Ordinance No. 3844

(Amending or Repealing Ordinances)

CFN= 121-Rezones
Passed – 6/19/2007
Animals Maintained Within City

Amends Ords. 2316;2787;3156;3218;3429;3837
Repealed by Ord. 3979 (except Secs. 8.03.210(2);8.03.210(3);8.03.210(4)
ORDINANCE NO. 3844

AN ORDINANCE of the city council of the city of Kent, Washington, amending the Kent City Code regarding the keeping of animals and fowl on property within the City of Kent.

RECITALS

A. The Kent City Code, as currently enacted, restricts the types of animals property owners may maintain in residential districts on lots smaller than 20,000 square feet. While dogs and cats are allowed under existing code provisions, it is a nuisance to maintain horses, mules, rabbits, bovine animals, lambs, goats, sheep, birds, hogs, and chickens on lots smaller than 20,000 square feet. Some community members, however, have contacted the City expressing a desire to maintain some animals, currently considered to be nuisances, in residential districts.

B. The City's review of its code provisions concerning animals authorized in residential districts began with an application received on August 14, 2006, from a Kent citizen requesting the City recognize the benefits chickens provide to the community. This application was identified as Dkt-2006-5. At its December 12, 2006, meeting, the Kent City Council added Dkt-2006-5 to staff's 2007 work program, requesting staff review the applicable Kent City Code provisions to determine if it is appropriate to amend the code to allow animals other than cats and dogs to be possessed on residential lots smaller than 20,000 square feet.

C. On April 10, 2007, the City provided the State of Washington the notification required under RCW 36.70A.106 of the City's proposed code amendment.
amendments. On April 25, 2007, the state granted expedited review of this issue and provided its confirmation that the City met the requirements of RCW 36.70A.106.

D. At its April 23, 2007, meeting, the Land Use and Planning Board held a hearing where the board solicited public comment on the issue. At the conclusion of the public hearing, the board unanimously approved the Community Development staff recommendation to amend the Kent City Code to allow animals in all zoning districts in the city and to expand the types of animals allowed in residential districts.

E. At its May 14, 2007, and June 11, 2007, meetings, the Planning and Economic Development Committee considered the Land Use and Planning Board’s recommendation and discussed proposed code revisions relating to the types of animals property owners may maintain in all zoning districts in the City. This ordinance reflects the Committee’s recommendation to Council. The Council considered this matter at its June 19, 2007, Council meeting and adopted the Committee’s recommendation.

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, relating to animal control and entitled “Definitions,” is 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.

2 Animal Maintained Within City
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.

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 and includes, but is not limited to, domesticated fowl, small domesticated animals, and large domesticated animals.

Domesticated fowl means any duck, goose, swan, chicken, or other fowl of similar size and character.

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 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.

*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.
Large domesticated animal means any horse, mule, ass, bovine animal, lamb, goat, sheep, or other animal of similar size and character; provided, it shall not mean pigs or swine of any kind.

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;
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.

*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.

*Small domesticated animal* means any dog, cat, rabbit, or other animal of similar size and character. Included within this definition is a type of swine commonly known as Vietnamese, Chinese, or Asian Potbelly Pigs (*Sus scrofa bittatus*).

*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 8.03.210 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. Maintaining large domesticated animals, excluding service animals and small domesticated animals, and domesticated fowl; household pets, such as dogs and cats, but particularly including horses, mules, rabbits, bovine animals, lambs, goats, sheep, birds, hogs, chickens or other large domesticated animals, animals made to be domestic, being kept in residential districts on lots of less than twenty thousand (20,000) square feet or in violation of KCC 15.08.070.
3. Maintaining more than three (3) small domesticated animals in residential districts and per business establishment or dwelling unit on lots of less than twenty thousand (20,000) square feet, or maintaining any small domesticated animal in violation of KCC 15.08.070, provided, this section shall not apply to a properly licensed business operating as a pet shop, veterinary clinic, or animal shelter to the extent that the animals maintained at the business are maintained for the purposes of conducting the business and not for the personal benefit of the owner, operator, or any employee or volunteer of such business.
4. Maintaining more than three (3) domesticated fowl in residential districts and on lots of less than five thousand (5,000) twenty thousand (20,000) square feet, or maintaining any domesticated fowl in violation of KCC 15.08.070; provided, this section shall not apply to a properly licensed veterinary clinic to the extent that maintaining the domesticated fowl is necessary for the veterinary treatment of the domesticated fowl.
5. A dog, whether or not dangerous or potentially dangerous as defined by RCW 16.08.070, running at large within the city.
6. 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

Animals Maintained Within City
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.

