inflicts severe injury on a human being without provocation on public or private property, (b) kills a domestic animal without provocation while the dog is off the owner's property, or (c) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans.
- (2) "Potentially dangerous dog" means any dog that when unprovoked: (a) Inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.
- (3) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

8.14.040 Declaration as Potentially Dangerous or Dangerous Dog

- (1) An animal control officer may issue a notice of intent to declare a dog either "potentially dangerous" or "dangerous" if there is probable cause to believe that the dog meets the term of either definition.
- (2) Basis.
 - (a) The animal control officer's determination must be based on:
 - (i) the written complaint of a person who is willing to testify that the animal has acted in a manner which causes it to fall within the definition;
 - (ii) one or more dog bite reports filed with the police department;
 - (iii) actions of the dog witnessed by any animal control officer or law enforcement officer; or
 - (iv) other substantial evidence, including hearsay if it is of a nature that a reasonable and prudent person would rely upon.
 - (b) Per RCW 16.08.090(3), a dog may not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.
- (3) Contents. The notice of intent to declare a dog potentially dangerous or dangerous must include all of the following:
 - (a) a description of the animal;
 - (b) the name and address of the owner or keeper of the animal, if known;
 - (c) the whereabouts of the animal if it is not in the custody of the owner;
 - (d) the facts upon which the declaration is to be based;
 - (e) the restrictions that will be placed on the animal as a result of the declaration;

- (f) a reference to the penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner;
- (g) a statement that the owner is entitled to an opportunity to meet with the police chief to give any reasons or information as to why the dog should not be declared potentially dangerous or dangerous;
- (h) a proposed date, time, and place for such a meeting, and that the owner may propose an alternative meeting date and time, but that such meeting must occur within 15 days of the date the notice was served.

(4) Service.

- (a) The notice of intent issued pursuant to this section must be in writing and served on the owner in one of the following methods:
 - (i) Personally;
 - (ii) By certified mail, with return receipt requested, and ordinary first class mail to the owner's or keeper's last known address; or
 - (iii) If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
- (b) Service is effective on the date the notice is received; or, in the case of certified mail, three days after the notice is mailed; or, in the case of service by publication, 15 days after publication.
- (c) The owner of any dog found to be a potentially dangerous or dangerous dog under this Chapter may be assessed all service costs expended under this subsection.

i Existing SMC 8.02.410 provides an appeal opportunity to the hearing examiner, but a formal appeal is not required, and review by police chief is substantially more expeditious.

(5) Review by police chief.

- (a) If the owner does not attend the scheduled meeting with the police chief, the police chief may issue an order declaring that the dog is potentially dangerous or dangerous.
- (b) If the owner attends the scheduled meeting with the police chief, the owner may offer, orally or in writing, any reason or information as to why the dog should not be found potentially dangerous or dangerous.
- (c) After review of the record and the owner's reasons and information, the police chief must determine whether a preponderance of the evidence weighs in favor of finding the dog potentially dangerous or dangerous.
- (d) If the police chief determines that the dog is potentially dangerous or dangerous, the police chief must issue a declaration that includes:
 - (i) a recital of the authority for the declaration;
 - (ii) a concise statement of the facts that support the determination; and
 - (iii) the signature of the person who made the determination.
- (e) The Sheriff's determination is final and may be appealed to District Court, which will review the record made at the meeting to determine whether the declaration is supported by a preponderance of the evidence. Any such appeal must be filed within 20 days of service of the order. Upon notice that an appeal has been filed, the police chief must file a certified copy of the record from any such meeting with the District Court. A recording of the meeting will be made available to the person appealing the ruling, who will have the responsibility of transcribing the meeting for the appeal.

- (6) A dog that has been declared "potentially dangerous" or "dangerous" in another jurisdiction under substantially similar definitions is considered the same as if it had been declared by the city.

8.14.050 Registration Requirement for Potentially Dangerous and Dangerous Dogs

- (1) An owner of a potentially dangerous or dangerous dog must maintain a current certificate registration for the dog with the police department, including maintaining the current address of the dog with the city at all times. The owner must notify the police department if the dog dies, is removed from the city, or has its ownership transferred to another person.
- (2) The police department may not issue a certificate of registration to the owner of a potentially dangerous or dangerous dog unless the owner presents sufficient evidence of compliance with the signage and secure enclosure requirements of SMC 8.14.070.
- (3) No violation of the registration requirements occur until ten days after the initial declaration of a dog as potentially dangerous or dangerous.

