WP0568C-ORD
03/01/96

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4864

AN ORDINANCE regarding the regulation and licensing of exotic animals in the City of Bellevue; adding a new Chapter 8.08 to Title 8 of the Bellevue City Code; and providing for an effective date.

WHEREAS, the City Council desires to limit and set conditions on the possession or maintenance of exotic animals in order to preserve the public peace and safety and to assure the humane treatment of exotic animals; now, therefore,

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

Section 1. A new Chapter 8.08 Exotic Animals is added to Title 8 of the Bellevue City Code to read as follows:

Sections:

8.08.010 Chapter intent
8.08.020 Definitions
8.08.030 Possession unlawful - Exception - Rules and regulations compliance
8.08.040 License - Issuance generally - Fees.
8.08.050 License - Application - Content
8.08.060 License - Issuance - Premises inspection
8.08.070 Periodic inspection of premises
8.08.080 License revocation - Notice - Hearing
8.08.090 Violation - Penalty
8.08.100 Euthanasia in exigent circumstances
8.08.110 Chapter limitations
8.08.120 Severability

8.08.010 Chapter intent. It is the intent of this Chapter 8.08 to limit and set conditions on the possession or maintenance of exotic animals in order to preserve the public peace and safety and to assure the humane treatment of exotic animals.

8.08.020 Definitions.

The definitions set forth in Section 8.04.020 shall be applicable throughout this chapter and in addition the following definitions shall apply:

"Exotic animal" means any of the following:

A. Venomous species of snakes capable of inflicting serious physical harm or death to human beings.
B. Non-human primates and prosimians;
C. Bears;
D. Non-domesticated species of felines;
E. Non-domesticated species of canines and their hybrids, including wolf and coyote hybrids;
F. The order crocodilia, including alligators, crocodiles, caiman, and gavials.

8.08.030 Possession unlawful - Exception - Rules and regulations compliance. The possession or maintenance of an exotic animal within the City of Bellevue by private citizens as pets is prohibited unless the owner possessed or maintained the exotic animal on or before the effective date of this Ordinance and agrees to promptly act to satisfy the licensing requirements contained in this Chapter and such rules and regulations as the animal control authority may adopt regarding the maintenance of such animals.

8.08.040 License - Issuance generally - Fees. The animal control authority may cause to be issued an exotic animal owner's license that shall authorize the licensee to possess or maintain all or some of such species of exotic animals as specified according to Section 8.08.020 herein, provided the application is accompanied by payment of the license fee, contains the information required by Section 8.08.050; and meets the cage or confinement rules and regulations of the animal control authority.

The fee for such license shall as specified in Section 8.04.040(A). All licenses shall expire one year from the date of the original application.

8.08.050 License - Application - Content. A verified application for such license made in triplicate shall be filed by the applicant with the animal control authority which application shall contain the following: A legal or otherwise adequately precise description of the premises which applicant desires to use under the required license; whether the applicant owns or rents the premises to be used; if the applicant rents the premises, a written acknowledgment by the

property owner that the applicant has the owner's permission to carry on the activity as described in the license application for the duration of the license; the extent of improvement upon such premises; a map or diagram of such premises showing where the improvements are located thereon; a statement indicating the species of exotic animal which the applicant desires to possess or maintain; a statement indicating how the animal will be caged or otherwise confined, accompanied with a drawing detailing the dimensions of and the materials used for the cage or similar confinement; and such further information as may be required by rules and regulations of the animal control authority.

8.08.060 License - Issuance - Premises inspection. If after investigation by the animal control authority, it appears that the applicant is the owner or tenant of or has a possessory interest in the property shown in the application; if applicable, has the written permission of the property owner as specified in Section 8.08.050; and that the applicant intends in good faith to possess or maintain an exotic animal in accordance with the law and the rules and regulations of the animal control authority; the animal control authority shall issue a license to the applicant describing therein the premises to be used by the licensee and certifying that the licensee is lawfully entitled to use the same for the possession or maintenance of the exotic animals(s) specified in such license; provided that prior to issuing the license the animal control authority shall inspect the cage or other confinement as required by rule or regulation and specified in the licensee's application in order to determine whether the cage or confinement meets the standard specifications for the classification of the exotic animal. If the cage or confinement is deemed inadequate, the applicant shall make such changes as necessary to meet the standard specifications before the license shall issue.

8.08.070 Periodic inspection of premises. The director of the animal control authority or any other officer authorized by him, may make routine periodic inspections of a licensee's premises and records in order to determine the number, kind, weight and condition of exotic animals possessed by the licensee, and for purposes of enforcing the provisions of this chapter and the rules and regulations of the animal control authority.

8.08.080 License revocation - Notice - Hearing. The animal control authority may revoke, suspend or refuse to renew any exotic animal owner's license upon good cause for failure to comply with any provision of this chapter or the rules and regulations of the animal control authority provided, that violator shall be first notified of the specific violation or violations, and if the violation can be remedied, the violator shall have fifteen days after receiving the notice of violation to correct the violation; provided further, that enforcement of

such revocation, suspension or refusal shall be stayed during the pendency of an appeal.

8.08.090 Violation - Penalty. Any person possessing or maintaining an exotic animal in the City of Bellevue without an exotic animal owner's license as provided herein, or transferring possession of an exotic animal to a person not licensed as provided by this chapter, is guilty of a misdemeanor and is subject to a fine not to exceed two hundred fifty dollars and/or by imprisonment not to exceed ninety days.

8.08.100 Euthanasia in exigent circumstances. An exotic animal possessed or maintained in violation of this chapter or the rules and regulations of the animal control authority may be subject to euthanasia as defined in Section 8.04.020(A) if any one of the following exigent circumstances is deemed to exist by the director of the animal control authority:

A. The exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement; or

B. There is no reasonable basis to believe that the violation can be or in good faith will be corrected and after reasonable search or inquiry by the animal control authority no facility as authorized by local, state or federal law is available to house the exotic animal; or

C. The exotic animal suffers from a communicable disease injurious to other animals or human beings; provided, that this section shall not apply if the animal is under treatment by a licensed veterinarian and may reasonably be expected to recover without infecting other animals or human beings.

8.08.110 Chapter limitations.

A. The purpose of this chapter is to prohibit the private ownership of exotic animals as pets. Therefore, the provisions of this chapter shall not apply to any facility possessing or maintaining exotic animals as defined in this chapter which is owned, operated or maintained by any city, county, state or the federal government, including but not limited to public zoos, nor shall it apply to museums, laboratories and research facilities maintained by scientific or educational institutions, nor to private or commercial activities such as circuses, fairs, or private zoological parks which are otherwise regulated by law, nor to any recognized program engaged in the training of exotic animals as defined in this chapter for use as service animals by disabled citizens.

B. Breeding, or allowing the reproduction of, exotic animals as defined in this chapter is prohibited, provided that this prohibition shall not apply to any governmental facility possessing or maintaining exotic animals nor shall it apply to private or commercial activities as set forth in Subsection A.

8.08.120 Severability. If any clause, sentence, paragraph, or part of this ordinance codified herein, or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the ordinance codified in this chapter.

Section 2. This ordinance shall take effect and be in force thirty days after passage.

PASSED by the City Council this 1st day of April, 1996, and signed in authentication of its passage this 1st day of April, 1996.

(SEAL)

Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Kirkby, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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