

Ordinance No. 00299

[Council meeting minutes of Jan 21 2003](#)

ORDINANCE NO. 299

AN ORDINANCE of the City Council of the City of Lakewood, Washington amending Section 6.04.091 relating to animal control ? Noise Nuisance ? Notice.

WHEREAS, in order to address the animal control issue of noise nuisance in the City of Lakewood, the City has created an Administrative Hearings process; and,

WHEREAS, this process requires a preliminary hearing prior to a hearing before the Hearings Examiner; and,

WHEREAS, this preliminary hearing does not add value to the administrative process for either party.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1. That Section 6.04.091 of the Lakewood Municipal Code is amended to read as follows:

6.04.091 Noise Nuisance - Notice.

A. If the noise nuisance complaint (per Section 6.04.090 of the City Code) is not corrected within a reasonable time period, an animal control officer may declare there to be an animal noise nuisance, and the animal control officer shall cause the animal owner or other person responsible for the animal to be served with a written Notice of Animal Noise Nuisance. The Notice of Animal Noise Nuisance shall include the following:

1. The description of the animal(s) involved.
2. The name(s) and address(es) of the owner(s) or other person(s) responsible for the animal(s).
3. The facts and circumstances upon which the declaration of animal noise nuisance is based.
4. The availability of a hearing, including the process set forth hereinbelow.
5. Any restrictions on the animal(s).

B. If the owner(s) or other person(s) responsible for the animal(s) wish to object to the declaration of animal noise nuisance, the owner(s) or other person(s) responsible for the animal(s) shall comply with the following:

1. The owner(s) or other person(s) responsible for the animal(s) shall, within fourteen (14) calendar days after receipt of the written Notice of Animal Noise Nuisance, request a hearing before the ~~Director of the animal control agency or designee~~ Hearings Examiner and pay a hearing fee of ~~\$250.00~~ 125.00.
2. At such hearing, the other person(s) responsible for the animal(s) shall have the opportunity to present evidence, facts and argument to refute the evidence, facts and argument submitted in support of the declaration of animal noise nuisance.
3. If the ~~Director of the animal control agency or designee~~ Hearings Examiner determines that there are insufficient facts to support the declaration of animal noise nuisance, the declaration of animal noise nuisance shall be rescinded and any restrictions shall be removed.
4. If the ~~Director of the animal control agency or designee~~ Hearings Examiner determines that there are sufficient facts to

support the declaration of animal noise nuisance, this decision is considered to be a final decision OF THE City of Lakewood for purpose of any further appeal. the owner(s) or other person(s) responsible for the animal(s) may appeal the decision to the Hearing Examiner of the City of Lakewood by filing a Notice of Appeal within fourteen (14) calendar days after receipt of the decision of the Director of the animal control agency or designee, and payment of an appeal fee in the amount of \$75.00 therewith.

E. During the pendency of any such hearings or appeals, any restrictions included in the Notice of Animal Noise Nuisance, including confinement, shall remain in effect.

Section 2. That if any section, sentence, clause or phrase of this Ordinance should 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 3. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 21st day of January, 2003.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney