

Title 6
ANIMALS¹

Chapters:

- 6.04 Animal Control**
- 6.08 Licensing of Dogs and Cats**
- 6.12 Impoundment**

1. Prior legislation: Ords. 88-16, 87-22, 87-06, 85-12, 85-10, 79-26, 78-14, 78-09, 76-07, 74-12, 107, 106, all repealed by Ord. 91-41.

Chapter 6.04

ANIMAL CONTROL

Sections:

- 6.04.010 Definitions.
- 6.04.020 Power of deputies and authorized persons.
- 6.04.030 Running at large on public property.
- 6.04.040 Animal at large while in heat.
- 6.04.050 Declaring an animal as potentially dangerous – Levels of violation.
- 6.04.053 Failure to control an animal declared potentially dangerous – Declaration of an animal as dangerous.
- 6.04.055 Registration of a dangerous animal.
- 6.04.060 Howling and barking.
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- 6.04.100 Animal at large.
- 6.04.110 Cruelty – Violations declared unlawful.
- 6.04.115 *Repealed.*
- 6.04.117 *Repealed.*
- 6.04.120 Injured or diseased animals.
- 6.04.122 Failure to report – When striking an animal with motor vehicle.
- 6.04.125 Found stray animals.
- 6.04.130 Violation – Abatement.
- 6.04.140 Violation – Penalty.

6.04.010 Definitions.

For the purpose of this title, the following words shall have the following meanings unless the context indicates otherwise:

1. "Abandonment" means the owner has left the animal for a period of 24 hours without making effective provisions for its proper care.
2. "Adequate shelter" means a moisture proof and wind proof structure that allows the animal to turn around freely, sit easily, stand

and lie normally, and that keeps the animal clean, dry and comfortable.

3. "Altered" means any spayed female or castrated male dog or cat.

4. "Animal" means any living vertebrate creature, including reptiles or birds, and excepting man, marine mammals, and fish.

5. "Animal control authority" means the department or officer of the city appointed by the city manager, or the person appointed by the city council to carry out the duties of an animal control authority or animal control officer under this title.

6. "Animal rescue league" means any association or corporation which routinely obtains unwanted dogs or cats, the primary goal of which is to place the dogs or cats into adoptive homes, as long as the dogs or cats are neutered.

7. "Animal shelter" means a licensed facility used to care for homeless or unwanted animals by a governmental entity, animal welfare society or other organization devoted to the welfare, protection and humane treatment of animals.

8. "At large" means off the owner's premises and/or out of visual contact of the owner unless under physical and/or immediate effective voice or signal control of a competent person.

9. "Boarding kennel/cattery" means a kennel or cattery where dogs or cats are boarded or trained for compensation, except a pet shop, animal shelter or veterinary hospital where the boarding is incidental to the primary purpose of the facility.

10. "Cat" means and includes female, spayed female, male and castrated male cats.

11. "Commercial kennel" means a kennel or cattery where adult dogs or cats are bred for compensation.

12. "Dangerous" means an animal that according to the records of the animal control authority: (a) has inflicted severe injury on a human without provocation while 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 has received notice of such potential and the ani-

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mal subsequently aggressively bites, attacks or endangers the safety of humans or domestic animals. This definition shall not include a police dog as defined in RCW 4.24.410.

13. "Dog" means and includes female, spayed female, male and castrated male dogs.

14. "Foster home" means a temporary home with a permit approved by the animal control authority to house lost, abandoned or unwanted dogs and cats until an adoptive home is located.

15. "Grooming parlor" means a facility with the primary function to bathe, clip or comb animals for compensation for hygienic or aesthetic reasons.

16. "Hobby kennel" means a noncommercial kennel at or adjacent to a private residence where adult dogs or cats are maintained for purposes other than breeding.

17. "Impound" or "impoundment" means an authorized official taking control of any animal found to be in violation of this title pursuant to the terms of this title.

18. "Inhumane treatment" means every act, omission or neglect whereby unnecessary or unjustified physical pain or suffering is caused or permitted.

19. "Neglect" means the failure to provide proper food, potable water, adequate shelter, opportunity for exercise, or other care normal, usual, and proper for an animal's health and well being.

20. "Owner" means any person owning, keeping, having an interest in, or having control, custody or possession of, an animal.

21. *Repealed by Ord. 2003-22.*

22. "Pet shop" means a commercial establishment which acquires animals by purchase for the purpose of resale, except farms.

23. "Provocation" means teasing, taunting, striking or other like action, or the unauthorized entry onto the premises where an animal is kept.

24. "Potentially dangerous" means an animal that when unprovoked: (a) chases or approaches a person upon the streets, sidewalks, or any other public grounds in a menacing fashion or apparent attitude of attack; (b) causes injury to or otherwise threatens the safety of a human or domestic animal; or (c)

inflicts a bite upon a human or domestic animal either on public or private property.

