Ordinance No. 3218

(Amending or Repealing Ordinances)

CFN=175 – Business Licenses
Passed 4/14/1995
Animal Control

Amended by Ord. 3429 (Sec. 8.03.030)
Amended by Ord. 3837;3844 (Sec. 8.03.030)
ORDINANCE NO. 3218

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 8.03 of the Kent City Code relating to animal control and the prohibition of the private ownership of exotic animals.

WHEREAS, the City of Kent, pursuant to RCW 39.34.010 and 39.34.080, is authorized to contract with King County for the performance of animal control services; and

WHEREAS, the County is authorized by Section 120 of the King County Charter and King County Code 11.02.030 to render such services and is agreeable to render such services by the terms and conditions set forth by Interlocal Agreement; and

WHEREAS, pursuant to such Interlocal Agreement the City has agreed to adopt regulations consistent with the licensing and enforcement provisions as set forth in King County; and

WHEREAS, the County has recently adopted regulations prohibiting the private ownership of exotic animals; NOW, THEREFORE,

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

SECTION 1. Section 8.03 of the Kent City Code is hereby amended as follows:
Sec. 8.03.010. Purpose.

It is declared the public policy of the city to secure and maintain such levels of animal control as will protect human health and safety, and to the greatest degree practicable, 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, cats, animal shelters, hobby kennels, kennels and pet shops and controlling errant animal behavior so that it shall not become a public nuisance and to prevent cruelty to animals.

Sec. 8.03.020. Intent.

It is the city council's intent that the regulation and control of potentially dangerous or dangerous dogs as defined in RCW 16.08.070 should apply in the city through enforcement by the city's interlocal agreement with King County. It is the city council's further intent that the enforcement standards as provided for in RCW 16.08.070 et seq. should control over any other local standard of enforcement for such dangerous or potentially dangerous dogs as provided for in this chapter.

Sec. 8.03.030. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

Animal means any living creature except persons, insects and worms.
Animal control authority means the King County animal control division, department of general services, Section, licensing and regulatory services division, acting alone or in concert with other municipalities for enforcement of animal control laws and the shelter and welfare of animals.

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.

Animal rescuer means any individual who routinely obtains an unwanted dog or cat or who locates within ninety (90) days an adopted home for that spayed or neutered dog or cat provided, however, an interim, administrative extension may be granted by the animal control authority for a maximum of six (6) months if a dog or cat is pregnant, nursing, or injured and that condition is verified by a veterinarian.

Cattery means a place where four (4) or more adult cats are kept, whether by owners of the cats or by persons providing facilities and care, whether or not for compensation, but not including small animal hospital, clinic or pet shop. An adult cat is one of either sex, altered or unaltered, that has reached an age of six (6) months.

Dangerous dog means that term as defined by RCW 16.08.070, and sections 8.03.220 through 8.03.250.

Director means the individual in charge of and responsible for the King County animal control division of the department of general services Section, licensing and regulatory division.
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.

Exotic Animal means any of the following:
1. Venomous Species of snakes capable of inflicting serious harm or death to human beings;
2. Non-human primates and prosimians;
3. Bears;
4. Non-domesticated species of felines;
5. Non-domesticated species of canines and their hybrids, including wolf and coyote hybrids;
6. The order of crocodilia, including alligators, crocodiles, caiman, and gavials.

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.

Harboring, keeping, or maintaining a dog or cat means performing any of the acts of providing care, shelter, protection, refuge, food, or nourishment in such manner as to control the animals actions, or, that the animal(s) is treated as living at one's house by the homeowner.

Hobby cattery means a noncommercial cattery at or adjoining a private residence where four (4) or more adult cats are bred or kept for exhibition for organized shows or for the enjoyment of the species provided, however, a combination hobby cattery/kennel license may be issued where the total number of
cats and dogs exceeds the number allowed under title 15 of the Kent City Code.

Hobby kennel means a noncommercial kennel at or adjoining a private residence where four (4) 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.

Juvenile means any dog or cat, altered or unaltered, that is under the age of six (6) months.

