

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4865

AN ORDINANCE regarding the regulation of dogs and cats in the City of Bellevue; amending Section 1 (parts) of Ordinance No. 1842, as amended, and Sections 8.04.020, .030, .040 and .150 of the Bellevue City Code; and establishing an effective date.

WHEREAS, King County provides certain animal control services to the City of Bellevue pursuant to interlocal agreement; and

WHEREAS, such interlocal agreement requires that the City adopt an ordinance(s) which is substantially similar to Title 11 of King County Code as now or hereafter amended; and

WHEREAS, it is therefore necessary to amend certain provisions of Chapter 8.04 of the Bellevue City Code to reflect recent changes in corresponding provisions of Title 11 of the King County Code; now, therefore,

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

Section 1. Section 1 (part) of Ordinance No. 1842, as amended by Section 1 of Ordinance No. 4577, and Section 8.04.020 of the Bellevue City Code are amended to read as follows:

8.04.020 Definitions.

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

1. "Animal" includes any living creature except Homo sapiens, insects and worms.

2. "Animal control authority" means the King County animal control section, licensing and regulatory services division, as agent of the City, or any duly authorized agent of the City, acting alone or in concert with other municipalities for enforcement of the animal control laws of the city and state and the shelter and welfare of animals.

3. "Animal control officer" means any individual employed, contracted or appointed by the animal control authority or by the city for the purpose of

aiding in the enforcement of this title or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals, and includes any state, county or municipal police officer, sheriff, constable or other employee whose duties, in whole or in part, include assignments which involve the seizure and taking into custody of any animal.

4. "At large" means to be off the premises of the owner and not under the control of the owner or of a competent person authorized by the owner, whether by leash or otherwise; but an animal within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.

5. "Barking dog" means any dog which, by frequent or habitual howling, yelping or barking, unreasonably annoys or disturbs other persons in the vicinity of the premises or upon the public street or in a public place.

6. "Cat" or "dog" include both male and female, altered or unaltered.

7. "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 has reached the age of six months.

8. "Depredatory animal" includes any animal of either sex whose actions or habits customarily defile, despoil or damage property of persons other than or in addition to its owner.

9. "Domesticated animal" includes, but is not limited to any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep or hog, or other animal made to be domestic.

10. "Euthanasia" means the humane destruction of an animal, by a method that causes painless loss of consciousness and death during such loss of consciousness.

11. "Fostering" means obtaining unwanted dogs or cats and locating adoptive homes for those licensed and spayed or neutered dogs or cats. Individuals who wish to foster dogs and cats, and who through such activity shall routinely or from time to time harbor, keep or maintain more dogs and cats than allowed in this Title 8, must obtain either an Individual or Organizational Private Animal Placement permit.

12. "Grooming service" means any place or establishment, public or private, where animals are bathed, clipped or groomed for a consideration, for the purposes of enhancing their aesthetic value and/or health.

13. "Harboring." The occupant of any premises on which an animal remains or to which it customarily returns daily for food and care for a period of 10 days is presumed to be harboring or keeping the animal within the meaning of this title.

14. "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; provided, however, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the legal limit.

15. "Hobby kennel" means a noncommercial kennel at, or adjoining a private residence where four or more adult dogs are bred and/or kept for hunting, training, exhibition for organized shows, field, working and/or obedience trials, or for enjoyment of the species. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months.

16. "Juvenile" means any dog or cat, altered or unaltered, that is under the age of six months.

17. "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 has reached the age of six months.

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

19. "License," means any license or exotic pet license issued by or on behalf of the city under this title.

20. "Owner or keeper" includes any person having an interest in or right of possession to an animal or any person having control, custody or possession of an animal or who by reason of the animal being seen residing consistently at a location shall be presumed to be the owner or keeper.

21. "Officer or official" means any police officer or any officer, official, person or persons designated by the animal control authority or the city manager or by ordinance of this city to issue licenses, pick up, restrain, impound, sell, dispose or give notice for all other acts, duties or functions prescribed by ordinance of the city relating to the animals herein regulated.

22. "Pack of dogs" consists of a group of two or more dogs running upon either public or private property not that of the dogs' owner in a state in

which either control of the dog or its ownership is in doubt and when such dogs are not under restraint.

23. "Pet" shall mean dog or cat or any other animal required to be licensed by the provisions of this Title 8. The terms "dog" or "cat" and "pet" may be used interchangeably.

24. "Pet shop" includes any establishment or place where live animals, birds or fish and/or supplies are kept and offered for sale to the public or to retail outlets.

