Ordinance No. 2787
(Amending or Repealing Ordinances)

CFN=175 – Business License
Passed 6/2/1988
Animal Control

Amended by Ord. 3429 (Sec. 9.16.08)
Amended by Ord. 3837 (Secs. 8.03.030; 8.03.040; 8.03.045; 8.03.210; 8.03.240)
Amended by Ord. 3844 (Sec. 8.03.030; 8.03.210)
Repealed by Ord. 3979 (except Secs. 8.03.020; 8.03.210(2); 8.03.210(3); 8.03.210(4))
ORDINANCE NO. 207

AN ORDINANCE of the City of Kent, Washington, relating to animal control, regulating dangerous and potentially dangerous dogs, and amending Kent City Code Chapter 9.16.

WHEREAS, the City of Kent presently maintains an animal control ordinance codified in Chapter 9.16; and

WHEREAS, Chapter 16.08 RCW enacted by the 1987 Legislature regulates dangerous and potentially dangerous dogs and prescribes certain penalties, including enforcement by local animal control officers; and

WHEREAS, it is the intent of the Kent City Council to provide for consistent enforcement of these new state animal control requirements in the City; and

WHEREAS, the Council finds that the public's health, safety, and welfare would be served by King County enforcement of RCW Chapter 16.08 in the City of Kent; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. It is the Council's intent that the regulation and control of potentially dangerous or dangerous dogs as defined in Chapter 16.08 RCW should apply in the City of Kent through enforcement by the City's interlocal agreement with King County. It is the Council's further intent that the enforcement standards as provided for in Chapter 16.08 RCW should control over any other local standard of enforcement for such dangerous or potentially dangerous dogs as provided for in Kent City Code 9.16.

Section 2. Kent City Code Chapter 9.16 is amended as follows:
9.16.08. Definitions. In construing the provisions of this chapter except where otherwise plainly declared or clearly apparent from the context, words used herein shall be given their common and ordinary meaning; in addition, the following definitions shall apply:

A. "Abatement" means the termination of any violation by reasonable and lawful means determined by the Director in order that an owner or a person presumed to be the owner shall comply with this Chapter.

B. "Animal" means any living creature except persons, insects and worms.

C. "Animal Control Authority" means the King County Animal Control Division, Department of General Services, acting alone or in concert with other municipalities for enforcement of animal control laws and the shelter and welfare of animals.

D. "Animal Control Officer" means any individual employed, contracted or appointed by the Animal Control Authority for the purpose of aiding in the enforcement of this Chapter or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals, and includes any state or municipal peace officer, sheriff, constable or other employee whose duties in whole or in part include assignments which involve the seizure and taking into custody of any animal.

E. "Dangerous dog" means that term as defined by Chapter 16.08 RCW and KCC Chapter 9.16.66.

((E)) F. "Director" means the individual in charge of and responsible for the King County Animal Control Division of the Department of General Services.

((F)) G. "Domesticated animal" means any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep or hog, bird, or other animal made to be domestic.
"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.

"Grooming parlor" means any place or establishment, public or private, where animals are bathed, clipped or combed, whether or not for compensation, for the purpose of enhancing their aesthetic value.

"Hobby kennel" means a noncommercial kennel at or adjoining a private residence where four or more adult animals are bred and/or kept for hunting, training and exhibition for organized shows, field, working and/or obedience trials or for enjoyment of the species.

"Kennel" means a place where four or more adult dogs or cats or any combination thereof are kept whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital or clinic or pet shop. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four months.

"Leash" shall include a cord, thong or chain not more than eight feet in length by which an animal is controlled by the person accompanying it.

"Livestock" means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and fowl.

"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, or who, by reason of the animal being seen residing consistently in a location, may presume to be the owner, and includes the definition as provided in RCW Chapter 16.08.
((N)) Q. "Pack of dogs" means a group of three or more dogs running upon either public or private property not that of its owner in a state in which either its control or ownership is in doubt or cannot readily be ascertained, and when such dogs are not restrained or controlled.

