

CITY OF MERCER ISLAND

MEMORANDUM

AUG 14 REC'D

92

TO: Patrol Officers & Dispatchers
FROM: Wayne Stewart
DATE: May 26, 1992
RE: Trapping of Animals

It is that time of the year when the City of Mercer Island is starting to receive telephone calls from its residents with regard to the trapping of raccoons. Pursuant to Section 9.44.010 of the Mercer Island Municipal Code it is

"unlawful to hunt, trap or capture, or attempt to hunt, trap or capture any animal or bird within the City; provided that this section shall not apply to law enforcements, or game department personnel while engaged in the performance of their official duties; provided further that this section shall not apply to the hunting, trapping or capturing of rats, mice or moles."

Under the cited provision, unless you are a police officer or a game department personnel it is a misdemeanor to trap or capture any raccoons.

In the past we have allowed individuals to obtain a letter of authorization signed by the Director of Public Safety to catch a particular raccoon that may be causing damage to property. It is the intent that this process continue with the following modification. If you receive any complaint, request, or any other type of communication requesting the trapping of a raccoon it is suggested that the officer or dispatch person involved with regard to being allowed to trap a raccoon advise the person requesting the permission to write a letter to the City Attorney's Office detailing the specific complaints they have, the damage that is being caused, the proposed type of trap to be used to capture the raccoon, and any other pertinent information which would be helpful in determining whether or not the raccoon should be trapped. Upon receipt of this letter the City Attorney's Office will review the request and thereafter issue a letter of authorization to capture the

KEEP - SATT'S POLICY MANUAL

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AUG 14 REC'D

92

raccoon. This authorization will be limited in scope to a specified period of time and location.

Hopefully this procedure will eliminate a lot of involvement of police officers and dispatch personnel having to respond repeatedly to individuals who have complaints about raccoons.

Wayne Stewart
Assistant City Attorney

WS/kkp

**CITY OF MERCER ISLAND
ORDINANCE NO. 07C-06**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON
AMENDING MERCER ISLAND CITY CODE 9.44.010 TITLED “TRAPPING
AND HUNTING PROHIBITED”.**

WHEREAS, *(recitals will be inserted at second reading following Council selection of option)*

WHEREAS, after considering all public testimony and written comments, the City Council adopts the following Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Amend Chapter 9.44 MICC Miscellaneous Offenses. Chapter 9.44 covering “Miscellaneous Offenses” shall be amended as follows:

Option 2: Defer to State Law:

9.44.010 Trapping and hunting prohibited.

Unless otherwise authorized pursuant to state law, it is unlawful to hunt, trap or capture, or attempt to hunt, trap or capture any animal or bird within the city; provided, that this section shall not apply to law enforcement officers, or game department personnel while engaged in the performance of their official duties; provided further, that this section shall not apply to the hunting, trapping or capturing of rats, mice or moles.

Option 3: Provide Exception for Trapping Only Where Property Owner Determines Animal is Dangerous or a Pest.

9.44.010 Trapping and hunting prohibited.

It is unlawful to hunt, trap or capture, or attempt to hunt, trap or capture any animal or bird within the city, except where such animal is dangerous to humans, a substantial nuisance or pest, or is suffering from serious injury or disease, and except where otherwise authorized pursuant to state law; provided, that this section shall not apply to law enforcement officers, or game department personnel while engaged in the performance of their official duties; provided further, that this section shall not apply to the hunting, trapping or capturing of rats, mice or moles.

Option 4: Provide Exception for Trapping Only Where City/State Official Determines Animal is Dangerous or a Nuisance.

9.44.010 Trapping and hunting prohibited.

It is unlawful to hunt, trap or capture, or attempt to hunt, trap or capture any animal or bird within the city, except where otherwise authorized pursuant to state law and except where the City Code Official has determined after receiving and investigating a written complaint that such animal is dangerous to humans, a substantial nuisance or pest, a health hazard, or is suffering from serious injury or disease; provided, that this section shall not apply to law enforcement officers, or game department personnel while engaged in the performance of their official duties; provided further, that this section shall not apply to the hunting, trapping or capturing of rats, mice or moles.

