

**ORDINANCE NO. 700**

**AN ORDINANCE OF THE TOWN OF ODESSA AMENDING 6.08.090 OF THE ODESSA MUNICIPAL CODE FROM HOWLING DOGS TO BARKING DOGS TO MAKE SPECIFIC WHAT CONSTITUTES A NUISANCE RELATED TO BARKING DOGS AND THE PROCESS FOR THE COMPLAINANT**

WHEREAS the Town Council desires to amend the Odessa Municipal Code Section 6.08.090 on howling dogs and replace it to barking dogs to provide a more accurate, detailed description of what constitutes barking dogs as a nuisance; and

WHEREAS the Town Council deems it necessary to include the process for the complainant; and

WHEREAS the Town Council regards the Enforcement 6.08.120 and Violation-Penalty 6.08.130 sections of Title 6 as the resolute procedure.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ODESSA, LINCOLN COUNTY, WASHINGTON, AS FOLLOWS, TO WIT:

**SECTION 1. Amend section 6.08.090** to now read:

Barking dogs declared a nuisance when. For any person(s) to harbor any dog(s) which by its barking, howling, crying, or making any other noise which by its volume or frequency unreasonably disturbs or interferes with the peace of any person(s) for more than fifteen (15) minutes in any one (1) hour period of any day, and is documented by the complainant by three (3) or more separate episodes of such noise in a sequential seven (7) day period and summarily turned into the Odessa Police Department. The burden is upon the owner of such dog(s) to maintain quiet. Exceptions to this subsection are commercial facilities in compliance with OMC Chapter 17.36 Schedule of Uses, or those who can substantiate that such dog barking was caused by an injury or illness of the dog(s) or by willful trespass, torment, or abuse of the dog(s) on its property by others.

**SECTION 2. Enforcement and Violation-Penalty** The resolute procedure regards Enforcement 6.08.120 and Violation-Penalty 6.08.130 sections of Title 6 as the resolute procedure.

**SECTION 3. Severability.** If any provision of the ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance, or the application of the provisions to other person or circumstances, shall not be affected.

**SECTION 4. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED AND ADOPTED BY THE ODESSA TOWN COUNCIL, THIS 13<sup>th</sup> DAY OF November, 2018.

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William F. Crossley, Mayor

ATTEST:

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Denise Snead, Clerk-Treasurer