

Title 6

ANIMALS AND FOWL

Chapters:

6.04 Animals at Large

Chapter 6.04

ANIMALS AT LARGE

Sections:

- 6.04.010 Definitions.
- 6.04.020 License required.
- 6.04.030 Application contents.
- 6.04.040 License expiration.
- 6.04.050 License fee.
- 6.04.051 Special license fee.
- 6.04.060 Tag requirements.
- 6.04.070 Possession of exotic animals illegal.
- 6.04.075 *Repealed.*
- 6.04.077 Rules and regulations relating to guard dogs.
- 6.04.080 Control of animals.
- 6.04.081 Public nuisance.
- 6.04.084 Vicious animals.
- 6.04.086 Cruelty to animals.
- 6.04.087 *Repealed.*
- 6.04.088 *Repealed.*
- 6.04.090 Impounding of offending animals.
- 6.04.092 Enforcement power.
- 6.04.095 Disposal of diseased carcasses.
- 6.04.100 Contracting impounding services.
- 6.04.105 Appeals.
- 6.04.110 Penalty.

6.04.010 Definitions.

(1) “Animal” means any living creature except people.

(2) “Animal control authority” or “officer” means the city’s designee for animal control, acting alone or in concert with other municipalities for enforcement of the animal control laws of the city, county and state.

(3) “At large” means to be off of the premises of the owner and not under leash, voice or signal control of a person capable of exercising such control.

(4) “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 such loss of consciousness.

(5) “Exotic animal” shall be as defined in King County Code 11.28.020(c) and any other animal, when in its wild state and while at large, which is

capable of inflicting serious physical harm upon human beings.

(6) “Habitual offender” is any animal that has been subject to three impoundments and/or convictions by the animal control authority within a three-year period.

(7) “Harboring.” The occupant of any premises on which an animal remains or to which it customarily returns daily for food and care for a period of 10 days is presumed to be harboring or keeping the animal within the meaning of this chapter.

(8) “Owner” means any person having an interest in or right of possession to an animal, or any person having control, custody or possession of any animal.

(9) “Pack of dogs” consists of a group of three or more dogs running at large.

(10) “Predatory animal” includes any animal of either sex whose actions or habits customarily defile, despoil, or damage property of others.

(11) “Restraint.” An animal shall be deemed to be under “restraint” within the meaning of this chapter if it is confined within the property limits of its owner or keeper by a suitable fence or securely restrained within the premises by a leash affixed to a post or other securely fixed object.

(12) “Service animal” means any animal that is trained or being trained to aid a person who is blind, hearing impaired or otherwise disabled and is used for that purpose and is registered with a recognized service animal organization.

(13) “Spayed female” includes a female dog which has been sterilized by a licensed veterinarian to avoid or prevent conception.

(14) “Under control” means the animal is under competent voice and/or signal control and within 60 feet of a competent person so as to be thereby restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off of a leash or off the premises of the owner.

(15) “Vicious animals” include those whose temperamental habits create danger of injury to persons, other animals or another’s property, or create a reasonable apprehension of injury to persons, other animals, or another’s property. (Ord. 708 § 1, 2003; Ord. 498 §§ 1, 2, 1988; Ord. 263 § 1, 1973; Ord. 62 § 1, 1956).

6.04.020 License required.

It is an infraction to keep or harbor any dog over six months of age within the city unless an animal license has been purchased. (Ord. 708 § 1, 2003; Ord. 447 § 1, 1985; Ord. 290 § 1, 1974; Ord. 263 § 2, 1973; Ord. 62 § 2(a), 1956).

6.04.030 Application contents.

Application for the license required by NPMC 6.04.020 shall be made upon forms provided or approved by the city. The application shall provide the name, address, and telephone number of the owner, and the name, breed, color, age, and sex of each animal owned or harbored by him. (Ord. 417 § 1, 1983; Ord. 62 § 2(b), 1956).

6.04.040 License expiration.

Licenses will be valid for one year from the date of issuance, expiring on the last day of the twelfth month, or as specified in any contract or other agreement entered into by the city with any agency providing animal services. There is no proration of any license fees. Renewal licenses will retain the original expiration period whether renewed prior to, on, or after their respective renewal month. (Ord. 708 § 1, 2003; Ord. 447 § 2, 1985; Ord. 417 § 2, 1983; Ord. 290 § 4, 1974; Ord. 62 § 2(c), 1956).

6.04.050 License fee.

The annual license fee for each dog shall be in an amount adopted by ordinance of the city council or as specified in any contract or other agreement entered into by the city and any agency providing animal services. A late penalty, in addition to the annual license fee, shall be levied on all licenses issued after the last day of the twelfth month from the date of issuance. No late penalty shall apply if the city is furnished certification by the owner that the owner has become a resident of the city in the last 30 days or that the animal's age is less than seven months. (Ord. 708 § 1, 2003; Ord. 498 § 3, 1988; Ord. 447 § 3, 1985; Ord. 347 § 1, 1979; Ord. 290 § 2, 1974; Ord. 263 § 3, 1973; Ord. 215 § 8, 1969; Ord. 174 § 1, 1966; Ord. 62 § 2(d), 1956).

6.04.051 Special license fee.

City residents 65 years of age or older shall be entitled to purchase a special permanent license for the lifetime of the dog for which they are the registered owners when the animals are maintained at

the owner's registered address. Eligible residents may purchase the special permanent animal license at a cost per licensed dog as established by city council resolution, and they shall not be required to annually purchase a new license for the lifetime of such licensed animal; provided that no person shall possess more than two permanent licenses at one time for dogs of which that person is the registered owner. (Ord. 417 § 3, 1983; Ord. 314 § 1, 1977).

6.04.060 Tag requirements.

Each animal requiring a license shall be provided by the owner with a suitable collar or harness which shall be worn by the animal at all times while off the owner's premises. To such collar or harness shall be affixed a tag provided by the city for the current year for which a license has been provided. The license tag shall be stamped with the license number and the year for which it is issued. It shall be an infraction for any person other than the owner, his agent, or the animal control authority to remove the license tag from the animal. (Ord. 498 § 4, 1988; Ord. 263 § 4, 1973; Ord. 62 § 2(e), 1956).

6.04.070 Possession of exotic animals illegal.

(1) Private citizens shall not own or possess exotic animals as pets. However, any facility possessing or maintaining exotic animals as defined in this section that is owned, operated or maintained by any city, county, state or the federal government, including but not limited to public zoos, or museums, laboratories and research facilities maintained by scientific or educational institutions, or private or commercial activities such as circuses, fairs, or private zoological parks that are otherwise regulated by law, or any recognized program for the training of exotic animals for use as service animals by disabled citizens are allowed.

(2) Breeding, or allowing the reproduction of, exotic animals is prohibited, except that this prohibition shall not apply to any governmental facility possessing or maintaining exotic animals, nor shall it apply to private or commercial activities as set forth in subsection (1) of this section.

(3) The definition of "exotic animal" includes:

- (a) Venomous species of snakes capable of inflicting serious physical harm or death to human beings;
- (b) Nonhuman primates and prosimians;
- (c) Bears;

- (d) Nondomesticated species of felines;
- (e) Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids; and
- (f) The order Crocodylia, including alligators, crocodiles, caimans and gavials. (Ord. 708 § 1, 2003; Ord. 303 § 1, 1976).

6.04.075 Animal shelters, kennels, grooming parlors, and pet shops.

Repealed by Ord. 708. (Ord. 452 § 1, 1985; Ord. 417 § 5, 1983).

6.04.077 Rules and regulations relating to guard dogs.

(1) Rules and regulations relating to guard dogs contained in KCAC Sections 11.32.010 through 11.32.120 are adopted by the city as though fully set out in this section. Copies of these rules and regulations shall be on file in the office of the city clerk.

(2) The rules and regulations relating to guard dogs shall be enforced by an authorized animal control officer for the city. Violation of this section shall constitute a misdemeanor.

(3) Any person training or selling guard dogs, as defined in KCAC Section 11.32.020, shall meet all city licensing and zoning requirements. (Ord. 708 § 1, 2003; Ord. 498 § 5, 1988).

6.04.080 Control of animals.

(1) It shall be an infraction for the owner or caretaker of an animal to intentionally or unintentionally:

(a) Allow his or her dog to be at large or to trespass on another's property;

(b) Allow his or her horse to be at large or in public parks;

(c) Allow his or her animal to enter any place where food is stored, prepared, served, or sold to the public, or to enter any public building, except that this subsection shall not apply to any owner using a service animal, or to attending a sanctioned pet event;

(d) Allow his or her female dog in heat to be accessible to male dogs unless for controlled and planned breeding;

(e) Allow any domesticated animal to enter upon another person's property without the permission of that person;

(f) Keep or harbor any animal that disturbs others by engaging in loud behavior;

(g) Allow the accumulation of feces in any open area, run, cage, or yard where animals are kept or fail to remove or dispose of feces at least once every 96 hours;

(h) Fail to remove feces deposited by his or her animal on public property or another's private property before the owner leaves the immediate area where the feces was deposited; or

(i) Leave any foodstuff, feed, or other material that may attract various small animals or insects, such as rats or cockroaches, that are destructive, annoying, or injurious to health.

(2) It shall be unlawful for the owner or caretaker of an animal to intentionally or unintentionally:

(a) Allow his or her animal to be at large after the owner has been notified in writing by the city, following investigation and determination by the city or its designee, that the animal is vicious;

(b) Keep or harbor a vicious animal unless securely leashed or enclosed in a kennel while on the owner's property, or to allow the animal off the property except on a leash and under control of a competent person;

(c) Allow any domesticated animal to habitually snap, growl, snarl, jump upon, or otherwise threaten a person using the public sidewalks, streets, alleys, or other public ways; or

(d) Keep, harbor, or maintain any domesticated animal known to have a contagious disease unless under the treatment of a licensed veterinarian. (Ord. 708 § 1, 2003; Ord. 583 § 1, 1994; Ord. 498 § 6, 1988; Ord. 417 § 5, 1983; Ord. 290 § 3, 1974; Ord. 263 § 6, 1973; Ord. 138 § 1, 1963; Ord. 62 § 3, 1956).

6.04.081 Public nuisance.

(1) If an owner of an animal violating the provisions of NPMC 6.04.080 receives three notices and orders of violation in any one-year period, the animal in violation shall constitute a public nuisance and shall be removed from the city by the owner or the director of the animal control authority. This removal procedure shall not apply to the vicious animal removal procedure set out in NPMC 6.04.084.

(2) Any animal that bites, attacks, or attempts to bite one or more persons two or more times within a two-year period may be declared to be a public nuisance and, if so declared, shall not be kept within the confines of the city.

(3) The removal of a public nuisance animal shall be accomplished as follows:

(a) Where it is established by record pursuant to this chapter that the actions of an animal constitute a public nuisance, the director of the animal control authority shall notify and direct the owner of the animal to remove the animal from the city within 96 hours from the date of the written notice.

(b) If the animal is found in the city after 96 hours have elapsed from the date of notice, the animal shall be removed by the director of the animal control authority or his or her designee.

(c) Failure to comply with the removal of an animal as required by the director or director's designee constitutes a misdemeanor. An animal found in violation of this section shall be impounded and removed from the city or be subjected to euthanasia by the animal control authority. (Ord. 708 § 1, 2003).

6.04.084 Vicious animals.

(1) An animal, declared by the director of the animal control authority to be vicious pursuant to the definition in this chapter, may be kept, harbored, or maintained in the city only upon compliance with the requirements prescribed by the director.

(2) Requirements that may be prescribed include, but are not limited to, the following:

(a) Erection of additional or new fencing adequate to keep the animal within the confines of the property;

(b) Construction of a run within which the animal is to be kept. Dimensions of the run will be consistent with the size of the animal;

(c) Keeping the animal on a leash adequate to control the animal, the length and location to be determined by the director. When the animal is unattended, the leash must be securely fastened to a secure object; or

(d) Permanent removal of the animal from the city within 48 hours from receiving written notice from the director.

(3) In prescribing the above requirements, the director must take into consideration the following factors:

(a) The breed of the animal and its characteristics;

(b) The physical size of the animal;

(c) The number of animals in the owner's home;

(d) The zoning involved, size of the lot where the animal resides, and the number and proximity of neighbors;

(e) The existing control factors, including but not limited to fencing, caging, runs, and/or staking locations;

(f) The nature of the behavior giving rise to the director's determination that the animal is vicious: extent of injury (injuries); circumstance, e.g., time of day, on/off property, provocation instinct; circumstances surrounding the result of that behavior and complaint, e.g., neighborhood disputes, identification, credibility of complainants, and witnesses.

(4) Failure to comply with any requirements prescribed by the director or director's designee, pursuant to subsection (1) above, constitutes a misdemeanor. A vicious animal found in violation of this section shall be impounded. If, after no fewer than two days following the impoundment, no person appeals for release of the vicious animal, the animal may be humanely destroyed. However, a vicious animal whose release has been sought by an appeal may only be humanely destroyed after opportunity for a hearing. (Ord. 708 § 1, 2003; Ord. 498 § 7, 1988).

6.04.086 Cruelty to animals.

(1) It is unlawful for any person to:

(a) Wilfully and cruelly injure or kill any animal by any means;

(b) By reason of neglect or intent, cause or allow any animal to endure pain, suffering, or injury, or fail or neglect to aid or attempt alleviation of pain, suffering, or injury he has caused to any animal;

(c) Wilfully or maliciously lay out or expose any kind of poison, or wilfully or maliciously leave any poison food or drink for animal or fowl for the express purpose of causing illness, death, or harm to the animal or fowl, or any substance or fluid whatever whereon or wherein there is or shall be deposited or mingled any kind of poison or poisonous or deadly substance or fluid whatever, on any premises, or in any unenclosed place, or aid or abet

any person in so doing, unless in accordance with the provisions of RCW 16.52.190;

(d) Abandon any animal by dropping off or leaving such animal on the street, road, or highway, or in any other public place, or on the private property of another;

(e) Leave foodstuffs or feed, excepting bird feeders, or leave salt licks in places accessible to wild animals.

(2) Notwithstanding any provision of this code, any person may lawfully kill a vicious animal when a clear and present danger exists to his own or the public safety.

(3) Nuisance wildlife excluding mice, rats, moles and gophers, may only be managed by the use of a live trap mechanism after obtaining a permit from the city. The applicant shall deliver to the city their plan 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 designated area of release. (Ord. 708 § 1, 2003; Ord. 497 § 3, 1988; Ord. 417 § 6, 1983; Ord. 263 § 7, 1973).

6.04.087 Leash or voice control – Dogs running at large.

Repealed by Ord. 708. (Ord. 498 § 8, 1988).

6.04.088 Regulations relating to sanitation.

Repealed by Ord. 708. (Ord. 498 § 9, 1988).

6.04.090 Impounding of offending animals.

Designated city employees or employees of agencies authorized by city council, shall take up and impound any animal found in the city violating any provisions of this chapter. The pound keeper or pound keeper's agent shall, immediately upon the impounding of any animal, make a complete registry, entering the breed, color, and sex of such animal, and whether licensed; and, if such animal is licensed, shall contact the owner by phone or registered mail that the animal has been impounded and may be redeemed. Any animal impounded pursuant to this code shall be held for the owner at least 72 hours after the owner's receipt of the impounding agency's notification. Any animal whose owner is unknown or cannot be notified shall be held 120 hours before further disposition. Any animal suffering from serious injury or disease may be destroyed or, in the discretion of the

impounding authority, may be held for a longer period and redeemed by any person on payment of charges not exceeding those prescribed in this section. In case any animal is not redeemed, it may be humanely destroyed by euthanasia by the impounding agency or may be made available for adoption. No live animals shall be used for experimental purposes. Impounded animals shall be taken to locations approved by the city animal control authority and in accordance with relevant state law. The owner of any animal impounded pursuant to the provisions contained in this code may recover the animal(s) when all billable costs, redemption fees, penalties, and boarding costs incurred in the impoundment are made payable to the city treasurer, which may be accepted by the animal control authority acting as agent for the city. Redemption fees and costs shall be set by ordinance of the city council. (Ord. 708 § 1, 2003; Ord. 498 § 10, 1988; Ord. 417 § 7, 1983; Ord. 263 § 8, 1973; Ord. 138 § 2, 1963; Ord. 62 § 4, 1956).

6.04.092 Enforcement power.

(1) The director of the animal control authority and his authorized animal control officers are authorized to take such lawful action as may be required to enforce the provisions of this chapter and the laws of the state of Washington as they pertain to animal cruelty, shelter, welfare and enforcement of control.

(2) The director of animal control authority or his authorized animal control officer shall not enter a building designated for and used for private purposes, unless a proper warrant has first been issued upon a showing that the officer has reasonable cause to believe an animal is being maintained in the building in violation of this chapter.

(3) Provided that the director of the animal control authority and his authorized animal control officers, while pursuing any animal observed by the officer to be in violation of this chapter, may enter upon any public or private property, except any building designated for and used for private purposes, for the purpose of abating the animal violation being pursued. Officer in conduct of this authority shall exercise reasonable caution so that no damage will be done to property, public or private.

(4) No person shall deny, prevent, obstruct or attempt to deny, prevent or obstruct an officer from pursuing any animal observed to be in violation of

this chapter. Further, no person shall fail or neglect after a proper warrant has been presented to promptly permit the director or his authorized animal control officer to enter private property to perform any duty imposed by this chapter. Any person violating this subdivision is guilty of a misdemeanor. (Ord. 263 § 9, 1973).

6.04.095 Disposal of diseased carcasses.

Every person owning or being responsible for any animal that has died or been killed because of disease shall immediately contact the animal control agency, who will pick up the animal and remove for disposal, or bury the animal's carcass at least three feet underground at a place approved by the city manager or designee, or cause the animal to be consumed by fire. No person shall sell or give away the carcass of any animal that dies or was killed because of disease. It is unlawful to violate any provision of this section. (Ord. 708 § 1, 2003; Ord. 498 § 11, 1988; Ord. 417 § 9, 1983).

6.04.100 Contracting impounding services.

The city manager, with the approval of the city council, may contract with any firm, person or corporation who provides services in catching and impounding animals as authorized by this chapter, or who operates a pound, kennel or veterinary hospital within or without the city, which complies with the standards and requirements set by the city manager for the keeping and care of impounded or quarantined animals. It shall be no objection to such contract that the operator of such pound shall contract for and provide such services to other cities or counties, and, in the event of such contracting, the duly authorized agents of such pound, kennel or hospital operator may be granted authority, as peace officers of the city for enforcement of this chapter. Such contracting party and his agents shall not be deemed employees of the city within the meaning of RCW 35.18.110. (Ord. 62 § 5, 1956).

6.04.105 Appeals.

The hearing examiner is defined and designated to hear appeals by parties aggrieved by the animal control authority pursuant to this chapter. The hearing examiner may adopt reasonable rules or regulations for presentation and hearing of appeals and for conducting its business. Copies of rules and regulations adopted by the hearing examiner shall

be accessible to the public. A copy of the written findings of the hearing examiner shall be rendered to the appellant and to the animal control authority. (Ord. 833 § 2, 2009; Ord. 263 § 12, 1973).

6.04.110 Penalty.

(1) Any person adjudged to have committed an infraction as designated in this chapter shall receive a civil penalty of not less than \$50.00 on the first incident, not less than \$75.00 for the second incident, and not less than \$100.00 on each additional incident within any one-year period.

(2) Any person found to have unlawfully committed any act as designated in this chapter shall be found guilty of a misdemeanor, punishable up to a maximum of 90 days in jail or a \$1,000 fine or both. (Ord. 708 § 1, 2003; Ord. 498 § 12, 1988).