8.14.060 Requirements for Potentially Dangerous Dogs

i State law creates requirements for dangerous dogs, but not potentially dangerous dogs, which it leaves up to local jurisdictions.

- (1) An owner of a potentially dangerous dog must:
 - (a) Register the dog with the police department per SMC 8.14.050;
 - (b) Conspicuously display a sign with a warning symbol on any premises where the dog is kept that informs children of the presence of a potentially dangerous dog;
 - (c) While on the owner's property, ensure the dog is restrained by chain, leash, or other confinement suitable to prevent the animal from leaving the owner's property;
 - (d) While off the owner's property, ensure the dog is under physical restraint by the owner or other responsible person;
 - (e) Ensure the dog wears a bright orange collar bearing the warning "potentially dangerous dog"; and
 - (f) Ensure the dog has a microchip implant for permanent identification.
- (2) A violation of this section is a misdemeanor.

8.14.070 Requirements for Dangerous Dogs

i Note a municipality also has the ability to simply prohibit dangerous dogs within its jurisdiction.

- (1) An owner of a dangerous dog must:
 - (a) Register the dog with the police department per SMC 8.14.050;
 - (b) Conspicuously display a sign with a warning symbol on any premises where the dog is kept that informs children of the presence of a dangerous dog;

i The following requirement is based on the statutory definition of "proper enclosure of a dangerous dog."

- (c) Ensure the dog is securely confined indoors, or inside a locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping, with secure sides and a secure top, that also provides protection from the elements for the dog;

- (d) Whenever not confined, ensure the dog is securely muzzled, on a leash that is not longer than six feet in length, and under the control of a person 15 years of age or older who is physically able to control the dog;
- (e) Ensure the dog wears a bright orange collar bearing the warning “dangerous dog”;
- (f) Ensure the dog has a microchip implant for permanent identification; and

 Note these amounts are set by RCW 16.08.080(6), but may be set higher.

- (g) Maintain either:
 - (i) A surety bond issued by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the city in the sum of at least \$250,000, payable to any person injured by the dangerous dog; or
 - (ii) A policy of liability insurance, such as homeowner’s insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$250,000, insuring the owner for any personal injuries inflicted by the dangerous dog.


(2) A violation of this section is a gross misdemeanor.


8.14.080 Requirement to Provide Notice to City.

- (1) The owner of a dangerous dog or potentially dangerous dog must immediately notify the police department when the animal:
 - (a) is loose or unconfined off the property; or
 - (b) has bitten or injured a human being or other domestic animal; or
 - (c) is sold, given away, or dies; or
 - (d) is moved to another address;
 - (e) is declared potentially dangerous or dangerous by another jurisdiction.

(2) A violation of this section is a misdemeanor.

Chapter 8.20 Kennels and Catteries

 This chapter includes existing kennel provisions (e.g., SMC 8.02.440-450, and 470). This section is based on SMC 8.02.440. The terms "license" and "permit" have been consolidated to "permit." This chapter deletes special licenses for shelters and kennels, which are subject to standard business licenses.

 This chapter is still a bit confused, mixing various kennel types, licenses/permits, and land use approvals.

8.20.020 Permit Required.

 This section is based on SMC 8.02.450.

- (1) It is unlawful to keep dogs over six months of age in numbers that exceed the maximums identified in SMC 8.10.040 or 8.20.040 without a permit from the city for that purpose under this chapter.

- (2) Exception. A veterinarian must obtain the required permit for any service other than the one which by law may be performed only by a veterinarian; provided, that no such permit is be required for his or her possession of animals solely for the purposes of veterinary care.
- (3) A violation of this section is a class 1 civil infraction.

8.20.040 Hobby Kennel Permit

i This section is based on SMC 8.02.470 except where noted.

(1) Limitation on Number of Dogs Allowed. The city may limit the number of dogs or cats allowed by a hobby kennel permit based on the following guidelines:

- (a) The amount of lot area, except that:
 - (i) the maximum number may not exceed 25 where the lot area contains five acres or more;
 - (ii) the maximum number may not exceed five per acre where the lot area contains one acre but less than five acres; and
 - (iii) the maximum number may not exceed four where the lot is less than one acre;
- (b) The facility specifications or dimensions in which the dogs are to be maintained;
- (c) The zoning classification in which the hobby kennel would be maintained.

i Next paragraph is based on SMC 8.02.450.