25. "Secure enclosure" means a chain link enclosure consisting of secure sides and a secure top, or if without a top, having sides which are at least eight feet high, and with a floor permanently attached to the sides, or having sides which are embedded at least one foot into the ground, and which is constructed of such material and closed in such manner that the animal cannot exit on its own. (Ord. 2009-21 § 29, 2009; Ord. 2003-24 §§ 18, 19, 2003; Ord. 2003-22 § 9, 2003; Ord. 91-41 § 2, 1991)

6.04.020 Power of deputies and authorized persons.

Whenever a power is granted to or a duty is imposed upon animal control authority or other public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized pursuant to law by the officer, unless this chapter expressly provides otherwise. (Ord. 91-41 § 2, 1991)

6.04.030 Running at large on public property.

It is unlawful for the owner of an animal to permit the animal, whether licensed or not, to run at large in any park, public beach, pond, fountain or stream, or upon a public playground, school grounds, or in a public building. An animal in violation of this section is declared to be a nuisance and may be seized and impounded. This section shall not apply to cats or owners of cats, and shall not prohibit a person from walking or exercising an animal, when such animal is on a leash and proper safeguards are taken to protect the public and property from injury or damage by the animal. (Ord. 91-41 § 2, 1991)

6.04.040 Animal at large while in heat.

It is unlawful for an owner to allow or permit a female animal, whether licensed or not, to run at large while in heat. An animal at large while in heat is declared to be a nuisance and may be seized and impounded. It is further unlawful for an owner to fail to keep an animal in heat confined within the owner's residence or within a building that other animals cannot enter. If an animal in heat attracts male animals in a manner which causes a nuisance or disturbance in the neighborhood, the animal's owner may be required to place the animal in a veterinary hospital or boarding kennel, or to otherwise remove the animal from the neighborhood. It is unlawful for an owner of an animal in heat to fail or refuse to comply with a requirement to remove the animal from the neighborhood. (Ord. 91-41 § 2, 1991)

6.04.050 Declaring an animal as potentially dangerous – Levels of violation.

A. Declaration of an Animal as Potentially Dangerous. The animal control authority has the authority to declare an animal potentially dangerous in any of the levels described as follows:

1. Level 1. An animal is level 1 potentially dangerous when without provocation it chases or approaches a person upon the streets, sidewalks or other public property in a menacing fashion or apparent attitude of attack.

2. Level 2. An animal is level 2 potentially dangerous when it causes injury to or otherwise threatens the safety of a human or domestic animal.

3. Level 3. An animal is level 3 potentially dangerous when it bites a human or domestic animal, either on public or private property.

An animal shall not be declared level 2 or level 3 potentially dangerous if the threat, injury or bite is sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented,

abused or assaulted the animal or was committing or attempting to commit a crime.

B. Restraint of Potentially Dangerous Animal. Potentially dangerous animals shall be restrained in the following manner:

1. A level 1 potentially dangerous animal, whenever outside the owner's residence and not on a leash, shall be restrained by a physical device or structure that prevents the animal from reaching a public sidewalk, easement, right-of-way, road or adjoining property and must be located where the animal does not interfere with legal access to the owner's property.

2. A level 2 potentially dangerous animal must comply with the restrictions on a level 1 potentially dangerous animal, and in addition the animal control authority may require the owner to obtain and maintain proof of public liability insurance. The owner may be required to complete a responsible pet ownership program administered by the animal control authority. All costs associated with the program shall be paid by the owner.

3. A level 3 potentially dangerous animal shall be confined within a secure enclosure whenever the animal is not inside the owner's residence. The secure enclosure must be located where it does not interfere with the public's legal access to the owner's property. In addition, the animal control authority may require the owner to obtain and maintain proof of public liability insurance. The owner shall not permit the animal to be outside the secure enclosure or off the owner's property unless the animal is muzzled and restrained by an adequate leash and under the control of a capable person. In addition, the owner must complete a responsible pet ownership program administered by the animal control authority. All costs associated with the program shall be paid by the owner.

C. Notice. When the animal control authority determines that an animal is potentially dangerous, the animal control authority shall notify the owner in writing that the animal has been declared potentially dangerous. The notice shall contain a description of the animal, the name and address of the animal's owner, if known, a brief summary of the facts

upon which the declaration is based, a statement of any restrictions placed on the animal as a consequence of the declaration, a statement of the penalties for further violations, and notice of the right to appeal the declaration, including a statement of the deadline for the appeal.

D. Service of Notice. The animal control authority shall personally serve or mail the written declaration of a potentially dangerous animal to the owner. If the owner is unknown, the animal control authority shall make reasonable efforts to locate and notify the owner of the declaration.

E. Appeal of Declaration to Animal Control Authority. The owner of an animal declared potentially dangerous shall have seven calendar days from receipt of the written declaration to appeal the declaration to the animal control authority. The owner's appeal must be in writing and must be filed with the animal control authority.

F. Hearing Before Director of Animal Control or Designee. Upon receiving the written notice of appeal, the director of animal control shall promptly schedule an appeal hearing and provide written notice of the hearing to the appellant. At the hearing, the animal control authority shall have the burden of proving that the animal is potentially dangerous by a preponderance of the evidence. The director of animal control shall issue a written decision to the appellant which either sustains or reverses the animal control authority's declaration. The decision shall be the final decision of the animal control authority. If the declaration is sustained, the appellant shall be notified of the right to an appeal.

G. Appeal of Decision of Director of Animal Control. The owner of an animal declared potentially dangerous may appeal the decision of the director of animal control. A written appeal shall be filed with the clerk of the municipal court within 14 calendar days after the date of the director's written decision.

H. Court Hearing. Upon receiving a written appeal from the owner of an animal declared potentially dangerous, the clerk of the municipal court shall promptly set a date for hearing the appeal. Written notice of the time,

date and place of the hearing shall be delivered or mailed at least ten working days prior to the hearing to the appellant and to the animal control authority.

I. Burden of Proof and Standard of Review. It shall be the appellant's burden to prove that the decision by the director of animal control that the animal is potentially dangerous is arbitrary and capricious.

J. Court Decision. If the court finds that the decision of the director of animal control is arbitrary and capricious, the declaration shall be rescinded and any restrictions imposed shall be removed. Court costs shall not be assessed against either party. If the court finds that the decision by the director of animal control was not arbitrary and capricious, the court shall award the city its court costs, including attorneys' fees, and may impose additional restrictions on the animal.

