ORDINANCE NO. 132

AN ORDINANCE OF THE CITY OF KENT, WASHINGTON, REGULATING THE HARBORING AND RUNNING AT LARGE OF ALL DOGS AND CATS WITHIN THE CORPORATE LIMITS OF THE CITY OF KENT, PROVIDING FOR THE LICENSING SEIZURE, QUARANTINE, IMPOUNDING, SALE AND OTHER DISPOSITION THEREOF; DECLARING CERTAIN ACTIONS TO BE PUBLIC NUISANCES; PRESCRIBING PENALTIES FOR VIOLATIONS; AND REPEALING ORDINANCE No. 0.931 (1956), SECTIONS 1, 2, 3, 4 (sub-sections A and B), 5, 6, 7, 8 and 9, AS AMENDED BY ORDINANCE No. 0.1162 (1962) AND ANY OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. PURPOSE DECLARED. This Ordinance is enacted for the purpose of regulating the keeping of cats and dogs within the corporate limits of the City of Kent, Washington. The fees, charges and penalties collected hereunder shall be budgeted to defray, in whole or in part, the expense of such regulation.

Section 2. DEFINITIONS AND TERMS. As used in this Ordinance, unless the context otherwise indicates, the following words and terms shall mean:

(a) "Animal" shall include both the male or female, natural or sterilized, cats and dogs.

(b) "Cat" or "Dog" shall include both male and female, natural or sterilized.

(c) "Vicious animal" shall include those whose temperament or habits create danger or injury to persons or other animals or create a reasonable apprehension of injury to persons or other animals.

(d) "Predatory animal" shall include any dog of either sex whose action or habits customarily defiles, despoils or damages property of others.

(e) "Owner" or "Keeper" shall include any person, association or corporation owning, keeping or harboring an animal.

(f) "At large" means to be off the premises of the
owner and not under the control of the owner or of an authorized
person over twelve years of age, either by leash or otherwise,
but an animal within an automobile or other vehicle of its owner
shall be deemed to be upon the owner's premises.

(g) "Barking dog" means any dog which by frequent or
habitual howling, yelping or barking annoys or disturbs other
persons in the vicinity of the premises of the owner or upon the
public streets.

(h) "Leash" shall include a cord, thong or chain not
more than eight (8) feet in length by which an animal is con-
trolled by the person accompanying it.

(i) "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 ten (10) days is presumed to be
harboring or keeping the animal within the meaning of this
Ordinance.

(j) "Officer" or "Official:" Any policeman or any
officer, official, person or persons designated by the Mayor,
City Clerk, or by Ordinance of the City to issue licenses, pick
up, restrain, impound, sell, dispose, give notice for any other
acts, duties or functions prescribed by this or other Ordinances
relating to the animals herein regulated.

(k) "License" shall mean the cat or dog license issued
by the City of Kent under this Ordinance.

(l) "Kennel" shall include any place, other than a
veterinary hospital, where three or more cats or three or more
dogs are kept for breeding and the offspring thereof are sold for
profit or where such animals are received for care and boarding.

(m) "Public emergency" shall include any situation
resulting from conditions of war, insurrection, contagious diseases
or other circumstances which, in the opinion of the Chief of Police,
warrants the restraint and confinement of animals within the
premises of the owner or keeper.

(n) "Pound:" A place within or without the City, pro-
vided and operated by the City employees or by an independent
agency under the authority of the City acting alone or in concert
with other municipalities for the restraint and care of animals.

(o) "Spayed Female" shall include a female cat or dog
which has been sterilized by a licensed veterinarian to avoid or
prevent conception. Proof of such sterilization must be evidenced
by the certificate of a licensed veterinarian.

(p) "Restraint:" An animal shall be deemed to be under
restraint 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.

Section 3. ANNUAL LICENSE REQUIRED -- TAGS:

(a) It shall be unlawful to keep or harbor a cat or
dog over six (6) months of age within the City of Kent unless an
animal license shall be procured for the animal from the City.

(b) Application for such license shall be made upon
forms provided by the City. The application shall list the name,
address and phone number of the owner; the name, breed, color,
age and sex of each animal owned or harbored by him and such other
medical and vaccination information and data as may be required
in Section 8 (a) hereof. Such information shall be kept, con-
veniently indexed, by the licensing official together with the
number of the license issued.

(c) The license shall expire each year on the 31st day
of December following the date of issuance thereof.

(d) The annual license fee for each male dog and
spayed female dog shall be $2.00. The annual license fee for
each female dog or cat shall be $2.00. The annual license fee for male and spayed female cats shall be $1.00.

(e) Each licensed dog shall be provided by the owner or keeper with a suitable collar or harness which shall be worn by the animal at all times when running at large. To such collar or harness shall be affixed a tag provided by the city official for each year for which a license has been procured. Such license tag shall be so affixed as to hang and be discernible to a person of normal vision at not less than ten (10) feet. The license tag shall be stamped with the number and year for which it is issued. The shape or design of such tag shall be changed from year to year. It shall be unlawful for any person other than the owner, his agent or a city official to remove the license tag from the dog.

(f) Whenever the ownership of an animal shall change, the new owner shall notify the licensing official and pay to the official a sum equal to 50% of the annual fee, whereupon the licensing official shall change the record accordingly for such animal and the previously issued license for such animal shall remain valid for the remainder of the year.

(g) LOST TAG.

(1) Any owner or keeper of a licensed animal whose current license tag has been lost may obtain a replacement tag, prior to impounding of such animal, by payment of a fee of Fifty Cents (50¢) to the licensing official.

(2) Any animal, licensed for the current year, which may be impounded while running at large without a tag may be redeemed upon payment of impounding, care and innoculation fees as provided in Section 5 (c) of this Ordinance.

Section 4. CONTROL OF ANIMALS. It shall be unlawful for the owner or keeper:
(a) To permit an animal to run at large within the City of Kent at any time without a license as provided by Ordinance.

(b) To permit an animal, whether licensed or not, to frequent and run at large on public school grounds.

(c) To permit a dog in public parks except in vehicles and subject to all applicable rules and regulations of the Park Board or Ordinances regulating the use of parks.

(d) To permit a dog to enter a church, market or other place where food is stored, prepared, served or sold to the public or any other public place or hall (except for animal shows or other exhibition purposes, veterinary hospitals, kennels or places for which the licensing official has issued a permit under provisions of any Ordinance of the City of Kent).

(e) To permit a female dog to run at large while in heat.

(f) To permit a dog to run at large during such times which may be set hereafter by the City Council, the Mayor, the Chief of Police or the City Health Officer during a public emergency as defined in Section 2 (m) of this Ordinance.

(g) To permit a vicious, depredatory, destructive or diseased animal to run at large after the owner or keeper has been notified by the city official that such animal has been so classified or that reports or complaints of two or more neighbors or other residents have been filed or registered with the Chief of Police which would put the owner or keeper on notice of the disposition or conduct of such animal that creates a threat of injury to any person or animal or properties of others.

(1) COMPLAINT. Any person, reasonably apprehensive over the safety of his person, his family or his property because of the threatening, vicious or depredatory actions of any dog, may make written complaint, giving such information
as may be required by the Chief of Police.

(2) APPEAL OF CLASSIFICATION. Any owner or keeper aggrieved at the classification of his animal as vicious, depredatory or destructive may request a hearing before the District Judge of the Aukeen District Justice Court to determine the justification of such classification or the merit of the complaints. In the event of the affirnance of such classification, the owner or keeper, appealing, shall pay the costs of such hearing, including a filing fee and the fees to other witnesses called by the Police Chief in support of the classification.

(h) To permit a vicious animal off the owner's premises unless securely muzzled or leashed in the custody and control of a person over fifteen (15) years of age and physically able to restrain and control such animal.

(i) To harbor or permit a barking dog, whose barking is audible to persons on adjacent property.

Section 5. IMPOUNDING OF OFFENDING ANIMALS.

(a) It shall be the duty of such city employees as shall be designated for the purpose by the Mayor or the employees of any authorized agency designated by the Mayor with the approval of the City Council to take up and impound any animal found in the City in violation of any of the provisions of this Ordinance.

(b) The pound keeper or his duly appointed agent shall immediately upon impounding of any animal make a complete registry, entering the breed, color and sex of such animal and whether licensed, if known; and if licensed, he shall enter the name and address of the owner and number of the license tag, if known, and if bearing an inoculation tag, the number of such tag shall be recorded.

(1) When any licensed animal shall be impounded, the Chief of Police or pound master shall forthwith give notice
by mail and by telephone if the owner be within the city limits
to the owner of such licensed dog informing such owner of the
impounding of his dog and the reason therefor.

(c) For every animal taken up and impounded, as pro-
vided in this Ordinance, there shall be paid to the designated
official, for the use of the City, by any person desiring to
redeem such animal, the total of the following fees:

(1) An impounding fee of $3.50.

(2) If no license had been issued for the current
year, the annual license fee required by the provisions of this
Ordinance, or if tag is lost, the replacement fee as provided by
the provisions of this Ordinance; or, if redeemed by other than
prior owner, the cost of transferring registration as provided by
the provisions of this Ordinance.

(3) The cost of feeding and care of such animal
at $1.00 per day for animals weighing under 90 pounds and $1.50
per day for animals weighing 91 pounds or more.

(4) Cost of innoculating said animal against
rabies, unless owner presents a certificate as provided by the
provisions of this Ordinance.

Provided, however, that the pound master, in his dis-
cretion, may waive collection of the fees provided in (1) and (3)
above in event of sale of the animal to some person other than
prior owner or keeper. Provided further that payment of the fees
provided in this section shall be exclusive of any fines or pen-
alties imposed upon the owner upon conviction of violation of
any provisions of this Ordinance.

(d) Any animal which has been impounded may be re-
deemed during the first three days after being impounded by any
person claiming to own or act for the owner of such animal, and
after such three days by any person, on payment of the fees and
costs as set forth in Section 5 (c) above. If any such animal be not redeemed within six days after being impounded, such animal shall be subject:

(1) To being destroyed by the order of the Chief of Police or the authorized pound master; provided

(2) That after such six days on order of the pound master, such animal may be kept and offered for sale at a price fixed by the pound master, or

(3) Released by the pound master to any person who shall pay the fees required by Section 5 (c) or such portion, including innoculation and license, as pound master may require, or

(4) Such pound master may release such animal to any other organization for such other disposition as he may see fit, provided that no animal shall be given or sold to any person or association for vivisection purposes.

(e) DISPOSITION OF PROCEEDS FROM SALE OF IMPOUNDED ANIMALS. The proceeds of the auction or other sale of any impounded animal after the expiration of the period of redemption above provided shall be applied first to the cost of apprehension, license and the care of the animal at the rate set in Section 5 (c) above, and the balance of such proceeds shall be deposited with the City Clerk to be held for a period of six months during which time any person who shall present sufficient credible evidence of ownership of said animal may be entitled to redeem the remainder of such proceeds. If there has been no redemption of the balance of such proceeds within six months of the date of sale, the Clerk shall deposit said funds with the general funds of the City.

(f) Impounding and disposition of vicious animals. Any fierce, dangerous or vicious animal at large in the public ways or public places of the City or upon private premises of
any person other than the owner and any animal which may disturb
the quiet of any person or neighborhood or which may so conduct
itself on private premises as to cause harm thereto or annoyance
to the owner thereof or which shall bite a person or so injure a
person as to cause an abrasion of the skin is hereby declared to
be a public nuisance and such animals shall immediately be taken
up and impounded in the manner provided for in this Ordinance.
Any such animal may be redeemed, subject to the provisions of
this Ordinance, only by a person undertaking to control such
animal so as to prevent its being a nuisance as hereinabove de-
defined, and if any animal shall be so impounded three times in any
two month period under the provisions of this section, such animal
shall be disposed of as an unredeemed animal unless the owner
shall undertake and actually keep such animal outside the City
of Kent.

(g) Any animal of fierce, dangerous or vicious ten-
dencies shall not be permitted to run at large within the City
and shall be kept securely confined when on the owner's premises
so that such animal cannot reach mailmen, delivery boys or others
who may have occasion to enter the owner's premises in the hours
of their lawful work.

(h) Any dog which shall bite, attack or attempt to
bite one or more persons two or more times within a five year
period is hereby declared to be a nuisance and shall not be kept
within the City. If any such animal shall be found within the
City, it shall be impounded and disposed of as an unredeemed
dog, and the owner shall have no right to redeem such dog.

(i) If any fierce, dangerous, vicious or depredatory
animal cannot be safely taken up and impounded, such dog may be
slain by any police officer or authorized agent of the City pound.

(j) All costs of maintaining any such animal in a
veterinary hospital shall be paid by the owner.

(k) When an animal shall be impounded pursuant to the provisions of this Ordinance, the pound master may impose such conditions upon the release of such animal as may be necessary or desirable in order to avoid, forestall or prevent recurrence of the violation leading to the impounding of such animal, and no animal shall be redeemed by the owner or other person except on the compliance with and subject to conditions which may include undertaking to keep such animal outside the City, undertaking to pay damages done by such animal, undertaking to control such animal within specified limits or any other conditions which may be appropriate and reasonable to avoid recurrence of the conditions leading to such impounding.

Section 6. INJURING, KILLING, ABANDONING OR MIS-TREATING ANIMALS.

(a) No person shall wilfully injure, beat, abuse or run down any animal with a vehicle. Any person who kills or injures an animal while driving a vehicle shall stop at the scene of the accident and render such assistance as practicable, shall make reasonable effort to locate and identify himself to the owner or to any person having custody of the dog and shall report the accident immediately to the Police Department.

(b) It shall be unlawful for any person to keep or harbor an animal within the City without providing a suitable, dry place for the housing thereof or to fail to provide a suitable amount of wholesome food and clean water for the nutrition and comfort thereof or to leave the premises upon which such animal is confined or to which it customarily returns, for more than twenty-four (24) hours, without providing for the feeding and care of such animal in the absence of such person.

(c) It shall be unlawful for any person to poison or
to wilfully place or leave poisoned food anywhere within the City where it may be eaten by domestic animals or to leave poisoned or unpoisoned food outside the City with the intention and in such proximity as to poison a dog or cat within the City of Kent.

Section 7. ARREST OF ANIMALS.

(a) The City, by its properly constituted and designated officers, shall arrest any animal:

(1) Found to be at large or harbored under circumstances constituting a violation of this Ordinance, or

(2) Damaging property of a person other than the owner of such animal, except in defense of the property or of members of the owner's household, or

(3) Causing bodily harm to any person, or

(4) Acting in such manner as to cause reasonable apprehension of such harm to persons or animals not within or upon the premises of such animal's owner.

Such animal may also be taken into custody by any person who observes such violation. Such person shall promptly call the City police or other official or report the circumstances leading to such seizure and deliver or tender possession of such animal to the City for impounding.

(b) Any person, including the owner or member of his family, who shall give refuge to or who shall fail or refuse to deliver possession of an animal to an officer who was in pursuit of an animal seen violating any provision of this Ordinance shall, upon conviction thereof, be subject to the penalties as provided in this Ordinance.

(c) An officer, in hot pursuit of an animal known to be vicious, or reasonably suspected of being dangerous to persons other than wrongful trespassers upon his owner's premises, may
enter the premises of the owner and demand possession of such animal and if, after request therefor, the owner or keeper of the animal over sixteen (16) years of age shall refuse to deliver the animal to the officer and the officer cannot with reasonable safety catch the animal, he may cause it to be killed; provided such officer shall not enter the abode of the owner without a warrant therefor.

(d) HOLDING AND CARE OF IMPOUNDED ANIMALS. All animals arrested and impounded shall be given humane care and properly fed during such detention. Reasonable effort shall be exerted to segregate such animals as to size, condition and temperament so that the timid, sick, weak or injured animals will not suffer from the actions of others.

(e) Except in those cases in which the animal is being redeemed or returned to the owner or person having the lawful right thereto, all impounded animals shall be retained for not less than 72 hours after the time of giving notice of such impounding, unless the animal is sick or injured and a sooner disposal is deemed by the pound master to be the proper course to be taken. The pound master shall retain impounded animals beyond the 72 hours minimum requirement if, in his opinion, the animal is of sufficient value and attraction that the continued care and expense is warranted pending the sale or disposal of such animal.

Section 8.

(a) It shall be unlawful for the owner of any animal, when notified that such animal has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such animal or to permit or allow such animal to be taken beyond the limits of the City except to a veterinary hospital, and it shall be the duty of such owner upon receiving
notice of the character aforesaid to immediately place such
animal in a duly licensed veterinary hospital where such animal
shall be confined for a period of at least fifteen (15) days or
to deliver such animal to any policeman for such placement. Pro-
vided, upon authorization of a licensed veterinarian, with the
consent of the City Health Officer, such animal may be released
to the custody of its owner upon the owner's undertaking to
keep the same securely chained and confined to the premises of
the owner and segregated from any other animals during such ob-
servation period.

