

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON

NOTICE OF PUBLIC HEARING AND]
PROPOSED ACTION FOR ORDINANCE 1275,]
WHICH WOULD AMEND CHAPTER 6.05]
("ANIMALS") OF LEWIS COUNTY CODE]

RESOLUTION NO. 17- 145

WHEREAS, notice is given that the Lewis County Board of County Commissioners (BOCC) will hold a public meeting in the Commissioners' Hearing Room at 351 N.W. North Street, Chehalis, Washington, at or after 10 a.m. June 19, 2017; and

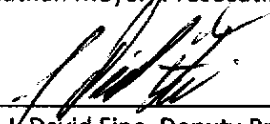
WHEREAS, the purpose of the public hearing is to take public testimony or written comment concerning Ordinance 1275, which would amend Chapter 6.05 ("Animals") of Lewis County Code, providing a right of appeal to a court of law from an administrative determination made pursuant to the provisions of the Lewis County Code that an animal is dangerous and that therefore it should be euthanized;

NOW THEREFORE BE IT RESOLVED that at or after 10 a.m. June 19, 2017, in the Commissioners' Hearing Room on the second floor of the Historic Courthouse in Chehalis, Washington, has been fixed by the BOCC as the time and place for the hearing for Ordinance 1275.

BE IT FURTHER RESOLVED that the Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, postings, and publications as required by law.

Passed in regular session this 5th day of June 2017.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

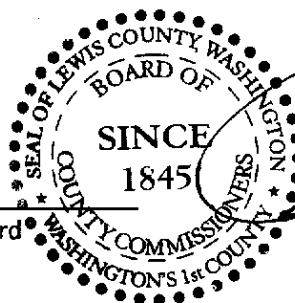

By: J. David Fine, Deputy Prosecutor

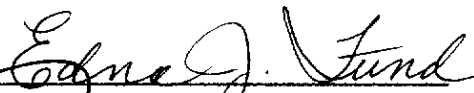
BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

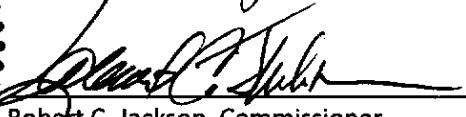

Gary Stamper, Chair

ATTEST:


Rieva Lester, Clerk of the Board




Edna J. Fund, Vice Chair


Robert C. Jackson, Commissioner

Lewis County
Summary of Proposed Ordinance

Lewis County hereby gives notice that Ordinance 1275, An Ordinance to Amend Chapter 6.05, "Animals," of the Lewis County Code, shall be the subject of a public hearing before the Board of County Commissioners at 10:00 a.m. on Monday, June 19, 2017, at the Historic Courthouse in Chehalis. It may then be enacted immediately at the conclusion thereof. The Ordinance if adopted will add a new section 6.05.155 to Chapter 6.05. The full text of the proposed Ordinance will be mailed to any person, upon request directed to the Clerk of the Board of County Commissioners, tel. 740-1120.

Section 6.05.155 will provide as follows: (1) Any person claiming an interest in an animal which has been declared dangerous by Lewis County may appeal that determination to District Court. (2) The Court then shall determine whether the animal is dangerous or not. (3) The Court will make its decision whether or not the animal is dangerous as of the date of the District Court's hearing. (4) If the animal found not to be dangerous, then Court shall order that it not be destroyed. (5) The Court will adjudicate upon any competing claims to ownership of the animal. (6) If the animal is found by the Court to be dangerous it shall be humanely destroyed. (7) Each party shall bear its own expenses in any such court action. (8) The new section shall apply retrospectively in certain instances. (9) A severability clause is included in the new section.

Published by instruction of the Lewis County Prosecuting Attorney's Office, Civil Division, 345 West Main Street, Chehalis.

ORDINANCE 1275

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**AN ORDINANCE TO AMEND CHAPTER 6.05, "ANIMALS,")
OF THE LEWIS COUNTY CODE, AND TO ADD A FURTHER)
RIGHT OF APPEAL THERETO)**

WHEREAS the public interest is best served by providing a right of appeal to a court of law from an administrative determination made pursuant to the provisions of the Lewis County Code that an animal is dangerous and that therefore it should be euthanized.

NOW THEREFORE the Lewis County Board of County Commissioners hereby ordains that Lewis County Code Chapter 6.05, "Animals," be amended as follows, effective immediately:

SECTION 1: Add the following new section 6.05.155 immediately following the present section 6.05.150:

6.05.155 Judicial removal of dangerous animal designation.

(1) Any person claiming an interest in an animal which has been designated as a dangerous animal pursuant to the provisions of this Chapter may file an action in the District Court of Washington for Lewis County seeking an order rescinding that designation.

(a) The District Court is requested to hear any action brought pursuant to this Section on an expedited basis.

(b) Such an action may not be brought prior to the expiration of the period in which to bring an appeal pursuant to Sections 6.05.150 of this Code. Failure to bring such an appeal shall not bar any person from instituting a proceeding pursuant to this Section 6.55.155.

(c) Lewis County shall be named as the Defendant in such an action.

Any person whom the Plaintiff knows to claim an interest in the animal also shall be named as a Defendant.

(a) If the Court rules that the animal is not a dangerous animal, then the Court shall issue an order rescinding Lewis County's designation of it as a dangerous animal. A copy of that order shall be transmitted by the Clerk of the District Court to the County's Director of Health and Social Services, who shall supplement the County's records accordingly.

(4) If the Court finds that the animal is not a dangerous animal, then the Court shall order the County not to destroy it.

(5) If the Court finds the animal is not a dangerous animal, then the Court shall order:

(a) that the animal –

(i) be the property of the Plaintiff, and

(ii) be placed by Lewis County into the care and custody of the Plaintiff.

(b) If more than one party (whether a party plaintiff or a party defendant) claims an interest in the animal, then the Court shall adjudicate upon such claims and determine which party shall be awarded ownership of the animal. The Court may make such determination *ex aequo et bono*.

(6) If the Court rules that the animal is a dangerous animal, then the Court shall order that it be humanely destroyed by Lewis County. In that event the animal shall be humanely destroyed no later than the second business days following the date of service of the Court's Order upon the County.

(7) In any action pursuant to this Section each party shall bear its own costs, disbursements, and attorney fees.

(8) This section shall apply retrospectively to all animals which have been designated as dangerous animals and which are in the possession of Lewis County's Animal Shelter on the date of its enactment.