For the purposes of this section, "substantial nuisance or a pest" shall mean an animal that is doing substantial damage to property, trees, shrubs, lawns, or gardens, or is otherwise a substantial nuisance.

Where the City Code Official has determined that an animal may be trapped or captured pursuant to this section, he/she may authorize the complaining party to humanely trap, impound and/or dispose of the animal, upon review and approval of a satisfactory plan submitted by the complaining party to accomplish the trapping, justification for the trapping, the make and model of the device to be used, the firm to be contracted with if that option is used, proof of insurability, and the proposed means of impound or disposal.

Section 2: **Severability/Validity.** The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were unconstitutional or invalid.

Section 3: **Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4: **Effective Date.** This Ordinance shall take effect and be in force 30 days after its passage and publication.

PASSED BY the City Council of the City of Mercer Island, Washington at its Regular Meeting on the 9th day of July 2007, and signed in authentication of its passage.

CITY OF MERCER ISLAND

R. Bryan Cairns, Mayor

ATTEST:

Allison Spietz, City Clerk

Approved as To Form:

Bob C. Sterbank, City Attorney

Date of Publication: _____



OFFICE OF THE CITY ATTORNEY
9611 S.E. 36th Street • Mercer Island, WA 98040-3732
(206) 236-3571 • FAX: (206) 236-3651
www.ci.mercer-island.wa.us

April 9, 2007

Mr. and Mrs. Denny Morrison
8840 SE 60th Street
Mercer Island, WA 98040

Re: Trapping of Raccoons

Dear Mr. and Mrs. Morrison:

The City of Mercer Island Department of Public Safety has reviewed your complaint with regard to raccoons entering and damaging your property, and creating safety issues for your grandchildren when they are in the yard.

As you are probably aware, Mercer Island City Code, Section 9.44 (a copy of which is enclosed) prohibits the trapping or capturing of any animal or bird within the City (except rates, mice or moles). Based upon the police investigation and your report to the City Manager's office, however, the City would not consider it a violation of the Code if you were to trap the raccoons, provided that you comply with the following conditions: (1) you must contact a professional trapping company to accomplish the trapping; (2) you must inform the trapping company that the City of Mercer Island requires that the trapping be done in a humane fashion and that the raccoons be released alive; and (3) the trapping must be accomplished within ten (10) days, commencing on the date of your receipt of this letter. Subsequent to that time period, the City would consider additional trapping to be a violation of the ordinance. I hope that your problems can be eliminated during this time period.

Very truly yours,

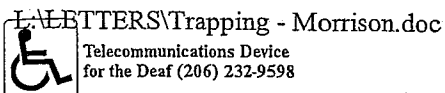
Bob C. Sterbank
City Attorney

BCS:emr

Enclosure

cc: Department of Public Safety

bcc: Rich Conrad



AB 4199
Exhibit 3
Page 11



Printed on Recycled Paper



Case Report Detail

Print Date/Time: 04/06/2007 15:08
Login ID: jmaggard
Case Number: 2007-00003442

Mercer Island Police Department
ORI Number: WA0170900

Case Details

Case Number: 2007-00003442
Location: 8840 SE 60TH ST
Mercer Island, WA, 98040

Incident Type: Animal, complaints
Occurred From: 03/28/2007 14:03
Occurred Thru: 04/06/2007 12:00

Reporting Officer ID: 105 - Hagstrom

Status: Open

Status Date:

4/6/2007

Offenses

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB
Reporting party 1		Mary E Morrison	8840 SE 60TH ST Mercer Island, WA 98040	(206) 232-8979	White	Female	

Subject #1 - Reporting party

Primary: No

Name: Mary E Morrison

Address: 8840 SE 60TH ST
Mercer Island, WA 98040

Phone: (206) 232-8979

Reporting party Type: Reporting party

Race: White

Height:

Eyes:

SSN:

Sex: Female

Weight:

Hair: Bald

DVL#:

DOB: 09/23/1936

Build:

State:

Resident Type:

Domestic Violence: No

Resident Status: Full-time resident

Domestic Violence Referrals:

Statement Type: Verbal

Federal Agencies Involved: No

Arrests

Property

Suspect Vehicles

OfficerID: khagstro, Case Summary

The homeowner's left for a week and returned to find the lawn in the back of their residence was torn up in spots. Each morning they have discovered fresh patches of grass torn up. After consulting experts on animal pest control they were informed it is probably being done by racoons. There are also patches of the front lawn which are damaged, however not as severely as the back yard. It appears that they may be searching for grubs in the soil. Report taken for information so the homeowners can get permission to trap the animals.

OfficerID: khagstro, Case Narrative

04/05/2007 1226 hours I, Officer K. Hagstrom, responded to 8840 SE 60th St. reference a complaint of racoons being a nuisance and causing damage. On arrival I contacted the homeowner, Mrs. Morrison. She explained that she and her husband went out of town for a week and returned on Wednesday 04/03/2007. They found large large patches of their back lawn were torn up. The damage appeared to be the result of animals scratching at the sod so they consulted various pest control people and were told it sounded like the work of racoons. Since discovering the damage they have noticed portions of the front lawn being torn up.

I observed areas in the back lawn which were the grass was scaped clear leaving large areas of bare dirt. In the front lawn there were smaller tufts of grass which where torn up but there were no spots were the dirt was exposed. It appears that animals are tearing at the grass to possibly get at bugs or grubs in the dirt. I provided the



Case Report Detail

Print Date/Time: 04/06/2007 15:08
Login ID: jmaggard
Case Number: 2007-00003442

Mercer Island Police Department
ORI Number: WA0170900

case report number to Mrs. Morrison so they could consult with the City Attorney's office about getting a permit to trap the animals.

Misc. Animal

Jan
Please Return
to me



MAY 17 1999
MERCER ISLAND
CITY ATTORNEY

May 11, 1999

Mr. Wayne Stewart
Assistant City Attorney
City of Mercer Island
9611 SE 36th St.
Mercer Island, WA 98040

Dear Mr. Stewart,

Thank you for the prompt reply to our concerns regarding the "otter problem."

I strongly disagree with your conclusion that no "significant risk" is involved. The otter has inhabited our dock and the water near the dock for more than three years.

In the summer of 1996, I contracted giardia (beaver fever). I believe that the otter was the source of the problem. I swim in the area off my dock in the summer months. I do not hike in the mountains.

I do not have the technical expertise to challenge Dr. Ted Mandelkorn's statement that giardia is not life threatening, but I disagree with him. I believe giardia can be life threatening, especially to a child.

There is a community dock to the north of us, which is used by several Holly Lane families. Children swim off this dock in the summertime. The otter's fecal matter is now sitting on this dock.

The otter poses a serious health risk to many families on Mercer Island.

A copy of this letter is being sent to Mrs. Mary Ann Wiley, Chairperson of the Holly Lane Dock Association; and Dr. Stig Anderson, Chairman of the Holly Lane Beach Association.

In conclusion, "Otto the Otter" "Otter Go".

Yours very truly,

Larry C. Mounger
18 Holly Lane
Mercer Island, WA 98040

Cc: Mrs. Mary Ann Wiley
Dr. Stig Anderson
Jan Kofranek
Maude Anderson

AB 4199
Exhibit 3
Page 14

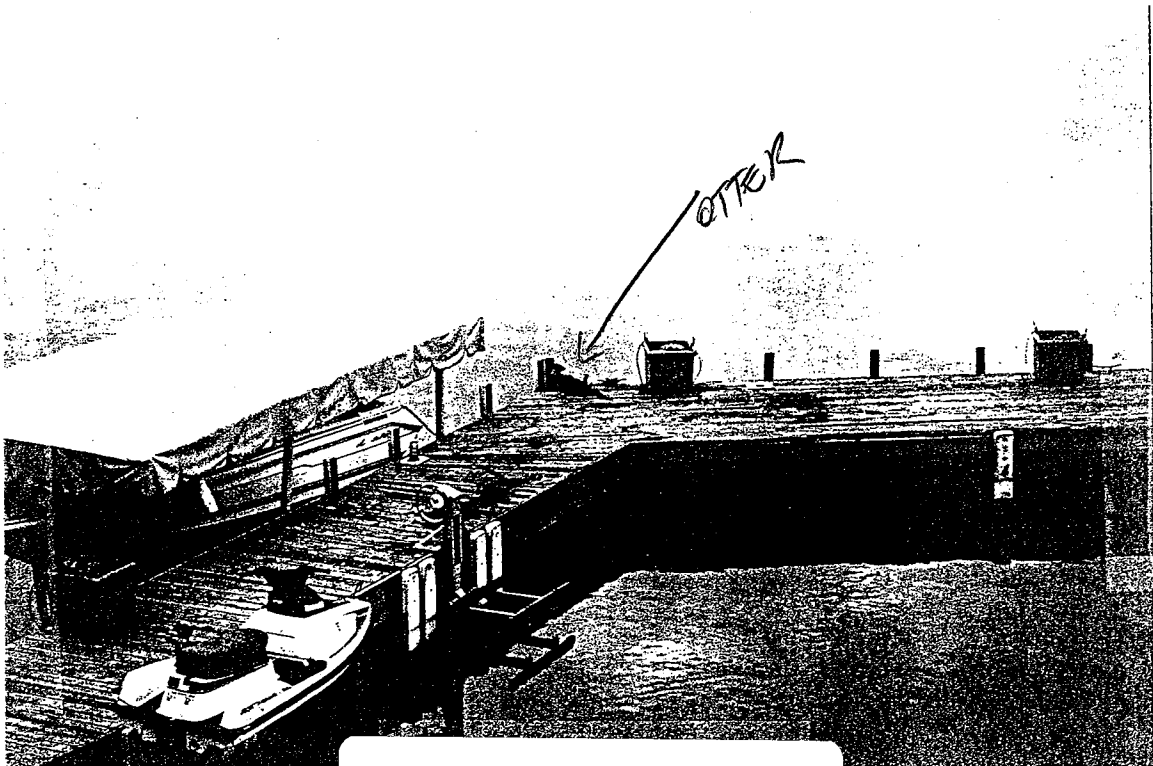
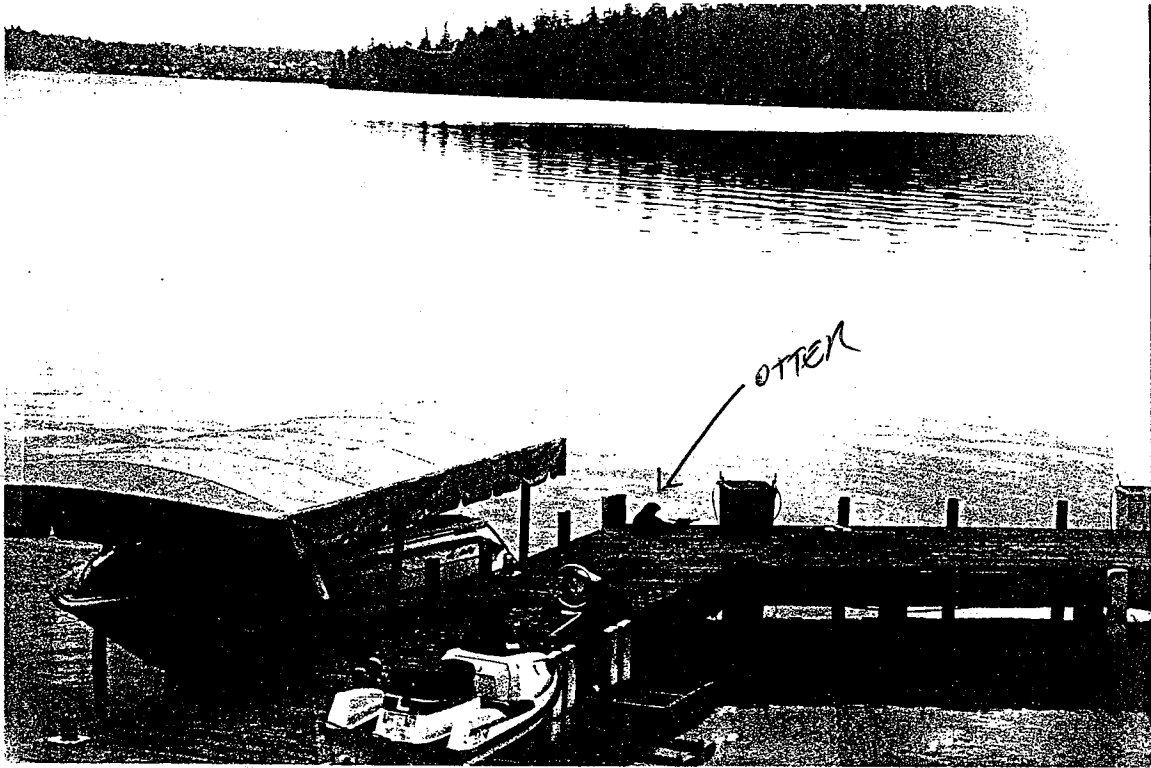


14051 NE 200TH ST
WOODINVILLE, WA 98072

425-885-2314
800-424-9272

FAX 425-881-5638
FAX 800-638-1660







Video Print Sheet



?? Glandwood / Denver
(parasite) fern



Video Print Sheet





OFFICE OF THE CITY ATTORNEY

9611 S.E. 36th St. • Mercer Island, WA 98040-3732
(206) 236-3571 • FAX: (206) 236-3651

*File Copy
Misc. Civil*

Monday, April 26, 1999

Ms. Judie Mounger
18 Holly Lane
Mercer Island, Washington 98040

RE: *Trapping of a River Otter*

Dear Ms. Mounger:

Attached hereto is a copy of an incident report by the City of Mercer Island in relationship to your written request to trap a river otter.

At this present time, the City of Mercer Island must decline your request to trap the river otter. As you know, the City of Mercer Island does not allow the trapping of any animal within the City limits, unless there is a significant risk involved. The attached police report indicates other things which may be tried to sway the otter from coming onto your property.

It is suggested by the City of Mercer Island that you attempt the alternatives to persuade the otter and if this is not successful the City will review your request.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

Wayne Stewart
Assistant City Attorney

WS/kmh

Enclosures

cc: Jan Deveny



ated Case No.

Case No.

CR99-1039

Mercer Island Police

INCIDENT REPORT

Offense Code 1

305

Offense/Incident

ANIMAL COMPLAINT /

1 Attempted
 Completed

Reported Date

04-22-99

Reported Time

1112

Offense Code 2

- NUISANCE

2 Attempted
 Completed

Location

18 HOLLY LANE

Offense Code 3

3 Attempted
 Completed

Occurred Date

11-28/04-99

Occurred Time

—

District

WC

Grid

Disposition (A-Z)

I

Status

O

How Received

M

Disclosure?

Yes No

GENERAL IBR

(REQUIRED ON ALL CRIMINAL INCIDENTS)

(SEE REVERSE SIDE FOR CODES)

Location Type 56	Offense Related to: <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer <input type="checkbox"/> Drugs <input type="checkbox"/> N/A	Clearance Type <input type="checkbox"/> N-N/A <input type="checkbox"/> AA-Arr. Adult <input type="checkbox"/> AJ-Arr. Juvenile Exceptional (Specify Code)	Bias Motivation? <input type="checkbox"/> Yes (specify code): <input type="checkbox"/> No (88)	Domestic Violence? <input type="checkbox"/> Yes <input type="checkbox"/> No	Child Abuse? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Crim. Activity	Weapons Used? <input type="checkbox"/> Yes (specify code) <input type="checkbox"/> No (90)	Caliber: _____ Length: _____ Gauge _____ Grips/Finish _____	THESE ITEMS -> FOR BURGLARY REPORTS ONLY	Units Entered	Entry Method	Tools Used	Prem. Security

Summary: RESIDENT REPORTS NUISANCE ANIMAL (OTER). REQUESTS A TRAPPING PERMIT.

