

## **Title 8**

### **ANIMALS\***

#### **Chapters:**

**8.02 Animal Control and Licensing**

**8.04 Right to Farm**

\*Prior legislation: Ords. 233, 302, 445, 451, 630, 674, 712 and 809.



**Chapter 8.02**

**ANIMAL CONTROL AND LICENSING**

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**8.02.010 Title.**

The ordinance codified in this chapter may be cited as “the animal control ordinance.” (Ord. 1033, 1998).

**8.02.020 Definitions.**

As used in this chapter, the terms defined in this section shall have the defined meanings unless the context requires otherwise; words in the present tense include the future; the singular includes the plural; plural usage includes the singular; “shall” means mandatory, not di-

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rectory, and the masculine gender includes the feminine.

(1) "Adult dog or cat" means any dog or cat over the age of six months.

(2) "Animal" means any live vertebrate creature, reptile, amphibian, or bird, except man.

(3) "Animal at large" means any animal off the property of its owner, unless restrained by leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a responsible person, whether or not the owner of such animal, or which enters upon the property of another person without authorization of that person.

(4) "City" means city of Stanwood.

(5) "Biting dogs" means any dog known to have bitten or scratched any person or persons or other animal or animals.

(6) "Chasing and intimidating dogs" means any dog which is known or in the exercise of reasonable care should be known to chase, run after or jump at vehicles or bikes using public streets, alleys and sidewalks, or which habitually snaps, growls, jumps at or upon or otherwise threatens persons lawfully using public streets, alleys or sidewalks.

(7) "Dangerous dog" means any dog that, according to the records of the appropriate authority, (a) has inflicted severe injury on a human being without provocation, or (b) animal without provocation while off the owner's property, or (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(8) "Euthanasia" means the putting to death of an animal in a humane manner.

(9) "Exotic, wild or dangerous animal" means any member of the animal kingdom which is not commonly domesticated or which is not common to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any domesticated animal which, because of its size, vicious nature or other similar characteristics would constitute a danger to human life or property if not kept, maintained or confined in a safe and secure manner. Incorporated by reference here

are the State Game Department regulations, principally the following: WAC 232-12-015, 232-12-030, 232-12-040, 232-12-050, and 232-12-060.

(10) "Livestock" includes horses, cattle, sheep, donkeys, emus, ostriches, buffaloes, llamas, goats, and swine.

(11) "Owner" means any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.

(12) "Neutered" or "spayed" means medically determined to be incapable of reproduction or when the physical condition of an animal is certified by a licensed veterinarian to be such as would prohibit performance of such medical procedure to render it unproductive.

(13) "Noisy dogs and cats" means any dog or cat that is allowed to unreasonably disturb persons by habitually barking, howling, yelping, whining, or making other oral noises.

(14) "Potentially dangerous dog" means any dog that when unprovoked: (a) inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

(15) "Right to farm" as it relates to existing and ongoing agricultural acts, are those activities involved in the production of crops and livestock. (Chapter 8.04 SMC, Right to Farm.)

(16) "Stray animals" means any animal declared to be found running at large, is not licensed, has no identification tag, and has no apparent home where it is cared for on a regular basis.

(17) "Trespassing dogs and cats" means to trespass on private or public property without the permission or consent of the property owner. (Ord. 1033, 1998).

### 8.02.030 Purpose.

It is hereby declared that the public policy of the city of Stanwood is to encourage, secure

and enforce those animal control measures deemed desirable and necessary, for the protection of human health and safety, and to the greatest degree practicable to prevent injury to property and cruelty to animal life. To this end, it is the purpose of this chapter to provide a means of licensing dogs, impounding animals, and controlling animal behavior to prevent injury to property or curtail cruelty to animals. (Ord. 1033, 1998).

#### **8.02.040 Livestock not to run at large.**

No livestock or fowl of any kind shall be allowed to run at large, during any hour of the day or night upon any unenclosed land public or private, within the city limits. (Ord. 1033, 1998).

#### **8.02.050 Required area for livestock.**

A livestock enclosure shall encompass at least one-half-acre or 21,280 square feet per animal defined as livestock unless the site qualifies as a small farm and an existing and ongoing agricultural activity as defined under Chapter 8.04 SMC, Right to Farm. (Ord. 1033, 1998).

#### **8.02.060 Livestock – Impounding authorized.**

Any animal found in violation of SMC 8.02.040 within the city limits may be impounded by the animal control officer or any police officer, and kept at a city facility or at some other facility suitably equipped for the care and confinement of the animal. (Ord. 1033, 1998).

#### **8.02.070 Notice of impoundment.**

The animal control officer or police officer impounding any animal pursuant to SMC 8.02.060 shall give the owner thereof written notice of the impoundment as soon as possible, but not more than three days after impoundment. If the owner is not known, such notice shall be given by posting the same in a conspicuous place at the entrance of City Hall and the city police department, which notice shall state that the animal or animals described therein have been taken up and impounded and will be sold at public auction to the highest

bidder for cash at the time therein named, which time shall not be less than 10 days from the time of service or posting of the notice. The proceeds of the sale shall be applied to pay legal fees, costs and expenses incurred by the city in impounding, keeping and selling the animal. (Ord. 1033, 1998).

#### **8.02.080 Livestock – Redemption – Fees – Procedure for sale of unredeemed animals – Profits of sale held for owner.**

(1) If at any time before such sale the owner of the animal or animals so taken up or impounded pursuant to SMC 8.02.060 claims the same, the owner shall be entitled to possession thereof by paying to the city the appropriate fees as stated in Chapter 3.30 SMC, Fee Schedule, for:

(a) Transportation and impoundment expenses. The fee shall progressively double for each impoundment of the same animal during any one-year period;

(b) Actual cost per day for room and board during the period of impoundment;

(c) Any and all delinquent court fines imposed with respect to the animal.

(2) At the time named in said notice, if such animal or animals not be prior thereto claimed and redeemed, the animal control officer shall sell such animal or animals at public auction to the highest bidder for cash and shall immediately pay the proceeds of such sale into the city treasury, and give a receipt therefor to the purchaser. The city may contract for auctioneer services and pay expenses thereof from the proceeds from the sale of said animals.

(3) If the owner or owners of any animal or animals sold under the provisions of this chapter shall at any time within one year from the date of such sale make satisfactory proof of ownership, he/she or they shall be entitled to receive the net proceeds of such sale so paid into the city treasury, after deducting all legal charges, administrative costs and expenses. If such funds have not been claimed after one year, such proceeds shall be deemed forfeited and deposited in the general fund. (Ord. 1033, 1998).

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### 8.02.090 Hitching of horses prohibited in business districts.

It is unlawful for any person to leave a horse tied, fastened or hitched to any object in a business, commercial or industrial zone within the city limits, except for special events approved by the city. (Ord. 1033, 1998).

### 8.02.100 Driving or riding animals so as to endanger person or property.

It is unlawful for any person to drive, herd or ride a horse or other livestock in the city in such a manner as to endanger or to be likely to endanger any person or property, or to drive or ride a horse or other livestock upon any sidewalk in the city; provided, that this section shall not prohibit any person from driving or herding livestock in a safe manner consistent with reasonable farming or ranching practices. (Ord. 1033, 1998).

### 8.02.110 Dogs – License required.

It shall be a violation of this chapter for any person, firm or corporation to own, possess, harbor or otherwise be the custodian of any dog over the age of three months within the city of Stanwood unless the person, firm or corporation has first procured a license therefor as provided in this chapter. (Ord. 1033, 1998).

### 8.02.120 Dogs – Issuance of licenses and tags – Transferability – Attaching tag.

It shall be the duty of the city clerk-treasurer or his/her appointee, to issue licenses to persons applying therefor, upon payment of the license fee. Upon the issuance of a license, a metal tag, with number corresponding to the number of the application, shall be furnished the applicant, who shall cause the same to be attached or affixed to the dog licensed. Animal tags shall not be transferable from one animal to another. (Ord. 1033, 1998).

### 8.02.130 License fees.

Chapter 3.30 SMC, Fee Schedule, specifically addresses dog licenses in SMC 3.30.100. Documentation from a veterinarian or other sufficient medical proof must be provided when licensing a neutered or spayed dog. The

city council may revise any or all license fees by resolution. (Ord. 1033, 1998).

### 8.02.140 Proof of rabies inoculation.

No license hereunder shall be granted unless the applicant shall have presented to the city or its appointee a certificate from a licensed veterinarian that the animal has been inoculated against rabies within the year preceding application for license. (Ord. 1033, 1998).

### 8.02.150 Dogs – Term of renewal of licenses.

All licenses required under this chapter, except the lifetime license for neutered dogs, shall expire on December 31st of each year. Annual license fees shall be due and payable within 30 days after acquisition of a dog and within 45 days after January 1st of each year. (Ord. 1033, 1998).

### 8.02.160 Dog license exemptions.

The licensing provisions of this section shall not apply to dogs in the custody of a veterinarian, or animal shelter or animal rescuer, or whose owners are nonresidents temporarily within the city for a period not exceeding 30 days. Also, when a blind person, physically disabled or hearing impaired person requests that no fee be charged to license his/her guide dog, or service dog, no fee shall be charged. (Ord. 1033, 1998).

### 8.02.170 Dogs and cats – Impoundment – Redemption.

(1) The animal control officer of the city of Stanwood may impound dogs and cats, which fall in one or more of the following categories:

(a) Those dogs which are not licensed as defined in SMC 8.02.020(16);

(b) Those dogs which do not exhibit the identification tag, as required in SMC 8.02.020(16);

(c) Stray animals as defined in SMC 8.02.020(16);

(d) Biting dogs as defined in SMC 8.02.020(5);

(e) Dangerous dogs as defined in SMC 8.02.020(7);

(f) Noisy dogs and cats as defined in SMC 8.02.020(13);

(g) Trespassing dogs and cats as defined SMC 8.02.020(17);

(h) Dogs running in packs;

(i) Chasing or intimidating dogs as defined in SMC 8.02.020(6);

(j) Dogs habitually running at large as defined in SMC 8.02.020(3).

(2) The animal control officer shall use her best efforts to notify the owner of the animal impounded pursuant to this section. The owner may redeem an impounded animal at any time before the animal is sold or destroyed, by paying to the city the sums set forth in Chapter 3.30 SMC, Fee Schedule:

(3) If an animal is sold pursuant to this chapter, the net proceeds from the sale shall offset the accrued transportation/impoundment fees and for room and board. The net proceeds of the sale shall not offset any delinquent court fines. (Ord. 1033, 1998).

**8.02.180 Destruction and sale of animals.**

(1) The animal control officer or other properly certified person shall have the authority to sell or destroy, by humane means, all animals given to the city or impounded pursuant to this chapter, when such animals have not been redeemed by their owners in the following time periods:

(a) Immediately upon determining that it would be humane to destroy an injured or diseased animal and the animal is unlicensed or the owner cannot be located. Determination of whether the animal will be destroyed will be made by a veterinarian, animal control officer or police officer;

(b) Ten working days after an animal has been impounded pursuant to this chapter.

(2) The animal control officer or other properly certified person as defined in SMC 8.02.280 shall have the authority to sell such animal(s) with the net proceeds of such sale so paid into the city treasury, after deducting legal charges, administrative costs and expenses. (Ord. 1033, 1998).

**8.02.190 Stray animals.**

Any animal is subject to impoundment if it is found to be a “stray animal” as defined in SMC 8.02.020(16). (Ord. 1033, 1998).

**8.02.200 Confinement and redemption of biting dogs.**

(1) It is unlawful for the owner or owners of a “biting dog(s)” as defined in SMC 8.02.020(5), to harbor or keep such dog without permitting an examination or inspection of such dog after due demand therefor by the chief of police or his designee. If, after such inspection or examination, good cause appears to be that such animal is suffering or has been exposed to rabies, such animal may be impounded and quarantined apart from other animals for a 10-day period from and after the date of seizure.

(2) Any dog impounded under this section may be redeemed at the expiration of such period or prior thereto, upon the determination of the county health department that it is free from such disease, and upon the payment to the impounding authority of the maintenance charge for each day of confinement, as herein before set forth. (Ord. 1033, 1998).

**8.02.210 Trespassing dogs and cats prohibited – Requirement to remove fecal matter.**

(1) It is unlawful to permit any dog or cat to trespass as defined in SMC 8.02.020(17) on private or public property or befoul any property.

(2) It is unlawful to fail to remove fecal matter deposited by an animal on the property of another before the owner and/or said animal leave the immediate area in which the fecal matter was deposited.

(3) It is unlawful for a person to fail to have in his or possession the equipment necessary to remove fecal matter deposited by an animal when on public property or a public right-of-way. (Ord. 1033, 1998).

**8.02.230 Noisy dogs and cats prohibited.**

It is unlawful to allow a dog or cat to unreasonably disturb persons with loud and contin-

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uous noises as defined in SMC 8.02.020(13). (Ord. 1033, 1998).

### **8.02.240 Chasing and intimidating dogs prohibited.**

It is unlawful for any person, firm or corporation which owns, possesses, harbors, or has control or charge of chasing and/or intimidating dog(s) as defined in SMC 8.02.020(6) to allow the same to run at large and not under restraint. (Ord. 1033, 1998).

### **8.02.250 Commission for officers enforcing.**

Appointees of the city of Stanwood charged with the duty of controlling animals shall have limited law enforcement commission to enforce provisions of this chapter. (Ord. 1033, 1998).

### **8.02.260 Animal control officer appointed.**

The animal control officer of the city shall be appointed by the mayor or his designee. The position shall be subject to the supervision of the chief of police or his/her designee. (Ord. 1033, 1998).

### **8.02.270 Animal control shelter.**

The city may maintain and operate, or contract to maintain and operate an animal control shelter, which shall be used as the public pound for any animal or the livestock referred to in this chapter. (Ord. 1033, 1998).

### **8.02.280 Duties of animal control officer.**

The animal control officer or other persons in charge of the pound shall securely keep the pound and properly care for all animals that may be delivered into his custody until the same shall be released or sold as provided by this chapter. Upon receipt of any animal, he/she shall forthwith keep a report with the name of the person delivering the same to him/her, the day and hour of its receipt and a description to a reasonable certainty of the animal or animals and the name of the owner or owners, if known; he/she shall also report the release of all animals under his charge, showing the name of the owner, to whom delivered, together with the amount realized on such

release. The Stanwood police department shall keep a correct record of all matters above described and the same shall be preserved as one of the records of the office and shall be open to public inspection. This section shall not be deemed to prohibit the city from contracting for any of the services necessitated by this chapter. (Ord. 1033, 1998).

### **8.02.290 Obstructing process of impoundment – Penalty.**

It is a gross misdemeanor for any person to prevent or hinder or to attempt to prevent or hinder the impounding of any animal found to violate the provisions of this chapter, or by force or otherwise remove or attempt to remove any animal from the public pound without the authority of the animal control officer, or other person in charge of the pound, or to aid in any attempt to remove any animal or animals from the pound. (Ord. 1033, 1998).

### **8.02.300 Entering private property to take possession of animal.**

The animal control officer may enter the private unenclosed private property of another with or without warrant, to take possession of any animal observed by the animal control officer in violation of this chapter. (Ord. 1033, 1998).

### **8.02.310 Leash required.**

It is unlawful for the owner or custodian of any dog to cause, permit or allow such dog to roam, run, stray, or to be away from the premises of such owner or custodian and to be on any public place, or on any public property, or the private property of another in the city of Stanwood, unless such dog, while away from such premises, is controlled by a leash or lead, such control to be exercised by such owner or custodian or other competent and authorized person. Any dog found roaming, running, straying or being away from such premises and not on a leash as provided in this section may be impounded subject to redemption in the manner provided by this chapter. (Ord. 1033, 1998).

**8.02.320 Restraint or enclosure.**

All persons owning or having control or possession of any exotic animal, livestock or fowl within the city of Stanwood shall keep the same safely and appropriately enclosed at all times on the premises owned and occupied by such persons. (Ord. 1033, 1998).

**8.02.330 Disposal of diseased animal carcass.**

Every person owning or having in charge any animal that has died or been killed due to disease shall immediately notify a veterinarian and dispose of the carcass per veterinarian instructions, supplying the chief of police, animal control officer or his/her designee with written document. No person shall sell, offer to sell or give away the carcass of any animal, which died or was killed on account of disease, except the city has the authority to seize the carcass for public healthy and safety purposes. (Ord. 1033, 1998).

**8.02.340 Pigeons – Exception.**

The provisions of this chapter shall not apply to pigeons during periods when they are being trained or exercised; provided, that pigeons shall not be allowed to trespass on private property so as to damage, destroy or befoul any property. (Ord. 1033, 1998).

**8.02.350 Location of building – Enclosures must be clean.**

(1) Any building inhabited by livestock or fowl shall be located at a minimum distance of 100 feet of any adjoining residence.

(2) All houses, pens or enclosures where chickens, turkeys, geese, ducks, pigeons or other domestic fowl or rabbits are kept shall be kept clean and free from disagreeable odors. No organic materials furnishing food for flies shall be allowed to accumulate on the premises. All manure and other refuse must be kept in tightly covered fly-proof receptacles and disposed of at least once each week in a manner approved by the animal control officer. (Ord. 1033, 1998).

**8.02.360 Pigsty.**

No pigsty, piggery or other place where swine are kept shall be built or maintained on marshy ground or land subject to overflow, nor within 200 feet of any stream or other source of water supply, nor within 300 feet of any inhabited house or public meeting house on adjoining property. (Ord. 1033, 1998).

**8.02.370 Swine – Garbage feeding.**

When garbage is fed to pigs all unconsumed garbage shall be removed daily and disposed of by burial or incineration. No organic material furnishing feed for flies shall be allowed to accumulate on the premises. All garbage shall be handled and fed upon platforms of concrete or other impervious material. Unslaked lime, hypochlorite of lime, borax or mineral oil shall be used daily in sufficient quantities to prevent offensive odors and the breeding of flies. (Ord. 1033, 1998).

**8.02.380 Rat and mice free premises.**

All premises where any of the livestock or fowl mentioned in this chapter are kept shall be free from rats and rat and mice harborages. (Ord. 1033, 1998).

**8.02.390 Cruelty to animals.**

The following statutes regarding cruelty to animals are incorporated by reference:

- RCW
- 46.61.660 Carrying Animal on Outside of Vehicle
- 16.52.011 Definitions
- 16.52.015 Enforcement Powers
- 16.52.080 Transporting or Confining Animals in an Unsafe Manner
- 16.52.085 Removal of Neglected Animals for Feeding and Restoration to Health – Examination – Notice – Return – Non-Liability
- 16.52.090 Docking Horses – Misdemeanor
- 16.52.095 Cutting Ears – Misdemeanor
- 16.52.100 Confinement Without Food and Water
- 16.52.110 Old or Diseased Animals at Large
- 16.52.117 Animal Fighting – Owner, Trainers, Spectators – Exceptions

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- 16.52.180 Limitations on Application of Chapter
  - 16.52.185 Exclusions from Chapter
  - 16.52.190 Poisoning Animals
  - 16.52.193 Poisoning Animals – Strychnine Sales
  - 16.52.195 Poisoning Animals – Penalty
  - 16.52.200 Sentences – Forfeiture of Animals – Liability for Costs – Civil Penalty
  - 16.52.210 Destruction of Animal by Law Enforcement Officer – Immunity from Liability
  - 16.52.300 Dogs or Cats Used as Bait – Penalties
- (Ord. 1033, 1998).

### 8.02.400 Dangerous dogs.

The following statutes regarding dangerous dogs are incorporated by reference:

RCW

- 16.08.070 Definitions
  - 16.08.080 Registration
  - 16.08.090 Restraint
  - 16.08.100 Confiscation – Penalties
- (Ord. 1033, 1998).

### 8.02.410 Declaration of potentially dangerous and dangerous dogs – Procedure.

(1) The police department shall classify potentially dangerous and dangerous dogs. The department may find and declare an animal potentially dangerous and dangerous if an animal control officer has probable cause to believe that the animal falls within the definitions set forth in SMC 8.02.020. The finding must be based upon:

- (a) The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of SMC 8.02.020; or
- (b) Dog bite reports filed with the police department; or
- (c) Actions of the dog witnessed by any animal control officer or law enforcement officer; or
- (d) Other substantial evidence.

(2) The declaration of potentially dangerous and dangerous dogs shall be in writing and

shall be served on the owner in one of the following methods:

- (a) Certified mail to the owner's last known address; or
  - (b) Personally; or
  - (c) If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
- (3) The declaration shall state at least:
- (a) The description of the animal;
  - (b) The name and address of the owner, if known;
  - (c) The location of the animal if not in custody of the owner;
  - (d) The facts upon which the declaration of potentially dangerous dog is based;
  - (e) The restrictions placed on the animal; and
  - (f) The ability and process for appealing the declaration to the Snohomish County district court. (Ord. 1033, 1998).

### 8.02.420 Notification of status of potentially dangerous dog.

(1) The owner of the potentially dangerous dog shall immediately notify the police department when the animal:

- (a) Is loose or unconfined off the property; or
- (b) Has bitten or injured a human being or another animal; or
- (c) Is sold or given away or dies; or
- (d) Is moved to another address.

(2) Prior to a potentially dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control agency. The new owner shall comply with all the requirements of this chapter. (Ord. 1033, 1998).

### 8.02.430 Dangerous dogs – Confiscation – Penalties for owner of dogs that attack – Dog fights, penalty.

The requirements of confiscation, destruction, penalty for owners of dangerous dogs that attack a person or domestic animal, and penalties for any person entering a dog in a dog fight shall be determined pursuant to RCW 16.08.100. (Ord. 1033, 1998).

**8.02.440 Licensing – Animal shelters, kennels, catteries, hobby kennels, hobby catteries, pet shops, grooming services – General requirements.**

All animal shelters, kennels, catteries, hobby kennels, hobby catteries, pet shops, and grooming services must be licensed by the city and issued by the city clerk. Licenses will be valid for one year from the date of application. Fees shall be assessed as determined by resolution of the city council. There is no proration of the license fee. Renewal licenses shall retain the original expiration date whether renewed prior to, on, or after their respective renewal month. Any person(s) who engages in more than one of the services or maintains more than one of the types of facilities cited in this section shall pay license fees as determined in SMC 3.30.100.

Veterinarians shall obtain the required license for any service other than the one which by law may be performed only by a veterinarian; provided, that no such license shall be required for his or her possession of animals solely for the purposes of veterinary care. (Ord. 1033, 1998).

**8.02.450 Kennel permit required.**

No person shall keep dogs and/or cats over three months of age which exceed the maximums identified in SMC 8.02.470 or operate a “commercial kennel” as identified in SMC 8.02.460 without first obtaining a permit from the city subject to inspection by the animal control officer. Said animal control officer shall have administrative authority to allow an exceedance of the maximum number of dogs and cats referred to in SMC 8.02.470 or to operate a commercial kennel; provided, however, in no event shall such administrative approval be granted for an exceedance of the maximums by more than six dogs or cats without a conditional use permit from the city council. The factors to be considered in granting or denying such an exceedance shall be the same as set forth in SMC 8.02.470(2)(c)(i) through (v). Any aggrieved party may appeal the decision of the animal control officer to the city council

who are authorized to hear such appeals and make a decision. (Ord. 1033, 1998).

**8.02.460 Commercial kennels and pet shops.**

(1) General Conditions.

(a) Animal housing facilities shall be provided the animals and shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury and restrict the entrance of other animals.

(b) Each animal housed in any animal shelter, commercial kennel or pet shop or enclosure therein shall be provided with adequate floor space to allow each animal to turn about freely and to easily stand, sit, and lie in a comfortable normal position.

(c) Electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating and lighting as may be required by this chapter.

(d) Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.

(e) Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

(2) Maintenance and Operation of Pet Shops.

(a) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be provided and operated as to minimize vermin infestation, odors, and disease hazards.

(b) Washroom facilities, including sinks and toilets, with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.

(c) Sick, diseased or injured animals shall be separated from those appearing healthy and normal and if for sale, shall be removed from display and sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

## 8.02.470

(d) There shall be an employee on duty at all times during hours any store is open whose responsibility shall be the care and supervision of the animals in that shop or department held for sale or display.

(e) An employee, keeper or owner shall make provision to feed, water and do the necessary cleaning of animals on days the store or establishment is closed.

(f) No person, persons, association, firm or corporation shall misrepresent an animal to a consumer in any way.

(g) No person, persons, association, firm or corporation shall knowingly sell a sick or injured animal.

(h) Animals which are caged, closely confined or restrained shall be permitted daily, and for an appropriate length of time, as determined by their size, age and species, to exercise in a yard or area suitable for that purpose. (Ord. 1033, 1998).

### **8.02.470 Hobby kennel or hobby cattery – Conditions.**

(1) Limitation on Number of Dogs and Cats Allowed. Any hobby kennel or hobby cattery license shall limit the total number of dogs and cats over three months of age kept by such hobby kennel or hobby cattery based on the following guidelines:

(a) The amount of lot area; provided, that the maximum number shall not exceed 25 where the lot area contains five acres or more; the maximum number shall not exceed five per acre where the lot area contains one acre but less than five acres and the maximum number shall not exceed four where the lot is less than one acre;

(b) The facility specifications or dimensions in which the dogs and cats are to be maintained;

(c) The zoning classification in which the hobby kennel or hobby cattery would be maintained.

(2) Requirements – Hobby Kennels and Hobby Catteries.

(a) All open run areas shall be completely surrounded by a six-foot fence set back at least 20 feet from all property lines; provided this requirement may be modified for hobby

catteries as long as the open run area contains the cats and prohibits the entrance of children. For purposes of this section “open run area” means that area, within the property lines of the premises on which the hobby kennel or hobby cattery is to be maintained, where the dogs and cats are sheltered and maintained.

(b) No commercial signs or other appearances advertising the hobby kennel or hobby cattery are permitted on the property except for the sale of the allowable offspring set forth in this section, or otherwise allowable under the city sign code as codified in Chapter 17.110 SMC.

(c) The animal control officer may require setback, additional setback, fencing, screening or soundproofing pursuant to SMC Title 17, Zoning, as she or he deems necessary to insure the compatibility of the hobby kennel or hobby cattery with the surrounding neighborhood. Factors to be considered in determining such compatibility are:

(i) Statement regarding approval or disapproval of surrounding neighbors relative to maintenance of a hobby kennel or hobby cattery at the address applied for;

(ii) Past history of animal control complaints relating to the dogs and cats of the applicant at the address for which the hobby kennel or hobby cattery is applied for;

(iii) Facility specifications and dimensions in which the dogs and cats are to be maintained;

(iv) Animal size, type and characteristics of breed;

(v) The zoning classification of the premises on which the hobby kennel or hobby cattery is maintained.

(d) The hobby kennel or hobby cattery shall limit dog and cat reproduction to no more than one litter per license year per female dog and two litters per license year per female cat;

(e) Each dog and cat in the hobby kennel or hobby cattery shall have current and proper immunization from disease according to the dog’s and cat’s species and age. Such shall consist of DHLPP inoculation for dogs over three months of age and FVRCP for cats over two months of age and rabies inoculations for all dogs and cats over six months of age.

(3) License Issuance and Maintenance. Only when the animal control officer is satisfied that the requirements of this chapter have been met may a hobby kennel or hobby cattery license be issued. The license will continue in full force throughout the license year unless, at anytime, the hobby kennel or hobby cattery is maintained in such a manner as to:

(a) Exceed the number of dogs and cats allowed at the hobby kennel by the animal control section; or

(b) Fail to comply with any of the requirements of this chapter.

(4) Special Hobby Kennel License.

(a) Persons owning a total number of dogs and cats exceeding four who do not meet the requirements for a hobby kennel license may be eligible for a special hobby kennel license to be issued at no cost by the animal control authority which will allow them to retain the specific animals in their possession; provided, that the following conditions are met:

(i) The applicant must apply for the special hobby kennel license and individual licensees for each dog and cat within 30 days of the enactment of the ordinance codified in this chapter or at the time they are contacted by an animal control officer.

(ii) The applicant is keeping the dogs and cats for the enjoyment of the species, and not as a commercial enterprise.

(b) The special hobby kennel license shall only be valid for those specific dogs and cats in the possession of the applicant at the time of issuance, and is intended to allow pet owners to possess animals beyond the limits imposed by code until such time as the death or transfer of such animals reduces the number possessed to the legal limit set forth by code.

(c) The animal control officer may deny any application or revoke a special hobby kennel license based on past animal control code violations by the applicant's dogs and cats, or complaints from neighbors regarding the applicant's dogs and cats; or if the animal(s) is maintained in inhumane conditions. (Ord. 1033, 1998).

**8.02.480 Grooming parlors – Conditions.**

Grooming parlors shall:

(1) Not board animals, but keep said animals for a reasonable time in order to perform the business of grooming;

(2) Keep each animal in an individual cage;

(3) Not permit animals therein kept for the direct purpose of grooming to have contact with other animals kept therein;

(4) Sanitize all equipment after each animal has been groomed;

(5) Not prescribe treatment or medicine that is in the province of a licensed veterinarian as provided in RCW 18.92.010;

(6) Not leave animals unattended during the drying process;

(7) Take reasonable precautions to prevent injury from occurring to any animals while in the custody of said parlor;

(8) Remove animal waste. (Ord. 1033, 1998).

**8.02.490 Penalties.**

Any violation of this chapter not otherwise designated shall constitute a Class B violation in accordance with SMC 13.01.045(1) and subject the violator to enforcement as set forth therein. (Ord. 1112 § 2, 2001; Ord. 1033, 1998).

**8.02.500 Notice of abatement – Penalties.**

*Repealed by Ord. 1112.* (Ord. 1033, 1998).

**8.02.510 Notice of abatement – Petition.**

Whenever it may be affirmed in writing by three or more persons having separate residences or regularly employed in the neighborhood or animal control officer that any dog or cat is a habitual problem by reason of continued violations of any section of this chapter, the animal control officer may serve notice upon the owner or custodian of the dog or cat ordering that the problem be abated within a period of not less than three days. It may be unlawful for any person to fail to comply with said notice of abatement, and may be cause for impoundment of the dog or cat or a civil infraction or applicable infraction provided in this chapter. (Ord. 1033, 1998).

## **8.02.520**

### **8.02.520 Third party liability.**

(1) It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

(2) It is the specific intent of this chapter to place the obligation of complying with its requirements upon the owner and possessors of animals and no provisions nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation and enforcement of this chapter shall be discretionary and not mandatory.

(3) Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officer, employees or agents, for any injury or damage resulting from the failure to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 1033, 1998).

### **8.02.530 Severability.**

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter or its application to any other person or situation. The city council of the city of Stanwood hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional. (Ord. 1033, 1998).

### **8.02.540 Savings.**

Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any ordinance of the city herein superseded; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of passage of the ordinance codified in this chapter. (Ord. 1033, 1998).

**Stanwood Municipal Code**

**Chapter 8.04**

**RIGHT TO FARM**

**(Reserved)**

