



**LACEY CITY COUNCIL
WORKSESSION
THURSDAY, JANUARY 12, 2023
6:00 P.M. – 8:00 P.M.
REMOTE AND IN PERSON**

The Lacey City Council Worksession will be conducted both remote and in person.

The public may attend the meeting in person in the Council Chambers at Lacey City Hall, 420 College Street SE, Lacey, Washington, or you may view or listen to the meeting by using one of the following platforms:

Live through Zoom: <https://us02web.zoom.us/j/82884141424>

Live or as a recording on YouTube: <https://youtu.be/KXzPX-IJlG>

Listen via telephone: (888) 788-0099 or (877) 853-5247 (Webinar ID 828 8414 1424)

The public may submit written public comments by email to publiccomment@ci.lacey.wa.us. Written comments will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the meeting; however, comments received will be added to the official record. The comment period will close at **4:00 p.m. on January 12, 2023.**

AGENDA

- 6:00 LOTT “PLANNING FOR THE FUTURE”**
MATT KENNELLY, EXECUTIVE DIRECTOR, LOTT CLEAN WATER ALLIANCE
(PRESENTATION)
- 6:30 CITY MANAGER RECRUITMENT UPDATE**
RAY CORPUZ, GMP CONSULTANTS
(PRESENTATION)
- 7:00 COMMUNITY CAT PROGRAM UPDATE**
SARAH HOCK, EXECUTIVE DIRECTOR, JOINT ANIMAL SERVICES
(STAFF REPORT)
- 7:15 2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**
SHANNON KELLEY-FONG, ASSISTANT CITY MANAGER
(STAFF REPORT)
- 7:45 CITY COUNCIL INTERGOVERNMENTAL BOARDS AND COMMITTEE ASSIGNMENTS**
MAYOR ANDY RYDER
(DISCUSSION)
- 8:00 ADJOURN**



LACEY CITY COUNCIL WORKSESSION January 12, 2023

SUBJECT: Community Cat Program and Animal Cruelty Language Updates

RECOMMENDATION: Update the City of Lacey municipal code to support the Community Cat Program and the prosecution of animal cruelty.

STAFF CONTACT: Shannon Kelley-Fong, Assistant City Manager *SKF*
Sarah Hock, Executive Director *SH*

ORIGINATED BY: Joint Animal Services and the Joint Animal Services Commission.

ATTACHMENTS: 1. [JASCOM Ordinance Recommendation Letter](#)
2. [Draft ordinance pertaining to CCP and animal cruelty.](#)

FISCAL NOTE: None

WORK PLAN GOAL AND STRATEGY: None

JAS STRATEGIC PLAN: Goal 2: Expand and improve animal care and programming support our community's pets and people.

PRIOR REVIEW: Lacey City Council Worksession - September 22, 2022

BACKGROUND: Last year, Joint Animal Services Commission (JASCOM) adopted a 5-year Strategic Plan for 2022-2026. Goal 2 of the Strategic Plan is to:

“Expand and improve animal care and programming to support our community’s pets and people.”

Within this goal, the Strategic Plan identifies the following strategy:

“2. Review, identify, and recommend changes to local ordinances that impede or limit live-saving programs and services within Thurston County.”

In alignment with this goal, JAS and JASCOM recommend updating definitions and language to the City of Lacey municipal code to support the prosecution of animal cruelty and a new program at Joint Animal Services (JAS), called the Community Cat Program (CCP).

The first recommended change, which was not previously reviewed by the City Council, pertains to cruelty to animals. Current language only allows for the prosecution of owners in regards to cruelty and fails to include language for a person who knowingly inflicts unnecessary suffering or pain upon an animal. This language closes that gap.

Language change:

7.04.052 Cruelty to animals

The provisions of this section shall apply to the various forms of cruelty to animals as set forth herein:

A. Animal Cruelty.

1. ~~An owner of an animal~~ **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 knowingly, recklessly, or with criminal negligence:

a. *Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or*

b. *Abandons the animal.*

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.

3. *If ~~an owner of~~ 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 LMC 7.04.052(E)(2).*

The second change recommended is updating definitions and language to the City of Lacey municipal code to support a new, lifesaving cat program at JAS, called the community cat program (CCP), which was previously reviewed at the September 22, 2022 Worksession.

With this program, staff will proactively work to educate the public regarding humane and responsible co-existence and care of pet and community cats, to include:

- Education on the benefits and resources for spay/neuter and vaccination;
- Responsible feeding and management practices for those choosing to care for community cats; and
- Effective methods to humanely deter and exclude animals from homes, structures and targeted areas.

JAS will be partnering with Best Friends Animal Society (Best Friends) on the implementation of the CCP across all jurisdictions in Thurston County. Specifically, Best Friends will be supporting JAS with funding and training for this program.

The following changes are being requested by JASCOM and JAS to aid in our life-saving community cat program.

Adding definitions:

7.04.030 Definitions.

Community cat means any free roaming cat that may be cared for by one or more residents in the area, known or unknown. Community cats with ears-tipped were sterilized and vaccinated against rabies at least one time. Community cats are not considered pet animals.

Community cat caregiver means a person who provides care to a community cat in the form of food, water, shelter and veterinary care, while not being considered the owner, custodian, harbinger, possessor, or keeper of a community cat.