! Do we need to retain these ways to exceed the standard limits?

(2) Exceeding the limitation.

- (a) The animal control officer may allow up to six dogs more than the maximum number of dogs referred to in (1) for a hobby kennel or for a commercial kennel.
- (b) Administrative conditional use permit from the community development director may allow six or more dogs more than the maximums referred to in (1). The factors to be considered in granting or denying such additional animals must be the same as set forth in (3)(d).
- (c) Any aggrieved party may appeal the decision of the animal control officer or the community development director to the hearing examiner, who is authorized to hear such appeals and make a decision.

(3) Requirements for Hobby Kennels.

- (a) Housing for animals must comply with the standards in SMC 8.30.030 for pet shops.
- (b) All open run areas must be completely surrounded by a six-foot fence set back at least 20 feet from all property lines; for purposes of this section "open run area" means that area, within the property lines of the premises on which the hobby kennel is to be maintained, where the dogs are sheltered and maintained.
- (c) No commercial signs or other appearances advertising the hobby kennel are permitted on the property except for the sale of the allowable offspring set forth in this section, or otherwise allowable under the city sign code as codified in Chapter 17.110 SMC.
- (d) The animal control officer may require setback, additional setback, fencing, screening or soundproofing pursuant to SMC Title 17, Zoning, as she or he deems necessary to ensure the compatibility of the hobby

kennel with the surrounding neighborhood. Factors to be considered in determining such compatibility are:

- (i) Statement regarding approval or disapproval of surrounding neighbors relative to maintenance of a hobby kennel at the address applied for;
 - (ii) Past history of animal control complaints relating to the dogs and cats of the applicant at the address for which the hobby kennel is applied for;
 - (iii) Facility specifications and dimensions in which the dogs are to be maintained;
 - (iv) Animal size, type, and characteristics of breed;
 - (v) The zoning classification of the premises on which the hobby kennel is maintained.
- (e) The hobby kennel may limit dog reproduction to no more than one litter per license year per female dog and two litters per license year per female cat;
- (f) Each dog in the hobby kennel must have current and proper immunization from disease according to the dog's species and age, including DHLPP inoculation for dogs over three months of age and rabies inoculations for all dogs over six months of age.
- (4) Permit Issuance and Maintenance. Only when the animal control officer is satisfied that the requirements of this chapter have been met may a hobby kennel permit be issued. The license will continue in full force throughout the license year unless, at any time, the hobby kennel is maintained in such a manner as to:
- (a) Exceed the number of dogs allowed at the hobby kennel by the animal control section; or
 - (b) Fail to comply with any of the requirements of this chapter.

8.20.060 Special Hobby Kennel Permit.

i Based on existing SMC. Renamed "license" to "permit."

- (1) An owner of up to four dogs who does not meet the requirements for a hobby kennel permit may be eligible for a special hobby kennel permit to be issued at no cost by the animal control authority which will allow them to retain the specific animals in their possession if the following conditions are met:
 - (a) The applicant must apply for the special hobby kennel permit and individual licenses for each dog within 30 days of the enactment of the ordinance codified in this chapter or at the time they are contacted by an animal control officer.
 - (b) The applicant is keeping the dogs for the enjoyment of the species, and not as a commercial enterprise.
- (2) The special hobby kennel permit is only valid for those specific dogs in the possession of the applicant at the time of issuance, and is intended to allow pet owners to possess animals beyond the limits imposed by code until such time as the death or transfer of such animals reduces the number possessed to the legal limit set forth by code.
- (3) The animal control officer may deny an application or revoke a special hobby kennel permit based on past animal control code violations by the applicant's dogs, or complaints from neighbors regarding the applicant's dogs; or if the animal(s) is maintained in inhumane conditions.

Chapter 8.30 Pet Shops and Grooming Parlors

i This chapter includes existing SMC 8.02.460 and .480.

8.30.030 Standards for Pet Shops

i The following is based on existing SMC 8.02.460.

(1) Provisions.

- (a) An animal housed in any animal shelter, commercial kennel, or pet shop must be provided housing facilities that are structurally sound, maintained in good repair, and designed so as to protect the animals from injury and restrict the entrance of other animals.
- (b) An animal housed in any animal shelter, commercial kennel or pet shop or enclosure therein must be provided with adequate floor space to allow each animal to turn about freely and to easily stand, sit, and lie in a comfortable normal position.
- (c) Electrical power must be supplied in conformance with applicable electrical codes adequate to supply heating and lighting as may be required by this chapter.
- (d) Water must be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.
- (e) Suitable food and bedding must be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents.
- (f) Refrigeration must be provided for the protection of perishable foods.
- (g) Facilities for the removal and disposal of animal and food wastes, bedding, dead animals and debris must be provided and operated as to minimize vermin infestation, odors, and disease hazards.
- (h) Washroom facilities, including sinks and toilets, with hot and cold water, must be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.

(2) Operation.

- (a) Sick, diseased or injured animals must be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.
- (b) An employee responsible for the care and supervision of the animals must be on duty at all times during the hours a store is open.
- (c) An employee, keeper or owner must feed, water, and do the necessary cleaning of animals on days the store or establishment is closed.
- (d) No person may misrepresent an animal to a consumer in any way.
- (e) No person may knowingly sell a sick or injured animal.
- (f) An animals that is caged, closely confined, or restrained must be permitted daily, and for an appropriate length of time, as determined by their size, age and species, to exercise in a yard or area suitable for that purpose.

8.30.040 Standards for Grooming Parlors

i The following is based on existing SMC 8.02.480. Deleted subsection (5) about prescribing medicine, which is regulated by state law.

- (1) A grooming parlor must:
 - (a) Keep each animal in an individual cage;
 - (b) Not permit animals therein kept for the direct purpose of grooming to have contact with other animals kept therein;
 - (c) Sanitize all equipment after each animal has been groomed;
 - (d) Take reasonable precautions to prevent injury from occurring to any animals while in the custody of said parlor;
 - (e) Not leave animals unattended during the drying process;
 - (f) Remove animal waste.
- (2) A grooming parlor may not board animals, but may keep said animals for a reasonable time in order to perform the business of grooming.

8.30.050 Violations

A violation of this chapter is a class 3 civil infraction for each animal affected, for each day it occurs, and may also be enforced per SMC Title 13..

Chapter 8.40 Livestock and Poultry

i This chapter incorporates existing provisions in SMC 8.02 concerning livestock. Existing 8.02.060 and 070 is not addressed here.

8.40.020 Hitching of horses prohibited in business districts

! Shall we keep existing SMC 8.02.090 just for olde tyme's sake?

It is unlawful to leave a horse tied, fastened, or hitched to any object in a business, commercial, or industrial zone within the city limits, except for special events approved by the city.

8.40.030 Driving or riding animals so as to endanger person or property

i Existing SMC 8.02.100

It is unlawful to drive, herd, or ride a horse or other livestock in the city in such a manner as to endanger or to be likely to endanger any person or property, or to drive or ride a horse or other livestock upon any sidewalk in the city; provided, that this section shall not prohibit any person from driving or herding livestock in a safe manner consistent with reasonable farming or ranching practices.

8.40.040 Livestock not to run at large

i Based on existing SMC 8.02.040.

No livestock or poultry of any kind shall be allowed to run at large, during any hour of the day or night upon any unenclosed land public or private, within the city limits.

8.40.050 Required area for certain livestock

i Based on existing SMC 8.02.320. New exclusion for small animals.

- (1) This section applies to livestock but not pigs, pigmy goats, and miniature ponies.
- (2) All persons owning or having control or possession of any livestock within the city of Stanwood must keep the livestock safely and appropriately enclosed at all times on the premises owned and occupied by such person.
- (3) The entire roaming area enclosing the livestock must be fenced. Fences must be of such a size and type to prevent encroachment on adjacent property, defined as reaching over, under, or through, as well as trespassing or intruding upon, the property of another.

i Based on existing SMC 8.02.050. Note existing language had an exemption for small farms or ongoing agricultural activity, which were not defined.

- (4) A livestock enclosure must encompass at least one-half acre or 21,280 square feet per animal.

i The following is new material.

- (5) If a livestock animal gives birth, thereby exceeding the number of livestock animals allowed by the minimums set forth in this section, the owner must conform the number of the animals or the dimensional requirements within one year of the birth of the animals.

