Ordinance No. 3429

(Amending or Repealing Ordinances)

CFN=118 – Parks & Recreation
Passed 12/8/1998
Animal Waste Removal

Amends Ord. 3156
Amends Sec. 2 of Ord. 2316
Amends Sec. 9.16.08 of Ord. 2787
Amends Sec. 8.03.030 of Ord. 3218

Amended by Ord. 3837;3844
ORDINANCE NO. 3429

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 8.03 of the Kent City Code to include a provision requiring persons who own or are in control of any pet or animal to remove any animal waste deposited by such animal in City parks and to have in his or her possession the equipment necessary for removal of such animal waste.

WHEREAS, the City of Kent and King County have agreed that King County will perform animal control services for the City of Kent pursuant to RCW 39.34.010 and 39.34.080; and

WHEREAS, the City of Kent and King County have agreed to amend their interlocal agreement to authorize King County to enforce the City's Animal Waste Control Regulation; and

WHEREAS, in the interest of the preservation and protection of the natural environment, public health, safety, and welfare, the City has determined that it is necessary to require any person who owns or is in control of any pet or animal to immediately remove from park areas any and all feces deposited by such animal while in a park and to carry the necessary equipment for removal of such animal feces within a park; NOW THEREFORE,
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 8.03.030 of the Kent City Code is hereby amended as follows:

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 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 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 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.
3. Bears.
5. Nondomesticated 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.

**Park** means and includes all parks, squares, drives, parkways, docks, piers, moorage buoys and floats, boulevards, golf courses, beaches, playgrounds and recreation sites.
areas, play fields, public gardens, green belts, and other park, recreation, and open space areas, buildings, and facilities comprising the parks and recreation system of the City of Kent.

*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 by a leash, chain, or similar device 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. A new section, Section 8.03.205 is hereby added to Chapter 8.03 of the Kent City Code as follows:

Sec. 8.03.205. Animals in Parks.
A. Any person with a dog or other animal in his or her possession in any park shall be responsible for the conduct of the animal by keeping the animal under control as that term is defined in this chapter and for removing from the park any animal feces deposited by such animal.
B. It is unlawful for such person to fail to have in his or her possession the equipment necessary to remove his or her animal’s fecal matter when accompanied by said animal in any park.
C. The provisions of this section shall not apply to a “guide” or “service” dog as now or hereafter defined in Ch. 70.84 RCW.
D. Violation of or failure to comply with the provisions of this section shall subject the offender to prosecution pursuant to Sec. 8.03.300(C) or prosecution for a public nuisance.

SECTION 3. - Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 4. - 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.
I hereby certify that this is a true copy of Ordinance No. 3429, 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, CITY CLERK