Language change:

7.04.040 Licensing and registration requirements.

A. Failure to License ~~a Dog or Cat~~ a pet animal. Except as otherwise provided in this chapter, it is unlawful for any person to own, keep or have control of any dog or cat **considered a pet animal** in the city of Lacey unless the person has procured a license. Failure to license a pet animal is a civil infraction. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces within fourteen days of the date of issuance proof of licensing or registering of the subject dog or cat under this subsection to either the court clerk or Lacey violations bureau. The court or violations bureau at the direction of the court may assess court administrative costs of \$25.00 at the time of dismissal.

ADVANTAGES:

1. Enhances cruelty to animal prosecution efforts.
2. Community Cat Program Supports:
 - Effective population control
 - Preferred alternative to euthanasia
 - Decrease in nuisance complaints
 - Foster better relationships between local government and residents

DISADVANTAGES:

1. None foreseen.



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September 1, 2022

Mayor Ryder and Lacey City Council
City of Lacey
420 College Street SE
Lacey, WA 98503

Re: Ordinance Change to Support Live Saving Community Cat Program

Dear Mayor Ryder and Lacey City Councilmembers,

Last year, Joint Animal Services Commission (JASCOM) adopted a 5-year Strategic Plan for 2022-2026. Goal 2 of the Strategic Plan is to:

“Expand and improve animal care and programming to support our community’s pets and people.”

Within this goal, the Strategic Plan identifies the following strategy:

“2. Review, identify, and recommend changes to local ordinances that impede or limit live-saving programs and services within Thurston County.”

Under this goal and strategy, JASCOM recommends updating definitions and language to the City of Lacey municipal code to support a new, lifesaving cat program at Joint Animal Services (JAS), called the Community Cat Program (CCP).

What is a community cat and community cat program?

Community cats (sometimes referred to as “free-roaming,” “stray,” “feral” or “at-large” cats) can be found just about everywhere that people live. These outdoor, free-roaming cats live in and are cared for by the community, hence the term “community cats.” Notably, while cared for by individuals, community cats are not pets; no one individual owns a community cat. For decades, community cats have been trapped and removed in a failed attempt at population management. Using this approach, shelters have struggled with resources, staffing, and space, including JAS, to keep up with the number of cats coming in.

There are two approaches for managing community cats. Over the past century the most common approach has been the “Catch-and-Kill” which relies on an ineffective and expensive model where animal

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control officers round up cats (typically in response to nuisance complaints), attempt to adopt out the small number as appropriate, and then euthanize the remaining cats at the local animal shelter. However, the data continues to demonstrate that the catch-and-kill approach does not work to control cat populations. Cats reproduce faster than a typical animal control department can catch them, which is why more and more municipalities across the United States have adopted alternative options.

To address the failures of the catch-and-kill model, communities have increasingly turned to Trap-Neuter-Vaccinate-Return (TNVR), which has proven itself effective for managing community cat populations. TNVR is a non-lethal, decentralized technique employed by community members for managing community cats. The cats are humanely trapped, spayed or neutered by a licensed veterinarian, ear-tipped (the universal sign that they have been sterilized and vaccinated for rabies), and returned to where they were trapped. TNVR empowers the community to take action in their neighborhoods. In addition to being a more humane option, TNVR can also reduce the costs required for animal control and sheltering.

Many TNVR programs, in addition to vaccinating against rabies, also vaccinate cats against three other common viruses (feline viral rhinotracheitis, calicivirus, and panleukopenia virus) using the FVRCP vaccine. In addition, some TNVR programs will find homes for adoptable cats and kittens (when doing so is feasible and appropriate) and coordinate with designated cat caregivers who provide ongoing care (e.g., food, water, shelter, veterinary care), avoiding the costs of sheltering and care usually borne by the local government in the Catch-and-Kill model. These programs will also relocate a cat from the place it was trapped if doing so is required or in the best interest of the cat and/ or community.

Brick and mortar municipal animal shelters (and private shelters with government contracts) also commonly implement this type of programming, calling it Return-to-Field (RTF), Shelter-Neuter-Return, Shelter-Neuter-Vaccinate-Return, or some variation on these terms. The major difference between TNVR and RTF is that TNVR programs are community-based (with residents typically bringing community cats to a local clinic) whereas RTF programs are shelter-based (i.e., for community cats brought to a shelter by residents or animal control officers).

The places that have most successfully controlled their community cat populations implement and support both TNVR and RTF. Both programs operate best when the shelter and the community work hand-in-hand as partners with a shared goal.

In addition to its effectiveness at population control, communities turn to TNVR and RTF because when confronted with a choice to euthanize the majority of these cats, or to return them to the community where they have been thriving (after being vaccinated and spayed or neutered), the public will choose the latter. In two recent national surveys, respondents preferred TNVR over catch and kill by a 3-to-1 or 4-to-



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1 margin. Since many community cats are not socialized and not adoption-eligible, impounded community cats often end up being euthanized in shelters. Successfully community cat programs also lead to a dramatic decrease in nuisance complaints. Community cat programs also foster better relationships between local government and residents. This type of model is centered on the idea of community members partnering with their government agencies and partner entities to achieve a shared goal.

Given all of these positive reasons, it's no surprise that so many people prefer the community cat program approach to the Cat-and-Kill model.

Recommendations from JASCOM

Align with the Strategic Plan, JASCOM recommends updating definitions and language to the City of Lacey municipal code to support a new, lifesaving cat program at Joint Animal Services (JAS), called the community cat program.

With this program, staff will proactively work to educate the public regarding humane and responsible co-existence and care of pet and community cats, to include:

- Education on the benefits and resources for spay/neuter and vaccination;
- Responsible feeding and management practices for those choosing to care for community cats; and
- Effective methods to humanely deter and exclude animals from homes, structures and targeted areas.

JAS will be partnering with Best Friends Animal Society (Best Friends) on the implementation of the Community Cat Program across all jurisdictions in Thurston County. Specifically, Best Friends will be supporting JAS with funding and training for this program.

The following changes are being requested by JASCOM and JAS to aid in our life-saving community cat program.

Adding definitions:

7.04.030 Definitions.

Community cat means any free roaming cat that may be cared for by one or more residents in the area, known or unknown. Community cats with ears-tipped were sterilized and vaccinated against rabies at least one time. Community cats are not considered pet animals.

Community cat caregiver means a person who provides care to a community cat in the form of food, water, shelter and veterinary care, while not being considered the owner, custodian, harbinger, possessor, or keeper of a community cat.

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Language change:

7.04.040 Licensing and registration requirements.

*A. Failure to License ~~a Dog or Cat~~ a pet animal. Except as otherwise provided in this chapter, it is unlawful for any person to own, keep or have control of any dog or cat **considered a pet animal** in the city of Lacey unless the person has procured a license. Failure to license a pet animal is a civil infraction. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces within fourteen days of the date of issuance proof of licensing or registering of the subject dog or cat under this subsection to either the court clerk or Lacey violations bureau. The court or violations bureau at the direction of the court may assess court administrative costs of \$25.00 at the time of dismissal.*

JASCOM thanks you in advance for considering this reasonable and effective measure to not only benefit the community but to save the lives of community cats in the City of Lacey.

Respectfully,

Joint Animal Services Commission

Chair Lisa Parshley, City of Olympia

Vice Chair Carolina Mejia, Thurston County

Ed Kunkel, City of Lacey

Peter Agabi, City of Tumwater

Richard Blinn, Thurston County Humane Society

Jo MacGugan, Feline Friends of Olympia

ORDINANCE NO. ____

CITY OF LACEY

AN ORDINANCE RELATED TO ANIMAL SERVICES AND COMMUNITY CATS, AMENDING SECTIONS 7.04.030, 7.04.040, AND 7.04.052, ALL TO THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, Joint Animal Services has developed a new, lifesaving cat program called the “Community Cat Program;” and

WHEREAS, the Joint Animal Services Commission has recommended updating certain sections of the Lacey Municipal Code to support the Community Cat Program; and

WHEREAS, Joint Animal Services staff have identified an opportunity to update Section 7.04.052 of the Lacey municipal code to better conform to analogous state law; and

WHEREAS, the City Council finds that adoption of the proposed amendments would be in the interest of the citizens of Lacey.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. Section 7.04.030 of the Lacey Municipal Code is hereby amended as follows:

7.04.030 Definitions.

The following definitions shall apply in this chapter:

A. “Abandon” means:

1. The act of leaving a pet animal without humane care in such a way that the health or safety of the animal is imperiled, or
2. Failure to respond to notification of impoundment of an animal.

B. “Animal” means any nonhuman mammal, bird, reptile, or amphibian.

C. “Animal Services” means the agency designated to enforce this ordinance and operate a shelter facility designated or recognized by the cities of Lacey, Olympia and Tumwater and Thurston County for the purpose of impounding, caring for, placing through adoption, returning to owners and euthanizing pet animals.

D. “At large” means any pet animal that is not in the physical presence and control of an owner or keeper; provided that the following animals shall be considered at large only under the following circumstances:

1. When a dog, licensed or not, is found off the property or outside the vehicle of the owner and not under control of a person by means of a leash, carrier or demonstrated voice command wherein the person purporting to exercise control of a dog can cause the dog to immediately heel by giving an appropriate voice command; or
2. When an unleashed dog interferes with pedestrian, bicycle or vehicular movement or causes reasonable affront or alarm to a person or if injury, or damage has been caused by the dog, or trespass has occurred; or
3. When a cat, licensed or not, is on property where the property owner or tenant objects to the presence of the cat and has humanely trapped or otherwise contained the cat.

E. “Cattery” means an establishment kept for the purpose of breeding, owning, selling, or boarding of cats, and having current certification by a nationally recognized cattery registration group that formulates and applies their own standards for appropriate care, such as Cat Fanciers Association, the American Cat Fanciers Association, the International Cat Association, or the United Feline Organization.

F. “Community Cat” means any free roaming cat that may be cared for by one or more residents in the area, known or unknown. Community cats with ears-tipped were sterilized and vaccinated against rabies at least one time. Community cats are not considered pet animals.

G. “Community cat caregiver” means a person who provides care to a community cat in the form of food, water, shelter and veterinary care, while not being considered the owner, custodian, harbinger, possessor, or keeper of a community cat.

~~F~~H. “Dangerous Dog” means a dog that according to the records of Animal Services has committed serious offenses as more fully set forth in LMC 7.04.070.

~~G~~I. “Director” means the Director of Animal Services or his/her designee.