8.40.060 Standards for buildings and enclosures

i Based on existing 8.02.350 and 380.

- (1) Any building containing livestock other than pigs, pigmy goats, and miniature ponies must be located at a minimum distance of 100 feet of any adjoining residence.
- (2) An accessory building used for housing poultry or rabbits must be provided and must be a minimum of four square feet per animal.
- (3) A maximum of two accessory buildings for housing poultry or rabbits must be permitted on a lot. Each building must be located a minimum distance of five feet from any property line and 20 feet from any neighboring residence or business. Such accessory buildings may not be located in the required front yard.
- (4) A house, pen, or enclosure where livestock, poultry, or rabbits are kept must be kept clean and free from disagreeable odors. No organic materials furnishing food for flies or rodents may be allowed to accumulate on the premises. All manure and other refuse must be kept in tightly covered fly-proof receptacles and disposed of at least once each week in a manner approved by the animal control officer.
- (5) All premises where livestock or fowl are kept must be free from rats and rat and mice harborages.

8.40.070 Swine

i Based on existing SMC 8.02.360 and 370.

- (1) No pigsty, piggery, or other place where swine are kept may be built or maintained on marshy ground or land subject to overflow, nor within 200 feet of any stream or other source of water supply, nor within 300 feet of any inhabited house or public meeting house on adjoining property.
- (2) When garbage is fed to pigs, all unconsumed garbage must be removed daily and disposed of by burial or incineration. No organic material furnishing feed for flies may be allowed to accumulate on the premises. All garbage must be handled and fed upon platforms of concrete or other impervious material. Unslaked lime, hypochlorite of lime, borax or mineral oil must be used daily in sufficient quantities to prevent offensive odors and the breeding of flies.

8.40.080 Violations

A violation of this chapter is a class 2 civil infraction and may also be enforced per SMC Title 13.

Chapter 8.50 Dangerous Animals

i This chapter is based on existing SMC 8.02.035, with corrections.

i Definition is expanded to include wolf hybrids and all cougars.

8.50.020 Definitions

i The state law definition excludes wolf hybrids and wild-bred cougars, so this definition adds them back in.

- (1) "Potentially dangerous wild animal" means:
 - (a) All the animals listed in the definition of "potentially dangerous wild animal" in RCW 16.30.010;
 - (b) All animals of the family *Canidae* (as dogs, wolves, jackals, or foxes) and their hybrids, except for the domestic dog *Canis lupus familiaris*; and
 - (c) All cougars.

8.50.030 Prohibition

- (1) It is unlawful to own, possess, breed, import, export, barter, have custody or control over, buy, sell, or attempt to buy or sell any potentially dangerous wild animal.
- (2) It is unlawful to display or sponsor a display of potentially dangerous wild animals within the City of Stanwood.
- (3) This prohibition is not subject to the exceptions provided in RCW 16.30.020.

8.50.040 Confiscation

i This language mostly mirrors RCW 16.30.040.

- (1) The Animal Control Authority or a law enforcement officer may immediately confiscate a potentially dangerous wild animal held in contravention of this chapter.

- (2) An Animal Control Authority or law enforcement officer who confiscates an animal prohibited by this chapter must serve notice upon the possessor in person or by regular and certified mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is responsible for payment of reasonable costs for caring and providing for the animal during the confiscation, and that the possessor must demonstrate a plan to immediately remove the animal from the city in order for the animal to be returned to the possessor.
- (3) If a potentially dangerous wild animal confiscated under this section is not returned to the possessor, the Animal Control Authority or law enforcement officer may release the animal to a facility outside the city, such as a wildlife sanctuary, where the animal is legal to possess. If the animal control authority or law enforcement officer is unable to relocate the animal within a reasonable period of time, it may euthanize the animal.

8.50.050 Violations

- (1) A violation of this chapter is a misdemeanor punishable by up to 90 days in jail, a \$1000 fine, or both.
- (2) A violation of this chapter occurs with respect to each animal that is possessed in violation of this chapter.

Chapter 8.80 Animal Cruelty

i This chapter includes existing SMC 8.02.390, with updates.

8.80.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW [9.08.030](#) False certificate of registration of animals—False representation as to breed.

RCW [9.08.065](#) Definitions

RCW [9.08.070](#) Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.