75. 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 person using a service animal; 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.

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

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

108. 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.

119. 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.

120. 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.
131. 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.

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

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

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

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

186. Animals running in packs.

SECTION 3. Amendment: Section 15.08.070 of the Kent City Code, entitled "Animals in residential districts," is amended as follows:

Sec. 15.08.070. Keeping of Animals in residential districts. Animals (excluding household pets such as cats and dogs), especially horses, cows, sheep and goats, shall not be permitted in residential districts on lots smaller than twenty thousand (20,000) square feet. The keeping of bees, small domesticated animals, large domesticated animals, and domesticated fowl, as those terms are defined in KCC 8.03 030, is permitted in all zones as an accessory use to any principal use permitted or to a permitted conditional use, subject to the standards and restrictions of this section and chapter 8.03 of this code.

A. Small domesticated animals. Up to three (3) small domesticated animals may be kept accessory to each business establishment or dwelling unit on a lot, except as follows:

1. In no case is more than one (1) miniature potbelly pig allowed per business establishment or dwelling unit.

2. More than three (3) small domesticated animals are permitted on lots of at least twenty thousand (20,000) square feet, subject to the provisions of ch. 8.03 KCC.
3. In no case shall a structure that restrains or houses small domesticated animals, such as a kennel or other accessory structure, be located closer than ten (10) feet from any other residential lot.

B. Miniature potbelly pigs. The type of swine commonly known as the Vietnamese, Chinese, or Asian potbelly pigs (Sus scrofa bittatus) may be kept as a small domesticated animal in accordance with subsection (A) of this section; provided, the swine is neither greater than twenty-two (22) inches in height at the shoulder nor more than one hundred fifty (150) pounds in weight. In the event the swine exceeds either of these limitations, it is not allowed within the city. A miniature potbelly pig shall be considered a small domesticated animal when determining the number of small domesticated animals permitted on a lot.

C. Domesticated fowl. Up to three (3) domesticated fowl may be kept on any lot that is at least five thousand (5,000) square feet, subject to the provisions of ch. 8.03 KCC. These domesticated fowl are in addition to the small domesticated animals that may be permitted on a lot in accordance with subsection (A) of this section. One (1) additional domesticated fowl is permitted for each 1,000 square feet of land in excess of the minimum 5,000 square foot threshold. In no case shall a coop or other accessory structure that restrains or houses domesticated fowl be located closer than ten (10) feet from any other residential lot.

D. Large domesticated animals. Large domesticated animals are permitted only on lots of at least twenty thousand (20,000) square feet subject to the provisions of ch. 8.03 KCC. The keeping of swine is prohibited, except for a single miniature potbelly pig maintained in accordance with subsection (B) of this section.

1. One (1) large domesticated animal for every ten thousand (10,000) square feet of lot area is permitted.

2. Large domesticated animals and structures housing them must be kept at least fifty (50) feet from any other lot in a residential zone.

E. Beekeeping. Beekeeping is permitted as an accessory use, when registered with the state Department of Agriculture, provided that:
1. No more than four (4) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.

2. Hives shall not be located within twenty-five (25) feet of any property line except when situated eight (8) feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than eight (8) feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty-five (25) feet beyond the hive in both directions.

SECTION 4. - 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 5. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

Suzette Cooke, Mayor

ATTEST:

Brenda Jacob, City Clerk

APPROVED AS TO FORM:

Tom Brubaker, City Attorney
PASSED:  19 day of June, 2007.
APPROVED:  19 day of June, 2007.

I hereby certify that this is a true copy of Ordinance No. 3844 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

BRENTA JACOBE (SEAL)
BRENDA JACOBER, CITY CLERK