((O)) P. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

((P)) Q. "Pet shop" means a person or establishment that acquires for the purpose of sale live animals, including birds, reptiles, fowl and fish, bred by others whether as owner-agent, or on consignment, and sells, or offers to sell such live animals, including birds, reptiles, fowl and fish, to the public or to retail outlets.

((Q)) S. "Restraint" means an animal is considered to be under restraint if it is maintained and remains within the property limits of its owner or keeper.

((R)) T. "Running at large" means to be off the premises of the owner or on the premises of another without the written permission of the owner thereof and not on a leash and not under the control of the owner or competent person authorized by the owner.

((S)) U. "Shelter" means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

((T)) V. "Under control" means the animal is under control so as to be restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off the premises of the owner.
W. "Vicious" means actions of animals, other than a dangerous dog or potentially dangerous dog, with the propensity to do any act that might endanger the safety of any person, animal, property of another, including, but not limited to, a disposition to mischief or fierceness as might occasionally lead to attack on human beings without provocation, whether in play or outbreak of untrained nature. (0.2316, 624)

9.16.12. LICENSING.

A. License Requirements. All dogs and cats harbored, kept or maintained in City of Kent over four months of age shall be licensed and registered annually; provided, however, that dogs kept in kennels need not be licensed; as provided in Section 9.16.16; provided further, that this Section shall not apply to dogs used by the Police Department for police work.

B. Fees. Dog and cat license shall be issued by the Animal Control Authority upon application and payment of an annual license fee made payable to the County Treasurer. Said license fees shall be as established by the Animal Control Division, Department of General Services, King County. Residents sixty-five years of age or older shall be entitled to purchase a special permanent license for the lifetime of cats or dogs for which they are the registered owners when said animals are maintained at said owner's registered address. Eligible residents may purchase the special permanent animal licenses at a cost as established by the Animal Control Division, Department of General Services, King County, and they shall not be required to annually purchase a new license for the lifetime of such licensed animals; provided that no person shall be granted more than three permanent animal licenses for any combination of three cats and dogs for which they are the registered owner; provided further, that the Animal
Control Authority is authorized to enact the necessary rules and procedures to efficiently implement the program. The annual license fee shall become due and payable on April 1st of each year. Applications for a dog or cat license shall be on forms provided by the Animal Control Authority. No proration of a license fee for a portion of the calendar year shall be made. All license tabs issued herein shall be securely affixed to a substantial collar, harness or other means which shall be worn by the dog at all times. As an alternative to a license tag, an animal may be identified as licensed by being tattooed on its right ear or on its inside right thigh or groin with a license number approved or issued by the Animal Control Authority.

C. Dangerous Dogs. An annual fee shall be paid by owners of dangerous or potentially dangerous dogs as provided in KCC 9.16.66B.3.

((C)) D. Penalty. In addition to paying the appropriate license fee, a late penalty as established by the Animal Control Division, Department of General Services, King County, shall be charged on all applications received after April 30th of each year; provided, however, that no late penalty shall be charged if:

1. The owner submits proof of purchases of the animal within the preceding thirty days; or

2. The owner has moved into the City within the preceding thirty days; or

3. The animal had been under the age which requires a license (four months); or

4. The owner purchases the license(s) voluntarily, prior to in-person or field contact by animal control personnel; or

5. The owner submits other proof deemed acceptable in the department's rules and regulations.

((D)) E. Fees Collected. All fees and fines collected under this Chapter shall be deposited in the County current expense fund.
((E)) F. Nonapplicability. The provisions of this Section shall not apply to dogs or cats in the custody of a veterinarian or animal shelter or whose owners are nonresidents temporarily within the City for a period not exceeding thirty days.

9.16.64. NUISANCES DEFINED. For purposes of this Chapter, violations of this Chapter are nuisances and shall include but not be limited to the following:

A. Any public nuisance relating to animal control known at common law or in equity jurisprudence;

B. Animals (excluding household pets, such as dogs and cats), particularly horses, mules, rabbits, bovine animals, lambs, goats, sheep, birds, hogs, chickens or other animals made to be domestic, being kept in residential districts on lots of less than twenty thousand square feet;

C. A dog, whether or not dangerous or potentially dangerous as defined by Chapter 16.08 RCW, running at large within the City;

D. Any domesticated animal, whether licensed or not, which runs at large in any park, or enters any public beach, pond, fountain, or stream therein, or upon any public playground or school ground; provided, however, that this Section shall not prohibit a person from walking or exercising an animal in a public park or on any public beach when such animal is on a leash, tether or chain not to exceed eight feet in length; provided, however, that this Section shall not apply to any blind person using a trained Seeing Eye dog; to animal shows, exhibitions or organized dog training classes where at least twenty-four hours advance notice has been given to the Animal Control Authority, by such persons requesting to hold such animal shows, exhibitions or dog training classes; provided, further, that as to dangerous or potentially dangerous dogs as defined and regulated in KCC Chapter 9.16.08 and 9.16.66, the provisions of KCC Chapter 19.16.66 shall apply to the leashing, muzzling, and restraint of such animals in public.
E. Any animal which enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall; provided, however, that this Section shall not apply to dangerous dogs or potentially dangerous dogs, or to any blind person using a trained Seeing Eye dog; to veterinary offices or hospitals, or to animal shows, exhibitions or organized dog-training classes where at least twenty-four hours' advance notice has been given to the Animal Control Authority, but such persons requesting to hold such animal shows, exhibitions or dog-training classes;

F. A female domesticated animal whether licensed or not, while in heat, accessible to other animals for purposes other than controlled and planned breeding;

G. Any domesticated animal which chases, runs after, or jumps at vehicles using the public streets and alleys;

H. Any domesticated animal which habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys, or other public ways;

I. Any animal, other than a dangerous dog or potentially dangerous dog as defined by Chapter 16.08 RCW, which has exhibited vicious propensities and which constitutes a danger to the safety of persons or property off his premises or lawfully on his premises;

J. A vicious animal or animal with vicious propensities, other than a dangerous dog or potentially dangerous dog as defined by Chapter 16.08 RCW, which runs at large at any time, or which is of the owner's premises not securely leashed and in the control of a person of suitable age and discretion to control or restrain such animal;

K. Any domesticated animal which howls, helps, whines, barks, or makes other oral noises, in such a manner as to disturb any person or neighborhood to an unreasonable degree;

L. Any domesticated animal which enters upon another person's property without the permission of that person;
M. Animals staked, tethered, or kept on public property without prior written consent of the County Animal Control Authority;

N. Animals on any public property not under control by the owner or other competent person;

O. Animals kept, harbored, or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian;

P. Animals running in packs. (C.2316, §6)

9.16.66. DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

A. Definitions.

1. "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.

2. "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 on public or private property,

   b. has killed a domestic 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.

3. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

4. "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

5. "Animal control authority" means an entity acting alone or in concert with other local government units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.

6. "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee who duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

7. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

P. Ownership Requirements.

1. It is unlawful for an owner to have a dangerous dog in the City without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement official for police work.
2. The animal control authority of the city shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the animal control unit sufficient evidence of:

   a. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog;

   b. A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least fifty thousand dollars, payable to any person injured by the vicious dog; or

   c. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.

3. a. The owner of a dangerous dog or potentially dangerous dog shall obtain a certificate of registration from the city's animal control authority;

   b. An annual fee in the amount of one hundred dollars ($100.00) shall be paid by an owner of a dangerous or potentially dangerous dog to the Animal Control Authority upon application and payment of an annual license fee payable to the County Treasurer, in addition to regular dog licensing fees, to register dangerous dogs.

C. Unlawful Activities.

1. It is unlawful for an owner of a dangerous or potentially dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
2. Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

D. Confiscation and Penalties.

1. Any dangerous dog shall be immediately confiscated by the animal control authority if the:

   a. dog is not validly registered under Kent City Code 9.16.66;
   
   b. owner does not secure the liability insurance coverage required under Kent City Code 9.16.66;
   
   c. dog is not maintained in the proper enclosure;
   
   d. dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person.

2. In addition to the above, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

3. If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dangerous dog shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

E. Severability. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section and chapter or the application of such provisions to other persons or circumstances are not affected.
9.16.80. ENFORCEMENT POWER.

A. The Director and his/her 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, including regulation of dangerous and potentially dangerous dogs.

B. The Director or his or her authorized animal control officer shall not enter property or a building or residence 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; provided, however, that the Director of the Animal Control Authority and his/her authorized animal control officers, while pursuing or observing any animal 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 or observed.

C. 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 the authorized Animal Control Officer to enter private property to perform any duty imposed by this Chapter. Any person violating this subsection is guilty of a misdemeanor. (0.2316, §5A)

D. The foregoing provisions of this section are in addition to authorities and penalties relating to dangerous or potentially dangerous dogs as provided in KCC 9.16.66

9.16.84. VIOLATIONS.

A. Violations Deemed Nuisance--Abatement. All violations of ((this)) Chapter 9.16 are detrimental to the public health, safety, and welfare and are public nuisances. All
conditions which are determined after review by the Director to be in violation of this Chapter shall be abated.

B. Violations--Misdemeanor--Penalty. Except as to the regulation of dangerous and potentially dangerous dogs under KCC 9.16.66, any person who allows an animal to be maintained in violation of this Chapter is guilty of a misdemeanor punishable by fine of not more than two hundred fifty dollars and/or imprisonment for a term not to exceed ninety days.

C. Violations--Civil Penalty. Except as to the regulation of dangerous and potentially dangerous dogs under KCC 9.16.66, any person whose animal is maintained in violation of this Chapter shall incur a civil penalty plus costs of the Animal Control Authority. The penalty for the first notice of violation shall be twenty-five dollars; fifty dollars for the second notice of violation in any one-year period; and one hundred dollars for each successive violation in any one-year period. (0.2316, §5B)

9.16.88. IMPOUNDING.

A. In addition to authorized actions under KCC 9.16.66 relating to dangerous and potentially dangerous dogs, the Director and his or her authorized representative may apprehend any animals found doing any of the acts defined as a public nuisance and/or being subjected to cruel treatment as defined by law. Except as to dangerous or potentially dangerous dogs as provided in KCC 9.16.66, after any animals are apprehended, the Animal Control Authority shall ascertain whether they are licensed or otherwise identifiable and if reasonably possible, return the animal to the owner together with a notice of violations of this Chapter, and if it is not reasonably possible to immediately return the animals to their owners, the Animal Control Authority shall notify the owners within a reasonable time by certified mail or telephone that the animal has been impounded and may be redeemed. Except as to dangerous or potentially dangerous dogs as provided in KCC 9.16.66, any animal impounded pursuant to this Chapter shall be held for the
owner at least seventy-two hours, after his or her receipt of notification by certified mail or by telephone from the impounding agency; provided that any animal sold to a research institute pursuant to this Chapter shall be held for an additional one hundred twenty hours over and above the required seventy-two hours specified; provided further, that any animal sold to a licensed dealer, pursuant to this Chapter, may be released to the licensed dealer following custody of the animal by the Animal Control Division for a period of seventy-two hours; provided further, that it is the responsibility of the Animal Control Division to monitor and insure that the licensed dealer will hold the animal for an additional one hundred twenty hours prior to the sale of the animal to a research institute; provided further, that any owner may redeem an animal in the study of a licensed dealer by complying with the fees and redemption procedure of the Animal Control Division, and Animal Control Division shall return all fees paid by the licensed dealer, and the sale of the animal shall be declared null and void; provided further, that the advisory board may make recommendations to the Animal Control Division which shall, by administrative rule, set the sales price of animals to be sold to licensed dealers and research institutes; provided further, that the Animal Control Division shall, by administrative rule, through required contract provisions, insure that licensed dealers do not sell county purchased animals to research institutes at a rate in excess of that paid by research institutes purchasing animals directly from the Animal Control Division. **Except as to dangerous or potentially dangerous dogs as provided in KCC 9.16.66, any (any) animal suffering from serious injury or disease may be humanely 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 herein.**

B. **Except as to dangerous or potentially dangerous dogs as provided in KCC 9.16.66, any (any) animal not redeemed shall be treated in one of the following ways;**

1. Humanely destroyed by euthanasia;
2. Sold to a dealer licensed pursuant to 7 U.S.C. 2131 et seq., as now or hereafter amended; provided, however, that said dealer shall comply with the following requirements:

   a. Animals purchased from the County shall be sold only to research laboratories located in the State of Washington licensed pursuant to 7 U.S.C. 2131 et seq., accredited under the American Association for Accreditation of Laboratory Animal Care, or to State or Federal research laboratories exempted from the provisions of 7 U.S.C 2131 et seq.,

   b. All animals purchased from the County shall be identified by breed, color, age, and any other information deemed necessary for a reliable identification of the animal,

   c. Provide evidence to the County that each animal purchased from the County was sold to a research laboratory fully licensed, accredited or exempted in the manner described in subsection (1) of this Section,

   d. No animal bearing a tattoo identification, affixed in a manner as prescribed in Section 9.16.12 (b), shall be sold to a licensed dealer or research medical institute, without the written permission of the registered owner provided such owner can be located;

3. Sold to a research laboratory licensed pursuant to 7 U.S.C. 2131 et seq., accredited under the American Association for Accreditation of Laboratory Animal Care, or exempted from the provisions of 7 U.S.C 2131 et seq.; provided, however, that said research laboratory shall comply with the following requirements:

   a. All animals purchased from the County by said research laboratory shall be identified by breed, color, age, and any other information deemed necessary for a reliable identification of the animal,

   b. Provide evidence to the County as to each animal's disposition or use by the research laboratory,
c. Be available, at all reasonable times, for inspection by the King County Animal Control Division. Such inspections shall be performed in the same manner as inspections performed under Section 9.16.80,

d. Shall be physically located within the State of Washington,

e. No animal bearing a tattoo identification, affixed in a manner as prescribed in Section 9.16.12 (b) shall be sold to a licensed dealer or research medical institute, as defined in this Chapter, without the written permission of the registered owner;

4. Made available for adoption. Except as to dangerous or potentially dangerous dogs as provided in KCC 9.16.66, the ([The]) owner of any animal impounded pursuant to the provisions contained in this Chapter may recover said animal or animals when all billable costs, redemption fees, penalties, and boarding costs incurred in such impoundment have been paid to the County Comptroller, which payment may be accepted by the Animal Control Authority acting as agent for the County.

C. The advisory board for the sale of animals, previously authorized by King County Ordinance, is hereby recognized to the same extent and for the same purpose for which it was authorized. The advisory board shall be empowered to conduct such inspections of facilities receiving animals under this Section, as are necessary to insure that animals are treated humanely. The board shall have the authority to prohibit the sale of any animal to any dealer or research center when it has found that any such dealer or research center is not treating animals purchased from the Animal Control Division humanely.

D. A copy of all reports and records required to be filed by dealers or research laboratories pursuant to any State or Federal law shall be filed with the Director of Animal Control and all such records shall be public and available for inspection at any reasonable time during normal County working hours.
All records required to be filed pursuant to this Chapter shall also be public and shall be available for inspection by any interested person at any reasonable time during normal County working hours.

