

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5957

AN ORDINANCE repealing Ordinance 1842, Section 1, 1974, in its entirety as amended, codified as Bellevue City Code Chapters 8.04, 8.06, and 8.08, as amended; and enacting a new Bellevue City Code Title 8 entitled "Animal Care and Control", Chapters 8.04, 8.05, 8.06, 8.07, 8.08 and 8.09.

WHEREAS, King County animal care and control has provided services to the City of Bellevue in exchange for retention of their pet licensing revenue since the mid-1980s; and

WHEREAS, on November 9, 2009, the Metropolitan King County Council directed the County Executive to end the provision of animal shelter services by King County for contract cities and for unincorporated King County, as soon as possible, but no later than January 31, 2010, and to enter into new full cost recovery contracts with cities for animal control and licensing services by June 30, 2010; and

WHEREAS, a regional model for animal services enables the county and the cities to provide for better public health, safety, animal welfare and customer service outcomes at a lower cost than jurisdictions are able to provide for on their own, through properly aligned financial incentives, partnerships to increase revenue, economies of scale, a consistent regulatory approach across participating jurisdictions and collaborative initiatives to reduce the homeless animal population and leverage private sector resources while providing for a level of animal care respected by the community; and

WHEREAS, on January of 2010, Bellevue joined a joint cities-county work group in order to develop a new regional animal services model for King County and individual cities to consider; and

WHEREAS, on February 26, 2010, the County Executive transmitted to the King County Council an implementation plan for entering into new animal services contracts with cities; and

WHEREAS, consistent with the implementation plan, the joint cities-county work group for regional animal services developed an agreement in principle for a new regional animal services model that defines services, expenditures, cost and revenue allocation methodologies and collaborative initiatives for increasing revenues through fees, penalties, and other means for animal shelter, animal control and pet licensing services; and

WHEREAS, the agreement in principle and supporting materials were shared with all cities, the King County Council, and the public in early April, through

presentations to city managers and administrators, the suburban cities' association public issues committee, the regional policy committee, numerous city council meetings and through individual meetings with county and city officials and staff; and

WHEREAS, consistent with the implementation plan, the joint cities-county work group for regional animal services developed an interlocal agreement for animal services based on the agreement in principle; and

WHEREAS, the interlocal agreement provides for regional animal services to be funded in part by revenue earned through license sales and fees and fines; and

WHEREAS, King County and cities participating in the interlocal agreement have a mutual interest in increasing program revenue to support animal services, including through: (a) changes to pet license fees; (b) programs, penalties and other incentives to increase pet license sales; (c) enforcement of city and county codes requiring the licensing of pets; (d) gifts, bequests and donations that promote animal welfare; and (e) entrepreneurial programs for raising revenue, such as sponsorships, advertising, naming rights, concessions and fundraising events; and

WHEREAS, the proposed interlocal agreement requires cities to enact an ordinance or resolution that includes license, fee, penalty, enforcement, impound/redemption and sheltering provisions that are substantially the same as those adopted by King County; now therefore;

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

Section 1. Ordinance 1842, 1974 Section 1, as amended, codified as Bellevue City Code Chapters 8.04, 8.06 and 8.08 as amended, are hereby repealed in their entirety.

Section 2. A new Bellevue City Code Title 8 entitled "Animal Care and Control" is hereby adopted

Section 3. Chapters 8.04, 8.05, 8.06, 8.07, 8.08 and 8.09 of Title 8 are hereby enacted to read as follows:

Chapter 8.04

Animal Care and Control

8.04.010 Established

The Regional Animal Service Section of the Records and Licensing Services Division of King County is by this chapter designated the agency authorized to provide animal care services and enforce animal care and control laws within the City of Bellevue

8.04.020 Agreements - concessions - revenue for regional animal services

King County is authorized, on behalf of the City, to enter into concession agreements with vendors to sell animal-related products and services at the King County animal shelter and at other county facilities and events. The revenue from these concession agreements shall be applied solely to regional animal services.

8.04.030 Agreements - advertising, sponsorship, naming rights - for regional animal services programs - restrictions

A. King County is authorized, on behalf of the City, to negotiate and enter into advertising, sponsorship and naming rights agreements for the purpose of providing financial support for regional animal services programs. Advertising shall be restricted to commercial speech.

B. Advertisers and sponsors shall abide by the nondiscrimination requirements imposed by King County and the City. Furthermore, an advertising, sponsorship or naming rights agreement may not result in advertisement of spirits or tobacco products.

C. The Regional Animal Service Section may impose additional subject-matter restrictions on advertising, sponsorship and naming rights agreements consistent with applicable law.

D. Revenue generated from advertising, sponsorships and naming rights agreements entered into under this section shall be applied solely to regional animal services.

8.04.040 Gifts, bequests and donations - solicitation and acceptance - deposit in animal bequest fund restrictions

A. The City authorizes King County's Executive, Director of the Department of Executive Services, the Manager of the Records and Licensing Services Division, Manager of the Regional Animal Service Section, council members, and staff who report directly to those officers or officials and who do so at those officers' or officials' direction, to solicit and accept from the general public and business communities and all other persons, gifts, bequests and donations to the City in support of regional animal services.

B. All gifts, bequests and donations of money to the City for regional animal services shall be deposited and credited to the animal bequest fund created by the County.

C. The Director of King County's Department of Executive Services shall assure that expenditures from the gift, bequest or donation are consistent with the terms, if any, requested by the grantor.

8.04.050 Purpose and scope - conflicts

A. It is declared the public policy of the City of Bellevue to secure and maintain such levels of animal care and control as will protect animal and human health and safety, and to the greatest degree practicable to prevent injury to property and cruelty to animal life. To this end, it is the purpose of this chapter to provide a means of caring for animals, licensing dogs, cats, hobby catteries, hobby kennels and related facilities and controlling errant animal behavior so that it shall not become a public nuisance and to prevent cruelty to animals.

B. If there is a conflict between a provision of this chapter and a provision in the Bellevue Land Use Code, the provision in shall the Land Use Code shall control.

8.04.060 Definitions.

In construing this chapter, except where otherwise plainly declared or clearly apparent from the context, words shall be given their common and ordinary meaning. In addition, the following definitions apply to this chapter:

A. "Abate" means to terminate any violation by reasonable and lawful means determined by the Manager of the Regional Animal Service Section in order that an owner or a person presumed to be the owner shall comply with this chapter.

B. "Altered" means spayed or neutered.

C. "Animal" means any living creature except Homo sapiens, insects and worms.

D. "Animal care and control authority" means the Regional Animal Service Section of the Records and Licensing Services Division, acting alone or in concert with other municipalities for enforcement of the animal care and control laws of the county and state and the shelter and welfare of animals.

E. "Animal care and control officer" means any individual employed, contracted or appointed by the animal care and control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the care and 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 assignments that involve the seizure and taking into custody of any animal.

F. "Cattery" means a place where four 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 a pet shop. An adult cat is one of either sex, altered or unaltered, that is at least six months old.

G. "Domesticated animal" means a domestic beast, such as any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep, hog or other animal made to be domestic.

H. "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 the loss of consciousness.

I. "Fostering" means obtaining unwanted dogs or cats and locating adoptive homes for those licensed and spayed or neutered dogs or cats.

J. "Grooming service" means any place or establishment, public or private, where animals are bathed, clipped or combed for the purpose of enhancing either their aesthetic value or health, or both, and for which a fee is charged.

K. "Harbored, kept or maintained" means performing any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal's actions, or that the animal or animals are treated as living at one's house by the homeowner.

L. "Hobby cattery" means a noncommercial cattery at or adjoining a private residence where four or more adult cats are bred or kept for exhibition for organized shows or for the enjoyment of the species. However, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number otherwise allowed in the Land Use Code. For purposes of the Land Use Code, hobby kennels includes cats and dogs.

M. "Hobby kennel" means a noncommercial kennel at or adjoining a private residence where four or more adult dogs are bred or kept for any combination of hunting, training and exhibition for organized shows, for field, working or obedience trials or for the enjoyment of the species. However, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number otherwise allowed in the Land Use Code. For purposes of the Land Use Code, hobby kennels includes cats and dogs.

N. "Juvenile" means any dog or cat, altered or unaltered, that is under six months old.

O. "Kennel" means a place where four or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult dog is one of either sex, altered or unaltered, that is at least six months old.

P. "Livestock" means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to, Cattle, Riding and draft horses, Hogs, excluding pigs weighing under 120

lbs. and standing 20 inches or less at the shoulder which are kept as pets or small animals, Sheep, and Goats.

Q. "Owner" means any person having an interest in or right of possession to an animal. "Owner" also means any person having control, custody or possession of any animal, or by reason of the animal being seen residing consistently at a location, to an extent such that the person could be presumed to be the owner.

R. "Pack" means a group of two or more animals 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 the animals are not restrained or controlled.

S. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

T. "Pet" means a dog or a cat or any other animal required to be licensed by this chapter. "Dog," "cat" and "pet" may be used interchangeably.

U. "Pet shop" means any person, establishment, store or department of any store that acquires live animals, including birds, reptiles, fowl and fish, and sells or rents, or offers to sell or rent, the live animals to the public or to retail outlets.

V. "Private animal placement permit" means a permit or permits issued to qualified persons engaged in fostering dogs and cats, to allow them to possess more dogs and cats than is otherwise specified in the Land Use Code.

W. "Running at large" means to be off the premises of the owner and not under the control of the owner, or competent person authorized by the owner, either by leash, verbal voice or signal control.

X. "Service animal" means any animal that is trained or being trained to aid a person who is blind, hearing impaired or otherwise disabled and is used for that purpose and is registered with a recognized service animal organization.

Y. "Shelter" means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that 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.

Z. "Special hobby kennel license" means a license issued under certain conditions to pet owners, who do not meet the requirements for a hobby kennel license, to allow them to retain only those specific dogs and cats then in their possession until such time as the death or transfer of the animals reduces the number they possess to the legal limit in the Land Use Code.

AA. "Under control" means the animal is either under competent voice control or competent signal control, or both, so as to be restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off a leash or off the premises of the owner.

BB. "Vicious" means having performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation.

8.04.070 Pet licenses - required - issuance - penalty - fee use - improper checks - exceptions

A. All dogs and cats eight weeks old and older that are harbored, kept or maintained in the City of Bellevue shall be licensed and registered. Licenses shall be renewed on or before the date of expiration.

B. Upon application and the payment of a license fee made payable to the King County Treasury according to the schedule provided in this chapter, pet licenses shall be issued by the Regional Animal Service Section and may be issued by shelters, veterinarians, pet shops, catteries and kennels and other approved locations, under contract with the county.

1. Pet licenses for dogs and cats shall be valid for a term of one year from issuance, expiring on the last day of the twelfth month. There is no proration of any license fees. Renewal licenses shall retain the original expiration period whether renewed before, on or after their respective renewal months.

2. Juvenile licenses may be obtained in lieu of an unaltered pet license for pets from eight weeks to six months old.

3. City of Bellevue residents sixty-five years old or older may purchase a discounted pet license for their cats or dogs that are neutered or spayed and that are maintained at the registered owner's registered address. Residents sixty-five years old or older who have previously obtained a special permanent license for their cats or dogs shall not be required to purchase a new license for the permanently licensed animals.

4. Disabled residents that meet the eligibility requirements of the Metro regional reduced fare permit program authorized by King County may purchase a discounted pet license for their cats or dogs that are neutered or spayed and that are maintained at the registered owner's registered address.

5. Applications for a pet license shall be on forms provided by the Regional Animal Service Section.

6. License tags shall be worn by dogs at all times. As an alternative to a license tag, a dog or cat may be identified as licensed by being tattooed on its right ear or on its inside right thigh or groin with a license number approved or issued by the Regional Animal Service Section.

7. Owners of dogs or cats who hold valid licenses from other jurisdictions and who move into the City of Bellevue may transfer the license by paying a transfer fee. The license shall maintain the original license's expiration date.

8. It is a violation of this chapter for any person to sell or transfer ownership of any pet without a pet license. The Regional Animal Service Section shall be notified of the name, address and telephone number of the new owner by the person who sold or transferred the pet.

9. An applicant may be denied the issuance or renewal of a pet license, if the applicant was previously found in violation of the animal cruelty provisions of any local ordinance or convicted of animal cruelty under state or local law.

a. An applicant may be denied the issuance or renewal of a pet license for up to:

(1) four years, if found in violation of the animal cruelty provisions of any local ordinance or convicted of a misdemeanor under state or local law; or

(2) indefinitely, if convicted of an animal cruelty felony;

b. Any applicant who is either the subject of a notice and order under this chapter or charged with animal cruelty under state or local law, may have the issuance or renewal of their pet license denied pending the final result of either the notice and order or charge.

10. The denial of the issuance or renewal of a pet license is subject to appeal, in accordance with this chapter.

11. Cat or dog owners are subject to a penalty according to the schedule in this chapter for failure to comply with the licensing requirement in subsection A. of this section.

C. A late fee shall be charged on all pet license applications, according to the schedule found in this chapter.

D. The records and licensing services division is authorized to accept credit and bank card payments for fees and penalties imposed under this title.

E. It is a violation of this chapter for any person to knowingly issue a check for which funds are insufficient or to stop payment on any check written in payment of fees in this chapter. Any license or penalty paid for with those types of checks are, in the case of the license, invalid; and in the case of the penalty, still

outstanding. Costs incurred by the County or City in collecting checks of this nature shall be considered a cost of abatement and are personal obligations of the animal owner.

F. Except for subsection G. of this section, this section shall not apply to dogs or cats in the custody of a veterinarian or shelter or whose owners are nonresidents temporarily within the City for a period not exceeding thirty days.

G. Veterinarians and shelters that sell or give away a dog or cat without a license shall make license application materials available to the new pet owner and shall provide the Regional Animal Service Section monthly with the list that includes the origin, age, sex, color, breed, altered status and, if applicable, microchip number and license number of each dog or cat given away or sold and the new owner's name, address and, if available, email address and telephone number for any dogs and cats given away or sold.

8.04.080 Animal shelter, kennel, grooming service, cattery and pet shop - General licenses - Requirements

All hobby kennels and hobby catteries must be licensed by the Regional Animal Service Section. Licenses shall be valid for one year from the date of application. Fees shall be assessed as provided in this chapter. There is no proration of the license fee. Renewal licenses shall retain the original expiration date whether renewed on or after their respective renewal month. Issuance of a license under this section shall not excuse any requirement to obtain a private animal placement permit.

8.04.090 License fees and penalties

A. The following animal license and registration fees apply:

- | | | |
|-----|--|-----------|
| 1. | Pet license - dog or cat | |
| a. | Unaltered | \$60.00 |
| b. | Altered | \$30.00 |
| 2. | Juvenile pet license - dog or cat | \$15.00 |
| 3. | Discounted pet license - dog or cat | \$15.00 |
| 4. | Replacement tag | \$5.00 |
| 5. | Transfer fee | \$3.00 |
| 6. | Guard dog registration | \$100.00 |
| 7. | Exotic pet | |
| a. | New | \$500.00 |
| b. | Renewal | \$250.00 |
| 8. | Service animal | no charge |
| 9. | K-9 police dog | no charge |
| 10. | The following late fees shall apply to license renewal applications: | |
| a. | received 45 to 90 days following license | \$15.00 |

- expiration
- b. received 90 to 135 days following license expiration \$20.00
- c. received more than 135 days following license expiration \$30.00
- d. received more than 365 days following license expiration \$30.00 plus license fee(s) for any year(s) that the pet was unlicensed

B. The following business and activity permit fees apply:

- 1. Hobby kennel and hobby cattery license \$50.00
- 2. Private animal placement permit no charge

C. The following civil penalties shall be assessed:

- 1 Civil penalties: General
 - a. No previous similar code violation within one year \$50.00
 - b. One previous similar code violation within one year \$100.00
 - c. Two or more similar code violations within one year Double the rate of the previous penalty, up to a maximum of \$1000.00
- 2. Civil penalties: Vicious animal or animal cruelty violations
 - a. First violation within one year \$500.00
 - b. Subsequent violations within one year \$1000.00
- 3. Civil penalties: Dog leash law violations
 - a. First violation within one year \$25.00
 - b. Additional violations within one year \$50.00
- 4. Civil penalties: Animal abandonment \$500.00
- 5. Civil penalties: Unlicensed cat or dog
 - a. Altered cat or dog \$125.00
 - b. Unaltered cat or dog \$250.00

D. The following service fees apply

- 1. Adoptions - per animal, including licensing and spaying or neutering of the animal \$75.00 - \$250.00 based upon adoptability
- 2. Spay or neuter deposit - per animal . \$150.00
- 3. Impound or redemption - dogs, cats or other small animals

a.	First impound within one year	\$45.00
	Second impound within one year	\$85.00
	Third impound within one year	\$125.00
4.	Impound or redemption - Livestock, small	\$45.00
5.	Impound or redemption - Livestock, large	\$45.00 or actual cost of sheltering, whichever is greater
6.	Kenneling at King County animal shelter - per 24 hours or portion thereof	\$20.00
7.	In-field pick up of an owner's deceased unlicensed pet or pick up of an unlicensed pet released voluntarily to the Regional Animal Service Section	\$50.00
8.	Owner-requested euthanasia (unlicensed pets)	\$50.00
9.	Optional micro chipping for adopted pets	\$25.00
		\$50.00

8.04.100 Animal shelter cattery, pet shop, grooming service and kennel license - Information required

Shelters, catteries, pet shops, grooming services and kennels shall comply with the licensing requirements of the Seattle-King County Department of Public Health. Subject to applicable restrictions in the Land Use Code, the facilities may board animals as authorized by their Seattle-King County Department of Public Health license. This chapter supplements other applicable sections of the Land Use Code. For purposes of the Land Use Code, hobby kennels include both cats and dogs. Where there is a direct conflict between the language of this chapter and the Land Use Code, the Land Use Code shall control.

8.04.110 Hobby kennel or hobby cattery licenses - required – limitations - requirements - issuance and maintenance - special hobby kennel license

A. It is unlawful for any person to keep and maintain any hobby kennel or hobby cattery without a valid and subsisting license. The fee for such an annual license shall be assessed upon the owner or keeper of the animals. In addition, each animal that is maintained at a hobby kennel or hobby cattery shall be licensed individually.

B. Any hobby kennel or hobby cattery license shall limit the total number of adult dogs and cats kept by the hobby kennel or hobby cattery based on:

1. Animal size;

2. Type and characteristics of the breed;
3. The amount of lot area;
4. The facility specifications and dimensions in which the dogs and cats are to be maintained;
5. The zoning classification in which the hobby kennel or hobby cattery would be maintained

C. Unless contrary to the Land Use Code, the following are requirements for hobby kennels and hobby catteries:

1. All open run areas shall be completely surrounded by a fence set back at from all property lines, in accordance with the Land Use Code, though this requirement may be modified for hobby catteries as long as the open run area contains the cats and prohibits the entrance of children. For purposes of this section, "open run area" means that area, within the property lines of the premises on which the hobby kennel or hobby cattery is to be maintained, where the dogs and cats are sheltered or maintained. If there is no area set aside for sheltering or maintaining the dogs within the property lines of the premises the twenty foot setback does not apply. The property lines of premises not containing an open run area must be completely surrounded by an appropriate fence as determined by the Land use Code;

2. No commercial signs or other appearances advertising the hobby kennel or hobby cattery are permitted on the property except for the sale of the allowable offspring set forth in this section;

3. The Manager of the Regional Animal Service Section may request that the City require setback, additional setback, fencing, screening or soundproofing as the manager deems necessary to ensure the compatibility of the hobby kennel or hobby cattery with the surrounding neighborhood. Factors to be considered in determining the compatibility are:

a. statements regarding approval or disapproval of surrounding neighbors relative to maintenance of a hobby kennel or hobby cattery at the address applied for;

b. history of verified animal care and control complaints relating to the dogs and cats of the applicant at the address for which the hobby kennel or hobby cattery is applied for;

c. facility specifications or dimensions in which the dogs and cats are to be maintained;

d. animal size, type and characteristics of breed; and

e. the zoning classification of the premises on which the hobby kennel or hobby cattery is maintained;

4. The hobby kennel or hobby cattery shall limit dog and cat reproduction to no more than one litter per license year per female dog and two litters per license year per female cat; and

5. Each dog and cat in the hobby kennel or hobby cattery shall have current and proper immunization from disease according to the dog's and cat's species and age. The immunizations shall consist of distemper, hepatitis, leptospirosis, parainfluenza and parvo virus (DHLPP) inoculation for dogs over three months old and feline herpesvirus 1, calicivirus and panleukopenia virus (FVRCP) inoculation for cats over two months old and rabies inoculations for all dogs and cats over four months old.

D. A hobby kennel or hobby cattery license may be issued only when the Manager of the Regional Animal Service Section is satisfied that the requirements of subsection C.1. through 5 of this section have been met. The license may be terminated if the number of dogs and cats exceeds the number allowed by the Regional Animal Service Section or if the facility fails to comply with any of the requirements of subsection C.1. through 5 of this section.

E.1. 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 regional animal services, which shall allow them to retain the specific animals then in their possession, but only if the following conditions are met:

a. the applicant must apply for the special hobby kennel license and individual licenses for each dog and cat before or at the time they are contacted by an animal care and control officer, King County license inspector or King County pet license canvasser; and

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

2. 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 possess animals beyond the limits otherwise imposed by the Land Use Code until such a time as the death or transfer of the animals reduces the number possessed to the legal limit set forth in the Land Use Code.

3. The Manager of the Regional Animal Service Section may deny any application for a special hobby kennel license:

a. based on past Animal Care and Control Code violations by the applicant's dogs and cats or verified complaints from neighbors regarding the applicant's dogs and cats; or

b. if the animal or animals are maintained in inhumane conditions.

F. The Manager of the Regional Animal Service Section may authorize hobby kennels, hobby catteries and special hobby kennels to exceed the maximum number of dogs and cats otherwise allowed under this section where necessary to address an emergency proclaimed by the County Executive.

8.04.120 Animal shelters, kennels, hobby kennels, catteries, hobby catteries or pet shops - reporting required.

Each animal shelter, kennel, hobby kennel, cattery, hobby cattery or pet shop shall provide the Regional Animal Service Section with a monthly list of all dogs and cats that it has given away or sold. The list shall include the origin, age, sex, color, breed, altered status and, if applicable, microchip number and license number of each dog or cat given away or sold and the new owner's name, address and, if available, email address and telephone number.

8.04.130 Animal shelters, kennels, catteries, grooming service or pet shops - inspections - unsanitary conditions unlawful

A. The Director of the Seattle-King County Department of Public Health or the Director's agent or the Manager of the Regional Animal Services Section or the manager's agent is authorized to make on behalf of the City such an inspection as may be necessary to determine compliance with this chapter. The owner or keeper of an animal shelter, kennel, cattery, grooming service or pet shop shall admit to the premises, for the purpose of making an inspection, any officer, agent or employee of the Seattle-King County Department of Public Health or animal care and control authority at any reasonable time that admission is requested.

B. It is unlawful to keep, use or maintain within King County 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 or safety and not in compliance with this Title.

8.04.140 Animal shelters, kennels, grooming services, catteries and pet shops - Conditions.

Animal shelters, kennels, catteries, grooming services and pet shops shall meet the following conditions:

A. Housing facilities shall be provided the animals and such shall be structurally sound and shall be maintained in good repair; shall be designed so as to

protect the animals from injury; shall contain the animals; and shall restrict the entrance of other animals.

B. Electric power shall be supplied in conformance with city, county, and state electrical codes adequate to supply lighting and heating as may be required by this chapter. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and primary enclosures of debris and excreta.

C. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

D. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors.

E. Washroom facilities, including sinks and toilets, with hot and cold water, must be conveniently available for cleaning purposes, and a large sink or tub provided for the purpose of washing utensils, equipment and facilities.

F. Sick animals shall be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale. Sick animals shall be kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

G. There shall be an employee on duty at all times during hours any store is open whose responsibility shall be the care and welfare of the animals in that shop or department held for sale or display.

H. An employee or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the store or shop is closed.

I. No person, persons, association, firm or corporation shall knowingly sell a sick or injured animal or bird.

J. No person, persons, association, firm or corporation shall misrepresent an animal or bird to a consumer in any way.

8.04.150 Animal shelters, kennels, catteries, grooming services and pet shops - Indoor facilities.

Animal shelters, kennels and pet shops which have indoor housing facilities for animals and birds shall:

A. Be sufficiently heated or cooled to protect such animals from temperatures to which they are not normally acclimatized;

B. Be adequately ventilated to provide for the health of animals contained therein and to assist in the removal of foul and obnoxious odors. Provision shall be made so that the volume of air within any enclosed indoor facility shall be changed three times or more each hour. This may be accomplished through the location and periodic opening of doors and windows. If fans or ventilating equipment are used, they shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts;

C. Have sufficient natural or artificial lighting to permit routine inspection and cleaning at any time of day. In addition, sufficient natural or artificial lighting shall be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers;

D. Have interior wall and ceiling surfaces constructed of materials which are resistant to the absorption of moisture and odors, or such surfaces shall be treated with a sealant or with paint, when such materials are not originally resistant to moisture or odors. Floor surfaces shall not be made of unsealed wood. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris;

E. Contain a drainage system which shall be connected to a sanitary sewer or septic tank system which conforms to the standards of building codes in force within the county and shall be designed to rapidly remove water and excreta in the cleaning of such indoor housing facility under any condition of weather or temperature; provided, this requirement shall not apply to hobby kennels and pet shops. All indoor housing facilities for animals, fish, or birds shall be maintained in a clean and sanitary condition and a safe and effective disinfectant shall be used in the cleaning of such facilities.

8.04.160 Animal shelters, kennels, catteries and pet shops - Outdoor facilities.

Animal shelters, kennels, catteries and pet shops which have outdoor facilities for animals and birds shall:

A. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein;

B. Be constructed to provide drainage and to prevent the accumulation of water, mud, debris, excreta, or other materials and shall be designed to facilitate the removal of animal and food wastes;

C. Be constructed with adequate walls or fences to contain the animals kept therein and to prevent entrance of other animals.

8.04.170 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;
- 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;
- 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 readily be 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 hand washing facilities with hot and cold running water must be conveniently available for personnel employed;
- J. Only equipment necessary to the operation of the licensed establishment 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.

8.04.180 Animal shelters, hobby kennels, kennels, pet shops, grooming parlors, guard dog purveyors, guard dog trainers and guard dog purveyors, guard dog trainers and guard dog owners - additional conditions

The City authorizes the Manager of the Regional Animal Services Section to promulgate rules and regulations not in conflict with this title as they pertain to the conditions and operations of animal shelters, hobby kennels, kennels, hobby catteries, catteries, pet shops and grooming parlors, guard dog purveyors, guard dog trainers and guard dog owners. The rules and regulations may be enacted only

after a public hearing has been held regarding the rules and regulations. The City authorizes King County to conduct such hearings on its behalf. Enforcement of these rules and regulations may be appealed to the County Board of Appeals.