RCW [9.91.170](#) Interfering with dog guide or service animal.

RCW [16.52.011](#) Definitions

RCW [16.52.015](#) Enforcement Powers

RCW [16.52.080](#) Transporting or Confining Animals in an Unsafe Manner

RCW [16.52.085](#) Removal of Neglected Animals for Feeding and Restoration to Health – Examination – Notice – Return – Non-Liability

RCW [16.52.090](#) Docking Horses – Misdemeanor

RCW [16.52.095](#) Cutting Ears – Misdemeanor

RCW [16.52.100](#) Confinement Without Food and Water

RCW [16.52.110](#) Old or Diseased Animals at Large

RCW [16.52.117](#) Animal Fighting – Owner, Trainers, Spectators – Exceptions

RCW [16.52.180](#) Limitations on Application of Chapter

RCW [16.52.185](#) Exclusions from Chapter

RCW [16.52.190](#) Poisoning Animals--Penalty

RCW [16.52.193](#) Poisoning Animals – Strychnine Sales

RCW [16.52.200](#) Sentences – Forfeiture of Animals – Liability for Costs – Civil Penalty

RCW [16.52.207](#) Animal cruelty in the second degree

RCW [16.52.210](#) Destruction of Animal by Law Enforcement Officer – Immunity from Liability

RCW 16.52.225—Nonambulatory livestock—Transporting or accepting delivery—Gross misdemeanor—Definition.

RCW 16.52.230—Remedies not impaired.

RCW [16.52.300](#) Dogs or Cats Used as Bait – Penalties

RCW [16.52.305](#) Unlawful use of hook – Gross misdemeanor

RCW 16.52.310—Dog breeding—Limit on the number of dogs—Required conditions—Penalty—Limitation of section—Definitions.

RCW [16.52.340](#) Leave or confine any animal in unattended motor vehicle or enclosed space—Class 2 civil infraction—Officers' authority to reasonably remove animal.

RCW [46.61.660](#) Carrying Animal on Outside of Vehicle

Chapter 8.90 Enforcement and Impoundment

i Existing provisions in SMC 8.02 regarding impoundment and other actions required for enforcement are reorganized in this new chapter. Existing SMC 8.02.190 regarding stray animals is incorporated here.

8.90.010 Authority

This title may be enforced by the police chief, Animal Control Officer, or any law enforcement officer.

8.90.020 Animal Control Shelter

i Based on existing SMC 8.02.270 Animal control shelter.

(1) The city may maintain and operate, or contract to maintain and operate an animal control shelter, which may be used as the public pound for any animal impounded pursuant to this chapter.

i Based on existing SMC 8.02.170(4).

(2) A resident of the city of Stanwood may, for a fee equal to the costs associated with the current agreement, deliver and relinquish ownership of unwanted dogs or cats owned by them to the animal control shelter, providing that service pursuant to a contract with the city exists. The fee must be paid directly to the animal shelter by the person relinquishing the animal at the time of release.

8.90.030 Impoundment Authorized.

i This section based on existing SMC 8.02.170.

(1) The City may impound any of the following animals:
(a) Dogs maintained in violation of SMC Chapter 8.10;

- (b) Dogs that are not licensed or do not exhibit the identification tag per SMC Chapter 8.12;
 - (c) An animal left in an unattended motor vehicle or enclosed space per RCW 16.52.340;
 - (d) Livestock in violation of SMC 8.40.020 or 8.40.040;
 - (e) Trespassing dogs and cats in violation of SMC 8.10.080;
 - (f) Potentially dangerous or dangerous dogs in violation of SMC Chapter 8.14, as authorized by RCW 16.08.100(1);
 - (g) Animal carcasses maintained in violation of SMC 8.10.140.
- (2) Notwithstanding other time limits in this chapter, an impounded animal that has bitten a person or another animal must be made available for testing for rabies or other disease and maintained in quarantine for the requisite length of time.

i The following is based on SMC 8.02.300 except for subsection (7), which seems to require a warrant anyway.

