



TO: T.C. Broadnax, City Manager
FROM: Donald L. Ramsdell, Police Chief, Police Department
COPY: City Council and City Clerk
SUBJECT: Proposed Amendments to Chapter 17 of the Municipal Code, related to Animal Control – December 9, 2014
DATE: December 3, 2014

SUMMARY:

An ordinance amending Chapter 17 of the Municipal Code, relating to Animal Control, to clarify the definition of animal shelter, eliminate a \$100 appeal fee, and include provisions on adequate care of animals.

COUNCIL SPONSORS:

Mayor Strickland, Deputy Mayor Woodards, and Council Members Campbell and Lonergan.

STRATEGIC POLICY PRIORITY:

The changes to provisions in the TMC specifically addressing adequate care of animals best aligns with the strategic policy priority below:

- Foster neighborhood, community, and economic development vitality and sustainability.

BACKGROUND:

Chapter 17 of the Tacoma Municipal Code regarding Animal Control does not specify the standards of care for an animal. Several constituents have requested enhanced revisions to the current Animal Control Code to include provisions on adequate standards of care for animals. Such standards would ensure that animals are provided with food, clean water, and shelter.

ISSUE:

The current language does not reflect the standard of care needed for animals within the City limits. The proposed language will address the need and was developed by the Tacoma Police Department, Animal Care and Control and concerned residents to enhance animal welfare in the City.

Under the Code, a pet owner, dog owners are is currently charged a fee of \$100 to object to appeal a declaration that his or her dog is dangerous or potentially dangerous or to appeal a finding that he or she is a problem pet owner. Eliminating this fee will bring the code in compliance with a court decision holding that charging a fee to obtain review of a dangerous dog declaration violates the dog owner’s due process rights (Downey v. Pierce County, 165 Wn. App. 152, 267 P.3d 445 (2011)). Since the ruling in 2011, the City has not collected the \$100 appeal fee.

Code currently refers alternatively to the “animal shelter” and the “shelter” and eliminating this inconsistency will make the Code more easily understood.

ALTERNATIVES:

If the code changes are not adopted, the existing code will continue to be enforced

RECOMMENDATION:

Staff recommends that the Council approve the proposed amendments to Chapter 17 of the Municipal Code



FISCAL IMPACT:

The removal of the fee will be incorporated in the Amended Fee Schedule as part of the 2015-2016 Biennial Budget Process.