

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5416

AN ORDINANCE related to animal control regulations revising Chapter 8.04 of the Bellevue City Code by repealing Sections 8.04.230 and adding two new sections, Section 8.04.260, Violations - Notice and Order and Section 8.04.270, Appeals.

WHEREAS, King County Animal Control has effectively used administrative procedures to enforce animal control violations in other jurisdictions; and

WHEREAS, the use of administrative procedures has proven to be a very efficient and effective method of addressing violations of animal control ordinances in other jurisdictions; and

WHEREAS, the use of administrative procedures have also proven to be more cost effective than the criminal process; and

WHEREAS, King County Animal Control is charged with enforcing the provisions of Bellevue City Code 8.04, the City's animal control regulation; and

WHEREAS, the City does not have administrative procedures with respect to animal control regulations; and

WHEREAS, the City desires to be more efficient and cost effective in addressing animal control violations; and

WHEREAS, it is necessary to modify the Bellevue City Code to create a provision for administrative procedures; and

WHEREAS, the new provision needs to be adopted in order to be enforced by King County Animal Control; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 8.04.230 of the Bellevue City Code is hereby repealed.

Section 2. Two new sections, Section 8.04.260 and Section 8.04.270 are hereby added to the Bellevue City Code to read as follows:

8.04.260 Violations - Notice and Order

In addition to or as an alternative to any other penalty provided herein or by law, any violation of any provision of this title shall constitute a civil violation as provided in Chapter 1.18 BCC, for which a monetary penalty may be assessed and abatement may be required as provided therein.

A. Whenever the director or authorized animal control officer has found an animal maintained in violation of this chapter, the director of the animal control authority shall commence proceedings to cause the abatement of each violation.

B. The director or authorized animal control officer shall issue a notice of violation and an order directed to the owner or the person presumed to be the owner of the animal maintained in violation of this chapter. The notice and order shall contain:

1. The name and address if known of the owner or person presumed to be the owner of the animal in violation of this chapter;

2. The license number, if available, and description of the animal in violation sufficient for identification;

3. A statement to the effect that the director or authorized animal control officer has found the animal maintained illegally with a brief and concise description of the conditions, which caused the animal to be in violation of this chapter;

4. A statement of the action required to be taken to abate the violation, as determined by the director of the animal control authority.

a. If the director has determined the animal in violation must be disposed with, the order shall require that the abatement be completed within a specified period of time from the date of the order as determined by the director to be reasonable;

b. If the director of the animal control authority has determined to assess a civil penalty, the order shall require that the penalty shall be paid within fourteen days from the date of the order.

5. Statements advising that if any required abatement is not commenced within the time specified, the director of the animal control authority will proceed to cause abatement and charge the costs thereof against the owner;

6. Statements advising:

a. That a person having a legal interest in the animal may appeal from the notice of violation and order or any action of the director of the animal

control authority to the board of appeals, provided the appeal is made in writing as provided by this chapter, and filed with the director of the animal control authority within fourteen days from the date of service of such notice of violation and order;

b. That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter;

C. The notice and order shall be served on the owner or presumed owner of the animal in violation.

D. Service of the notice of violation and order shall be made upon all persons entitled thereto:

1. Personally; or,

2. By mailing a copy of such notice of violation and order by certified mail, postage prepaid, return receipt requested, to the person at his last known address; or,

3. Posting the notice of violation and order on the front door of the living unit of the owner or person with right to control the animal if said owner or person is not home.

E. Proof of service of the notice of violation and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

F. The standards of this chapter shall be followed by the director of the animal control authority in determining the existence of an animal control violation and in determining the abatement action required.

8.04.270 Appeals.

A. **APPEALS.** The King County board of appeals as established by Article 7 of the King County Charter is designated to hear appeals by parties aggrieved by actions of the director of the animal control authority pursuant to this chapter. The board may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the board shall be delivered to the director of the animal control authority who shall make them freely accessible to the public. All decisions and findings of the board shall be rendered to the appellant in writing with a copy to the director of the animal control authority.

B. **FORM OF APPEAL.** Any person entitled to service under Section 8.04.260B may appeal from any notice and order or any action of the director of the animal control authority under this chapter by filing at the office of the director of the animal control authority within fourteen days from the date of the service of such order, a written appeal containing:

1. A heading in the words: "Before the Board of Appeals of the County of King";
2. A caption reading: "Appeal of giving the names of all appellants participating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the animal involved in the notice and order;
4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside;
6. The signatures of all parties' names as appellants, and their official mailing addresses;
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

C. SCHEDULING AND NOTICING APPEAL. The board of appeals shall set a time and place, not more than thirty days from such notice of appeal for hearing thereon. Written notice of the time and place of hearing shall be given at least ten days prior to the date of the hearing to each appellant by the manager-clerk of the board.

D. At the hearing, the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence pertinent and material to the action of the director. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered.

E. Failure of any person to file an appeal in accordance with this section shall constitute a waiver of his right to an administrative hearing.

F. Enforcement of any notice and order of the director of the animal control authority issued under this chapter shall be stayed during the pending of an appeal, except impoundment of an animal which is vicious or dangerous or cruelly treated.

Section 3. This ordinance shall take effect and be in force thirty (30) days after passage by the City Council.

Passed by the City Council this 2nd day of December, 2002, and signed in authentication of its passage this 2nd day of December, 2002.

0578-ORD
12/05/02

(SEAL)

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Jerome Roaché, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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