

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SUBSECTION 6.04.060(A) RELATING TO ANIMAL CRUELTY

WHEREAS, in 2022, Joint Animal Services Commission (JASCOM) adopted a 5-year Strategic Plan for 2022-2026; and

WHEREAS, Goal 2 of the Strategic Plan is to, "Expand and improve animal care and programming to support our community's pets and people;" and

WHEREAS, within Goal 2, the Strategic Plan identifies the following strategy, "Review, identify, and recommend changes to local ordinances that impede or limit live-saving programs and services within Thurston County;" and

WHEREAS, in alignment with Goal 2, JAS and JASCOM recommend updating language in the Olympia Municipal Code (OMC) to support the prosecution of animal cruelty. Current language only allows for the prosecution of owners in regard to cruelty and fails to include language for a person who knowingly inflicts unnecessary suffering or pain upon an animal; and

WHEREAS, the City Council wishes to enhance efforts to successfully prosecute animal cruelty and desires to amend OMC 6.04.060 for this purpose;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 6.04.060(A). Olympia Municipal Code Subsection 6.04.060(A) is hereby amended to read as follows:

6.04.060 Cruelty to animals

No person shall do the following to any animal.

A. Animal Cruelty.

1. ~~An owner~~A person is guilty of animal cruelty if the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon the animal.
2. ~~An owner of an animal~~A person is guilty of animal cruelty if the ~~owner~~person knowingly, recklessly, or with criminal negligence:
 - a. Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or
 - b. Abandons the animal.
3. If ~~an owner~~a person commits the crime of animal cruelty by using or trapping to use domestic dogs or cats as bait, prey, or targets for the purpose of training dogs or other animals to track,

fight, or hunt law enforcement officers or animal control officers shall seize and hold the animals being trained. The seized animals shall be disposed of by the court pursuant to provisions of OMC [6.04.100](#).

4. This section shall not in any way interfere with or impair the operation of any provision of Title [28B](#) RCW, relating to higher education or biomedical research.

5. Animal cruelty is a misdemeanor. It shall be an affirmative defense, if established by the defendant by a preponderance of the evidence that the defendant's failure was due to economic distress beyond the defendant's control.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance shall take effect five (5) days after passage and publication, as provided by law.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PASSED: February 13, 2023

APPROVED: February 13, 2023

PUBLISHED: February 16, 2023