Kennel means a place where four (4) 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 six (6) months.

Leash shall include a cord, thong or chain not more than eight (8) 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 16.08.070.

Pack of dogs means a group of three (3) 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.
Person means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

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.

Potentially dangerous dog means that term as defined in RCW 16.08.070 and sections 8.03.220 through 8.03.250 of this Code.

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.

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.

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

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.
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.

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.

SECTION 2. Sec. 8.03.220 of the Kent City Code is hereby amended as follows:

Sec. 8.03.220 Dangerous and Potentially dangerous dogs--Defined; ownership requirements.

A. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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.

Dangerous dog means any dog that according to the records of the appropriate authority:

1. Has inflicted severe injury on a human being without provocation on public or private property;
2. Has killed a domestic animal without provocation while off the owner's property; or
3. 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.

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

Potentially dangerous dog means any dog that when unprovoked:

1. Inflicts bites on a human or a domestic animal either on public or private property; or
2. 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, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

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

B. 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. Sections 8.03.220 through 8.03.250 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 RCW ch. 48.28 in a form acceptable to the animal control authority in the sum of at least fifty thousand dollars ($50,000.00), 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 RCW Title 48 in the amount of at least fifty thousand dollars ($50,000.00), insuring the owner for any personal injuries inflicted by the dangerous dog.

SECTION 3. Chapter 8.03 of the Kent City Code is amended by adding a new section 8.03.240(C) as follows:
Sec. 8.03.240. Unlawful activities.

A. 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 the 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.

B. 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.

C. The possession and maintenance of an exotic animal by private citizens as pets is prohibited unless the owner possessed the animal on or before the effective date of this ordinance, and agrees to promptly act to satisfy the licensing requirements contained in Kent City Code 8.03.040 (C)-(I) and such rules and regulations as the animal control authority may adopt regarding the maintenance of such animals.

SECTION 4. Chapter 8.03 of the Kent City Code is amended to add a new section 8.03.040 (C)-(H) as follows:

Sec. 8.03.040. License--Required.

A. Requirements. All dogs and cats harbored, kept or maintained in city over four (4) weeks of age shall be licensed and registered annually; provided, that an altered two-year license may be purchased; provided, further, that dogs kept in
kennels need not be licensed, except as provided in section 8.03.080. This section shall not apply to dogs used by the police department for police work.

B. Identification tags, tattoos. All license tags issued as provided in section 8.03.050 shall be securely fixed 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. License - Issuance generally - fees. The animal control authority may cause to be issued an exotic animal owner’s license that shall authorize the licensee to possess or maintain all or some of such species of exotic animals as specified according to Section 8.03.030 herein, provided the application is accompanied by payment of the license fee, contains the information required by Section 8.03.040(D); and meets the cage or confinement rules and regulations of the animal control authority. The fee for such license shall be as provided for in Section 11.04.035 of the King County Code. All licenses shall expire one year from the date of the original application.

D. License - application - content. A verified application for such license made in triplicate shall be filed by the applicant with the animal control authority which application shall contain the following: A legal or otherwise adequately precise description of the premises which applicant desires to use under the required license; whether the applicant owns or rents the premises to be used; if the applicant rents the premises, a written acknowledgment by the property owner that the applicant has the owner’s permission to carry on the activity as described in the license application for the duration of the license; the extent of improvement upon such premises; a map or
E. License - issuance - premises inspection. If after investigation by the director of the animal control authority, it appears that the applicant is the owner or tenant of or has a possessory interest in the property shown in the application; if applicable, has the written permission of the property owner as specified in Section 8.03.040(D); and that the applicant intends in good faith to possess or maintain an exotic animal in accordance with the law and the rules and regulations of the animal control authority; the animal control authority shall issue a license to the applicant describing therein the premises to be used by the licensee and certifying that the licensee is lawfully entitled to use the same for the possession or maintenance of the exotic animal(s) specified in such license; provided that prior to issuing the license the animal control authority shall inspect the cage or other confinement as required by rule or regulation and specified in the licensee’s application in order to determine whether the cage or confinement meets the standard specifications for the classification of the exotic animal. If the cage or confinement is deemed inadequate, the applicant shall make such changes as necessary to meet the standard specifications before the license shall issue.

