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12/17/02

ORDINANCE NO. 3435

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS CITY CODE CHAPTER 5.05 IN ORDER TO ENACT PROVISIONS OF AN INITIATIVE AMENDMENT FORWARDED TO THE CITY COUNCIL, CLARIFYING THE COUNCIL'S INTENT UPON ADOPTION OF SUCH ORDINANCE, ENACTING SECTION 3 OF THE INITIATIVE WHILE RESERVING COUNCIL POWERS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, an initiative petition entitled **Protect Edmonds' Pets** has been presented to the Edmonds City Council; and

WHEREAS, said initiative petition has been certified as having the requisite number of voters' signatures; and

WHEREAS, the City Council has the option to adopt the matter or place it on the ballot, and

WHEREAS, the petition is significantly flawed in that it contains extensive administrative provisions and purports to exercise the City Council's legislative power of appropriation and the budget, and

WHEREAS, the City Council finds that given existing budget limitations and severe limitations on the City's revenues, the expenditure of monies to put this matter before the ballot would be a significant waste of fifty to sixty thousand dollars of the City's limited revenue and that resort to the judiciary to strike down obviously flawed sections of the initiative would result in a total of potentially one hundred thousand dollars or more of public expenditures, and

WHEREAS, the Council finds that the subject of the initiative, the spaying of stray dogs and cats prior to adoption from the City's animal control system, is at the core of the initiative and a matter of important community concern, and

WHEREAS, the City Council intends to pass the initiative, reserving its right to amend administrative provisions which are not in conformance with state law, and clearly reserving to the City Council, and the City Council alone, the right to appropriate funds through the annual budget process, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Chapter 5.05 of the Edmonds City Code is hereby amended by the addition of a new section 5.05.127.1 relating to the spaying and neutering of owner-surrendered and stray animals, to read as follows:

5.05.127.1 Spay or neuter of owner-surrendered and stray animals required.

A. Stray dogs and cats at least two months of age from the City's animal control service area that are placed at and retained by the City designated shelter, and dogs and cats owned by citizens residing within the City's animal control service area that are surrendered at the City's designated shelter, shall be spayed or neutered, and verification of said surgery shall be provided before animals are adopted.

B. The City's designated veterinarian(s) shall determine if said animals are appropriate candidates for surgery. Dogs and cats determined by the City's designated veterinarian to be permanently inappropriate candidates for surgery may be adopted without surgery. Dogs and cats at least two months of age who are determined to be temporarily inappropriate candidates for surgery, and dogs and cats under two months of age, may be adopted without surgery, providing that the City's designated shelter shall collect and hold in trust for the City of Edmonds a \$50.00 deposit from the adopter. Said deposit shall be returned to the adopter upon receipt of written verification that the animal has been spayed or neutered within six months of adoption. If the spay or neuter

surgery is performed by a City designated veterinarian, the basic surgical costs will be paid by the City as outlined in 5.05.127.2. If the animal is determined to be a permanently inappropriate surgical candidate, the surgery will not be required. In such cases the deposit shall be returned to the adopter, upon written verification by a veterinarian of the animal's inappropriate surgical candidacy. Failure to have the animal spayed or neutered within the specified time period will result in the forfeiture of the deposit and the deposit shall be placed in the City of Edmonds Animal Benefit Fund.

Section 2. Chapter 5.05 of the Edmonds City Code is hereby amended by the addition of a new Section 5.05.127.2 relating to establishment of an animal benefit fund to read as follows:

5.05.127.2 Animal Benefit Fund established.

A. There is hereby established an Animal Benefit Fund for the purpose of financially assisting low-income City of Edmonds residents in obtaining spay or neuter services for their dogs or cats, and providing for spay and neuter services for stray dogs and cats from the City's animal control service area that are placed at and retained by the City designated shelter, and dogs and cats owned by citizens residing within the City's animal control service area that are surrendered at the City designated shelter prior to their adoption back into the community. Application may be made to the City of Edmonds Animal Benefit Fund to effectuate this purpose.

B. The City may grant a Financial Assistance voucher to a resident in the amount of \$30.00 to be applied toward the costs of obtaining spay or neuter services for an animal by the City's designated veterinarian(s); PROVIDED, that, except in cases involving the spay or neuter of owner-surrendered or stray animals that will be returned to the City's designated animal shelter, proof of the animal owner's City of Edmonds residency, as well as a statement of financial need, shall be required as a prerequisite to receiving said Financial Assistance Voucher.

C. After performing the necessary spay or neuter surgery upon an animal, the City's designated veterinarian(s) may submit an invoice to the City of Edmonds requesting reimbursement. The invoice will be paid at full cost of agreed-upon prevailing industry standards for spay and neuter services, for stray dogs and cats from the City's animal control service area that are placed at and

retained by the City designated shelter, and dogs and cats owned by citizens residing within the City's animal control service area that are surrendered at the City designated shelter.

D. After performing the necessary spay or neuter surgeries upon an animal, the City's designated veterinarian(s) may submit an invoice for \$30.00 for the Financial Assistance Voucher. For the Financial Assistance Voucher, the invoice shall be submitted with a photocopy of said voucher attached, shall be signed by a veterinarian, and shall contain the following information:

1. Identification of the animal.
2. Identification of the person requesting the spay or neuter services for the animal.
3. Identification of the specific type of spay or neuter services performed.
4. Date of performance of the spay or neuter services.

E. Within 30 days of receiving an invoice for spay or neuter services performed by the City's designated veterinarian(s) the City shall provide payment to the designated veterinarian in the amount of \$30.00 per Financial Assistance Voucher or paid at full cost of agreed upon prevailing industry standards for spay and neuter services for stray dogs and cats from the City's animal control service area that are placed at and retained by the City designated shelter, and dogs and cats owned by citizens residing within the City's animal control service area that are surrendered at the City designated shelter. Said amount shall be drawn exclusively from the City's Animal Benefit Fund.

Section 3. The sum of \$5,000 is hereby appropriated from the Council Contingency Fund No. 119 to the Animal Benefit Fund. The City's Administrative Services Director is hereby authorized to effectuate said transfer and to include such appropriation in the City's budget adjustments for the year. The City may from time to time in its sole discretion solicit and/or accept public and private donations for the Animal Benefit Fund. The City Council shall appropriate \$5,000 for each year for the Animal Benefit Fund.

Section 4. Section 3 of the initiative enacted as Section 3, above, purports to appropriate \$5,000 from Council Contingency Fund No. 119 to the Animal Benefit Fund. The City Council finds that this provision of the initiative clearly violates the provisions of Title 35A RCW, which delegates to the City Council the power of appropriation of the budget and reserves all appropriation and budgetary power delegated to the City Council by state statute. The Council also reserves the right to amend the provisions of the initiative ordinance which go into excessive administrative detail regarding the day to day administration of the animal control system. The core of the initiative relates to a requirement that owner-surrendered and stray animals be spayed or neutered prior to their adoption from the City's animal control system, and that the cost of the surgery be paid for by the City. The City Council acknowledges that principle as the core of the initiative and while enacting the initiative, reserves to itself the right to enact future amendments to the administrative provisions or matters relating solely to the legislative discussion of the City Council.

Section 5. Effective Date. This is a matter delegated to the City Council not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	12/17/2002
PASSED BY THE CITY COUNCIL:	12/17/2002
PUBLISHED:	12/25/2002
EFFECTIVE DATE:	12/30/2002
ORDINANCE NO. <u>3435</u>	

SUMMARY OF ORDINANCE NO. 3435

of the City of Edmonds, Washington

On the 17th day of December, 2002, the City Council of the City of Edmonds, passed Ordinance No. 3435. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS CITY CODE CHAPTER 5.05 IN ORDER TO ENACT PROVISIONS OF AN INITIATIVE AMENDMENT FORWARDED TO THE CITY COUNCIL, CLARIFYING THE COUNCIL'S INTENT UPON ADOPTION OF SUCH ORDINANCE, ENACTING SECTION 3 OF THE INITIATIVE WHILE RESERVING COUNCIL POWERS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 18th day of December, 2002.

CITY CLERK, SANDRA S. CHASE