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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4578

AN ORDINANCE regarding kennels, catteries, pet shops and other boarding places; amending Section 1 of Ordinance No. 1842, and Bellevue City Code Chapter 8.06; and adding new sections 8.06.055 and 8.06.240.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.010 are amended to read as follows:

8.06.010 Purpose.

It is the purpose of this chapter to regulate the operation and maintenance of kennels, catteries, pet shops, grooming parlors and other boarding places for dogs, cats and other animals by providing standards of health and safety in the care of such animals.

Section 2. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.020 are amended to read as follows:

8.06.020 Definitions.

Unless specifically defined in this section, all words used in this chapter shall have their ordinary meanings and common usage and as defined in Section 8.04.020 of this title. Words specifically defined in this section shall also have their common meaning consistent with or supplementary to such specific definition.

A. "Indoor housing facility" means any enclosed structure in which any animal is kept for more than a twenty-four-hour period.

B. "Keeper" means any person responsible for the maintenance, operation, care or use of any kennel, cattery, pet shop, grooming parlor, or hobby kennel.

C. "Outdoor housing facility" means any outside enclosure or area in which any animal is kept for more than a twenty-four-hour period.

D. "Owner" means any person having any proprietary or equitable ownership of any kennel, cattery, pet shop, grooming parlor, or hobby kennel.

E. "Primary enclosure" means any place or thing so constructed as to enclose, for any period of more than twenty-four hours, any animal or bird, for purposes of feeding, containing or providing a resting place for such animal or bird.

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Section 3. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.030 are amended to read as follows:

8.06.030 Kennel, cattery and pet shop license – Required.

No person, owner or keeper shall keep or board four or more dogs or four or more cats, any of which are six months of age or older, and no person shall operate and maintain any kennel, cattery, or pet shop within the city without first obtaining a license therefor. The annual license fee for kennels, catteries, and pet shops shall be two-hundred dollars. Licenses will be valid for one year from date of the application. There is no proration of the license fee. Renewal licenses shall retain the original expiration date whether renewed prior to, on, or after their respective renewal month.

Each license and certificate of inspection issued pursuant to this chapter shall be conspicuously displayed at the establishment to which such license was issued. The license shall be dated and numbered and shall bear the name of King County, Washington, and the name and address of the owner or keeper of the establishment, and the expiration date of the license.

Section 4. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.040 are amended to read as follows:

8.06.040 Hobby kennel or hobby cattery license – Required.

A. License Required. It is unlawful for any person to keep and maintain any dog or cat within the county for the purposes of maintaining a hobby kennel or hobby cattery without obtaining a valid and subsisting license therefor. The annual license fee shall be fifty dollars. In addition, each animal shall be licensed individually under the provisions of this title.

B. Limitation on Number of Dogs and Cats Allowed. The total number of dogs and cats over six months of age kept by a hobby kennel or hobby cattery shall not exceed the total number authorized by the zoning code.

C. Dog and Cat Reproduction Limitations. The hobby kennel or hobby cattery shall limit dog and cat reproduction to not more than one litter per license year per female dog and two litters per license year per female cat.

D. Advertising Limitations. The hobby kennel or hobby cattery shall not have signs, displays and other visual representations not otherwise permitted.

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E. Immunization Required. Each animal in the hobby kennel or hobby cattery shall have a current and proper certificate or inoculation from disease according to the animal species and age. such shall consist of DHLPP inoculation for dogs over three months of age and FVRCP for cats over two months of age, and rabies inoculations for all dogs and cats over six months of age.

Section 5. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.050 are amended to read as follows:

**8.06.050 Hobby kennels, hobby catteries, kennels, catteries and pet shops
- Application - Inspection - Issuance of license.**

Application for license shall be made to the animal control authority on forms provided by the animal control authority.

A. Prior to the issuance of a license, the premises of a kennel, cattery, pet shop, hobby cattery or hobby kennel shall be inspected by the officer or official or his agent of the Seattle-King County department of public health to determine whether there is compliance with the provisions of this chapter. Such officer or official shall file a written report of inspection with the animal control authority.

B. The applicant for an original hobby kennel license, hobby cattery license, kennel license, cattery license, or pet shop license shall present to the animal control authority a written statement from the city department of planning that the establishment of the pet shop, kennel, cattery, hobby kennel or hobby cattery at the proposed site is not in violation of the city's zoning code, has a legal nonconforming status, or a conditional use permit has been issued for the intended use.

Section 6. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.060 are amended to read as follows:

8.06.060 Inspection - Revocation of license.

A. The premises of any kennel, cattery, pet shop, hobby cattery or hobby kennel shall be subject to inspection at reasonable hours by the official or officer or his designated agent of the Seattle-King County department of public health.

B. It is unlawful to keep, use or maintain within the City any animal shelter, kennel, cattery, grooming service or pet shop that is unsanitary, nauseous, foul or offensive, or in any way detrimental to public health and/or safety and not in compliance with Sections 8.04.120, and 8.06.080 through 8.06.170 of this chapter, or any part thereof, and may be cause for revocation of such license upon petition of the animal control authority.

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C. Notice of the petition for revocation shall contain:

1. A statement by the animal control authority listing each ordinance not complied with;
2. The place, date and time of the public hearing on the petition for revocation;
3. A statement that the licensee may appear at such public hearing and examine the animal control authority's witnesses and present competent evidence favorable to the licensee;
4. A statement that the license will be revoked if the hearing examiner finds there to be sufficient grounds for revocation.

D. The notice of the petition shall be served upon all persons named on the license either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to the person or persons at the addresses given on the application for the license.

E. The public hearing shall be held not less than twenty days from the date the notice is either personally served or is mailed by certified mail, postage prepaid.

F. The petition for revocation shall be heard by a hearing examiner appointed by the mayor. The hearing examiner shall be a licensed doctor of veterinary medicine. The hearing examiner shall have authority to either grant, deny or conditionally deny the petition.

G. Orders of the hearing examiner shall be served in the same manner as prescribed in subsection D of this section, and shall be effective on the date of service, if personally served, or three days following the day on which the order was mailed by certified mail, postage prepaid.

H. Appeal from the order of the hearing examiner shall be to the superior court. Appeal to the superior court shall not stay or otherwise relieve the appellant from compliance with the order of the hearing examiner.

Section 7. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.070 are amended to read as follows:

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8.06.070 Unlicensed animals.

Kennels, catteries, pet shops or veterinary hospitals may keep unlicensed animals on the premises temporarily; provided, that the premises are securely fenced or enclosed and the entrances thereto locked when unattended. Each such unlicensed animal four months of age or older contained within the premises of a kennel, cattery, pet shop or veterinary hospital shall be inoculated against such diseases, and in such manner as may be prescribed by a veterinarian and an inoculation certificate provided for each such dog. For dogs, such shall consist of DHL inoculation for dogs over three months of age and rabies inoculations for those over six months of age.

Section 8. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.150 are amended to read as follows:

8.06.150 Health care - Veterinary services.

Every kennel, cattery, pet shop, hobby kennel or hobby cattery for dogs and cats shall maintain a program of veterinary care for such animals kept or boarded therein, which program shall comply with current standards of animal husbandry common to the good practice of kennels, catteries, pet shops, hobby kennels and hobby catteries within the state, as applicable. Animals shall not be without attention over eighteen consecutive hours. An effective program for the control of insects, ectoparasites and avian and mammalian pests shall be established and maintained.

Section 9. A new Section 8.06.055 is added to Bellevue City Code Chapter 8.06 to read as follows:

8.06.055 Special hobby kennel license.

Persons owning a total number of dogs and cats exceeding three, who do not meet the requirements for a hobby kennel license, may be eligible for a special hobby kennel license to be issued at no cost by the animal control authority which will allow them to retain the specific animals then in their possession; provided that the following conditions are met:

A. The applicant is keeping the dogs and cats for the enjoyment of the species, and not as a commercial enterprise.

B. The special hobby kennel license shall only be valid for those specific dogs and cats in the possession of the applicant at the time of issuance, and is intended to allow pet owners to retain their pets until such time as the death or transfer of such animals reduces the number possessed to the legal limit.

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C. Any application for a special hobby kennel license may be denied based on past violations, or complaints from neighbors regarding the applicant's dogs and cats; or if the animal(s) is maintained in inhumane conditions.

Section 10. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.160 are amended to read as follows:

8.06.160 Records.

Each kennel, cattery, shelter, hobby kennel, hobby cattery and pet shop shall keep a list of the name, address and telephone number of the owner of each boarded animal and the license number of the animal, if known, which register must be exhibited to the officer or official or his agent of the Seattle-King County department of public health, or other officials having jurisdiction upon request. Each kennel, cattery, shelter, hobby kennel, hobby cattery and pet shop shall also keep a list of the name and address of each person selling, trading or giving a cat or dog or buying a cat or dog from such establishment. Such list shall also include the origin, the age and type of dog or cat given or purveyed and shall be provided to the officer or official quarterly based on the calendar year.

Section 11. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.170 are amended to read as follows:

8.06.170 Pet shops – Regulations.

A. No person owning or operating a pet shop shall sell any animal which is, at the time of the delivery of the animal to the buyer, sick, impaired, unweaned or otherwise so incapacitated that its weakness or incapacity will substantially impair its ability to recover or grow normally.