- (3) Entry. An animal control officer or law enforcement officer may enter private property:
- (a) with consent of the owner or any adult occupant of any premises where the animal lives to determine compliance with the provisions of this chapter;
 - (b) in the absence of the owner or occupant, using reasonable force when, in the officer's judgment, an animal on such premises needs emergency assistance to prevent an animal's death or serious injury;
 - (c) with a search warrant or when authorized by law;
 - (d) to remove and impound any animal left in an unattended motor vehicle or enclosed space per RCW 16.52.340, leaving notice of the impounding and disposition of the animal in plain view with the vehicle;
 - (e) when in hot pursuit, with or without a warrant, to take possession of an animal observed to be at large in violation of this title.

8.90.040 Required Notice

i Based on existing SMC 8.02.070 Notice of impoundment.

- (1) When the city impounds an animal pursuant to SMC 8.90.030, the city must give the owner thereof written notice of the impoundment as soon as possible, but not more than three days after impoundment.
- (2) Notice should be provided by personal service or by regular and certified mail with return receipt requested. If the owner is not known, such notice must be given by posting the same in a conspicuous place at the entrance of City Hall and the city police department.
- (3) The notice must state that the animal or animals described therein have been taken up and impounded and will be sold at public auction to the highest bidder for cash at the time therein named. That time may not be less than 10 days from the time of service or posting of the notice.
- (4) For a potentially dangerous or dangerous dog, the notice must specify the reason for the confiscation of the dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within 20 days, and that redemption is not available until sufficient evidence of such corrections is provided.

8.90.050 Redemption

i Based on existing SMC 8.02.080.

- (1) If the owner claims an impounded animal before the scheduled sale of the animal, the owner is entitled to possession thereof by paying to the city the fees established by Council resolution for:
 - (a) Transportation and impoundment expenses. The fee shall progressively double for each impoundment of the same animal during any one-year period.
 - (b) Actual cost per day for room and board during the period of impoundment.
 - (c) Any and all delinquent court fines imposed with respect to the animal.
- (2) At the time named in the notice of impoundment, if the impounded animal has not been claimed and redeemed, the city may sell such animal per SMC 8.90.070.
- (3) Within one year from the date of sale, if the owner of an animal sold per this section provides satisfactory proof of ownership, the owner is entitled to receive the net proceeds of such sale so paid into the city treasury, after deducting all legal charges, administrative costs and expenses. If those funds have not been claimed after one year, such proceeds shall be deemed forfeited and deposited in the general fund.

8.90.060 Impoundment Costs

i Based on existing SMC 8.02.170(4).

- (1) The owner of an animal impounded under this title must pay the city assessed penalties and all fees and costs associated with apprehension, transportation, impoundment, care, boarding, and any veterinary care incurred, including euthanasia and disposal if applicable, as a result of the confiscation or impoundment, whether or not the animal is redeemed.
- (2) Relinquishment of the animal by its owner does not constitute a waiver of fees or costs incurred under this section or fines otherwise imposed.
- (3) The net proceeds of the sale of an impounded animal may not offset any delinquent court fines.
- (4) The city may collect the penalties, fees, and expenses by use of appropriate legal remedies.

8.90.070 Destruction and Sale

i Based on existing SMC 8.02.170 and 180.

! SMC 8.02.170(5) was not included. Is it still needed?

- (1) The city may sell or destroy, by humane means, an impounded animal pursuant to this chapter, when such animal has not been redeemed by its owners within ten working days after the animal is impounded.
- (2) The city may immediately destroy an impounded animal immediately if it would be humane to destroy an injured or diseased animal and the animal is unlicensed or the owner cannot be located. Determination of whether the animal should be destroyed must be made by a veterinarian, animal control officer, or police officer.
- (3) To sell an impounded animal, the city must sell at public auction to the highest bidder for cash and give a receipt to the purchaser. The net proceeds of such sale must be paid into the city treasury, after deducting

legal charges, administrative costs, and expenses. The city may contract for auctioneer services and pay expenses thereof from the proceeds from the sale of said animals.

8.90.080 Obstruction of Impoundment

i Based on existing SMC 8.02.290.

- (1) It is unlawful for any person to prevent or hinder or to attempt to prevent or hinder the lawful impounding of any animal, or by force or otherwise remove or attempt to remove any animal from the public pound without the authority of the animal control officer, or other person in charge of the pound, or to aid in any attempt to remove any animal or animals from the pound.
- (2) A violation of this section is a misdemeanor, which upon conviction thereof, may be punished by a fine of up to 90 days in jail or \$1,000 fine, or both, plus costs.