8.04.190 Licenses, registration - revocation, suspension or refusal to renew

The Regional Animal Services Section may, in addition to other penalties provided in this title, revoke, suspend or refuse to renew any hobby kennel, hobby cattery, guard dog purveyor, guard dog trainer license or guard dog registration upon good cause or for failure to comply with any provision of this title. Enforcement of such a revocation, suspension or refusal shall be stayed during the pendency of an appeal.

8.04.200 Licenses, registration - revocation or refusal waiting period.

If an applicant has had a license or registration revoked or a renewal refused, the applicant shall not be issued a hobby kennel license, hobby cattery license, guard dog purveyor license, guard dog trainer license or guard dog registration for one year after the revocation and refusal.

8.04.210 Individual private animal placement permit - required - qualifications - limitations - inspection, denial and revocation

A. Any person independently engaged in the fostering of dogs and cats who routinely possesses more dogs and cats than are otherwise allowed in the Land Use Code must obtain a private animal placement permit from the Regional Animal Service Section. Permits shall be valid for one year from issuance and may not be transferred

B. In order to qualify for a private animal placement permit, an applicant must:

1. Maintain and care for dogs and cats in a humane and sanitary fashion, in compliance with this chapter;

2. Foster the dogs and cats at a location that is compatible with the surrounding neighborhood;

3. Agree to return stray or lost animals to their owners before placing the animals in an adoptive home;

4. Agree to spay or neuter and license each dog or cat before placement into its new home and transfer the license of each animal to its adoptive owner;

5. Agree to coordinate their adoption process with the Regional Animal Service Section, including reporting on the disposition of each animal, and only adopting to owners who would qualify to adopt an animal from a King County animal

care and control shelter based on the adoption procedures and guidelines used by the Regional Animal Service Section.

C. Individuals or organizations holding a private animal placement permit shall be allowed to possess five foster animals above the limit that would normally apply to their property under the Land Use Code.

Permit holders are required to locate an adoptive home for each dog or cat within six months of acquiring the dog or cat. If, after six months, an adoptive home has not been found for a dog or cat, the Regional Animal Service Section shall review the situation to determine if the permit holder is complying with the permit. If the Manager of the Regional Animal Service Section ascertains that a good faith effort is being made to locate adoptive homes, a six-month extension may be granted.

The presence of juvenile animals shall not necessarily place a permit holder over their limit unless the Manager of the Regional Animal Service Section determines that juvenile animals are present in such large numbers as to otherwise place the permit holder out of compliance with the permit.

Holders of hobby kennel licenses shall be allowed to possess and foster five more animals than are allowed by the conditions of a hobby kennel permit.

D. The Regional Animal Services Section may inspect the facilities of an applicant for a private animal placement permit to determine whether or not such a permit shall be issued. In addition, the regional animal services may periodically inspect the facilities of holders of private animal placement permits to ensure compliance with this section. The regional animal services may also deny or revoke permits based on any one or more of the following:

1. A failure to meet the qualifications listed in subsections A. through C. of this section;
2. Verified animal care and control complaints; and
3. Verified complaints by neighbors regarding the failure to comply with private animal placement permit requirements.

8.04.220 Organizational private animal placement permit - required - qualifications - limitations - inspection, denial and revocation

A. Any organization engaged in the fostering of dogs and cats whose members routinely or from time to time have in their possession up to five more dogs and cats than are otherwise allowed in the Land Use Code must obtain private animal placement permits from the Regional Animal Service Section for each of those members. Organizations may purchase up to five permits, or up to twenty

permits per year. However, the Manager of the Regional Animal Service Section may issue more than twenty permits to an organization when to do so would further the goals of the Regional Animal Service Section and be in the public interest. Permits shall be valid for one year from issuance and may be transferred between members of the organization.

B. In order to qualify to distribute private animal placement permits to its members an organization must:

1. Be of a reputable nature and engaged in the fostering of animals solely for the benefit of the animals involved, and not as a commercial enterprise;

2. Agree to furnish animal care and control with the names, addresses and phone numbers of each of the holders of its permits, including immediately furnishing this information when a transfer takes place; and

3. Agree that, to the best of their ability, they shall only distribute permits to individuals who shall comply with the requirements of this chapter.

8.04.230 Enforcement power

A. The Manager of the Regional Animal Service Section and the animal care and control officers are authorized to take such lawful action as may be required to enforce this chapter, as amended, as they pertain to the keeping of animals, and the laws of the State of Washington as the laws pertain to animal cruelty, shelter, welfare and enforcement of control.

B. The Manager of the Regional Animal Service Section or animal care and control officers shall not enter a building designated for and used for private purposes, unless a proper warrant has first been issued upon a showing that the officer has reasonable cause to believe an animal is being maintained in the building in violation of this chapter.

C. The Manager of the Regional Animal Service Section and animal care and control officers, while pursuing or observing any animal in violation of this chapter, may enter upon any public or private property, except any building designated for and used for private purposes, for the purpose of abating the animal violation being pursued or observed.

D. No person shall deny, prevent, obstruct or attempt to deny, prevent or obstruct an animal care and control officer from pursuing any animal observed to be in violation of this chapter. Further, no person shall fail or neglect, after a proper warrant has been presented, to promptly permit the Manager of the Regional Animal Service Section or an animal care and control officer to enter private property to perform any duty imposed by this chapter. Any person violating this subsection is guilty of a misdemeanor.

8.04.240 Violations - deemed nuisance - abatement

All violations of this chapter are detrimental to the public health, safety and welfare and are public nuisances. All conditions that are determined after review by the Manager of the Regional Animal Service Section to be in violation of this chapter shall be abated.

8.04.250 Violations - Misdemeanor - Penalty.

Any person who allows an animal to be maintained in violation of this chapter is guilty of a misdemeanor punishable by fine of not more than two hundred fifty dollars and/or imprisonment for a term not to exceed ninety days.

8.04.260 Violations - civil penalty

In addition to or as an alternative to any other penalty provided in this chapter or by law, any person whose animal is maintained in violation of this chapter shall incur a civil penalty in an amount not to exceed one thousand dollars per violation to be directly assessed by the manager of the animal care and control authority plus billable costs of the animal care and control authority. The manager, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the nature and type of violation; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance with prescribed requirements or after notification of a violation. All civil penalties assessed shall be enforced and collected in accordance with the procedure specified in this chapter.

8.04.270 Impounding

A. The Manager of the Regional Animal Service Section and the manager's authorized representatives may apprehend any animals found doing any of the acts defined as a public nuisance or being subjected to cruel treatment as defined by law. After the animal is apprehended, the Regional Animal Service Section shall ascertain whether the animal is licensed or otherwise identifiable. If reasonably possible, the Regional Animal Service Section shall return the animal to the owner together with a notice of violation of this chapter.

1. If it is not reasonably possible to immediately return a currently licensed animal to its owner, the Regional Animal Service Section shall notify the owner within a reasonable time by regular mail or telephone that the animal has been impounded and may be redeemed. Any currently licensed animal impounded in accordance with this chapter shall be held for the owner at least one hundred twenty hours, after telephone contact by the impounding agency or for at least two weeks after posting of the notification of impoundment by regular mail.

2. Any other animal impounded in accordance with this chapter shall be held for its owner at least seventy-two hours from the time of impoundment.

3. Any animal suffering from serious injury or disease may be euthanized.

4. At the discretion of the impounding authority, any animal may be held for a longer period than otherwise specified in this section and redeemed by any person on payment of charges not exceeding those prescribed in this chapter.

B. Any animal not redeemed shall be treated in one of the following ways:

1. Made available for adoption at the fee provided for in this chapter

a. As provided in this chapter, all dogs and cats adopted from the King County animal shelter shall be spayed or neutered before adoption, except that, persons adopting a juvenile may elect not to spay or neuter the animal at the time of adoption if such persons purchase a juvenile license and pre-purchase an adult altered license, effective the month that the animal would become six months of age. Such persons shall also pay a spay or neuter deposit that shall be returned to the adopting person upon submission of proof that the sterilization was performed within six months from the adoption. Failure to spay or neuter such a dog or cat is a violation of this chapter and a breach of the adoption contract and shall result in the forfeiture of the adoption and return of the dog or cat to King County Animal Care and Control for the required spaying or neutering. Persons adopting a juvenile dog or cat that is spayed or neutered may purchase an adult altered license at the time of adoption, effective for one year.

b. The Manager of the Regional Animal Service Section may adopt administrative rules regarding the adoption of animals;

2. Transferred to another animal welfare organization for adoption;

3. Entered into foster care; or

4. Euthanized

C. The county shall not sell any animals for the purposes of medical research to any research institute or any other purchasers.

D.1. Any unaltered dog or cat impounded more than once shall be spayed or neutered:

a. by the Regional Animal Services Section before the release of the dog or cat; or

b. at the request of the owner, after release of the dog or cat to the owner, but only if the owner agrees to pay a cash deposit of two hundred fifty dollars and provides proof of neutering or spaying on a form provided by the county. In order for the deposit to be refunded to the owner the form must be certified by a licensed

veterinarian within ten days of release of the dog or cat to the owner. If proof of neutering or spaying is not provided within ten days, the regional animal services may again impound the dog or cat to verify that it is spayed or neutered. If the animal is not spayed or neutered, the Regional Animal Service Section may spay or neuter the animal before it is released to the owner.

2. If the dog or cat is spayed or neutered by the Regional Animal Service Section, the cost of the spay or neuter shall be charged to the owner upon redemption but shall be deducted from the impound and redemption fees otherwise required under this chapter.

8.04.280 Additional enforcement.

Notwithstanding the existence or use of any other remedy, the Manager of the Regional Animal Service Section may seek legal or equitable relief to enjoin acts or practices and abate any conditions that constitute a violation of this chapter or other regulations adopted under this chapter.

8.04.290 Additional enforcement - cruelty to animals

A. The manager of the animal care and control authority may prohibit a person who is issued a notice and order for violation of or who is either charged or convicted of animal cruelty under either state or local laws from owning, harboring, keeping or maintaining any animal if the manager determines that the enforcement furthers the purposes of this chapter, in accordance with the following: a person may be prohibited from owning, harboring, keeping or maintaining any animal:

1. For up to four years, if the person is found in violation of the animal cruelty provisions of state or local laws or convicted of a misdemeanor related to animal cruelty under state or local law;

2. Indefinitely, if the person is convicted of a felony; or

3. Pending the final adjudication of either a notice and order issued under this chapter or an animal cruelty charges under state law.

B. The Director or authorized animal care and control officer may enforce this section through the notice and order process in this chapter. A notice and order issued to enforce this section is subject to appeal.

8.04.300 Nuisances defined.

For purposes of this chapter, nuisances are violations of this chapter and shall be defined as follows:

A. Any public nuisance relating to animal care and control known at common law or in equity jurisprudence;

B. A dog or other domesticated animal running at large within the City;

C. Any domesticated animal, whether licensed or not, that runs at large in any park or enters any public beach, pond, fountain or stream or upon any public playground or school ground. However, this subsection shall not prohibit a person from walking or exercising an animal in a public park or on any public beach when the animal is on a leash, tether or chain not to exceed eight feet in length. Also, this subsection shall not apply to any person using a trained service animal, to animal shows, exhibitions or organized dog-training classes if at least twenty-four hours' advance notice has been given to the animal care and control authority by those persons requesting to hold the animal shows, exhibitions or organized dog-training classes;

D. Any domesticated animal that enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall. However, this subsection shall not apply to any person using a trained service animal, to veterinary offices or hospitals or to animal shows, exhibitions or organized dog-training classes if at least twenty-four hours' advance notice has been given to the animal care and control authority by the persons requesting to hold the animal shows, exhibitions or organized dog training classes;

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

F. Any domesticated animal that chases, runs after or jumps at vehicles using the public streets and alleys;

G. Any domesticated animal that habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys or other public ways;

H. Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal's premises or lawfully on the animal's premises. However, in addition to other remedies and penalties, the provisions of this chapter relating to vicious animals shall apply;

I. Any vicious animal or animal with vicious propensities that runs at large at any time is off the owner's premises not securely leashed on a line or confined and in the control of a person of suitable age and discretion to control or restrain the animal. However, in addition to other remedies and penalties, the provisions of this chapter relating to vicious animals shall apply;

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

K. Any domesticated animal that enters upon a person's property without the permission of that person;

L. Animals staked, tethered or kept on public property without prior written consent of the animal care and control authority;

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

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

O. Animals running in packs.

8.04.310 Transfer of unaltered dogs and cats prohibited.

It is a violation of this chapter to sell or give away unaltered dogs and cats in any public places or to auction off or raffle unaltered dogs and cats as prizes or gifts.

8.04.320 Unlawful acts against police department dogs - Penalty for violation

A. No person shall willfully torment, torture, beat, kick, strike or harass any dog used by a police department for police work, or otherwise interfere with the use of any such dog for police work by said department or its officers or members.

B. Any person who violates subsection A. of this section shall be deemed guilty of a misdemeanor, punishable by not more than ninety days in jail or not more than two hundred fifty dollar fine, or both.

8.04.330 Violations - unlawful acts - cruelty to animals - database

A. It is unlawful for any person to:

1. Willfully and cruelly injure or kill any animal by any means causing it fright or pain;

2. By reason of neglect or intent to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury the person has so caused to any animal;

3. Lay out or expose any kind of poison, or to leave exposed any poison food or drink for humans, animals or fowl, or any substance or fluid whatever whereon or wherein there is or shall be deposited or mingled, any kind of poison or deadly substance or fluid whatever, on any premises, or in any unenclosed place, or to aid or abet any person in so doing, unless in accordance with state law; and

4. Abandon any domesticated animal by dropping off or leaving the animal on the street, road or highway, in any other public place or on the private property of another.

B. The Regional Animal Service Section is authorized to keep a database containing the names of all persons who are either found in violation of this chapter or charged or convicted of animal cruelty under state or local laws. Further, the Regional Animal Service Section is authorized to coordinate with law enforcement, when necessary, to keep this database current.

8.04.340 Violations - notice and order

A. Whenever the Manager of the Regional Animal Service Section or animal care and control officer has found an animal maintained in violation of this chapter, the Manager of the Regional Animal Service Section is authorized to commence proceedings to cause the abatement of each violation.

B. The Manager of the Regional Animal Service Section or animal care and control officer shall issue a notice of violation and an order directed to the owner or the person presumed to be the owner of the animal maintained in violation of this chapter. The notice and order shall contain:

1. The name and address if known of the owner or person presumed to be the owner of the animal in violation of this chapter;

2. The license number, if available, and description of the animal in violation sufficient for identification;

3. A statement to the effect that the manager or animal care and control officer has found the animal maintained illegally with a brief and concise description of the conditions, which caused the animal to be in violation of this chapter, including reference to the specific sections of code or statute violated and, where relevant, reference to the specific sections of code or statute authorizing removal of the animal;

4. A statement of the action required to be taken to abate the violation, as determined by the Manager of the Regional Animal Service Section.

a. If the manager has determined the animal in violation must be disposed of, the order shall require that the abatement be completed within a specified time from the order as determined by the manager to be reasonable;

b. If the Manager of the Regional Animal Service Section determined to assess a civil penalty, the order shall require that the penalty shall be paid within fourteen days from the order.

5. Statements advising that if any required abatement is not commenced within the time specified, the Manager of the Regional Animal Service Section shall proceed to cause abatement and charge the costs thereof against the owner;

6. Statements advising:

a. that a person having a legal interest in the animal may appeal from the notice of violation and order or any action of the Manager of the Regional Animal Service Section to the board of appeals, but only if the appeal is made in writing as provided by this chapter and filed with the Manager of the Regional Animal Service Section within fourteen days from the service of the notice of violation and order; and

b. that failure to appeal constitutes a waiver of all right to an administrative hearing and determination of the matter

C. The notice and order shall be served on the owner or presumed owner of the animal in violation.

D. Service of the notice of violation and order shall be made upon all persons entitled thereto:

1. Personally;

2. By mailing a copy of the notice of violation and order by certified mail, postage prepaid, return receipt requested, to the person at the person's last known address; or

3. By posting the notice of violation and order on the front door of the living unit of the owner or person with right to control the animal if the owner or person is not home.

E. Proof of service of the notice of violation and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

8.04.350 Appeals

A. The King County Board of Appeals is designated to hear appeals by parties aggrieved by actions of the Manager of the Regional Animal Service Section under this title. The Board may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the board shall be delivered to the Manager of the Regional Animal Service Section, who shall make them freely accessible to the public. All decisions and findings of the board shall be rendered to the appellant in writing with a copy to the Manager of the Regional Animal Service Section.

B. Any person entitled to service under the section entitled "Violation- Notice and Order" of this chapter may appeal from any notice and order or any action of the Manager of the Regional Animal Service Section under this chapter by filing at the office of the Manager of the Regional Animal Service Section within fourteen days from the service of the order, a written appeal containing:

1. A heading in the words: "Before the Board of Appeals of the County of King";

2. A caption reading: "Appeal of _____ giving the names of all appellants participating in the appeal;

3. A brief statement setting forth the legal interest of each of the appellants in the animal involved in the notice and order;

4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;

6. The signatures of all parties' names as appellants, and their official mailing addresses;

7. The verification, by declaration under penalty of perjury, of at least one appellant as to the truth of the matters stated in the appeal.

C. The Board of Appeals shall set a time and place, not more than thirty days from the notice of appeal for a hearing on the appeal. Written notice of the time and place of hearing shall be given at least ten days before the hearing to each appellant by the manager-clerk of the board.

D. At the hearing, the appellant shall be entitled to appear in person, to be represented by counsel and to offer evidence that is pertinent and material to the action of the Manager of the Regional Animal Service Section. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered.

E. Failure of any person to file an appeal in accordance with this section shall constitute a waiver of the right to an administrative hearing.

F. Enforcement of any notice and order of the Manager of the Regional Animal Service Section issued under this chapter shall be stayed during the pending of an appeal, except impoundment of an animal that is vicious or dangerous or cruelly treated.