B. Every person owning or operating a pet shop shall post a notice, conspicuously displayed and protected by glass, in a place where it may be seen during hours that the pet shop is closed, containing the names, addresses and telephone numbers of persons to be notified who will proceed immediately to the premises upon request of any duly authorized health officer, police officer or animal control officer having reasonable cause for belief that animals or birds contained therein are in immediate need of care or protection.

C. No person owning or operating a pet shop shall abuse, tease, or otherwise torment, nor permit any other person to abuse, tease or otherwise torment any animals, birds or fish therein.

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D. No person owning or operating a pet shop shall exhibit any animal, bird or fish to public display for more than twelve consecutive hours. At no time shall any animal be placed on public display outside the enclosed premises of a pet shop by chaining or caging the animal upon the public street or other public place.

E. Aquariums shall be constructed and maintained to provide adequate room for the fish contained therein. In addition, such aquariums shall be kept clean and free from excessive exposure to direct sunlight or heat. Such aquariums shall be provided with an apparatus which will oxygenate the water contained in the aquarium, when required for the well-being of the fish.

F. Small animals or birds shall be kept in cages having adequate room for free exercise. Such cages shall be kept clean and free from the accumulation of debris and excreta and shall be protected from excessive exposure to direct sunlight or heat. Food and water necessary for the health of the occupants of the cage shall be provided.

Section 12. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.180 are amended to read as follows:

8.06.180 Grooming parlors - License required.

It is unlawful for any person to keep or maintain any grooming parlor without first obtaining a valid and subsisting license therefor. A fee of one hundred dollars for such license shall be assessed. However, if the grooming parlor is operated as a part of the business of a kennel or a pet shop or veterinarian, a fee of one hundred dollars shall be assessed. Such fee shall be in addition to the fee established for a kennel or a pet shop license.

Each license and certificate of inspection issued pursuant to this chapter shall be conspicuously displayed at the establishment to which such license was issued. The license shall be dated and numbered and shall bear the name of King County, Washington, and the name and address of the owner or keeper of the establishment, and the expiration date of the license.

Section 13. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.06.190 are amended to read as follows:

8.06.190 Grooming parlors - Conditions.
Grooming parlors shall:

A. Not board animals, but keep only dogs and cats for a reasonable time in order to perform the business of grooming;

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- B. Provide such restraining straps for the dog or cat while it is being groomed so that such animal shall neither fall nor be hanged;
- C. Sterilize all equipment after each dog or cat has been groomed;
- D. Not leave animals unattended before a dryer;
- E. Not prescribe treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010;
- F. Not put more than one animal in each cage.
- G. All floors and walls in rooms, pens, and cages used to retain animals or in areas where animals are clipped, groomed or treated must be constructed of water-impervious material that can be readily cleaned, and must be maintained in good repair;
- H. Hot and cold water must be conveniently available and a large sink or tub provided (minimum size twenty-four inches by eighteen inches by twelve inches);
- I. Toilet and handwashing facilities with hot and cold running water must be conveniently available for personnel employed;
- J. Only equipment necessary to the operation of the licensed established shall be kept or stored on the premises and shall only be stored in a sanitary or orderly manner;
- K. All cages, pens, or kennels used for holding animals shall be kept in a clean and sanitary condition and must be disinfected on a routine basis.

Section 14. A new Section 8.06.240 is added to Bellevue City Code Chapter 8.06 to read as follows:

8.06.240 Exemptions from chapter.

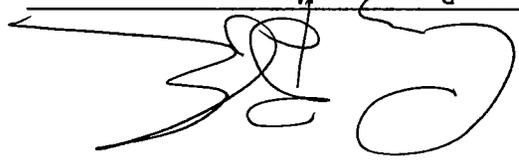
The provisions of this chapter shall not apply to dogs and cats in the custody of an animal facility registered or licensed by the United States Department of Agriculture and regulated by 7 United States Code 2131, et seq.

Section 16. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

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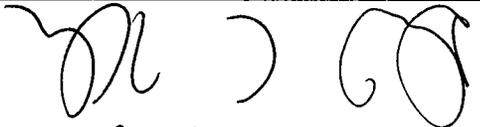
PASSED by the City Council this 20th day of September, 1993, and
signed in authentication of its passage this 20th day of September, 1993.

(SEAL)


Cary Bozeman, Mayor

Approved as to form:

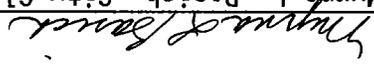
Richard L. Andrews, City Attorney



David Kahn, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk



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