K. Change of Ownership, Custody or Residence. The owners of an animal that has been declared potentially dangerous who sells or otherwise transfers the ownership, custody or residence of the animal, shall within ten working days of the change, inform the animal control authority in writing of the name, address and telephone number of the new owner, the new address where the animal is located and the name, description and license number of the animal. The owner shall notify the new owner in writing of the details of the animal's record relating to the declaration that the animal is potentially dangerous, and the terms and conditions of the declaration. The owner shall also provide the animal control authority with a copy of the written notification which shall contain a notarized statement by the new owner acknowledging receipt of the notice. (Ord. 91-41 § 2, 1991)

6.04.053 Failure to control an animal declared potentially dangerous – Declaration of an animal as dangerous.

A. Violation. After an animal is declared potentially dangerous pursuant to this chapter, the owner of the potentially dangerous animal shall be guilty of a violation of this chapter if the animal runs at large, chases or approaches

a person upon the streets, sidewalks or other public grounds in a menacing fashion or apparent attitude of attack, causes injury to or otherwise threatens the safety of a human or domestic animal, or bites a human or domestic animal. This section shall not preclude criminal prosecution under RCW 16.08.100(3) in a first-bite situation causing severe injury or death to a human.

B. Declaration of an Animal as Dangerous. The animal control authority has the authority to declare an animal dangerous. If the owner of a potentially dangerous animal is found guilty of violating this section, the court shall make a further determination as to whether the animal should be declared dangerous. Pursuant to RCW 16.08.090(3), animals shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing or assaulting the animal 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. Notice. When the animal control authority determines that an animal is dangerous, the animal control authority shall notify the owner in writing that the animal has been declared dangerous. The notice shall contain a description of the animal, the name and address of the animal's owner, if known, a brief summary of the facts upon which the declaration is based, a statement of any restrictions placed on the animal as a consequence of the declaration, a statement of the penalties for further violations, and notice of the right to appeal the declaration, including a statement of the deadline for the appeal.

D. Service of Notice. The animal control authority shall personally serve or mail its written declaration of a dangerous animal to the owner. If the owner is unknown, the animal control authority shall make reasonable efforts to locate and notify the owner of the declaration.

E. Appeal of Declaration to Animal Control Authority. The owner of an animal declared dangerous by the animal control

authority shall have seven calendar days from receipt of the written declaration to appeal the declaration to the animal control authority. The owner's appeal must be in writing and must be filed with the animal control authority.

F. Hearing Before Director of Animal Control or Designee. Upon receiving the written notice of appeal, the director of animal control shall promptly schedule an appeal hearing and provide written notice of the hearing to the appellant. At the hearing, the animal control authority shall have the burden of proving that the animal is dangerous by a preponderance of the evidence. The director of animal control shall issue a written decision to the appellant which either sustains or reverses the animal control authority's declaration. The decision shall be the final decision of the animal control authority. If the declaration is sustained, the appellant shall be notified of the right to an appeal.

G. Appeal of Decision of Director of Animal Control. The owner of an animal declared dangerous may appeal the decision of the director of animal control. A written appeal shall be filed with the clerk of the municipal court within 14 calendar days after the date of the director's written decision.

H. Court Hearing. Upon receiving a written appeal from the owner of an animal declared dangerous, the clerk of the municipal court shall promptly set a date for hearing the appeal. Written notice of the time, date and place of the hearing shall be delivered or mailed at least ten working days prior to the hearing to the appellant and to the animal control authority.

I. Burden of Proof and Standard of Review. It shall be the appellant's burden to prove that the decision by the director of animal control that the animal is dangerous is arbitrary and capricious.

J. Court Decision. If the court finds that the decision of the director of animal control is arbitrary and capricious, the declaration shall be rescinded and any restrictions imposed shall be removed. Court costs shall not be assessed against either party. If the court finds that the decision by the director of animal control was not arbitrary and capricious, the court

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shall award the city its court costs, including attorneys' fees, and may impose additional restrictions on the animal. (Ord. 91-41 § 2, 1991)

6.04.055 Registration of a dangerous animal.

A. Registration Required. The owner of an animal declared to be dangerous by the animal control authority or by a court shall register the dangerous animal with the city pursuant to RCW 16.08.080 within 30 days of the date the animal is declared dangerous. Thereafter, the owner of the dangerous animal shall register the animal annually before or during the month of July.

B. Registration Expiration. Certificates of registration for dangerous animals shall expire on June 30th of each year.

C. Registration Fee. The annual registration fee for a dangerous animal is \$100.00. This registration fee is in addition to regular licensing fees. The initial registration fee shall be prorated according to the number of months remaining in the registration year.

D. Certificate of Registration Application. An application to obtain a certificate of registration of a dangerous animal shall contain the following information:

1. Name, address and telephone number of the applicant owner;

2. Type, name, age, color, sex and distinguishing characteristics of the animal;

3. A diagram to approximate scale, showing the secure enclosure proposed to confine the dangerous animal;

4. Evidence of the posting of the owner's premises with a clearly visible warning sign that there is a dangerous dog on the property, and a conspicuously displayed sign with a warning symbol that informs children of the presence of a dangerous dog;

5. Pursuant to RCW 16.08.080, sufficient proof of a surety bond issued by a surety qualified under Chapter 48.28 RCW in the amount of at least \$50,000; and

6. Sufficient proof of a liability insurance policy in the amount of at least \$100,000 insuring the applicant owner for personal injuries inflicted by the dangerous animal.

E. Pre-Certificate On-Site Inspection. An employee of the animal control authority shall make an on-site inspection of the applicant's site for keeping the dangerous animal to ensure that the site is properly enclosed and posted. The inspection shall occur within 30 days of the animal being declared dangerous.

F. Non-Compliance. In the event the owner of a dangerous animal fails to comply with the requirements of this section or RCW 16.08.080, the animal control authority may take immediate action pursuant to RCW 16.08.100. Rules and regulations for notifying owners of the confiscation of a registered dangerous animal shall be formulated by the animal control authority.

G. Issuance of Certificate of Registration. The city shall issue the certificate of registration, if the registration fee is paid and the application and site inspection show that the applicant meets the requirements of this section and applicable state law. The certificate of registration shall contain its expiration date, and a statement of the applicable state criminal penalties. The certificate of registration shall be prominently displayed by the owner of the dangerous animal in an appropriate location.

H. Annual Inspections. Prior to the renewal of a certificate of registration, the animal control authority shall inspect the premises where the dangerous animal is kept at a time mutually convenient to both the animal control authority and the owner of the dangerous animal. The purpose of the annual inspection shall be to ascertain that the site remains in compliance with this section. The inspection shall occur during the month of June before the expiration of the certificate of registration. Failure of the owner of the dangerous animal to cooperate in the inspection may result in further action pursuant to RCW 16.08.100 and subsection F of this section.

I. Change of Ownership Prohibited. An owner of an animal declared dangerous shall not sell or otherwise transfer the ownership, custody or residence of the animal without first obtaining a written court order authorizing the transfer. An owner or keeper seeking court approval shall notify the animal control authority of its intent. In determining whether

- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping.
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on non-project proposals.
- 197-11-443 EIS contents when prior non-project EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.

(Ord. 92-06 § 1, 1992)

16.04.120 Preparation of EIS – Additional considerations.

A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the city under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

B. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city

may request under another ordinance or statute.) (Ord. 92-06 § 1, 1992)

16.04.125 Additional elements to be covered in an EIS.

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

- A. Economy;
- B. Social policy analysis;
- C. Cost-benefit analysis;
- D. Such other elements as may be required by the responsible official. (Ord. 92-06 § 1, 1992)

Part V. Commenting

16.04.128 Adoption by reference.

This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections by reference, as supplemented in this part:

WAC

- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.

(Ord. 92-06 § 1, 1992)

16.04.130 Public notice.

A. Whenever the city issues a DNS under WAC 197-11-340(2) or 197-11-355, or a DS under WAC 197-11-360(3) the city shall give public notice as follows:

1. When possible, public notice requirements under SEPA should be combined with notice requirements for an application. This notice shall state whether a DS or a DNS was issued and when all comments are due.

(For example, if the timing for notice requirements for a subdivision or construction project coincide with the timing requirements under SEPA, then the city shall combine information on the application notice and have one time frame for all comments.) The city will use whichever notice requirements are greater except when issuing a DNS under the optional DNS process, in which case the requirements of WAC 197-11-355 shall be met.

2. The city shall give notice of a DNS or DS by using all of the following means:

a. Posting the property for site-specific proposals or mailing to property owners within 500 feet of the proposal if the project is site-specific, or both, as determined by the responsible official. For posting, the applicant shall supply and erect an eight-square-foot notice board on all site-specific projects on all adjacent rights-of-way or in accordance with requirements set forth by the office of planning and community development; and

b. Publishing notice in the city's legal newspaper; and

c. Notifying public or private groups which have expressed interest in writing for a certain proposal or in the type of proposal being considered; and

d. Sending notice to agencies as directed by the responsible official (either general lists or lists for specific proposals for subject areas); and

e. Any other reasonable method calculated to inform the public and other agencies or required by statute or ordinance, as determined by the responsible official.

3. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

B. Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by indicating the availability of the DEIS in any public notice required for a nonexempt license and all of the following methods:

1. Posting the property for site-specific proposals or mailing to property owners within 500 feet of the proposal, if the project is site-specific, or both, as determined by the responsible official. For posting, the applicant shall supply and erect an eight-square-foot notice board on all site-specific projects in accordance with requirements set forth by the office of planning and community development; and

2. Publishing notice in the city's legal newspaper; and

3. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered; and

4. Sending notice to agency mailing lists (either general lists or lists for specific proposals for subject areas); and

5. Any other reasonable method calculated to inform the public and other agencies or required by statute or ordinance, as determined by the responsible official.

C. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.

D. Notice of public hearings shall be published no later than 15 days before the hearing. Notices shall be mailed to owners of property within 500 feet of the site and posted as described in this section.

E. The city shall require an applicant to complete the public notice requirements for the applicant's proposal at the applicant's expense, compensate the city for costs of carrying out the public notice requirements on behalf of the applicant, or provide services or materials to assist the city in carrying out the public notice requirements. (Ord. 2011-13 § 4, 2011: Ord. 98-37 § 6, 1998; Ord. 95-43 § 1, 1995; Ord. 92-06 § 1, 1992)

16.04.140 Designation of official to perform consulted agency responsibilities for the city.

A. The responsible official shall be responsible for preparation of written comments for the city in response to a consultation

upon the docket of the court and made a part of the judgment in the action.

B. The person ordered to abate the nuisance shall be liable for all costs and expenses of abating the nuisance when the nuisance is abated by the city, which costs and expenses shall be taxed as a part of the costs of prosecution against the party, to be recovered as other costs are recovered. In all cases where the officer authorized by the court abates a nuisance, the officer shall keep an account of the expenses related to the abatement, and in addition to other authority granted by this chapter to collect such costs and expenses, the city may bring suit for the costs and expenses in any court of competent jurisdiction against the person keeping or maintaining the abated nuisance. (Ord. 91-41 § 2, 1991)

6.04.140 Violation – Penalty.

A. Any person violating Sections 6.04.050, 6.04.053, 6.04.055 or 6.04.110 of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$1000 or by imprisonment for a period not to exceed one year, or by both such fine and imprisonment. For each violation of this chapter of a continuing nature, each day of violation may be considered a separate offense.

B. Any person violating any of the provisions of this chapter, or who creates, keeps or maintains a nuisance as defined in this chapter, is guilty of a civil infraction, and shall upon conviction be fined in an amount not to exceed \$300.00; provided, that the violation of Sections 6.04.050, 6.04.053, 6.04.055, and 6.04.110 constitute criminal offenses. (Ord. 91-41 § 2, 1991)

Chapter 6.08

LICENSING OF DOGS AND CATS

Sections:

- 6.08.010 License – Required for dogs – Optional for cats.**
- 6.08.020 License – Fee – Certification of spaying or neutering.**
- 6.08.025 License exemptions.**
- 6.08.030 License – Date due.**
- 6.08.031 Boarding kennels/catteries, commercial kennels, pet shops and animal shelters.**
- 6.08.032 Hobby kennels.**
- 6.08.033 Grooming parlors.**
- 6.08.034 Foster home permit.**
- 6.08.040 License – License tag – Issuance.**
- 6.08.050 License – Nontransferable.**
- 6.08.060 License tags – Replacement.**
- 6.08.070 License tags – Removal unlawful.**
- 6.08.080 Impoundment of unlicensed dogs.**
- 6.08.090 Violation – Penalty.**

6.08.010 License – Required for dogs – Optional for cats.

To facilitate reuniting pets with their owners, it is unlawful for any person to own, keep or have control of any dog over the age of six months within the city unless the person has procured a license for the dog or cat as provided in this chapter. The owner of a cat over the age of six months may procure a license for the cat as provided in this chapter. (Ord. 91-41 § 3, 1991)

6.08.020 License – Fee – Certification of spaying or neutering.

A. As of July 1, 1992, fees for licenses for dogs are as follows:

1. For each dog which is spayed or castrated, as established by resolution, for the life of the dog.

2. For each dog not spayed or castrated, an annual fee as established by resolution.

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B. A statement or letter from a veterinarian, certifying that the dog has been spayed or castrated must be presented when applying for the initial lifetime license.

C. As of July 1, 1992, the fee for the optional license for each cat shall be as established by resolution, for the life of the cat.

D. The cost of a license purchased after January 1st of a licensing year shall be reduced by 50 percent. This reduced fee is not applicable to renewals and lifetime licenses. (Ord. 91-41 § 3, 1991)

6.08.025 License exemptions.

A. Licenses and license tags shall be provided free of charge by the city to service dogs properly trained to assist the handicapped as follows:

1. When such dogs are actually being used by the handicapped for the purpose of aiding the handicapped in going from place to place;
2. To dogs currently being trained for the purpose of aiding the handicapped in a school or program which has been approved or accredited by a professional organization or association, either for profit or not for profit; or
3. To pups and young dogs being raised under the 4-H program known as "Guide Dogs for the Blind", "Service Dogs", etc.

B. The provisions of this chapter shall not apply to dogs used by a law enforcement agency for law enforcement work or to dogs in the custody of a veterinarian, pet store, or animal shelter, or whose owners are non-residents temporarily within the city for a period not to exceed 30 days. (Ord. 91-41 § 3, 1991).

6.08.030 License - Date due.

The fee for a dog license, except a lifetime license, shall be due and payable on the first day of July of each year. If the license fee is not paid on or before July 31st of each year, the applicant shall pay a penalty fee as established by resolution for each license in addition to the regular license fee; provided, that the applicant shall not pay the penalty fee if as of July 31st:

A. The applicant has been a resident of the city for 30 days or less;

B. The applicant has owned, kept or been in control of the dog for 30 days or less;

C. The dog, at the time of the application for the license, is six months of age or less; or

D. The applicant voluntarily applies for a license prior to being warned or cited by the animal control officer. (Ord. 91-41 § 3, 1991)

6.08.031 Boarding kennels/catteries commercial kennels, pet shops and animal shelters.

A. License Required. Boarding kennels/catteries, commercial kennels, pet shops and animal shelters shall be licensed annually before or during the month of July or within 30 days of commencement of operation.

B. License Expiration. Licenses issued pursuant to this section shall expire on June 30th of each year.

C. License Fees. License fees shall be as follows:

- | | |
|----------------------------|---|
| 1. Commercial Kennel | * |
| 2. Boarding Kennel/Cattery | * |
| 3. Pet Shop | * |
| 4. Animal Shelter | * |

*As established by resolution.

D. Additional License Fee. If a license is not obtained by July 31st, there shall be an additional license fee as established by resolution for a commercial kennel or boarding kennel/cattery and for a pet shop.

E. Proration of License Fee. Upon commencement of operation, the initial license fee for a commercial kennel, boarding kennel/cattery or pet shop shall be prorated according to the number of months remaining in the license year.

F. License Application. A license application for a commercial kennel, boarding kennel/cattery, pet shop or animal shelter shall be made to the animal control authority and shall contain the following:

1. Name, address and telephone number of the owner or operator of the facility, and the name and address of the facility;
2. The type of license sought and a brief description of the magnitude and nature of the contemplated operation;
3. A written statement from the city's department of community development or

other satisfactory proof that the proposed operation conforms to the city's zoning code and all other land use regulations.

G. License Issuance. The animal control authority shall issue the license or renewal thereof if the license fee is paid, if the application meets the requirements of subsection F of this section, and if, upon inspection, the operation or contemplated operation meets or will meet the requirements of subsections H and I of this section. The license shall contain its expiration date and shall be prominently displayed at the place of operation.

H. Operation Requirements.

1. Suitable food, water and medical attention shall be provided to all animals.

2. Food shall be stored in a fashion which prevents contamination or infestation.

3. The facilities shall be maintained and operated in a healthful, sanitary manner free from disease, infestation and foul odors.

4. Sick animals shall be isolated from healthy animals in quarters adequately ventilated to prevent contamination of healthy animals.

5. Animals shall receive adequate food, water and care on days when the facility is not open for business.

6. Animals shall be immunized from disease as is usual and customary for the animal's age and species.

I. Facility Requirements.

1. Animal housing facilities shall be structurally sound, in good repair, designed to protect the animals from injury and shall provide sufficient security to contain the animals while preventing entry of unwanted animals.

2. The facilities shall include a wash-room with sinks for hot and cold running water.

3. Indoor facilities shall:

a. Be heated or cooled to protect the animals from temperatures to which they are not acclimated;

b. Be adequately ventilated;

c. Have interior walls, ceilings and floors which are sealed and are resistant to absorption of moisture or odors;

d. Have flooring with an impervious surface that can be sanitized and which

slopes no less than one-fourth inch to the foot; and

e. Have a drainage system which is connected to a septic system or sanitary sewer to facilitate cleaning.

4. Outdoor facilities shall:

a. Provide shelter and protection from adverse weather;

b. Provide sufficient room for adequate exercise and movement;

c. Have flooring with an impervious surface that can be sanitized; and

d. Have a drainage system which is connected to a septic system or sanitary sewer to facilitate cleaning.

J. Inspections. The animal control authority shall inspect existing or proposed commercial kennels, catteries, pet shops and animal shelters in connection with its licensing investigation and when inspections are necessary to insure compliance with this chapter. Inspections shall be made during regular business hours.

K. Revocation. Licenses issued pursuant to this chapter may be revoked by the animal control authority if the licensed commercial kennel, boarding kennel/cattery or pet shop is operating in violation of subsections H or I of this section. (Ord. 94-13 § 3, 1994; Ord. 91-41 § 3, 1991)

6.08.032 Hobby kennels.

A. License Required. A person must apply for a hobby kennel license if the person owns, keeps, or maintains five or more unaltered dogs and/or cats over six months of age. Hobby kennels containing any unaltered dogs or cats shall be licensed annually before or during the month of July or within 30 days of commencement of operation. A person owning up to 10 dogs and/or cats all of which are altered may apply for a lifetime hobby kennel license for those animals.

B. License Expiration. Hobby kennel licenses shall expire on June 30th of each year.

C. License Fee. The annual license fee for a hobby kennel shall be as established by resolution. Lifetime hobby kennel license fees for kennels containing up to 10 altered animals shall be as established by resolution. There

shall be an additional fee as established by resolution if the license is not obtained by July 31st.

D. Proration of License Fee. Upon commencement of operation, the initial license fee for a hobby kennel shall be prorated according to the number of months remaining in the license year.

E. License Application. An application for a hobby kennel license shall be made to the animal control authority and shall contain the following:

1. The name, address and telephone number of the applicant;
2. A diagram in approximate scale showing the property and structures for which the license is sought;
3. A diagram of the kennel facility;
4. A description of the uses to which the properties surrounding the proposed hobby kennel are devoted; and
5. The number and breeds of dogs and/or cats for which the license is sought.

F. License Issuance. The animal control authority shall issue the license or renewal thereof if the license fee is paid, if the application meets the requirements of subsection E of this section, and if, upon inspection, the existing or proposed hobby kennel is compatible with the uses of property in the surrounding area, would not create a burdensome annoyance to those in the vicinity, and would not cause a significant risk to health. In applying the foregoing standards, the animal control authority shall consider the layout and construction of the hobby kennel, setbacks, fencing, screening, soundproofing and appropriate sanitation procedures to prevent disease, infestation and foul odors. A license may be issued subject to conditions in the nature of physical alterations and improvements if the conditions would bring the hobby kennel within the foregoing standards. As a part of a hobby kennel license, the licensee shall receive a license tag for each dog or cat owned by the licensee. No further licensing is required for such animals.

G. Limitations Upon Number of Dogs/Cats. No hobby kennel shall have more than ten dogs or cats without the written consent of the animal control authority. A person

desiring more than ten dogs or cats must seek permission in writing from the animal control authority. In considering such a request, the animal control authority shall consider the characteristics of the breed and the layout and surroundings of the kennel. Permission to have more than ten dogs or cats may be granted only if the increased number would not make the hobby kennel incompatible with the uses of property in the surrounding area.

H. Inspections. Prior to the issuance of a hobby kennel license or any renewal thereof, the animal control authority shall inspect the applicant's premises at a mutually convenient time. The purpose of the inspection shall be to determine if the hobby kennel does or can meet the standards set forth in subsection F of this section.

I. Revocation. A hobby kennel license may be revoked by the animal control authority if the hobby kennel is operating in violation of subsection F or G of this section.

J. Exemption. An animal rescue league foster home which has been issued a permit under BIMC 6.08.034 shall be exempt from hobby kennel license requirements; provided that all personally owned animals shall be licensed in accordance with this chapter. (Ord. 91-41 § 3, 1991)

6.08.033 Grooming parlors.

A. License Required. Grooming parlors shall be licensed annually before or during the month of July or within 30 days of commencement of operation.