~~H~~J. “Domestic animal” means an animal other than a pet animal which may or may not be used as a food source such as, but not limited to, a rabbit, chicken, goat, sheep, cow or horse.

IK. “Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.

JL. “Exotic animal” means an animal, such as, but not limited to, venomous or constrictor type reptiles, or primates.

KM. “Feral” means a wild animal, or a domestic animal that is wild.

LN. “Harbors, keeps, possesses, or maintains a pet animal” means providing care, shelter, protection, refuge, food, or nourishment in such manner as to influence the behavior of the animal; or, treating the animal as living at one’s property.

MO. “Humane care” means care of an animal that includes providing necessary food, water, shelter, rest, sanitation, ventilation, space and medical attention in a way that the health and safety of the animal is not imperiled.

NP. “Impound” means to seize or take control of any animal pursuant to the terms of this chapter, whether by an Animal Services officer, a police officer, or other commissioned person, for purposes of impoundment and further administrative or judicial action. This includes animals brought to the shelter by members of the general public.

OQ. “Kennel” means a place where adult dogs or cats are kept by persons providing facilities for breeding and the offspring thereof are sold for profit, or where such dogs or cats are received for care, training and boarding for compensation, but not including a small animal hospital, clinic or pet shop. An adult dog or cat is one of either sex, altered, or unaltered, that has reached the age of six months.

PR. “Leash” means a cord, thong or chain by which a dog is controlled by the person accompanying it.

QS. “License” means the dog, cat or other pet animal license issued for registration and identification.

RT. “Menacing” means when an animal engages in threatening behavior on public or private property which is not the property of the animal’s owner and which reasonably places a person in fear of immediate physical harm to him or herself or to an animal under the immediate control of such person. Such behavior shall include but is not limited to growling, snarling, barking, snapping of teeth or any other behavior that restricts or controls a person’s movements.

SU. “Necessary food” means the provision at suitable intervals of wholesome foodstuff suitable for the animal’s age and species and sufficient to provide a reasonable level of nutrition for the animal.

¶V. “Nuisance pet animal” means a pet animal that:

1. Damages or destroys landscaping or property of another person, including destruction of wildlife that has been purposefully attracted to the person’s property, or
2. Soils or defecates on public or private property other than the owner’s, unless such waste is immediately removed and properly disposed of by the owner of the pet animal, or
3. Causes unsanitary, dangerous, or offensive conditions, or
4. Is a female dog or cat in heat not confined within a structure to prevent access of male dogs or cats except for planned breeding, or
5. Chases people including but not limited to cyclists or vehicles, or molests or interferes with persons or other animals on public or private property, other than the owner’s property, or
6. Habitually or continually disturbs the peace and quiet of any individual or neighborhood by barking, whining, howling or making any other noise; or
7. Trespasses on private property and the property owner or tenant supplies a written complaint to Animal Services, and, in the case of a cat, physically contains the cat.

¶W. “Officer” means any Animal Services officer, police officer, or other commissioned person designated by the city of Lacey to issue citations, pick up, restrain, impound, place, or dispose of animals or give notice for any other acts, duties or functions prescribed by this chapter or other chapters relating to pet animals.

¶X. “Owner” means any person who has a right, claim, title, legal share or right of possession to an animal or who harbors, keeps, possesses or maintains a pet animal, or who encourages a pet animal to remain about their property or premises for a period of fourteen consecutive days or more, or the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under eighteen years of age shall be deemed the owner for the purposes of this chapter.

¶Y. “Pet animal” means any species of animal sold or retained for the purpose of being kept for pleasure, companionship or utilitarian purposes and not kept as a food source.

¶Z. “Potentially dangerous dog” means a dog that according to the records of Animal Services has committed serious offenses as more fully set forth in LMC 7.04.070.

¶AA. “Quarantine” means to maintain an animal within a structure so that it cannot approach or be approached by humans or other animals outside the owner’s immediate family.

¶BZ. “Restrained” means secured by a leash and under physical control of a person with the

strength and judgment to handle the animal, or tethered to a stationary object which keeps the animal confined to the pet owner's property or premises.

~~AACC~~. "Severe injury" means any physical injury that results in broken bones or lacerations requiring sutures or cosmetic surgery.

~~BBDD~~. "Sterilized" means the animal is surgically rendered incapable of reproduction by means of castration or an ovariohysterectomy.

~~CCCE~~. "Stray animal" means a domestic or pet animal at large.

~~DDFF~~. "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110, incorporated herein by reference.

Section 2. Section 7.04.040 of the Lacey Municipal Code is hereby amended as follows:

7.04.040 Licensing and registration requirements.

A. Failure to License a ~~Dog or Cat~~ pet animal. Except as otherwise provided in this chapter, it is unlawful for any person to own, keep or have control of any dog or cat considered a pet animal in the city of Lacey unless the person has procured a license. Failure to license a pet animal is a civil infraction. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces within fourteen days of the date of issuance proof of licensing or registering of the subject dog or cat under this subsection to either the court clerk or Lacey violations bureau. The court or violations bureau at the direction of the court may assess court administrative costs of \$25.00 at the time of dismissal.

B. Issuance of License Tag. Animal services or agents thereof shall provide an appropriate identification tag for each dog or cat licensed to persons applying, upon payment of the appropriate license fee. It shall be the responsibility of the owner of a dog to keep a collar or harness on the animal with the license tag attached if the animal is off the owner's property. For cats only, a microchip may substitute if a collar is considered a hazard.