F. Periodic inspection of premises. The director of the animal control authority or any other officer authorized by him, may make routine periodic inspections of a licensee’s
premises and records in order to determine the number, kind, weight and condition of exotic animals possessed by the licensee, and for purposes of enforcing the provisions of this chapter and the rules and regulations of the animal control authority.

G. License revocation - notice - hearing. The animal control authority may revoke, suspend or refuse to renew any exotic animal owner's license upon good cause for failure to comply with any provision of this chapter or the rules and regulations of the animal control authority authorized by this chapter; provided, that the violator shall be first notified of the specified violation or violations, and if the violation can be remedied, the violator shall have fifteen days after receiving the notice of violation to correct the violation; provided further, that enforcement of such revocation, suspension or refusal shall be stayed during the pendency of an appeal filed in the manner provided by Section 8.03.370.

H. Violation - penalty. Any person possessing or maintaining an exotic animal in the City of Kent without an exotic animal owner's license as provided herein, or transferring possession of an exotic animal to a person not licensed as provided by this chapter, is guilty of a misdemeanor and is subject to a fine not to exceed two hundred fifty dollars and/or by imprisonment not to exceed ninety days.

I. Euthanasia in exigent circumstances. An exotic animal possessed or maintained in violation of this chapter or the rules and regulations of the animal control authority may be subject to euthanasia as defined in Section 8.03.030 if any one of the following exigent circumstances is deemed to exist by the director of the animal control authority:

1. The exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement; or
2. There is no reasonable basis to believe that
the violation can be or in good faith will be corrected and after
reasonable search or inquiry by the animal control authority no
facility as authorized by local, state or federal law is
available to house the exotic animal; or

3. The exotic animal suffers from a communicable
disease injurious to other animals or human beings; provided,
that this section shall not apply if the animal is under
treatment by a licensed veterinarian and may reasonably be
expected to recover without infecting other animals or human
beings.

J. Chapter limitations.

1. The purpose of this chapter is to prohibit
the private ownership of exotic animals as pets. Therefore, the
provisions of this chapter shall not apply to any facility
possessing or maintaining exotic animals as defined in this
chapter which is owned, operated or maintained by any city,
county, state or the federal government, including but not
limited to public zoos, nor shall it apply to museums,
laboratories and research facilities maintained by scientific or
educational institutions, nor to private or commercial activities
such as circuses, fairs, or private zoological parks which are
otherwise regulated by law, nor to any recognized program engaged
in the training of exotic animals as defined in this chapter for
use as service animals by disabled citizens.

2. Breeding, or allowing the reproduction of,
exotic animals as defined in this chapter is prohibited, provided
that this prohibition shall not apply to any governmental
facility possessing or maintaining exotic animals nor shall it
apply to private or commercial activities as set forth in
Section 1.
SECTION 5. Section 8.03.380 of the Kent City Code is hereby amended as follows:

Sec. 8.03.380. Redemption procedures.

A. Any animal impounded pursuant to the provisions of section 8.03.310 may be redeemed upon payment of the redemption fee as provided in this section. The redemption fee for dogs and cats shall be payable to the county comptroller and shall be an amount as established by the animal control division section, department of general services licensing and regulatory division, King County, for each such dog or cat, plus an additional fee of an amount as established by the animal control division section, department of general services licensing and regulatory division, King County, for each twenty-four-hour period or portion thereof, during which such dog or cat is retained by the impounding agency.

B. The redemption fee for livestock shall be an amount as established by the animal control division section, department of general services licensing and regulatory services division, 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 the county and the given stockyard used for holding such animal.

SECTION 6. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.
SECTION 7. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED 4th day of April, 1995.

APPROVED 5th day of April, 1995.

PUBLISHED 7th day of April, 1995.

I hereby certify that this is a true copy of Ordinance No. 3218, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK