

ORDINANCE NO. 2011-908

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, ADDING A NEW CHAPTER 6.20 TO THE DEER PARK MUNICIPAL CODE PROHIBITING THE SALE OF ANIMALS IN THE CITY ON PROPERTY OPEN TO THE PUBLIC, CONTAINING DEFINITIONS, EXEMPTIONS, AND A PENALTY PROVISION; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City staff has studied the issue of whether animals should be permitted to be sold in public places within the City and determined that permitting this activity is not in the best interest of the public health, safety and welfare of the citizens of the City, and recommends that the City Council adopt this Ordinance; and

WHEREAS, the City Council has considered the recommendation of City staff and determined that adoption of this Ordinance promotes the public health, safety and welfare of the citizens of the City; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 6.20 is hereby added to the Deer Park Municipal Code to read as follows:

Chapter 6.20 - Sale of Animals - Prohibition and Exemptions

- 6.20.010 Prohibited activity.**
- 6.20.020 Definitions.**
- 6.20.030 Exemptions.**
- 6.20.040 Violation - Penalty.**

6.20.010 Prohibited activity.

No person shall display, sell, deliver, offer for sale, barter, auction, give away, dispose, or advertise the availability of an animal upon any public property or upon private property open to the public.

6.20.020 Definitions.

- A. For purposes of this Chapter, "public property" shall include but not be limited to all real property, streets, alleys, and other public rights-of-way owned or controlled by the City or any other governmental entity located within the City.
- B. For purposes of this Chapter, "private property open to the public" shall include but not be limited to any:
 - 1. Parking lot,
 - 2. Sidewalk,
 - 3. Vacant or empty lot, and
 - 4. Residential premises used for: yard, estate or moving sales, or other similar activities open to the public.

6.20.030 Exemptions.

This Chapter shall not apply to activity prohibited in Section 6.20.010 that occurs:

- A. On private property not open to the public;
- B. At a business or event legally licensed and permitted to engage in the sale of animals, including pet stores, kennels and animal auctions;
- C. At a farmers market approved by the City; or
- D. At or through any humane society, animal welfare society, animal control organization, breed rescue association, society for the prevention of cruelty to animals or other organizations devoted to the welfare protection and humane treatment of animals and approved by the City.

6.20.040 Violation - Penalty.

A violation of this Chapter is a civil infraction punishable pursuant to Section 1.16.020 of this Code. The third and any subsequent violation of this Chapter within a twelve-month period shall constitute a misdemeanor punishable pursuant to Section 1.16.010(B) of this Code.

Section 2. References within Section 1 of this Ordinance to provisions of the City Code shall be interpreted as references to those Code provisions as the same exist now or as they may hereafter be amended.

Section 3. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 4. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

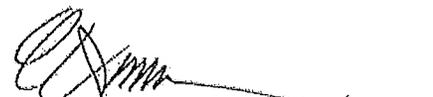
APPROVED:


MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:


DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: 
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK
PASSED BY THE CITY COUNCIL
PUBLISHED
EFFECTIVE DATE
ORDINANCE NO.

: July 20, 2011
: September 21, 2011
: September 23, 2011
: September 28, 2011
: 2011-908

SUMMARY OF ORDINANCE NO. 2011-908

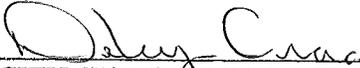
of the City of Deer Park, Washington

On the 21 day of September, 2011, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2011-908. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, ADDING A NEW CHAPTER 6.20 TO THE DEER PARK MUNICIPAL CODE PROHIBITING THE SALE OF ANIMALS IN THE CITY ON PROPERTY OPEN TO THE PUBLIC, CONTAINING DEFINITIONS, EXEMPTIONS, AND A PENALTY PROVISION; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

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

DATED this 22 day of September, 2011.


CITY CLERK-TREASURER, DEBY CRAGUN