ORDINANCE NO. 009-13

AN ORDINANCE OF THE CITY OF PORT ORCHARD,
WASHINGTON AMENDING PORT ORCHARD
MUNICIPAL CODE SECTION 7.12.090 "ANIMAL
OWNERSHIP RESTRICTIONS"

WHEREAS, from time to time and as a matter of good public policy, the City Council considers amendments to the Port Orchard Municipal Code; and

WHEREAS, at the April 16, 2013 City Council work study session, the City Council directed staff to amend the Port Orchard Municipal Code to require public notice and a hearing process for an animal variance; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD,
WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Port Orchard Municipal Code Section 7.12.090 is amended to read as follows:

7.12.090 Animal Ownership Restrictions; Variance.
(1) The number of dogs or cats at a single-family dwelling unit shall be restricted to a total of three dogs and/or cats, except this restriction shall not apply to owners or operators of a duly licensed hobby kennel.

(2) A request for variance from ownership restrictions, as stated above, may be submitted to the city council. Upon receipt of a completed variance application the city clerk shall set a date for public hearing before the city council. Notice of such public hearing shall be given to all adjacent property owners of the subject property not less than 10 days or more than 30 days prior to the date of hearing. A variance shall be granted when:

(a) The strict enforcement of the provisions of this chapter will create an undue hardship; and

(b) The variance will not create a health or safety hazard.
SECTION 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION 3. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED and SIGNED by the Mayor and attested by the Clerk in authentication of such passage this 14th day of May 2013.

Timothy C. Matthes, Mayor

ATTEST:

Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby, City Attorney

SPONSORED BY:

Rob Putaansuu, Councilmember