Inv. Code: C/W	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown p Police/LE
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Stm. taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Name (last, first, middle) MOUNGER JUDIE M.	Race W	Sex F	DOB/Age Range	Alias Names/ Identifiers/ Clothing
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Street Address 18 HOLLY LANE	City MERCER IS.	State WA	Zip 98040	Home Phone 206-232-7245	Place of Employment SELF
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Work Phone	OLN	State	SOC	Local ID	SID	FBI
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Height	Weight	Hair	Eyes	Ethnicity	Residency	Citation(s) No. and RCW 1 2	Flag	Custody Status	Arrest Type	Booking No.	Jail
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Fingerprinted (y/n) _____ Photographed (y/n) _____ By: _____ Search / Confine by: _____

Parent/Guardian notified? <input type="checkbox"/> Yes <input type="checkbox"/> No	Name/Relationship of person notified	Date/Time notified	Notified by:	Place of Birth:
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VEHICLE CODES: I Impounded L Lic plates stoler O offender/sus	Q suspicious R recovered S stolen	U Unauth V Victim Z seized	Value \$	WACIC No.	No. of Vehicles
--	---	----------------------------------	-------------	-----------	-----------------

Lic. No.	State	Year	Make	Model	Style	Type	Color	VIN
----------	-------	------	------	-------	-------	------	-------	-----

Description	Hold? <input type="checkbox"/> Yes <input type="checkbox"/> No	Towed To	Towed By
-------------	--	----------	----------

Locked? <input type="checkbox"/> Yes <input type="checkbox"/> No	Keys in Veh.? <input type="checkbox"/> Yes <input type="checkbox"/> No	Delinquent Payment? <input type="checkbox"/> Yes <input type="checkbox"/> No	Driveable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Damage to Veh.? <input type="checkbox"/> Yes <input type="checkbox"/> No	Both Plates on Veh.? <input type="checkbox"/> Yes <input type="checkbox"/> No	Tow Driver Signature: X
---	---	---	--	---	--	----------------------------

I, the undersigned hereby declare this to be a true and correct report. I did not give anyone permission to take or use the described vehicle. I am the owner or person who was legally in possession of the described vehicle. I understand that I may be charged with a violation of RCW 9A.76.020 by filing a false report. If I regain possession of this vehicle, I understand that I must notify the Police Department immediately of the recovery, and that I may be charged with a crime for failure to notify the Police Department.

Signature: X	Date	Vehicle Released To:	Signature: X	Date
--------------	------	----------------------	--------------	------

IMPOUND WAIVER (does not apply to motor vehicle theft reports)

In consideration of being allowed to exercise the option of waiving impound on the above described vehicle, I hereby relieve and release the City of Mercer Island, its officers and employees, from any and all responsibility for the described vehicle and its contents, and from any damage or liability which might arise as a result of the use of said vehicle by the party to whom I have released it or from any claim or damage or loss which might arise as a result of leaving said vehicle parked alongside a City street or road at my direction. I further agree to hold harmless the City of Mercer Island and their officers and employees from any and all claims which might arise as a result of my election to waive impound of the described vehicle.

Signature: X

Number of Subjects Involved: <input type="checkbox"/>	Number of Vehicles Involved: <input type="checkbox"/>	Conditions for Release:	SEE ATTACHED narrative statements evidence cards photographs
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Investigating Officer <i>[Signature]</i>	Personnel No. 106
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CONTINUATION/FOLLOW-UP

Mercer Island Department of Public Safety

Case Number: CR99-1039

Type of Incident: Nuisance Animal Complaint 305I

VICTIM/Suspect: Comp. Mounger

Reporting Officer: P.T. Erickson #106



Approved by:

Tied-in Reports:

On 04-22-99 1112 Hrs., I Ofc. Erickson, was advised of a written complaint to the City reference a nuisance animal. The complainant, The Moungers, advised that they have had problems with a lone otter creating property damage to their dock and boat, and expressed health and safety concerns about the otter. The complainant is apparently requesting a trapping permit. A follow up investigation was requested. Original correspondence is attached.

1130 Hrs.- I went to the Mounger residence, 18 Holly Lane. I spoke with Judie Mounger. She stated that for about the last six moths an otter has been inhabiting their dock and boat. She said that the otter had crawled into their boat and had apparently been using it as a nesting area. This was discovered upon their uncovering of the boat and finding it full of fecal matter and torn upholstery. She said that she is somewhat fearful of the otter as it comes quite a ways up onto the dock, but she did say that the otter has not displayed any overtly aggressive behavior. She expressed a concern for her grandchildren being able to play on the dock reference to the fecal matter presenting a health risk to the children. She specifically cited ecoli and giardia. She presented me with two photographs of the animal, which is clearly identifiable from the photos as being an otter. I viewed the boat and did observe fecal matter and damage to the upholstery. She was advised of the follow up procedure and case report information was taken. I contacted an unnamed neighbor approximately three docks to the north of the Mounger's. She advised that they have had no problems with any otters besides the fecal matter on their dock.

1200 Hrs.- I spoke with pediatrician, Dr. Ted Mandelkorn, reference the ecoli and giardia. I explained the situation and he said that the otter would present a giardia concern, but he was not sure about ecoli. He said that it could occur if someone was to be handling the fecal matter. Manedlkorn said that a giardia infection is not life threatening and that this is the bacteria in the mountains that spread in the water via animal excrement.

1230 Hrs.- I phoned the Washington State Department of Fish and Wildlife. I was told that they have jurisdiction over otter complaints. I was told that they refer these types of complainants directly to trappers without enforcement, nor protected species issues. Being unable to have any otter behavioral questions answered, I requested a return phone call from the game biologist.

1235 Hrs.- I phoned the King County Health Department and requested a return phone call from the Public Health Veterinarian who handles emergency bite/exposure incidents.

Case Number: 99-1039

1330 Hrs.- I received a return call from Dr. Christianson, Public Health Veterinarian (King County/Public Health, 296-4880). I advised her of the situation with the otter. She said that concerns about possible infection from ecoli and giardia when handling fecal matter is legitimate. She said that these bacteria commonly exist in any warm blooded animal that has a intestinal tract. She said that these concerns would exist also if someone was to handle fecal matter from even household pets. I asked her about the possibility of aggressive behavior from the otter. She said that she was not aware of any otter attacks, however, did note that it was a wild animal and anything was possible. She said that since the otter had made itself at home on the dock and in the boat, therefore moving into our environment, it would probably be harder to get rid of, especially if no measures had been taken to scare it off previously. She referred me to Northwest Nuisance Wildlife Control (John Consellini/1-888-868-3063) for further information.

1415 Hrs.- I phoned NW Nuisance Wildlife Control. I spoke with Consellini's wife reference the problem. She suggested ammonia water on and around the dock as a suggestion to the homeowner as a proactive approach to deter the otter's inhabitation of the dock and boat. She was not aware of any aggressive otter behavior, nor attacks. She described otters' as "skittish", and probably would scamper away. She however, did say that as with any other wild animal, they could probably become aggressive if cornered or taunted. She also told me that she had received at least three other otter complaints from the "Island" and Lake Washington. She expressed concern with one male caller who had inquired about trapping an otter. She said that the caller had basically told her that he would just "shoot" the otter to get rid of it. She did not have the caller's name available at the time of this conversation, however, advised that she would forward it to me for information. She explained to me the details of the trapping issue and said that she would contact her local Game Agent for any additional insights of ridding the dock of the otter, and that she would have her husband call me reference this.

04-23-99

0830 Hrs.- I phoned Mrs. Mounger. I told her of the suggestion about the ammonia and she said that she would try it. I asked her about their boat. She advised that they were getting rid of their boat in the near future, and that they were going to replace it. She said that it first had to be decontaminated by a special cleaning service, and that insurance would not cover the expense.

