

ORDINANCE NO. 406N

AN ORDINANCE OF THE TOWN OF GARFIELD, WASHINGTON, amending Ordinance No. 63-N and Garfield Municipal Code §8.06.050, and adopting Garfield Municipal Code §8.06.045, prohibiting the keeping of livestock or fowl which constitute a public nuisance, and providing a penalty therefor.

BE IT ORDAINED by the Council of the Town of Garfield as follows:

Section 1. There is hereby adopted as Garfield Municipal Code §8.06.045 the following:

“8.06.045 – Public Nuisance Prohibited - - Defined. No livestock or fowl which constitute a public nuisance shall be kept, maintained, or harbored within the Town of Garfield. For the purposes of this Section, the term “public nuisance” shall mean any livestock or fowl which:

- (a) run at large or are not otherwise restrained as required under the provisions of this chapter;**
- (b) defecates on, or damages any public property or private property (other than that of its keeper or owner); and/or**
- (c) continuously bawls, bleats, or crows in such a manner as to disturb or annoy neighbors or the public.”**

Section 2. Garfield Municipal Code §8.06.050 and those portions of Ordinance No. 63-N, §7, which are codified as Garfield Municipal Code §8.06.050, are hereby amended to read as follows:

“8.06.050 – Violations - - Penalties

A. Any keeper or owner of livestock or fowl who is convicted of violating §8.06.045 shall be fined not less than \$50.00, and the keeper or owner shall be required to take reasonable steps to abate any further public nuisance. In the event of a second conviction, the keeper or owner shall be fined at least \$100.00 and shall be required to take reasonable steps to abate any further public nuisance. In the event of a third conviction involving the same livestock or fowl, the keeper or owner shall be fined at least \$200.00, and the Court shall enter an order directing the keeper or owner to permanently remove the livestock or fowl from the Town. If the livestock or fowl is not removed from the Town within 48 hours after entry of the order, the Town may take such action as necessary to remove or destroy the livestock or fowl, wherever it may be found within the Town.

B. Any keeper or owner of livestock or fowl convicted of violating any part of this chapter other than §8.06.045 shall be subject to a fine not to exceed \$300.00.”

Section 3. This ordinance shall be in full force and effect five days after it or a summary thereof, is published in the official newspaper of the Town of Garfield as required by law.

PASSED by the Town Council and approved by the Mayor of the Town of Garfield on this 14th day of September, 2011.

APPROVED:

Jarrod Pfaff, Mayor

ATTEST: _____
Annie Pillers, Clerk-Treasurer

Approved as to form:

Stephen Bishop, Town Attorney

Passed: September 14, 2011

Published: _____

Effective date: _____