5. No licensed animal shall be made available for research unless written permission is received from said animal's owners. Further, no animal conveyed to the division by its owner shall be made available for research without written permission unless and until all reasonable efforts to locate the owner have failed. (0.2316, §5C)

9.16.92. ADDITIONAL ENFORCEMENT. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin acts or practices and abate any conditions which constitute a violation of this Chapter or other regulations herein adopted. (0.2316, §5D)

9.16.96. VIOLATIONS--NOTICE AND ORDER. Subject to the provisions of KCC 9.16.66 relating to dangerous or potentially dangerous dogs:

A. Whenever the Director or authorized Animal Control Officer has found an animal maintained in violation of this Chapter, the Director of the Animal Control Authority shall commence proceedings to cause the abatement of each violation.

B. The Director or authorized Animal Control Officer shall issue a notice and order directed to the owner or the person presumed to be the owner of the animal maintained in violation of this Chapter. The notice and order shall contain:

1. The name and address, if known, of the owner or person presumed to be the owner of the animal in violation of this Chapter.

2. The license number, if available, and description of the animal in violation sufficient for identification;
3. A statement that the Director or authorized Animal Control Officer has found the animal maintained illegally together with a brief and concise description of the conditions found to render the animal in violation of this Chapter;

4. A statement of the action required to be taken as determined by the Director of the Animal Control Authority:

   1. If the Director has determined that abatement is necessary, an order shall require the abatement shall be completed within a certain time from the date of the order, as determined by the Director to be reasonable.

   2. If the Director of the Animal Control Authority has determined to assess a civil penalty, the order shall require that the penalty shall be paid within fourteen days from the date of the order;

5. Statements advising that if any required abatement is not commenced within the time specified, the Director of the Animal Control Authority will proceed to cause abatement and charge the costs thereof against the owner;

6. Statements advising:

   a. That a person having a legal interest in the animal may appeal from the notice and order or any action of the Director of the Animal Control Authority to the Board of Appeals, provided the appeal is made in writing as provided by this Chapter, and filed with the Director of the Animal Control Authority within fourteen days from the date of service of such notice and order, and

   b. That failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

C. The notice and order shall be served on the owner or presumed owner of the animal in violation.
D. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to the person at his address as it appears on the last equalized assessment roll of the County.

E. Proof of personal service of the notice and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

F. The standards of this Chapter shall be followed by the Director of the Animal Control Authority in determining the existence of an animal control violation and in determining the abatement action required. (0.2316, §9) The provisions of this Section, KCC 9.16.96 A through F, do not apply to actions by the Authority or proceedings before the Director relating to dangerous dogs or potentially dangerous dogs. KCC 9.16.66 shall apply to all actions and procedures for dealing with dangerous dogs or potentially dangerous dogs, including regulations promulgated thereunder by the Director.

9.16.100. APPEALS. Subject to the procedures and requirements of KCC 9.16.66 relating to dangerous or potentially dangerous dogs:

A. Appeals. The King County Board of Appeals, as established by Article 7 of the King County Chapter, is designated to hear appeals by parties aggrieved by actions of the Director of the Animal Control Authority pursuant to this Chapter. The Board may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the Board shall be delivered to the Director of the Animal Control Authority who shall make them freely accessible to the public. All decisions and findings of the Board shall be rendered to the applicant in writing with a copy to the Director of the Animal Control Authority.
E. Form of Appeal. Any person entitled to service under Section 9.16.96 may appeal from any notice and order or any action of the Director of the Animal Control Authority under this chapter by filing at the office of the Director of the Animal Control Authority within fourteen days from the date of the service of such order, a written appeal containing:

1. A heading in the words: "Before the Board of Appeals of the County of King;"

2. A caption reading: "Appeal of............." giving the names of all appellants participating in the appeal;

3. A brief statement setting forth the legal interest of each of the appellants in the animal involved in the notice and order;

4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside;

6. The signatures of all parties named as appellants, and their official mailing addresses;

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

C. Scheduling and Noticing Appeal. The Board of Appeals shall set a time and place, not more than thirty days from such notice of appeal for hearing thereon. Written notice of the time and place of hearing shall be given at least ten days prior to the date of the hearing to each appellant by the Manager-Clerk of the Board.
D. At the hearing, the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence pertinent and material to the action of the Director. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered.