C. Supplemental Identification. Tattooing or microchip implantation are acceptable auxiliary means of identification but do not replace the license.

D. Lack of Authorized and Current Tag. A dog or cat without an authorized and current license tag may be impounded, except as otherwise set forth in this chapter.

E. Annual License Fees. License fees shall be adopted by reference as established annually by the joint animal services commission (JASCOM).

F. Date Due. All licenses granted under this chapter shall be valid for one year. All renewed licenses shall be valid for a period of twelve months following their assigned renewal date, and the renewal date shall be not less than twelve months subsequent to the issuance of the new license.

G. Licenses Nontransferable. Licenses shall not be transferable from one pet animal to another.

H. Tag Removal Unlawful. It is unlawful for any person to remove a tag from any dog or cat, or to obliterate any tattoo or microchip registered under this section without the permission of the owner or issuing authority other than in a medical emergency. A violation of this provision shall be a gross misdemeanor.

I. Kennel or Cattery Permit. A permit for a kennel or cattery may be granted for those land use zones where such use is not prohibited.

J. Exotic Animals. Owners of constrictor type reptiles over eight feet in length, venomous reptiles, and primates that are not otherwise prohibited, are required to comply with all state and federal laws for the keeping of such animals and annually register such animals with animal services by completing a form provided by animal services. Failure to register such animals shall be a misdemeanor and shall subject the animal to immediate impoundment.

Section 3. Section 7.04.052 of the Lacey Municipal Code is hereby amended as follows:

7.04.052 Cruelty to animals.

The provisions of this section shall apply to the various forms of cruelty to animals as set forth herein:

A. Animal Cruelty.

1. ~~An owner of an animal~~ 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 knowingly, recklessly, or with criminal negligence:

a. Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or

b. Abandons the animal.

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.

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 LMC 7.04.052(E)(2).

4. Animal cruelty is a misdemeanor.

5. Nothing in this section may prohibit the following:

a. The use of dogs in the management of livestock, as defined by Chapter 16.57 RCW, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of livestock;

b. The use of dogs in hunting as permitted by law; or

c. The training of animals or the use of equipment in the training of animals for any purpose not prohibited by law.

B. Poisoning Animals.

1. Except as provided in subsections (B)(2) and (3) of this section, a person is guilty of the crime of poisoning animals if the person intentionally or knowingly poisons an animal under circumstances which do not constitute animal cruelty in the first degree as defined in RCW 16.52.205.

2. Subsection (B)(1) of this section shall not apply to euthanizing by poison an animal in a lawful and humane manner by the animal's owner, or by a duly authorized servant or agent of the owner, or by a person acting pursuant to instructions from a duly constituted public authority.

3. Subsection (B)(1) of this section shall not apply to the reasonable use of rodent or pest poison, insecticides, fungicides, or slug bait for their intended purposes. As used in this section, the term "rodent" includes but is not limited to Columbia ground squirrels, other ground squirrels, rats, mice, gophers, rabbits, and any other rodent designated as injurious to the agricultural interests of the state as provided in Chapter 17.16 RCW. The term "pest" as used in this section includes any pest as defined in RCW 17.21.020.

4. A person violating this subsection B is guilty of a gross misdemeanor.

C. Unlawful use of a hook. A person is guilty of unlawful use of a hook if the person utilizes, or attempts to use, a hook with intent to pierce the flesh or mouth of a bird or mammal. Unlawful use of a hook is a gross misdemeanor.

D. Removal of animals for feeding, examination, notice and euthanasia.

1. If a law enforcement officer or an animal control officer has probable cause to believe that an owner of a domestic animal has violated this section and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this section without a warrant only if the animal is in an immediate life-threatening condition.

2. If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this section by a veterinarian to determine whether the level of neglect or abuse in violation of this section is sufficient to require removal of the animal.

3. Any owner whose domestic animal is removed pursuant to this section shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.

4. The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. The custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by:

a. Petitioning Thurston County District Court for the immediate return subject to court imposed conditions, or

b. Posting a bond or security in the amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to renew a bond or security for the agency's continuing costs for the animal's care.

5. If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court where the animal was removed for the animal's return.

The petition shall be filed with the court, with copies served to the law enforcement or animal services agency responsible for removing the animals and to the prosecuting authority. If the court grants the petition the agency which seized the animal must deliver the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the animal is returned, the petition shall be joined with the criminal matter.

6. In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

7. Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

E. Sentences, forfeiture of animals, liability of costs, education and counseling.

1. In the case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive.

2. In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal services under the provisions of this section if any one of the animals dies as a result of violation of this chapter or if the defendant has a prior conviction under this section. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur. If the forfeiture is ordered, the owner shall be prohibited from owning or caring for any similar animal for a period of two years.

3. In addition to the fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, Animal Services, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

4. As a condition of the sentence imposed under this chapter, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

F. Limitations and exclusions.

1. No part of this section shall be deemed to interfere with any of the law of this state known as "game laws", nor deemed to interfere with the right to destroy any venomous reptile or any animal known as dangerous to life, limb, or property, or to interfere with the right to kill animals to be used for food or with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of the faculty of some regularly incorporated college or university of the state of

Washington or a research facility registered with the United States Department of Agriculture and regulated by 7 U.S.C. Section 2131 et seq.

2. Nothing in this chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof or the use of animals in the normal and usual course of rodeo events or to the customary use or exhibiting of animals in normal and usual events at fairs as defined in RCW 15.76.120.

Section 4. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid 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 5. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this ____ day of
_____, 2023.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO _____

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on _____, Ordinance No. _____, entitled “AN ORDINANCE RELATED TO ANIMAL SERVICES AND COMMUNITY CATS, AMENDING SECTIONS 7.04.030, 7.04.040, AND 7.04.052, ALL TO THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance amends sections 7.04.030, 7.04.040, and 7.04.052 of the Lacey Municipal Code, all related to animal services.
2. The Ordinance approves this Summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: _____, 2023.



LACEY CITY COUNCIL WORKSESSION 01/12/2023

SUBJECT: 2023 Community Development Block Grant Program

RECOMMENDATION: For the 2023 Community Development Block Grant (CDBG) Program:

1. Prioritize funding for affordable housing, social services, and public facilities and infrastructure projects.
 2. Set a goal of allocating 15% of funding to public services that align with the above priorities.
-

STAFF CONTACT: Shannon Kelley-Fong, Assistant City Manager (Acting City Manager) *SKF*

ORIGINATED BY: City Manager's Department

ATTACHMENTS: None

FISCAL NOTE: Funding is anticipated to total \$1,250,000 with \$1,000,000 available for projects in Lacey

WORK PLAN GOAL AND STRATEGY: A Vibrant Place to Live, Work, & Play - (D)(14)

PRIOR REVIEW: None for 2023 CDBG funding

BACKGROUND: The Community Development Block Grant (CDBG) Entitlement Program provides annual grants on a formula basis to entitled cities and counties. CDBG funds are to develop viable urban communities by providing decent housing, a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. CDBG is authorized under Title 1 of the Housing and Community Development Act of 1974 (HCDA). The U.S. Department of Housing and Urban Development (HUD) oversees and awards grants to entitlement communities to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

Communities eligible to receive CDBG funding include:

- Principal cities of Metropolitan Statistical Areas (MSAs);
- Other metropolitan cities with populations of at least 50,000; and
- Qualified urban counties with populations of at least 200,000 (excluding the population of entitled cities).

HUD determines the amount of CDBG funding for each entitlement community using a dual formula system, which includes several measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas. CDBG communities develop their own programs and funding priorities through a Consolidated Plan and Annual Action Plan.

In brief, CDBG funds must be used for activities that meet the following requirements:

1. Funding cannot supplant existing local or state funds.
2. Projects must satisfy HUD's CDBG National Objective, meaning that a project must benefit Low-and-moderate income (LMI) persons by one of the following means:
 - a. **Area benefit:** Benefit all residents in an area where at least 51 percent are LMI populations. This is determined by census tract. Per [2023 HUD maps](#), it appears that Lacey will have a qualifying census tract in 2023, see **Figure 1** below. Within this qualified tract, CDBG eligible projects would not require additional data collection specific to meeting the CDBG National Objective. As an example, a project enhancing public infrastructure within this tract would meet this condition.

FIGURE 1: 2023 HUD MAP of 2022 and 2023 SMALL DDAs and QCTs

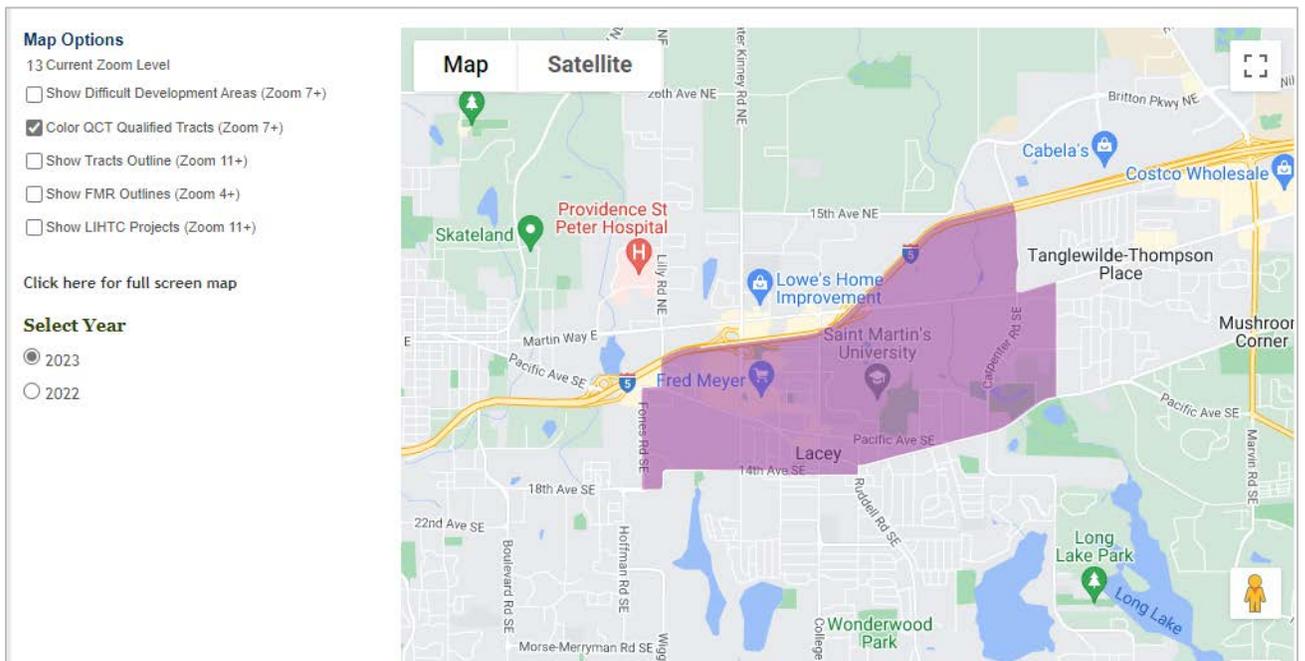


Table 1 provides a general overview of CDBG Eligible Activities.

Table 1. CDBG Eligible Activities by General Categories

General Categories	Eligible Activities
Planning, Administrative and Technical Assistance	<ul style="list-style-type: none"> • comprehensive planning and related activities; • administrative costs associated with carrying out the requirements of the program, as well as other HUD programs; • provision of technical assistance to public or nonprofit entities; • payment of the non-federal share of other federal grant programs; • development and implementation of energy conservation and use strategies.
Public works and public facilities	<ul style="list-style-type: none"> • acquisition and rehabilitation of real property that may be used for public works, open space acquisition, historic preservation, or other public purposes; • acquisition, construction, reconstruction, or installation of public works, public facilities, neighborhood facilities, senior centers, centers for the handicapped, recreation facilities, and street lights; • removal of architectural barriers to the elderly and handicapped.
Economic Development and Neighborhood Revitalization	<ul style="list-style-type: none"> • payment to for-profit entities in support of economic development; • assistance to neighborhood-based organizations, including community development corporations, in support of economic development, housing assistance; or neighborhood revitalization activities; • assistance, including loans and grants, to non-profit entities in acquiring real property, or acquiring or rehabilitating public facilities, site improvements, utilities, or commercial and industrial facilities and improvements; • micro-lending; • brownfield redevelopment; • creation of revolving loan funds.
Public Services	<ul style="list-style-type: none"> • public services (limited to no more that 15% of an entitlement community or state's annual allocation).
Housing related activities	<ul style="list-style-type: none"> • rehabilitation of housing owned and occupied by low and moderate income persons; • repair of housing units acquired through tax foreclosures; • assistance to facilitate homeownership among low- and moderate-income persons; • housing services, including counseling, in connection with the HOME program; • lead-based paint abatement.
Acquisition, demolition, and disposition of real property	<ul style="list-style-type: none"> • Acquisition of real property; • disposal of real property; • code enforcement in deteriorated or blighted areas; • clearance, demolition, and rehabilitation and renovation of privately and publicly owned buildings, including closed public schools.

Generally, the following types of activities and projects are ineligible:

- General government expenses;
- Public facilities like city halls, police stations, stadiums, exhibit halls, schools;
- Political activities;
- Certain income payments;
- New permanent residential housing construction; and
- Income payments.

Local Background of CDBG Programs. Prior to 2013, the City of Lacey (“City”) competed for CDBG funds through Washington State’s Small Cities CDBG program. In 2012, the City joined the Thurston County CDBG Urban County Consortium (“TC CDBG Consortium”) for 2013-2015. Since this initial agreement, the City has continued to participate in the TC CDBG Consortium for three additional funding cycles, 2016-2018, 2019-2021, 2022-2024. In each cycle, CDBG funding rotates every three years among the following entities:

- Thurston County (including south county communities, Tenino, Rainier, Bucoda, Yelm)
- City of Lacey
- City of Tumwater

Table 2 provides a timeline of entities receiving CDBG funding as part of the TC CDBG Consortium. The City will receive CDBG funding in 2023.

Table 2	
YEAR	Entity receiving CDBG funds
2013	Thurston County and south cities
2014	Lacey
2015	Tumwater
2016	Thurston County and south cities
2017	Lacey
2018	Tumwater
2019	Thurston County and south cities
2020	Lacey
2021	Tumwater
2022	Thurston County and south cities
2023	Lacey
2024	Tumwater

An overview of City CDBG funded projects and programs in 2014, 2017, 2020 is provided in **Table 3**.

TABLE 3				
Lacey CDBG Awards 2014, 2017, 2020				
Year	Organization	Project	Classification	Budget
2014	CYS	Rehab 3 houses	Affordable Housing	\$46,879
2014	Homes First	Acquisition and Rehab	Affordable Housing	\$250,000
2014	Housing Authority	Acquire 8 plex	Affordable Housing	\$382,786
2014	Community Action County	Monarch	Public Service	\$88,116
2014	Thurston County Economic Development Council	Veterans Microenterprise program	Public Service	\$68,729
2017	Evergreen Treatment Services	South Sound Clinic Expansion	Community Facility	\$246,690
2017	Housing Authority of Thurston County	Golf Club and 14th Ave Affordable Housing	Affordable Housing	\$74,007
2017	Community Youth Services	Transitional Housing Rehabilitation	Affordable Housing	\$69,567
2017	Community Action Council	New Facility for Monarch Children's Justice & Advocacy Center	Community Facility	\$185,031
2017	Thurston County Food Bank	Lacey Food Bank	Community Facility	\$197,352
2017	Sidewalk	Veterans Housing Coordinator	Public Service	\$49,338
2017	Boys and Girls Club of Thurston County	Homeless Youth Assistance at the Lacey B&G Club	Public Service	\$33,536
2020	Boys & Girls Club	Homeless Youth Assistance	Public Service	\$45,573
2020	Child Care Action Council	Early Learning Program	Public Service	\$20,000
2020	City of Lacey	Veterans Hub Expansion	Community Facility	\$421,852
2020	GRuB	Victory Farm	Public Service	\$15,000
2020	Homes First	Affordable Rental Homes for Lacey	Affordable Housing	\$210,926
2020	Habitat for Humanity	Critical Home Repairs	Affordable Housing	\$55,000
2020	Thurston County Food Bank	Lacey Food Bank Expansion, Phase 2	Community Facility	\$295,296