B. License Expiration. Grooming parlor licenses shall expire on June 30th of each year.

C. License Fee. The license fee for a grooming parlor shall be as established by resolution. There shall be an additional fee as established by resolution if the license is not obtained by July 31st; provided, that if the grooming parlor is operated in conjunction with a commercial kennel or pet shop by the

owner or operator thereof, the license fee shall not be collected.

D. Proration of License Fee. Upon commencement of operation the initial license fee for a grooming parlor shall be prorated according to the number of months remaining in the license year.

E. License Application. An application for a grooming parlor license shall be made to the animal control authority and shall contain the following:

1. The name, address and telephone number of the owner or operator of the facility, and the name and address of the facility;

2. A brief description of the magnitude and nature of the contemplated operation; and

3. A written statement from the city's department of community development or other satisfactory proof that the contemplated operation conforms to city's zoning code and all other land use regulations.

F. License Issuance. The animal control authority shall issue the license or renewal thereof if the license fee is paid, if the application meets the requirements of subsection E of this section, and if, upon inspection, the operation or contemplated operation meets or will meet the requirements of subsection G of this section. The license shall contain its date of expiration. The license shall be prominently displayed at the place of operation.

G. Operation and Facility Requirements. Grooming parlors shall:

1. Not board animals;

2. Provide restraining straps for animals to prevent injury to animals while being groomed;

3. Sterilize grooming equipment after each use;

4. Not leave animals unmonitored while drying before a dryer;

5. Not prescribe or administer treatment or medicine or otherwise engage in veterinary practice as defined by RCW 18.92.010;

6. Not cage animals in the same cage unless so requested by the owner of the animals;

7. Be structurally sound and in good repair;

8. Have grooming areas with walls, ceilings and floors which are sealed and are resistant to absorption of moisture and odors; and

9. Be cleaned and sanitized on a regular basis.

H. Inspections. The animal control authority shall inspect existing or proposed grooming parlors in connection with its licensing investigation and when inspections are necessary to insure compliance with this chapter. Inspections shall be made during regular business hours.

I. Revocation. Grooming parlor licenses may be revoked by the animal control authority if the grooming parlor is operating in violation of subsection G of this section. (Ord. 91-41 § 3, 1991)

6.08.034 Foster home permit.

A. Permit Required. A person must obtain a foster home permit from the animal control authority or a designee of the animal control authority, which may be an animal rescue league.

B. Standards. The animal control authority shall establish standards for foster homes and shall consider recommendations for such standards submitted by an animal rescue league operating in the city.

C. Permit Issuance. The animal control authority shall issue the permit if the application meets the standards. Permits must be received annually and the animal control authority or its designee shall inspect the foster home prior to any renewal.

D. Compliance. All foster homes must comply with all city ordinances.

E. Revocation. Permits issued pursuant to this section may be revoked by the animal control authority if the foster home is operating in violation of subsections B, C or D of this section. (Ord. 91-41 § 3, 1991)

6.08.040 License – License tag – Issuance.

A. The city clerk or animal control authority shall issue individual animal licenses to persons applying upon payment of the license

fee. A license tag shall be issued by the city clerk or animal control authority for each dog or cat licensed. All fees collected under this section shall be submitted to the city clerk.

B. Commercial kennel, boarding kennel, cattery, grooming parlor, pet shop, and hobby kennel licenses shall be issued by the animal control authority upon receipt of application, payment of fees, and an inspection by the animal control authority. All fees collected under this section shall be retained by the animal control authority.

C. The license shall be dated and numbered and shall bear the name of Bainbridge Island, Washington, the name, address, and telephone number of the owner of the licensed dog or cat, the name of the dog or cat, and a description of the dog or cat, including its age, sex and color.

D. The license tag shall bear the name of Bainbridge Island, Washington, a serial number corresponding to the number on the license, and the date of expiration; provided, that lifetime license tags issued to cats or spayed or castrated dogs shall have no expiration date.

E. Every owner of a dog shall keep a substantial collar on the dog with a lifetime license tag or a license tag for the current licensing year. Alternatively, an owner may tattoo the lifetime license number inside the ear or right thigh of the dog or cat. (Ord. 91-41 § 3, 1991)

6.08.050 License – Nontransferable.

A. Dog or cat licenses issued pursuant to this chapter shall not be transferable from one pet to another; provided, that this chapter shall not be construed to prevent a license from being transferred with the ownership of the dog or cat from one owner to another.

B. If an owner of an animal moves from another political subdivision of the county into the city during the year in which the license is current, the license shall be honored by the city so long as the license is current.

C. A lifetime license as issued cats or to spayed or castrated dogs may be transferred to new owners as long as information relating to the transfer is given to the animal control

authority within 30 days of the transfer. (Ord. 91-41 § 3, 1991)

6.08.060 License tags – Replacement.

Lost license tags may be replaced by a substitute identification tag upon payment of a replacement fee as established by resolution to the city clerk. (Ord. 91-41 § 3, 1991)

6.08.070 License tags – Removal unlawful.

It is unlawful for a person other than the owner to remove a license tag from an animal licensed under the provisions of this chapter. (Ord. 91-41 § 3, 1991)

6.08.080 Impoundment of unlicensed dogs.

All dogs not licensed pursuant to this chapter, or who do not exhibit the license identification tag required by this chapter, are deemed to be a nuisance and may be seized and impounded. (Ord. 91-41 § 3, 1991)

6.08.090 Violation – Penalty.

A. Any person who refuses, fails to comply with, or violates, Section 6.08.010 of this chapter, is guilty of a civil infraction, and shall upon conviction be fined in an amount not to exceed \$300.00.