E. Failure of any person to file an appeal in accordance with this Section shall constitute a waiver of his rights to an administrative hearing.

F. Enforcement of any notice and order of the Director of the Animal Control Authority issued under this Chapter shall be stayed during the pending of an appeal, except impoundment of an animal which is vicious or dangerous or cruelly treated.

G. In the event that procedures for appeals adopted by the Board of Appeals are different than those set forth herein, the procedures of the Board of Appeals shall control. If in the further event any procedures for appeals are adopted by the Board of Appeals conflict with the provisions herein relating to dangerous or potentially dangerous dogs, the procedures of KCC 9.16.66 and the implementing regulations of the Board of Appeals shall control.

H. Redemption Procedures.

Any animal impounded pursuant to the provisions of Section 9.16.88 may be redeemed upon payment of the redemption fee as provided herein. The redemption fee for dogs and cats shall be an amount as established by the Animal Control Division, Department of General Services, King County for each such dog or cat, plus an additional fee of an amount as established by the Animal Control Division, Department of General Services, King County for each twenty-four-hour period, or portion thereof, during which such dog or cat is retained by the impounding agency and shall be made payable to the County Comptroller. The redemption fee for livestock shall be an amount as established by the Animal Control Division, Department of General Services, King County per animal. Livestock not redeemed may be sold at public auction by the impounding agency. The boarding cost for livestock
impounded shall be in accordance with the rate established by contract between County and the given stock yard used for holding such animal. The provisions relating to redemption do not apply to dangerous or potentially dangerous dogs as provided in KCC 9.16.66.

I. Nuisances—Removal.

1. Any animal constituting a public nuisance as provided herein shall be abated and removed from the City by the owner or by the Director of the Animal Control Authority, upon receipt of three notices and orders of violation by the owner in any one-year period. Where it is established by record pursuant to this Chapter and no finding was entered showing that the owner will be able to provide reasonable restraints to protect the public from repetitions of violations, the Director of Animal Control Authority shall notify and direct the owner of the animal to abate or remove the same from the City within ninety-six hours from the date of notice. If such animal is found to be within the confines of the City of Kent after ninety-six hours have elapsed from the date of notice, the same shall be abated and removed by the Director of the Animal Control Authority. Animals removed pursuant to the provisions of this Section shall be removed from the City of Kent or be subjected to euthanasia by the Animal Control Authority.

2. Any dog or other animal which bites, attacks, or attempts to bite one or more persons two or more times within a two-year period is declared to be a public nuisance and shall not be kept within the City of Kent forty-eight hours after receiving written notice from the Director. Such animal or animals found in violation of this Section will be impounded and disposed of as an unredeemed animal, and the owner or keeper of such animal(s) has no right to redeem such dog or animal.

J. Civil Penalty and Abatement Costs—Liability of Owner. The civil penalty and the cost of abatement are also personal obligations of the animal owner. The prosecuting attorney on behalf of King County may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies.
K. **Costs of Enforcement Action.** In addition to costs and disbursements provided for by statute, the prevailing party in a collection action under this Chapter may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The prosecuting attorney shall seek such costs, interest, and reasonable attorney's fees on behalf of King County when the County is the prevailing party. (0.2316, §10)

**Supplemental Provisions.** The provisions of this subsection, KCC 9.16.100 I through K, are in addition to other remedies in KCC 9.16.66 for purposes of regulating dangerous or potentially dangerous dogs.

Section 4. **Effective Date.** This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ATTEST:

DAN KELLEHER, MAYOR

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 21 day of June, 1988.
APPROVED the 22 day of June, 1988.
PUBLISHED the 26 day of June, 1988.
I hereby certify that this is a true copy of Ordinance No. 8787, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARIE JENSEN, CITY CLERK