Prior to 2021, the City did not qualify as a standalone CDBG entitlement community as the City had a population of less than 50,000. This is no longer the case as the City’s population is well over 56,000. At the time of the last funding cycle agreement (2022-2024), the City was eligible to qualify as a standalone CDBG entitlement community. The City elected to not pursue becoming a standalone entitlement community at the time due to concerns over:

- 1) Time constraints;
- 2) Resources needed to start administering a CDBG program; and
- 3) Concerns for the status of the TC CDBG Consortium.

Regarding the latter, HUD confirmed that the TC CDBG Consortium would be eligible to continue receiving CDBG funds should the City elect to become a standalone entitlement community in the future.

During the last TC CDBG Consortium agreement discussions in 2021, the Lacey City Council directed staff to start the groundwork for the creation of a standalone entitlement program for Lacey. This was incorporated into the Work Plan 2022-2024 under Vibrant Place to Live, Work, & Play, Strategy D – Finalize Homeless Response & enhance social services, Benchmarks 13-18, shown below:

VIBRANT PLACE TO LIVE, WORK, & PLAY

- C. Complete Greg Cuoio Park & Greenways – Phase 1 A
- D. Finalize Homeless Response Plan & enhance social services
- E. Continue initiatives to advance indoor recreation & cultural opportunities

Social Services Plan	9. Work to create comprehensive plan for City social services, emphasizing a transparent process	10. Finalize comprehensive plan 11. Leverage surplus City-owned properties for social services	12. Implement plan
CDBG Entitlement	13. Finalize 2020 LVSH project 14. Determine 2023 projects with Thurston County	15. Start creating Plan and performing necessary engagement	16. Create an Entitlement Program for Lacey 17. Adopt plan 18. CDBG funding management (2025+)

If the City continues in this direction, it will be able to become a standalone entitlement community in 2025.

2018-2022 Consolidated Plan. The Consolidated Plan is a planning document required by HUD to be submitted every three to five years by all jurisdictions that receive CDBG funds and HOME funds. The Consolidated Plan identifies needs and determines strategic priorities for the use of CDBG and HOME funds over the ensuing plan period.

In brief, the [2018-2022 Consolidated Plan](#) identifies the following six strategic goals:

1. **Affordable Housing:** Maintain, expand, and enhance rental & homeownership for LMI populations.
2. **Economic Development:** Support programs that principally benefit LMI populations.
3. **Public Facilities and Infrastructure:** Enhance facilities and infrastructure that serve LMI populations.
4. **Social Services:** Support essential social services (Public Services) for LMI and special needs populations.
5. **Homeless Continuum of Care:** For non-federal HOME funds, create a comprehensive Homeless Continuum-of-Care system.
6. **Land Acquisition:** Support new affordable housing, public facilities, infrastructure, or other eligible activities benefiting LMI populations.

Thurston County and City of Olympia are in the process of creating a new Consolidated Plan, which will cover the next five years, 2023-2027. More information on this process can be accessed at the Thurston County [Public Health and Social Services website](#). To gather input, a community survey is now available here: [Thurston/Olympia Consolidate Plan Survey](#). The survey will be open until January 13, 2023.

2023 CDBG Program Timeline. A tentative timeline for the 2023 CDBG program is provided in Table 4.

TABLE 4	
Tentative 2023 CDBG Program Timeline	
Month	Step
January	Discussion of 2023 program and priorities at Worksession
February	Notification of Funding Availability / RFP
March	Application Workshop for all prospective applicants
April (early)	Application submission deadline
April	Presentation of project proposals and CDBG public hearing at a Lacey City Council meeting
May	Review and selection of CDBG projects by the Lacey City Council
April - June	Thurston County completes additional requirements related to the Annual Action Plan including public hearings
July	Thurston County to submit Annual Action Plan to HUD
August	Preliminary award letters sent to successful applicants
September	Final award notification letters to be sent after HUD issues a fully executed funding agreement with Thurston County

Priorities Discussion. The City can prioritize funding of CDBG projects for 2023 as part of its request for proposals. Align with the 2018-2022 Consolidated Plan goals, it is recommended that the City’s RFP solicit specifically for projects that align with one of the following goal areas:

- Affordable Housing
- Social Services
- Public Facilities and Infrastructure

Second, it is recommended that the City have a goal of allocating 15% of CDBG funding to public services (estimated around \$187,5000, 15% is the maximum) that align with the above priorities.

ADVANTAGES:

1. Provides direction to staff for the 2023 CDBG process.

DISADVANTAGES:

1. None foreseen at this time.