B. Any person who refuses, fails to comply with or violates, Sections 6.08.031, 6.08.032, or 6.08.033 of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 or by imprisonment of not more than ninety 90 days, or by both such fine and imprisonment. (Ord. 91-41 § 3, 1991)

Chapter 6.12

IMPOUNDMENT

Sections:

- 6.12.010 Animal control authority – Appointed.**
- 6.12.020 Animal control authority – Duties.**
- 6.12.030 Animal control authority – Employees to be special police.**
- 6.12.040 Impoundment – Notice.**
- 6.12.050 Redemption of dog, cat or other animal.**
- 6.12.060 Redemption of horse, cow, goat or other domestic animal.**
- 6.12.070 Sale of unclaimed horse, cow, goat or other livestock.**
- 6.12.080 Animal bite quarantine.**
- 6.12.010 Animal control authority – Appointed.**
- The Kitsap Humane Society, a corporation existing under RCW 16.52.020, is appointed as and declared to be the official animal control authority of the city commencing September 1, 1991. (Ord. 91-41 § 4, 1991)
- 6.12.020 Animal control authority – Duties.**
- A. The animal control authority shall impound all animals subject to impounding pursuant to city ordinance. Impounded animals shall be provided with proper care, feed and water while so confined. The animal control authority shall collect and dispose of all dead animals found in the city, and if the owner is known a fee may be collected for such services. Sick or injured animals shall be impounded when not in the owner's possession and may be euthanized at the discretion of the animal control authority; provided, that the animal control authority shall immediately notify the owner, if the owner is known, and if the owner is unknown, make all reasonable effort to locate and notify the owner.
- B. The animal control authority is granted authority to establish reasonable fees for the

services provided pursuant to this title. In establishing such fees, the animal control authority shall endeavor where possible to make fees conform to those charged in neighboring jurisdictions for similar services. A current schedule of all fees established by the animal control authority pursuant to this title shall be filed by the animal control authority with the city clerk and made available by the clerk for public inspection at all times during normal business hours. (Ord. 91-41 § 4, 1991)

6.12.030 Animal control authority – Employees to be special police.

Each employee of the animal control authority over the age of 21 years, except clerks and stenographers, is made a special police officer or marshal of the city, and is charged with the duty of enforcing all city ordinances relating to the control, care, treatment and impounding of animals, but without pay from the city; provided, that the employees shall be first sworn in and provided with a suitable badge of authority furnished by the city, to be withdrawn from the officer at any time by a vote of the majority of the city council present at any meeting of the council. (Ord. 91-41 § 4, 1991)

6.12.040 Impoundment – Notice.

Upon the impoundment of an animal pursuant to this chapter, the impounding animal control authority shall as soon as possible notify the animal's owner, if the owner is known, of the animal's impoundment, and the terms upon which the animal can be redeemed. If the owner of the impounded animal is unknown, the animal control authority shall make reasonable efforts to locate and notify the impounded animal's owner. (Ord. 91-41 § 4, 1991)

6.12.050 Redemption of dog, cat or other animal.

A. The owner of a dog, cat or other animal impounded pursuant to this chapter may redeem the dog, cat or other animal within 96 hours from the time of impounding by paying to the animal control authority a redemption fee together with any unpaid applicable license

6.12.060

fee. An additional charge per day or part thereof may be imposed.

B. If an impounded dog, cat or other animal is not redeemed by the owner within 96 hours of the time of impoundment, the dog, cat or other animal may be adopted by another person or euthanized.

C. An animal so impounded which is less than two months of age may be adopted or euthanized at any time after animal control at the discretion of the animal control authority. (Ord. 91-41 § 4, 1991)

6.12.060 Redemption of horse, cow, goat or other domestic animal.

The owner of a horse, cow, goat or other domestic animal impounded pursuant to this chapter may redeem the animal within 48 hours from the time of impoundment by paying the animal control authority a fee for each day or part thereof that the animal is detained, plus an impound fee which shall include costs of care and feeding the animal for the days impounded. An additional fee shall be paid to the animal control authority for transportation of animals requiring the use of special equipment for impounding. (Ord. 91-41 § 4, 1991)

6.12.070 Sale of unclaimed horse, cow, goat or other livestock.

A horse, cow, goat or other livestock not claimed and released upon required payment shall at the expiration of 48 hours be sold at a public auction upon five days notice. The notice shall be published in the city's official newspaper and shall state the time and place of the public auction, and the name of the owner, if known, and if the name of the owner is not known, a statement to that effect. A copy of the notice shall be served upon the owner, if the identity of the owner is known to the animal control authority and the owner can be found in the city, at least one day prior to the public auction. The animal control authority shall deduct from the proceeds of sale all expenses of feeding and caring for the animal and all expenses of advertising and selling the animal, and shall retain the balance in reserve for six months from the date of the sale. If the balance is unclaimed at the expiration of six months,

the balance shall revert to the animal control authority for operation of the animal shelter. No such money shall be paid any claimant except upon proof satisfactory to the animal control authority that the claimant is entitled to the same. (Ord. 91-41 § 4, 1991)

6.12.080 Animal bite quarantine.

A. Any animal that bites or otherwise breaks the skin of a person shall be quarantined for at least ten days from the date of bite, to determine whether the animal is infected with any disease that may have been transmitted to the victim. The place of quarantine shall be established by the animal control authority. After an investigation by the animal control authority, the animal control authority may in its discretion allow the owner of the animal to maintain quarantine.

B. Kennel fees, if any, for the quarantine period shall be paid by the animal's owner and the release of the animal shall be conditioned upon payment of the kennel fees. (Ord. 91-41 § 4, 1991)

Title 7
(Reserved)

