



*Home of the Tualatin River National Wildlife Refuge*

## ORDINANCE 2019-008

### ADOPTING CHAPTER 6.08 OF THE SHERWOOD MUNICIPAL CODE REGARDING ANIMAL ENDANGERMENT AND DECLARING AN EMERGENCY

**WHEREAS**, the Sherwood Police Department has identified animals dangerously confined to motor vehicles to be a pressing City issue; and

**WHEREAS**, this issue is currently not addressed in the City's municipal code; and

**WHEREAS**, based on these concerns and a comprehensive review of the code language of neighboring cities and counties, staff prepared a proposed additional Chapter 6.08 of the Sherwood Municipal Code to address this issue; and

**WHEREAS**, City Council held a public hearing on this Ordinance on August 6, 2019; and

**WHEREAS**, it appears to City Council that adoption of the proposed additional Chapter is necessary and appropriate; and

**WHEREAS**, it further appears to City Council that, due to summer temperatures, it is necessary and appropriate to adopt this Ordinance after a single hearing, in accordance with Section 16(a)(3) of the Sherwood City Charter, and on an emergency basis, in accordance with Section 17 of the Charter.

### **NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

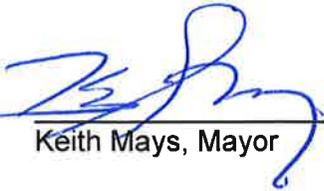
**Section 1. Findings.** After full and due consideration, the City Council finds that a new Chapter 6.08 of the Sherwood Municipal Code should be enacted as set forth in Exhibit A, attached hereto.

**Section 2. Approval.** The proposed addition of Chapter 6.08 to the Sherwood Municipal Code identified in Exhibit A is hereby **APPROVED**.

**Section 3. Manager Authorized.** The City Manager is hereby directed and authorized to adopt rules and to take such other actions as may be necessary to implement this Ordinance, including necessary updates to the Municipal Code.

**Section 4. Emergency Declared; Effective Date.** Based on the urgency of addressing the issue of animals confined to vehicles in dangerous heat during the summer months, the City Council hereby declares an emergency pursuant to Section 17 of the Sherwood City Charter. To preserve the peace, health, and safety of the City, this Ordinance shall be effective immediately from the date of its approval and adoption by the City Council and the Mayor.

Duly passed by the City Council this 6<sup>th</sup> day of August, 2019.

  
Keith Mays, Mayor

8/6/19  
Date

Attest:

  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Griffin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosener	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Exhibit A

### Chapter 6.08 – Animal Endangerment

#### 6.08.010 – Definitions.

*Animal* means any nonhuman mammal, bird, reptile, amphibian, or fish.

*Animal shelter* means the Washington County Bonnie L. Hays Animal Shelter, or any licensed non-profit organization that keeps, houses, and maintains in its custody ten or more animals.

*Emergency veterinary clinic* means a business, government, or non-profit organization maintained and operated by, or which employs, a licensed veterinarian for surgery, diagnosis, or treatment of animal diseases and injuries, and may include an animal shelter that meets these requirements.

*Law enforcement officer* means any officer, whether sworn or unsworn, of the Sherwood Police Department.

*Owner* means any person who is the licensed owner of an animal or who has any ownership right in an animal.

*Physical injury* means physical trauma, impairment of physical condition, or substantial pain.

#### 6.08.020 – Animals confined in or on motor vehicles

1. No animal shall be left unattended within or on a motor vehicle at any location under such conditions as may endanger the health, safety, or well-being of the animal, including but not limited to a dangerous temperature, a lack of food or water for an extended period of time, or confinement with a dangerous animal.
2. If a law enforcement officer has probable cause to believe that an animal that is in or on a motor vehicle is at risk of physical injury, then the law enforcement officer may, in any manner authorized by law, enter the motor vehicle by any reasonable method to provide the animal with food, water, and emergency medical treatment, and may impound the animal under SMC 6.08.040.
3. Violation of subsection 1 of this section is a Class B violation.

#### 6.08.030 – Officer exemption from liability.

No law enforcement officer shall be held criminally or civilly liable for any action taken in enforcement of this chapter, provided that the officer acts lawfully, in good faith, and without malice.

#### 6.08.040 – Officer impoundment of animals.

1. An animal is considered impounded from the time the City takes physical custody of the animal.
2. If an animal is impounded under this chapter, the law enforcement officer shall provide the animal with food, water, and emergency medical treatment as he or she deems is necessary and appropriate. If the animal is in need of medical treatment beyond the law enforcement officer's

capabilities, he or she shall transport the impounded animal to an emergency veterinary clinic to receive treatment. The impounded animal shall subsequently be transported to, and held by, an animal shelter.

3. If an animal is impounded under SMC 6.08.020(2) and, after reasonable effort, the owner or person having custody of the animal cannot be found and notified of the impoundment, written notice of the impoundment shall be conspicuously posted on the motor vehicle.
4. Within 72 hours after the impoundment, notice of the impoundment shall be sent by certified mail to the address, if any, of the registered owner of the animal as reflected in the records of Washington County, and the registered owner of the vehicle in or on which the animal was found.
5. Any notice of impoundment required under this section shall include: the impounding officer's name, the reason for the impoundment, the animal shelter's contact information and hours of operation, and the animal shelter's time period for redemption of the animal.

**6.08.050 – Redemption of impounded animals.**

1. The owner of the animal or their designee may redeem an animal impounded under this chapter by:
  - a. Providing appropriate identification as determined by the animal shelter at which the animal is held; and
  - b. Paying the reasonable fees required by the animal shelter.
2. Animals not redeemed within the time period for redemption set by the animal shelter at which the animal is held become the property of the animal shelter and may be euthanized, transferred, or adopted to any person, in the sole discretion of the animal shelter.
3. Any animal owner who fails to redeem their animal within the time period set by the animal shelter at which the animal is held shall be liable to the animal shelter for all required fees and charges incurred from the date of impoundment until disposition of the animal under subsection (2) above.