25. "Private Animal Placement Permit - Individual" means a permit issued to persons engaged in fostering dogs and cats who meet certain requirements to allow such persons to possess more dogs and cats than is specified in this Title 8. Persons holding an Individual Private Animal Placement Permit and fostering dogs and cats must locate an adoptive home for a dog or cat within six months of acquisition.

26. "Private Animal Placement Permit - Organizational" means permits issued to organizations engaged in fostering dogs and cats, such organizations having first met certain requirements. These organizations may distribute these permits to individuals who will foster the dogs and cats in their homes. The permits will allow such persons to possess more dogs and cats than is specified in this Title 8. Such organizations must be approved by the director, and their permit holders must locate an adoptive home for a dog or cat within six months of acquisition.

27. "Public emergency" includes any situation resulting from conditions of war, insurrection, contagious diseases or other circumstances which, in the opinion of the chief of police, warrants the restraint and confinement of animals within the premises of the owner or keeper.

28. "Restraint." An animal is considered to be under restraint if it is confined within the property limits of its owner or keeper by a suitable fence or securely restrained within the premises by a lease affixed to a post or other securely fixed object.

29. "Running at large" means to be off the premises of the owner and not under the control, either by leash or other means, of the owner or a competent person authorized by the owner.

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

31. "Shelter" means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

32. "Spayed female" includes a female cat or dog which has been sterilized by a licensed veterinarian to avoid or prevent conception. Proof of such sterilization must be evidenced by a certificate of a licensed veterinarian.

33. "Special hobby kennel license" means a license issued to pet owners under certain conditions, 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 such animals reduces the number they possess to the legal limit.

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

35. "Veterinary hospital" includes any establishment maintained and operated by a licensed veterinarian for the diagnosis, treatment and care of diseased or injured animals and for their care and training.

36. "Vicious" means the propensity to do any act that might endanger the safety of a person, animal or property of another, including, but not limited to a disposition to mischief or fierceness as might occasionally lead to attack on human beings without provocation, whether in play or outbreak of untrained nature.

Section 2. Section 1 (part) of Ordinance No. 1842, as most recently amended by Section 3 of Ordinance No. 4577, and Section 8.04.030 of the Bellevue City Code are amended to read as follows:

8.04.030 Annual license required.

Except as provided in BCC 8.06.070, all dogs and cats eight weeks and over which are harbored, kept or maintained in the city shall be licensed and registered annually. The provisions of this section shall not apply to dogs or cats in the custody of a veterinarian or animal shelter or whose owners are nonresidents, temporarily within the city for a period not exceeding 30 days.

The provisions of this section shall not apply to dogs used by the police department for police work.

Section 3. Section 1 (part) of Ordinance No. 1842, as most recently amended by Section 4 of Ordinance No. 4577, and Section 8.04.040 of the Bellevue City Code are amended to read as follows:

8.04.040 Application for license - Fees - Late fees - Waiver.

A. Issuance - Fees. Dog and cat licenses shall be issued by the animal control authority or by the City upon application and payment of license fees in the amount specified in this section. Applications for a dog or cat license shall be on forms provided by the animal control authority or by the City. The application shall list the name, address and phone number of the owner of the animal and such information shall be kept, conveniently indexed, by the licensing official together with the number of the license issued.

Pet licenses for unaltered dogs and cats will be valid for a term of one year from the date of issuance, expiring on the last day of the 12th month. Pet licenses for altered dogs and cats will be valid for one year, expiring on the last day of the 12th month. There is no proration of any license fees. Renewal licenses will retain the original expiration period whether renewed prior to, on, or after their respective renewal month.

Juvenile licenses must be obtained for pets from eight weeks to six months of age. Fees shall be assessed according to the following schedule:

1. Pet license for unaltered dog or cat: \$55.00
2. Pet license for altered dog or cat with proof that animal has been neutered or spayed: \$10.00
3. Juvenile pet license: \$5.00
4. Senior citizen/lifetime license:
  - a. Dogs, with proof that animal has been neutered or spayed: \$20.00
  - b. Cats, with proof that animal has been neutered or spayed: \$12.00
5. Individual private animal placement permit: \$25.00.

