

**CITY OF CHENEY
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. W-26**

**AN ORDINANCE OF THE CITY OF CHENEY, WASHINGTON, REPEALING
CHAPTER 7.20 OF THE MUNICIPAL CODE, ENTITLED "DOGS AND CATS" AND
ADOPTING BY REFERENCE SPOKANE COUNTY CODE CHAPTER 5.04 ENTITLED
"DOGS AND CATS" AND CHAPTER 5.12 ENTITLED "INHERENTLY DANGEROUS
MAMMALS/REPTILES" AS THE ANIMAL CONTROL REGULATIONS OF THE
CITY.**

WHEREAS, the City of Cheney ("**City**") finds and declares it is necessary to regulate dog and cats in the City;

WHEREAS, the City of Cheney through Interlocal Agreement with Spokane County has provided for the licensing, control and impoundment of dogs, cats, mammals and reptiles within the corporate limits of the City;

WHEREAS, the Interlocal Agreement provides as follows

[The] CITY shall adopt and keep current by appropriate legislative actions, an (i) Animal Control Ordinance; and (ii) Inherently Dangerous Mammals/Reptiles Ordinance substantially identical to those adopted by COUNTY as they presently exist or as they may hereinafter be modified/amended, to include all fees/penalties. This responsibility shall not be deemed a restriction upon the CITY'S legislative power. COUNTY'S ordinances are respectively codified as Chapter 5.04 of the Spokane County Code and Chapter 5.12 of the Spokane County Code.

COUNTY shall provide CITY with a copy of Chapter 5.04 and Chapter 5.12 of the Spokane County Code and all subsequent modifications/amendments thereto. CITY shall provide COUNTY with copies of its adopted/amended Ordinances substantially identical to Chapters 5.04 and 5.12 of the Spokane County Code; and

WHEREAS, to comply with the above agreement, the City desires to repeal the existing CMC 7.20 and adopt the SCC Chapters 5.04 and 5.12, as periodically amended.

NOW, THEREFORE, the City Council of the City of Cheney, Washington, do ordain as follows:

Section 1. Repeal. Section 7.20 entitled "Dogs and Cats" of the Cheney Municipal Code, is hereby repealed in its entirety.

Section 1.30.030 entitled "County Code Chapter 5.12 Adopted by Reference" is repealed to conform with Section 2, below. The City Clerk is authorized to renumber Chapter 1.30, as appropriate.

Section 2. Adoption by Reference and Amendment to CMC 1.30.010. Pursuant to RCW 35A.11.020 and 35A.12.140, the City adopts by reference Chapters 5.04 (see Resolution No. 13-1198 adopted December 17, 2013) and 5.12 of the Spokane County Code, both of which are attached hereto as Exhibit A and incorporated herein by this reference as presently constituted or hereinafter amended as the animal control regulations of the City of Cheney. Unless the context requires otherwise, references to Spokane County shall be construed to mean the City of Cheney and references to County staff, unless the context indicates otherwise, shall refer to the City Administrator or designee.

This section 2 is intended to amend and replace Cheney Municipal Code 1.30.010.

Section 3. Adoption of Other Laws. To the extent that any provision of the Spokane County Code, or any other law, rule or regulation referenced in the attached Exhibit A is necessary or convenient to establish the validity, enforceability or interpretation of the Animal Control Regulations then such provision of the Spokane County Code, or other law, rule or regulation is hereby adopted by reference.

Section 4. Modification of Standards The responsibility and authority for developing recommendations for modifying and monitoring the effectiveness of the animal control regulations, shall at all times remain with the City of Cheney. The City Administration shall through the Mayor and City Administrator coordinate animal control and enforcement activities with Spokane County to promote the health, safety and welfare of the City to serve the best interest of the residents.

Section 5. Spokane County Code - Copies on File. The City Clerk shall maintain a copy animal control regulations adopted by this ordinance.

Section 6. Liability. The express intent of the City of Cheney is that the responsibility for compliance with the provisions of this ordinance shall rest with persons who own or exercise control over animals subject to this ordinance. This ordinance and its provisions are adopted with the express intent to protect the health, safety, and welfare of the general public and are not intended to protect any particular class of persons or property.

Section 7. Severability. 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 8. Effective Date. This Ordinance shall be in full force and effect thirty (30) days following passage by the City Council and publication in the official newspaper of the City as provided by law.


PASSED by the City Council this 11 day of February, 2014.

APPROVED by the Mayor this 11 day of February, 2014.



Mayor, Tom Trulove

ATTEST:



City Clerk, Cynthia L. Niemeier

Approved As To Form:



Attorney, Stanley M. Schwartz

Date of Publication: _____

Effective Date: _____