(b) Upon taking possession of an animal, known to have
bitten or having displayed symptoms of rabies, any policeman or
other authorized City employee or authorized agent shall forth-
with convey such animal to the nearest veterinary hospital where
such animal shall be securely chained or confined for a period of
at least fifteen (15) days. In case such animal is delivered to
a veterinary hospital, notice of the name and location of such
hospital shall be immediately furnished to the Chief of Police
by the owner of such animal and upon the receipt of such animal
the veterinary hospital shall submit to the Chief of Police a
certificate stating that such animal either shows no symptoms of
rabies or does show symptoms of rabies. At the expiration of
fifteen (15) days of confinement and upon release of such animal,
the veterinary hospital shall submit to the Chief of Police a
second certificate stating that the animal does not have rabies
and has been released. The cost of maintaining such animal in
the veterinary hospital shall be borne by the owner thereof,
except where the owner of such animal cannot be ascertained, the
City shall then pay for such observation and care.

(c) In all cases where any animal which has bitten a
person or caused an abrasion of the skin is slain by any policeman
or other authorized representative whether by order of the Court or otherwise, and a period of fifteen (15) days has not elapsed since the day on which such dog bit any person or caused an abrasion of the skin of any person, the brain of such animal shall be delivered intact to the laboratory of the State Department of Health or a duly authorized veterinary hospital for examination.

Section 9. The Mayor and the City Council of the City of Kent shall provide some suitable place within or without the City for housing animals picked up as strayed, injured or in violation of the terms of this Ordinance, and provision shall be made for the care, treatment, sale or other disposition of animals not redeemed as provided above. Such house shall be so designed and constructed as to keep the animals in clean, dry and well ventilated pens or cages, permit animals to get sunshine and exercise, and provide cages for sick or bite cases, and a lethal room and morgue shall be provided for. Care for said animals shall be provided for as approved by a licensed veterinarian. Dead animals shall be cremated, buried or removed to a rendering plant within forty-eight (48) hours of death except that in case of the death or destruction of such animal resulting from its having a communicable disease, the body thereof shall be removed and cremated or buried as soon as feasible after death.

Section 10. PENALTIES. Any person found guilty of violating any of the terms of this Ordinance shall be fined a maximum of THREE HUNDRED DOLLARS ($300.00) or imprisoned in the City Jail for a period not to exceed ninety (90) days or by both such fine and imprisonment.

Section 11. SEPARABILITY OF PROVISIONS. If any section, sub-section or portion of this Ordinance shall be declared invalid, such declaration shall not affect the validity of the remaining portions of this Ordinance.
Section 12. REPEAL OF CONFLICTING ORDINANCES. That Kent City Ordinance No. 0.931 (1956), Sections 1, 2, 3, 4 (subsections A and B), 5, 6, 7, 8 and 9, as amended by Ordinance No. 0.1162 (1962) and all other Ordinances or parts thereof in conflict with the provisions of this Ordinance be and the same are hereby repealed.

Section 13. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

Attest:

MARIE JENSEN, CITY CLERK

Approved as to form:

JOHN B. BERETT, CITY ATTORNEY

PASSED the 18th day of October, 1965.

APPROVED the 3rd day of Nov., 1965.

PUBLISHED the 10th day of Dec., 1965.
CERTIFICATION

October 18, 1965 Meeting

Police Committee. The City Attorney summarized a proposed ordinance which would require the licensing of cats as well as dogs within the city limits. Woodworth's motion to pass the ordinance was seconded by Pozzi. Under discussion, both Durand and Armstrong objected to the ordinance, opining that it is unenforceable. Some comments were heard from the floor both for and against the measure. The following roll call vote was taken: Armstrong, Nay; Buxton, Absent; Durand, Nay; Mooney, Aye; Pozzi, Aye; Strain, Aye; Woodworth, Aye. The Mayor announced that he would veto this ordinance, and would have his report ready for the next meeting.

November 1, 1965 Meeting

Several letters were read for and against the proposed animal control ordinance. Mayor Thornton's reasons for vetoing this ordinance were read, and after discussion, Pozzi moved for the passage of the ordinance, over the Mayor's veto, and motion seconded. A roll-call vote was taken as follows: Armstrong, Nay; Buxton, Aye; Durand, Nay; Mooney, Aye; Pozzi, Aye; Strain, Aye; Woodworth, Aye. Ordinance 1321 regulating control of animals was passed.

STATE OF WASHINGTON
COUNTY OF KING

I, Marie Jensen, the undersigned, as City Clerk in and for the City of Kent, Washington, do hereby certify that the above and attached is a true and correct copy of an excerpt from the minutes of the regular meeting of the City Council of October 18, and November 1, 1965.

IN WITNESS WHEREOF, I have hereeto fixed my hand and affixed the Seal of the said City this 9th day of November, 1965.

[Signature]
Marie Jensen, City Clerk