Ordinance No. 3837

(Amending or Repealing Ordinances)

CFN=175 – Business License
Exotic Animals as Services Animals - Amend Ch. 8.03

Amends Ords. 2316;2787;3057;3156;3218;3429

Amended by Ord. 3844
Repealed by Ord. 3979 (except Secs. 8.03.210(2);8.03.210(3);8.03.210(4)
ORDINANCE NO. 3837

AN ORDINANCE of the city council of the city of Kent, Washington, amending various sections of Ch. 8.03 of the Kent City Code, entitled "Animal Control," to revise the definition of service animal to include exotic animals as allowed under the Americans with Disabilities Act.

RECITALS

A. The exotic animal prohibition established in Ch. 8.03 KCC currently exempts any recognized program engaged in the training of exotic animals for use as service animals by disabled citizens, but it does not exempt a disabled citizen who may possess an exotic animal trained to do work or perform tasks for his or her benefit. While it is important to continue to prohibit the possession of exotic animals as pets, it is also appropriate to waive this prohibition for those exotic animals which have been properly trained to perform tasks for the benefit of an individual with a disability.

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

ORDINANCE

SECTION 1. - Amendment. Section 8.03.030 of the Kent City Code, entitled "Definitions," is amended to revise the service animal definition as follows:

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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 (1) 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 KCC 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.

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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 crocodylia, 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 KCC Title 15.

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.

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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 (1) 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 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 KCC 8.03.220 through 8.03.250.

Recognized program means:

1. A program responsible for training a service animal that follows written guidelines for training:

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2. The training methods have been reviewed and approved by an organization of groups that perform such training, if such an organization exists;

3. Has been in existence and directly involved in the training of service animals for at least three (3) years, and

4. Can show that the training of the service animal is performed or directly supervised by a person who has a minimum of five (5) years' experience training the type of animal sought to be used for service.

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 guide dog, signal dog, or other animal individually trained through a recognized program to do work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. 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 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. – Amendment.** Section 8.03.040 of the Kent City Code, entitled “License – Required,” is amended as follows:

**Sec. 8.03.040. Animal 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 (2) year license may be purchased; provided, further, that dogs kept in kennels need not be licensed, except as provided in KCC 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 KCC 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.

**Sec. 8.03.045. Exotic animals – License.**

A. **License – Issuance generally; fees.** As provided for in KCC 8.03.240(C), the possession and maintenance of exotic animals by private citizens as pets is prohibited within the city of Kent. However, only in the event an owner possessed an exotic animal and resided in Kent as his or her primary residence on or before May 4, 1995, then the special exotic animal licensing provisions of this section shall apply. In that event, 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 in section accordance to KCC 8.03.030–herein; provided the application is accompanied by payment of the license fee, contains the information required by subsection (B) of this section KCC–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 (1) year from the date of the original application.

BD. **Same—License Application; content.** A verified application for an exotic animal such license made in triplicate shall be filed by the applicant with the animal control authority and which application shall contain the following:

1. A legal or otherwise adequately precise description of the premises which applicant desires to use under the required license;
2. Whether the applicant owns or rents the premises to be used;
3. 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;
4. The extent of improvement upon such premises;
5. A map or diagram of such premises showing where the improvements are located thereon;
6. A statement indicating the species of exotic animal which the applicant desires to possess or maintain;
7. A statement indicating how the animal will be caged or otherwise confined, accompanied with a drawing detailing the dimensions of and the materials used for the cage or similar confinement; and
8. Such further information as may be required by rules and regulations of the animal control authority.

CE. **Same—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 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 subsection (B) of this section KC 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.

DF. 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.

EG. 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 (15) 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 KCC 8.03.370.

EH. Violation; penalty. Any person possessing or maintaining an exotic animal in the city 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 ($250) one thousand dollars ($1,000) and/or by imprisonment not to exceed ninety (90) days.

GI. 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 KCC 8.03.030 if any
one (1) 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 not 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.

H3. Chapter-II Limitations.

1. The primary purpose of Ch. 8.03 KCC this chapter is to prohibit the private ownership of exotic animals as pets. Therefore, this prohibition and the special licensing provisions applicable to grandfathering cases of exotic animals contained within the provisions of this chapter Ch. 8.03 KCC shall not apply to:

a. 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;

b. nor to private or commercial activities such as circuses, fairs, or private zoological parks which are otherwise regulated by law;

c. 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; or

de. any disabled person who may use an exotic animal that qualifies as a service animal.
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 subsection (J)(1).

SECTION 3. - Amendment. Section 8.03.205 of the Kent City Code, entitled "Animals in parks," is amended 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 animal as now or hereafter defined in Chapter 70.84 RCW.

D. Violation of or failure to comply with the provisions of this section shall subject the offender to prosecution pursuant to KCC 8.03.300(C) or prosecution for a public nuisance.

SECTION 4. - Amendment. Section 8.03.210 of the Kent City Code, entitled "Animal nuisances defined," is amended as follows:

Sec. 8.03.210. Animal nuisances defined. For purposes of this section, violations of this section are nuisances and shall include but not be limited to the following:

1. Any public nuisance relating to animal control known at common law or in equity jurisprudence.
2. Animals, excluding service animals and household pets, such as dogs and cats, but particularly including 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 (20,000) square feet.

3. A dog, whether or not dangerous or potentially dangerous as defined by RCW 16.08.070, running at large within the city.

4. 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 (8) feet in length. 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 (24) 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. In the case of potentially dangerous dogs as defined and regulated in KCC 8.03.030 and KCC 8.03.220 through 8.03.250, the provisions of KCC 8.03.220 through 8.03.250 shall apply to the leashing, muzzling, and restraint of such animals in public.

5. Any animal which enters any place where food is stored, prepared, served or sold to the public or any other public building or hall. However, this section shall not apply to any disabled blind person using a service animal trained Seeing Eye dog; to veterinary offices or hospitals; or to animal shows, exhibitions, or organized dog training classes where at least twenty-four (24) 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.

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

7. Any domesticated animal which chases, runs after, or jumps at vehicles using the public streets and alleys.
8. 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.

9. Any animal, other than a dangerous dog or potentially dangerous dog as defined by RCW 16.08.070 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.

10. A vicious animal or animal with vicious propensities, other than a dangerous dog or potentially dangerous dog as defined by RCW 16.08.070, which runs at large at any time, or which is off 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.

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

12. Any domesticated animal which enters upon another person's property without the permission of that person.

13. Animals staked, tethered, or kept on public property without prior written consent of the county animal control authority.

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

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


SECTION 5. - Amendment. Section 8.03.240 of the Kent City Code, entitled "Unlawful activities," is amended 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 section, May 4, 1995 (the original effective date of this code section), and owner has satisfied agrees to promptly act to satisfy the licensing requirements contained in KCC 8.03.040(C) - (I) and such rules and regulations as the animal control authority may adopt regarding the maintenance of such animals. This exotic animal prohibition shall not apply to a qualifying service animal.

SECTION 6. - Amendment. Section 8.03.280 of the Kent City Code, entitled "Poisonous reptiles, poisonous snakes, and constrictor snakes," is amended as follows:

Sec. 8.03.280. Poisonous reptiles, poisonous snakes, and constrictor snakes.

A. It shall be unlawful to keep or harbor any poisonous reptile, poisonous snake or constrictor snake, other than constrictor snakes under ten (10) feet in length, within the city.

B. All constrictor snakes legally allowed within the city must be kept or harbored in a secure, locked cage when left unattended.

C. This section shall not apply to zoological parks, performing animal exhibitions, service animals, circuses or pet shops licensed by the city. Pet shops

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within the city choosing to sell constrictor snakes allowed under this section must plainly post in a conspicuous place the following notice.

"It is illegal to keep or harbor constrictor snakes over ten (10) feet in length within the City of Kent. Any person who legally keeps or harbors constrictor snakes within the City of Kent MUST keep the snake(s) in a secure, locked cage when left unattended."

D. In addition to or as an alternate to any other penalty provided in this chapter or by law, any person violating this section shall incur a civil penalty. The penalty for the first notice of violation shall be one hundred dollars ($100). The penalty for the second notice of violation in any one (1) year period is three hundred dollars ($300). The penalty for each successive violation in any one (1) year period is five hundred dollars ($500).

SECTION 7. - Severability. If any one or more section, 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 8. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK
MARY SIMMONS, DEPUTY CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY
PASSED: 17 day of April, 2007.
APPROVED: 20 day of April, 2007.
PUBLISHED: 25 day of April, 2007.

I hereby certify that this is a true copy of Ordinance No. 3837 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

Mary Linus (SEAL)
BRENDA JACOB, CITY CLERK
MARY SIMMONS, DEPUTY CITY CLERK