

First Reading: 2/6/18

Second Reading: 2/20/18

ORDINANCE NO.980

**AN ORDINANCE OF THE CITY OF BENTON CITY,
WASHINGTON, CREATING A NEW SECTION 6.03.165
“DOG TETHERING SAFETY STANDARDS”; AND
AMENDING SECTION 6.03.350 “PENALTY PROVISIONS”**

WHEREAS, the proper tethering of dogs will help ensure the safety and treatment of dogs; and

WHEREAS, the City of Benton City finds that its penalty provisions under Animal Control, Section 6.03.350, should be amended to properly identify the provisions governing civil violations as applicable to BCMC Chapter 6.03 “Animal Control”. NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. That a new Section 6.03.165 entitled "Dog Tethering Safety Standards" of the Benton City Municipal Code shall be and hereby is created and shall read as follows:

6.03.165 Dog Tethering Safety Standards.

- A. Any dog that is restrained outside by a tether must only be restrained for a period of time that is not reckless and in compliance with this section.
1. The dog shall not be tethered in a manner that results, or could reasonably result, in the dog becoming frequently entangled on the restraint or another object.
 2. If there are multiple dogs tethered, each dog must be on a separate tether and not secured to the same fixed point.
 3. The tether must allow the dog to sit, lie down, and stand comfortably without the restraint becoming taut and allow the dog a range of movement.
 4. A dog shall not be tethered if it is ill, suffering from a debilitating disease, injured, in distress, in the advanced stages of pregnancy, or under six months of age.

5. A tethered dog must have access to clean water and necessary shelter that is safe and protective while tethered. The shelter and water vessel must be constructed or attached in such a way that the dog cannot knock over the shelter or water vessel.
 6. A dog shall not be tethered in a manner that results in the dog being left in unsafe or unsanitary conditions or that forces the dog to stand, sit, or lie down in its own excrement or urine.
 7. A dog shall not be tethered by means of a choke, pinch, slip, halter, or prong-type collar, or by any means other than with a properly fitted buckle-type collar or harness that provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing.
 8. The weight of the tether shall not unreasonably inhibit the free movement of the dog within the area allowed by the length of the tether.
 9. The dog shall not be tethered in a manner that causes the dog injury or pain.
- B. The provisions of subsection (A)(1) through (4) of this section do not apply to a dog that is:
1. Tethered while it is receiving medical care or treatment under the supervision of a licensed veterinarian or is being groomed;
 2. Participating temporarily in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is judged or examined;
 3. Being kept temporarily at a camping or recreation area;
 4. Being cared for temporarily after having been picked up as a stray or as part of a rescue operation;
 5. Being transported in a motor vehicle or temporarily restrained or tied after being unloaded from a motor vehicle;
 6. Being trained or used by a federal, state, or local law enforcement agency or military or national guard unit; or
 7. In the physical presence of the person who owns, keeps, or controls the dog.

- C. Each incident involving a violation of this section is a separate offense. A person who violates this section is subject to the following penalties:
1. A first offense shall result in a correction warning being issued requiring the offense to be corrected by the person who owns, keeps, or controls the dog within five (5) days after the date of the warning being issued in lieu of an infraction unless the offense poses an imminent risk to the health or safety of the dog or the dog has been injured as a result of the offense.
 2. A second offense shall be a civil violation with a monetary penalty in the amount of One Hundred and Twenty-Five Dollars (\$125.00).
 3. A third or subsequent offense is a civil violation with a monetary penalty in the amount of Two-Hundred Fifty Dollars (\$250.00).

Section 2. That Section 6.03.350 entitled "Penalty Provisions" of the Benton City Municipal Code shall be and hereby is amended and shall read as follow:

6.03.350 Penalty Provisions.

- A. Except as to violations of Section 6.03.170, Crimes Against Animals, any person violating any provision of this Chapter, is guilty of a civil infraction. Any violation of Section 6.03.330 shall be subject to a civil violation as provided in RCW 16.30.060. Otherwise, each violation shall be subject to ~~a penalty~~ the provisions as set forth in Chapter 9.50.060 of this code. Unless otherwise stated, such penalty shall be subject to an increase justified by an aggravated violation, plus all costs and assessments with such penalty doubling for each repeat offense, the following respective violations:
1. Second violation within five years shall result in a double penalty.
 2. Third violation within five years shall result in a triple penalty.
 3. Four or more violations within five years shall result in a quadruple penalty.
- B. Each person is guilty of a separate offense for each and every day during any portion of which any violation of the provisions of this chapter is committed, continued or permitted by any such person and shall be punished accordingly.
- C. Court costs shall be assessed in addition to any other fine, penalty, cost or statutory assessment imposed.

- D. The City, at its election, may divert any civil infraction identified in this Chapter to be heard before the Benton City Hearing Examiner. Assessments of monetary penalties for violations of this chapter shall be assessed by the Hearing Examiner. (Ord. 841, October 2008.)

Section 3. This Ordinance shall take full force and effect five (5) days after its approval, passage, and publication as required by law.

PASSED by the City Council of the City of Benton City, Washington, and approved as provided by law this 20 day of February, 2018.



Linda Lehman, Mayor

ATTEST:



Stephanie Haug, MMC
City Clerk/Treasurer

APPROVED AS TO FORM:



Kerr Law Group
City Attorney