G. In proceedings before the Board, the Regional Animal Service Section shall bear the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed.

8.04.360 Redemption procedures

Any animal impounded may be redeemed upon payment of the redemption fee as provided in the section entitled "License Fees and Penalties". Owners of impounded licensed dogs or cats shall not be charged a redemption fee on the first offense but shall be charged on the second offense at the second offense rate. An additional kenneling fee for each twenty-four-hour period, or portion thereof, during which such dog or cat is retained by the impounding agency shall be made payable to the county. The redemption fee for livestock shall be as provided in the section entitled "License Fees and Penalties" plus any hauling and boarding costs due. Livestock not redeemed may be sold at public auction by the impounding agency. The hauling and boarding costs for livestock impounded shall be in accordance with the rate established by contract between the county and the given stock yard used for holding such animal.

8.04.370 Vicious animals - corrective action

A.1. An animal, declared by the Manager of the Regional Animal Service Section to be vicious, may be harbored, kept or maintained in the City of Bellevue only upon compliance with those requirements prescribed by the manager. In prescribing the requirements, the manager must take into consideration the following factors:

- a. the breed of the animal and its characteristics;
- b. the physical size of the animal;
- c. the number of animals in the owner's home;
- d. the zoning involved; size of the lot where the animal resides and the number and proximity of neighbors;
- e. the existing control factors, including, but not limited to, fencing, caging, runs and staking locations; and
- f. the nature of the behavior giving rise to the manager's determination that the animal is vicious, including:
 - (1) extent of injury or injuries;
 - (2) circumstance, such as time of day, if it was on or off the property and provocation instinct; and

(3) circumstances surrounding the result and complaint, such as neighborhood disputes, identification, credibility of complainants and witnesses

2. Requirements that may be prescribed include, but are not limited to, the following:

a. Erection of additional or new fencing adequate to keep the animal within the confines of its property;

b. Construction of a run within which the animal is to be kept. Dimensions of the run shall be consistent with the size of the animal;

c. Keeping the animal on a leash adequate to control the animal, the length and location to be determined by the manager. When unattended the leash must be securely fastened to a secure object;

d. Maintenance of the animal indoors at all times, except when personally controlled on a leash adequate to control the animal by the owner or a competent person at least fifteen years old; and

e. Removal of the animal from the county within forty-eight hours from receipt of such a notice.

3. Failure to comply with any requirement prescribed by the manager in accordance with this section constitutes a misdemeanor. Such an animal shall not be kept in the City of Bellevue after forty-eight hours after receiving written notice from the manager. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal and the owner or keeper of the animal or animals has no right to redeem the animal or animals.

B.1. Any animal constituting a public nuisance as provided in this chapter shall be abated and removed from the City by the owner or by the Manager of the Regional Animal Services Section, upon the receipt of three notices and orders of violation by the owner in any one-year period, though this removal procedure shall not apply to the vicious animal removal procedure set out in this section. Where it is established by record in accordance with this chapter and no finding was entered showing that the owner will be able to provide reasonable restraints to protect the public from repetitions of violations, the Manager of the Regional Animal Service Section shall notify and direct the owner of the animal to abate or remove the same from the County within ninety-six hours from the notice. If the animal is found to be within the confines of the City of Bellevue after ninety-six hours have elapsed from the notice, the same shall be abated and removed by the Manager of the Regional Animal Service Section. Animals removed in accordance with this section shall be removed from City of Bellevue or be subjected to euthanasia by the Regional Animal Service Section.

2. Any animal that bites, attacks or attempts to bite one or more persons two or more times within a two-year period is declared to be a public nuisance and shall not be kept within the City of Bellevue forty-eight hours after receiving written notice from the manager. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal, and the owner or keeper of the animal or animals has no right to redeem the animal.

8.04.380 Civil penalty and abatement costs - Liability of owner

The civil penalty and the cost of abatement are also personal obligations of the animal owner. The King County Prosecuting Attorney, on behalf of City of Bellevue, may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies.

8.04.390 Costs of enforcement action

In addition to costs and disbursements provided for by statute, the prevailing party in a collection action under this chapter may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The Prosecuting Attorney shall seek such costs, interest, and reasonable attorney's fees on behalf of the City of Bellevue, when the City is the prevailing party.

8.04.400 Additional rules and regulations

The Regional Animal Service Section is authorized to make and enforce rules and regulations, not inconsistent with the provisions of this chapter section, and it is unlawful to violate or fail to comply with any of such rules and regulations.

8.04.410 Waiver of fees and penalties

A. The Manager of the Regional Animal Service Section may waive or provide periods of amnesty for payment of outstanding licensing fees, late licensing penalty fees, adoption fees and redemption and sheltering fees, in whole or in part, when to do so would further the goals of the Regional Animal Service Section and be in the public interest.

B. In determining whether a waiver should apply, the Manager of the Regional Animal Services section must take into consideration the following elements:

1. The reason the animal was impounded;
2. The reason or basis for the violation, the nature of the violation, the duration of the violation and the likelihood the violation will not recur;
3. The total amount of the fees charged as compared with the gravity of the violation;
4. The effect on the owner, the animal's welfare and the Regional Animal Service Section if the fee or fees or penalties are not waived and no payment is received.

8.04.420 Private Animal Placement Permit - Citizen Complaint Process

A. Upon receiving a citizen complaint involving the maintenance of either an Individual or Organizational Private Animal Placement Permit, the Director shall cause the following to be performed:

1. Issue a Notice of Complaint to the holder of the permit, and the organization which issued the permit, if applicable, advising such person of the allegation(s) made in the complaint;

2. Require the permit holder, and organization if applicable, to respond, in writing, to the allegation(s) in the Notice of Complaint within ten days of receipt of the Notice of Complaint;

3. Investigate the allegation(s) in the written complaint and the response submitted by the permit holder, and organization, if applicable;

4. Make a finding as to the validity of the allegation(s) in the complaint. If it is found to be a valid complaint the Director shall revoke the permit.

B. Failure to respond, in writing, to a Notice of Complaint within ten days shall constitute a waiver of the permit holder's, and organizations, if applicable, right to contest the allegation(s) in the complaint and shall be prima facie evidence that the allegation(s) are valid, and the permit shall be revoked.

8.04.430 Mandatory spaying and neutering

A. No person shall own or harbor any cat or dog over the age of six months that has not been spayed or neutered unless the person holds an unaltered animal license for the animal.

B. Guide dog puppies in training and police service dogs are exempted from the provisions of this section.

C. Any dog or cat over the age of six months adopted from an animal shelter in the City of Bellevue shall be spayed or neutered before transfer to the owner.

8.04.440 Spay or neuter vouchers

When issuing a license for an unaltered pet the Regional Animal Service Section may provide to the applicant a voucher for the payment of all or part of the cost of a spay or neuter operation by a licensed veterinarian on the pet, with the amount of the voucher established by the Manager of Regional Animal Services based upon available resources and appropriation authority being provided by the council. The Regional Animal Service Section shall compile, maintain and make available to the public a list of veterinarians who accept the vouchers as full or partial payment for

spay or neuter operations. Spay or neuter vouchers shall be redeemed through the King County treasury by veterinarians who have performed a spay or neuter operation on a pet licensed in Bellevue as an unaltered pet.

8.04.450 Euthanasia rate targets

A. It shall be the policy of the City of Bellevue that a maximum euthanasia rate target is set to measure the progress towards reducing the rates of cats and dogs euthanized by the Regional Animal Service Section or its designees. The euthanasia rates shall be calculated based on the total number of live cats and dogs taken into custody to include stray, homeless, abandoned, unwanted or surrendered animals, and animals euthanized at an owner's request. The euthanasia rates shall exclude animals euthanized at the order of the Director of the Seattle-King County Department of Public Health and those animals who are not in the custody but are brought to a shelter by their owner or guardian for the purposes of licensing, or clinic services, such as spaying, neutering and vaccinations should such services be made available to the public by the Regional Animal Service Section.

B. The target total for the number of cats and dogs euthanized by the Regional Animal Service Section on behalf of the City of Bellevue is not to exceed fifteen percent.

8.04.460 Unaltered dogs and cats - advertising requirements

No person in the city of Bellevue shall publish or advertise to City residents the availability of any unaltered cat or dog unless the publication or advertisement includes: the unaltered animal's license number or the animal's juvenile license number, provided, however that nothing in this chapter shall prohibit licensed breeders from advertising in national publications for sale of a planned litter or litters.

8.04.47 Rabies vaccination required

All dogs and cats six months of age or older shall be vaccinated against rabies. All vaccinations shall be performed in accordance with the standards contained in the Compendium of Animal Rabies Control as amended, published by the National Association of State Public Health Veterinarians, Inc.

8.04.48 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.

8.04.49 Unauthorized release of animals from confinement

No person other than the owner or person authorized by the owner of the animal shall release any animal from any confinement, vehicle or restraint unless the

release is necessary for the immediate health and safety of the animal, though this section shall not apply to peace officers and animal care and control or humane officers.

8.04.500 Monitoring and reporting

The Regional Animal Services Section shall report to the Bellevue City Council or the City Manager, no less than twice each year on the number of animals taken into King County's custody, the average length of stay for animals, the number of animals redeemed by their owners, the number of animals adopted, the number of animals transferred to other animal welfare organizations or agencies, the number of animals euthanized, the number of animals euthanized at an owner's request, the number of animals euthanized due to a determination of vicious temperament, the number of animals euthanized due to a determination that the animal had a poor or grave prognosis of health and was irremediably suffering, the number of animals that die of causes other than an administered method of euthanasia, the number of animals spayed or neutered, the number of animal cruelty cases, the number and type of pet licenses issued and the number of spay or neuter vouchers issued and redeemed. The reports shall include program revenues, expenditures, status of payments from cities for contractual services, an accounting for the use of the animal bequest funds and impacts to the City's general fund.

8.04.510 Public information education

The animal care and control authority is authorize on behalf of the City of Bellevue to develop a public information and education campaign about responsible pet ownership, pet adoption and the benefits of spay and neuter operations. The campaign should be coordinated with other animal interest groups. The materials shall be made available to the general public and provided to each person obtaining a license or redeeming a pet. Materials shall be made available to and disseminated through veterinarians, pet shops, catteries, kennels and the media. The use of pro bono assistance from entities having expertise in public advertising or information campaigns is encouraged.

8.04.520 Breeder certification program

The Regional Animal Service Section shall develop a breeder certification program, including a definition of the term "breeder," to promote the "best management practices" for the breeding and caring of animals.

8.04.530 Canvassing program

The animal care and control authority shall develop and implement a twelve-month program to canvass for compliance with the licensing requirements of this chapter. The program shall be directed at households within the City of Bellevue. Animal care and control authority employees and persons or organizations under contract to the animal care and control authority performing the canvassing may issue pet

licenses and collect license fees. The canvassing program shall be reviewed by the animal care and control authority.

Chapter 8.05

Dog Leash and Waste Removal Required

8.05.010 Purpose

It is the intention of the City of Bellevue to enforce a dog leash and waste removal requirement in Bellevue and to have King County administer these requirements in conjunction with the rules and regulations of the animal care and control authority in this title.

8.05.020 Definitions

In construing the provisions of this chapter, except where otherwise plainly declared or clearly apparent from the context, words used in this chapter shall be given their common and ordinary meaning; in addition, the following definitions shall apply:

A. "At large" means to be off the premises of the owner and not under the control of the owner by leash; provided, that an animal within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.

B. "Lawful training" means to be engaged in training on the premises of the owner or on the land of another person by permission, or on public land that is set aside for training or is open for hunting or trapping; provided, that the dog is accompanied afield by the owner or trainer. A "no-shooting" area shall not be interpreted to mean a "no-training" area.

C. "Leash" includes a cord, thong or chain not more than fifteen feet in length by which an animal is physically controlled by the person accompanying it.

D. "Restraint." An animal is considered to be under restraint if it is maintained and remains within the property limits of its owner or keeper.

8.05.030 Dogs at large prohibited

It is unlawful for owners to allow their dogs to be at large, unleashed or without restraint, except that this section shall not apply where the dogs are engaged in lawful obedience training, lawful hunting activity, lawful competition sanctioned by a nationally recognized body or a local chapter thereof, or lawful training in preparation for such hunting or competition, are working dogs engaged in the herding of livestock, or are working dogs engaged in sanctioned search and rescue activities, or are in City designated off leash areas.

8.05.040 Animal waste removal

It shall be unlawful for anyone with custody of an animal, to fail to remove any fecal matter deposited by the animal on public property or private property of another, before the custodian leaves the immediate area where the fecal matter was deposited. In addition to the Manager of the Regional Animal Services Section and the animal care and control officers being authorized to take such lawful action as may be required to enforce this subsection, the police and code enforcement officers are authorized to enforce this section. Penalty for violation of this section is \$50.

8.05.060 Violations - misdemeanor penalty

Except for the Animal Waste Removal section of this chapter, any owner of an animal in violation of this chapter is guilty of a misdemeanor punishable by either a fine of not more than two hundred fifty dollars or imprisonment for a term not to exceed ninety days, or both.

8.05.070 Violations - civil penalty

In addition to, or as an alternate to, any other penalty provided in this title or by general law, any person whose animal is maintained in violation of this chapter, except for the Animal Waste Removal section, shall incur a civil penalty plus billable costs of the Regional Animal Service Section. The penalty for a violation shall be as provided in this title.

Chapter 8.06

Rabies Control

8.06.010 Quarantine order

Whenever the Director of the Seattle-King County Department of Public Health has cause to suspect that an animal capable of transmitting rabies is infected with the disease, the Director shall order a period of quarantine of not less than ten days. The Director shall notify in writing the owner or keeper of the infected animal of the quarantine order. The infected animal shall be quarantined by the Regional Animal Service Section in the in its shelter or upon the premises of the owner or licensed veterinarian where conditions of quarantine are strictly kept. The place of quarantine shall be at the discretion of the Director, unless the animal had been exposed to rabies through a bite, in which the animal shall be euthanized. Delivery of a copy of the quarantine order to some person of suitable age and discretion residing upon the premises where the animal is found shall be notice of the quarantine. Good cause for such an order of quarantine shall include, but is not limited to, evidence that the animal has bitten, or that there is reasonable certainty that the animal has bitten, a human being. During the period of quarantine, the officers, agents and employees of the Regional Animal Service Section, and other police officers, are authorized to

enter any premises for the purpose of apprehending any such an animal and impounding the animal, except where the animal is kept upon the premises of the owner or licensed veterinarian as provided in this section.

8.06.020 Notice of rabies hazard - quarantine period

Whenever the Director of the Seattle-King County Department of Public Health determines that rabies is currently a hazard to the public health in the City of Bellevue, by reason of the fact that a case of rabies has been diagnosed in any canine or feline animal, the Director shall have the authority, on behalf of the City of Bellevue, to cause a notice of the hazard to be published in a newspaper of general circulation in the area for three successive days, which determination and notice shall declare the quarantine period and area. The quarantine period shall be thirty days after the last publication of notice; and it is a misdemeanor and is unlawful for any owner, or person entitled to custody of such an animal, to keep or harbor any animal capable of transmitting rabies unless securely confined by a leash or tight enclosure from which it cannot escape. Any animal capable of transmitting rabies found running at large during such a period shall be impounded and euthanized if ordered by the Director of the Seattle-King County Department of Public Health or the Director's agent. If apprehension and impounding by safe means is not possible, the animal may euthanized summarily by the agent. The Director of the Seattle-King County Department of Public Health may extend any such a quarantine period if deemed necessary by like additional determinations and notices.

8.06.030 Violation of quarantine

It is a misdemeanor and is unlawful for any owner or person charged with the custody of any animal subject to a quarantine to permit any such animal to come in contact with any other animal or person or to run at large or to be removed from any quarantine premises without the consent of the Director of Public Health.

8.06.040 Euthanizing of infected animals

Any animal bitten by an animal found to be rabid by appropriate laboratory tests shall be euthanized if ordered of the Director of the Seattle-King County Department of Public Health.

8.06.050 Vaccination order

Whenever the Director of the Seattle-King County Department of Public Health by order published in a newspaper of general circulation in the area for three successive days determines that conditions exist as indicated in this chapter in a specified area wherein it is necessary for the protection of the public health that animals capable of transmitting rabies be vaccinated within thirty days with antirabies vaccine, if ordered by the Director, all such animals four months old or older be so vaccinated or euthanized at the option of the owner or keeper, and it is a

misdemeanor and is unlawful for any owner, or person charged with the custody of such an animal, to fail or refuse to procure the vaccination within the specified time.

8.06.060 Enforcement

The Director of the Seattle-King County Department of Public Health is authorized to enforce the provisions of this chapter.

Chapter 8.07

DISPOSITION OF FOWL AND RABBITS

8.07.010 Age restriction for disposition or coloration

It is unlawful for any person, firm or corporation to sell, offer for sale, barter or give away any fowl under three weeks of age or any rabbit under two months of age as a pet, toy, premium or novelty, or to color, dye, stain or otherwise change the natural color of any such fowl or rabbit.

8.07.020 Penalty for violations

Any person violating this chapter is guilty of a misdemeanor

Chapter 8.08

Exotic Animals

8.08.010 Chapter intent

It is the intent of the Bellevue City Council 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 in this section apply throughout this chapter unless the context clearly requires otherwise

A. "Animal care and control authority" means the Regional Animal Service Section in the records and licensing services division, acting alone or in concert with other municipalities for enforcement of the animal care and control laws of the county and state and the shelter and welfare of animals

B. "Director" means Director of the department of executive services

C. "Exotic animal" means any of the following:

1. Venomous species of snakes capable of inflicting serious physical harm or death to human beings;
2. Nonhuman primates and prosimians;
3. Bears;
4. Nondomesticated species of felines;
5. Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids; and
6. The order Crocodylia, including alligators, crocodiles, caimans 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 June 10, 1994, and agrees to promptly act to satisfy the licensing requirements of this title and such rules and regulations as the animal care and control authority may adopt regarding the maintenance of the animals.

8.08.040 License - issuance generally - fees

The animal care and 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 if the application is accompanied by payment of the license fee, contains the information required pursuant to this title and meets the cage or confinement rules and regulations of the animal care and control authority. The fee for the license shall be as provided for in this title. All licenses shall expire one year from the original application.

8.08.050 License - application - content

A verified application for an exotic animal owner's license made in triplicate shall be filed by the applicant with the animal care and control authority. The application shall contain the following:

- A. A legal or otherwise adequately precise description of the premises that the applicant desires to use under the required license;
- B. Whether the applicant owns or rents the premises to be used;

C. 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;

D. The extent of improvement upon the premises;

E. A map or diagram of the premises showing where the improvements are located thereon;

F. A statement indicating the species of exotic animal that the applicant desires to possess or maintain;

G. 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

H. Such further information as may be required by rules and regulations of the animal care and control authority.

8.08.060 License - issuance - inspection

If, after investigation by the Manager of the Regional Animal Service Section, 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 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 Regional Animal Service Section, the Regional Animal Service Section shall issue a license to the applicant describing therein the premises to be used by the licensee and certifying that the licensee is lawfully entitled to use the same for the possession or maintenance of the exotic animal or animals specified in the license. However, before issuing the license, the Regional Animal Service Section 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 are necessary to meet the standard specifications before the license shall be issued.

8.08.070 Periodic inspection of premises

The Manager of the Regional Animal Service Section, or any other officer authorized by the manager, 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 this chapter and the rules and regulations of the Regional Animal Service Section.

8.08.080 License revocation - notice - hearing

The animal care and 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 care and control authority authorized by this chapter, though the 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. Also, enforcement of such revocation, suspension or refusal shall be stayed during the pendency of an appeal filed in the manner.

8.08.090 Violation - penalty

Any person possessing or maintaining an exotic animal in 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.

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 care and control authority may be subject to euthanasia. if any one of the following exigent circumstances is deemed to exist by the manager of the animal care and control authority section:

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;

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 care and 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, though this subsection 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 the 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 section A.

Chapter 8.09

Guard Dogs

8.09.010 Intent

It is the intent of the Bellevue City Council to set reasonable requirements and conditions governing the training, selling and conveying of guard dogs and the use of such animals for the protection of person and/or property. The Council finds such regulation is necessary to preserve the public peace and safety and to insure the humane treatment of said animals.

8.09.020 Definitions

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Animal care and control authority" means the regional animal services in the records and licensing services division, acting alone or in concert with other municipalities in the enforcement of the animal care and control laws of the county and state.

B. "Director" means Director of the Department of Executive services.

C. "Guard dog" means any member of the dog family Canidae that has been trained or represented as trained to protect either person or property, or both, by virtue of exhibiting hostile propensities and aggressiveness to unauthorized persons.

D. "Guard dog purveyor" means any person, firm or corporation supplying guard dogs to members of the public.

E. "Guard dog trainer" means any person, either as an individual or as an employee of a guard dog purveyor, whose prime function is the training of dogs as guard dogs.

F. "Rules and regulations of the Regional Animal Service Section" means such rules and regulations, consistent with the intent of this chapter, as may be adopted by the regional animal services.

8.09.030 Guard dog purveyor - license - fee

A. It is unlawful for any person, firm or corporation to supply guard dogs to the public without a valid license so to do issued to the person, firm or corporation by the animal care and control authority. Only a person who complies with this chapter and such rules and regulations of the animal care and control authority as may be adopted in accordance with this chapter shall be entitled to receive and retain such a license. Licenses shall not be transferable and shall be valid only for the person and place for which issued. The licenses shall be valid for one year from issue.

B. The fee for the license shall be two hundred fifty dollars per year, but if the guard dog purveyor is in possession of a valid animal shelter, kennel and pet shop license, the fee for the guard dog purveyor license shall be reduced by the amount of the animal shelter, kennel and pet shop license.

8.09.040 Guard dog purveyor - license - application

Any person desiring to supply guard dogs to the public shall make written application for a license on a form to be provided by the animal care and control authority. The application shall be filed with the animal care and control authority and shall include the following:

A. A legal description of the premises or the business address of the office from which the applicant desires to supply guard dogs;

B. A statement of whether the applicant owns or rents the premises to be used for the purpose of purveying guard dogs. If the applicant rents the premises, the application shall be accompanied by a written statement of acknowledgment by the property owner that the applicant has the property owner's permission to purvey guard dogs on the premises for the duration of the license; and

C. A written acknowledgment by the applicant that before the actual commercial sale or purveyance of any and all guard dogs the licensee shall coordinate with the animal care and control authority in properly marking the guard dog and in notifying all customers of the guard dog purveyor that the customer is required to register the guard dog and pay the appropriate registration fee before the animal performing guard dog functions.

8.09.050 Guard dog trainer - license required - fee

A. It is unlawful for anyone to engage in the training of dogs as guard dogs without a valid license so to do issued to the person by the animal care and control authority. Only a person who complies with this chapter and the rules and regulations of the animal care and control authority shall be entitled to receive and retain such a license. Licenses shall not be transferable and shall be valid only for the person for which they were issued. Licenses shall be valid for one year from issue.

B. The cost of the license to each guard dog trainer shall be fifty dollars per year.

8.09.060 Guard dog trainer - license - application

Any person desiring to train dogs as guard dogs shall make written application for a license on a form to be provided by the animal care and control authority. All such applications shall be filed with the animal care and control authority and shall contain the following:

A. A legal description or business address of the premises at which the applicant desires to train the guard dogs;

B. A statement of whether the applicant is self-employed or a member of a business, firm, corporation or organization that trains guard dogs. If the applicant is a member of such a business, firm, corporation or organization, the applicant shall state the name of the entity and shall provide the name of the major executive officer of the entity; and

C. If the premises at which the applicant proposes to train dogs as guard dogs is rented, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to carry on the activity of guard dog training at the location for the duration of the license.

8.09.070 Guard dog - registration

All persons using dogs as guard dogs shall register the dogs with the animal care and control authority. The cost of the registration shall be as provided in this title. The registrations shall be valid for one year from date of issue. All registrations shall be affixed on the guard dog in such a manner so as to be readily identifiable.

8.09.080 Guard dog - registration - application

Any person desiring to use a guard dog shall register the dog with the animal care and control authority and the registration shall be accompanied by the following information:

A. A legal description or business address of the premises that the applicant desires to employ a registered guard dog to prevent unauthorized intrusion;

B. A statement whether the applicant owns or rents the premises to be guarded. If the applicant rents the premises, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to use a guard dog on the premises to prevent unauthorized intrusion for the duration of the registration;

C. A description of the guard dog for purposes of identification;

D. Acknowledgment by the applicant of whether the guard dog has been trained as a guard dog to exhibit hostile propensities;

E. Acknowledgment by the applicant that the premises to be guarded has devices, such as fencing, to prevent general access by the public during those times the guard dog is used for purposes of protecting the premises and persons for unauthorized intrusion. The acknowledgment shall contain a statement that the premises is properly signed to forewarn the public of the presence of a guard dog; and

F. Acknowledgment by the applicant that the guard dog will be maintained in such a manner as to ensure the safety of the public and the welfare of the animal.

8.09.090 Inspections

The Manager of the Regional Animal Service Section or the manager's authorized representative shall inspect all premises that are the subject of the licenses and registrations required in this chapter before the issuance of licenses or registrations. The inspections shall include, but not be limited to, a verification that adequate measures are being taken to protect the health, welfare and safety of the general public and to ensure the humane treatment of the guard dogs. If the premises are deemed inadequate, the Regional Animal Service Section shall direct the applicant to make such changes as are necessary before the license or registration is issued. The Manager of the Regional Animal Service Section or the manager's authorized representative may make the inspections of a licensee's premises or the premises of an area guarded by a registered guard dog for the purpose of enforcing this chapter and the rules and regulations of the Regional Animal Service Section.

8.09.100 Enforcement authorization

In protecting the health, safety and welfare of the public; to enforce the laws of the State of Washington as they pertain to animal cruelty, shelter, welfare and enforcement of control; the Manager of the Regional Animal Service Section and the manager's authorized officers are authorized to take such lawful action in exercising appropriate powers and responsibilities.

8.09.110 Limitations

The provisions of this chapter shall not apply to any facility possessing or maintaining dogs or guard dogs as defined in this chapter which is owned, and operated or maintained by any city, county, state or the federal government; provided, private parties renting or leasing public facilities for commercial purposes as specified in this chapter shall not be exempt.

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 2nd day of August, 2010
and signed in authentication of its passage this 2nd day of August,
2010

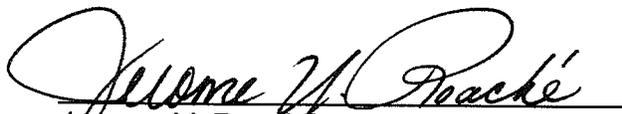
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Don Davidson, DDS
Mayor

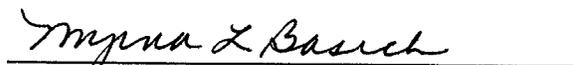
Approved as to form:

Lori M. Riordan, City Attorney



Jerome Y. Roache
Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published 8/5/2010