

**ORDINANCE NO. 1643**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to the City's Criminal Code and animals left unattended or confined in motor vehicles or enclosed spaces; and amending DMMC 9.16.010 by adopting RCW 16.52.340 by reference.

**WHEREAS**, the City of Des Moines previously adopted by reference certain sections of chapter 16.52 RCW, entitled Prevention Of Cruelty to Animals, and

**WHEREAS**, the state legislature amended chapter 16.52 RCW to add RCW 16.52.340, entitled "Leave or confine any animal in unattended motor vehicle or enclosed space—Class 2 civil infraction—Officers' authority to reasonably remove animal" in 2015, and

**WHEREAS**, by enacting Draft Ordinance No. 16-001, the state law will be incorporated by reference into the Des Moines Municipal Code and any violation of the law can be pursued in the Des Moines Municipal Court, and

**WHEREAS**, chapter 16.52 RCW has been filed in the office of the City Clerk for examination by the public during the time this Ordinance has been under consideration by the Council prior to adoption as required by RCW 35A.12.140, and

**WHEREAS**, the City Council finds that it is in the best interest of the public health, safety, and general welfare to establish comprehensive, uniform, and current provisions for the City's Criminal Code and to adopt RCW 16.52.340 by reference; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** DMMC 9.16.010 and section 15 of Ordinance No. 1036 as amended by section 1 of Ordinance No. 1145 as amended by section 14 of Ordinance No. 1604 is amended to read as follows:

**State provisions adopted.**

The following state statutes are adopted by reference and are applicable within the City:

**RCW**

- 9.08.030 False certificate of registration of animals - False representation as to breed.
- 9.08.065 Definitions.
- 9.08.070 Pet animals - Taking, concealing, injuring, killing, etc. - Penalty.
- 16.52.011 Definitions - Principles of liability.
- 16.52.015 Enforcement - Law enforcement agencies and animal care and control agencies.
- 16.52.080 Transporting or confining in unsafe manner - Penalty.
- 16.52.085 Removal of animals for feeding and care - Examination - Notice - Euthanasia.
- 16.52.090 Docking horses - Misdemeanor.
- 16.52.095 Cutting ears - Misdemeanor.
- 16.52.100 Confinement without food and water - Intervention by others.
- 16.52.110 Old or diseased animals at large.
- 16.52.165 Punishment - Conviction of misdemeanor.
- 16.52.180 Limitations on application of chapter.
- 16.52.185 Exclusions from chapter.
- 16.52.190 Poisoning animals - Penalty.
- 16.52.193 Poisoning animals - Strychnine sales - Records - Report on suspected purchases.
- 16.52.200 Sentences - Forfeiture of animals - Liability for costs - Penalty - Education, counseling.
- 16.52.207 Animal cruelty in the second degree - Penalty.
- 16.52.210 Destruction of animal by law enforcement officer - Immunity from liability.
- 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.

**Sec. 2. Severability - Construction.**

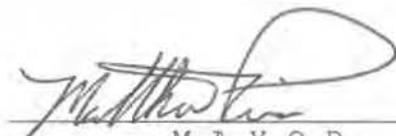
(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction,

such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 3. Effective date.** This Ordinance shall take effect and be in full force thirty (30) days after its final passage by the Des Moines City Council in accordance to law.

**PASSED BY** the City Council of the City of Des Moines this 25th day of February, 2016 and signed in authentication thereof this 25th day of February, 2016.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Effective Date: March 26, 2016

Published: March 1, 2016

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1643, Adopted February 25, 2016.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the City's Criminal Code and animals left unattended or confined in motor vehicles or enclosed spaces; and amends DMMC 9.16.010 by adopting RCW 16.52.340 by reference.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins  
City Clerk

Published: March 1, 2016