6. Organizational private animal placement permit: \$10.00
7. Adoptions - per animal: \$7.50
8. Spay/neuter deposit - per animal: \$35.00
9. Exotic pet license:
  - a. New: \$500
  - b. Renewals: \$250

B. Late fees. The following late fees are applicable in cases of late registration and licensing of dogs and cats provided in this chapter:

1. Late new license application fee: \$25.00.
2. Late license renewal application fee:
  - a. Received after 30 days of license expiration but before 60 days or failure to comply with subsection B3 of this section: \$10.00;
  - b. Received after 60 days of license expiration but before 90 days: \$20.00;
  - c. Received after 90 days of license expiration: \$40.00;
3. No late fee shall be charged on new license applications if:
  - a. The owner submits proof of purchase or acquisition of the animal within the preceding 30 days; or
  - b. The owner has moved into the county within the preceding 30 days; or
  - c. The animal is currently or has been within the preceding 30 days, under the age which requires a license; or
  - d. The owner purchases the license(s) voluntarily, prior to in person or field contact by animal control personnel; or
  - e. The owner submits other proof deemed acceptable in the section's administrative rules and regulations.

C. Waiver of fees. The director of the animal control authority is authorized to waive licensing fees, late licensing fees, adoption fees, and redemption and sheltering fees, in whole or in part, when to do so would further the goals of this Title 8 and be in the public interest.

Section 4. Section 1 (part) of Ordinance No. 1842, as most recently amended by Section 15 of Ordinance No. 4577, and Section 8.04.150 of the Bellevue City Code are amended to read as follows:

8.04.150 Impounding procedures.

A. The director of the animal control authority and his authorized representatives may apprehend any animal found doing any of the acts defined as a public nuisance and/or being subjected to cruel treatment as defined by law. After such animals are apprehended, the animal control officer shall ascertain whether they are licensed, or otherwise identifiable. If reasonably possible, the animal control authority shall return the animal to the owner, together with a notice of violation of this code. If it is not reasonably possible to immediately return a currently licensed animal to its owner, the animal control authority 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 pursuant to this code shall be held for the owner at least 120 hours after telephone contact by the impounding agency or at least two weeks after posting of the notification of impoundment by regular mail; any other animal impounded pursuant to this chapter shall be held for its owner at least 72 hours from time of impoundment. Any animal suffering from serious injury or disease may be humanely destroyed, or in the discretion of the impounding authority, may be held for a longer period and redeemed by any person on payment of charges not exceeding those prescribed herein. No live animal shall be used for experimentation purposes.

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

1. Made available for adoption at a fee of \$7.50 per animal.

a. Any person may adopt an animal impounded pursuant to provisions contained in this chapter when all available costs, redemption fees, penalties, and boarding costs incurred in such impoundment, are made payable to the county finance director, which may be accepted by the animal control authority acting as agent for the county.

b. All dogs and cats over the age of six months adopted from the city shall be spayed or neutered prior to adoption. A spay/neuter deposit

shall be charged for dogs and cats under the age of six months which are too young to be spayed/neutered prior to adoption. This deposit will be returned to the adopted person upon submission of proof that the sterilization was performed within six months from the date of adoption. Failure to spay/neuter such dog or cat is a violation of this chapter and a breach of the adoption contract and will result in the forfeiture of the adoption and return of the dog or cat to King County animal control for the required spaying/neutering.

c. No animal impounded in the city shall be sold for the purposes of medical research to any research institute or any other purchases.

d. Any unaltered dog or cat impounded more than once shall be spayed or neutered either by the animal control authority prior to the release of the dog or cat, or, at the request of the owner, by the owner of the dog or cat, provided the owner agrees to pay a cash deposit of \$250 and provide proof of neutering or spaying on a form provided by the animal control authority. In order for the deposit to be refunded to the owner the form must be certified by a licensed veterinarian within five days of release of the dog or cat to the owner. If proof of neutering or spaying is not provided within five days, the animal control authority will have the right to again impound the dog or cat to ensure that it is spayed or neutered. If the dog or cat is spayed or neutered by the animal control authority, the cost of the spay or neuter shall be charged to the owner upon redemption but shall be deducted from the impound/redemption fees otherwise required under this chapter.

Section 5. Section 1 (part) of Ordinance No. 1842 and Section 8.04.230 of the Bellevue City Code are amended to read as follows:

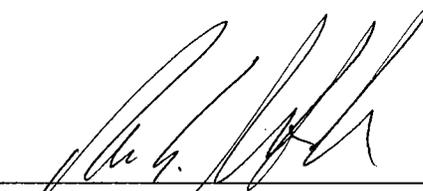
8.04.230 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law, any violation of any provision of this title shall constitute a civil violation as provided in Chapter 1.18 of the Bellevue City Code, for which a monetary penalty may be assessed and abatement may be required as provided therein .Any civil penalty imposed pursuant to Chapter 1.18 shall be in addition to the billable costs of the city.

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Section 6. This ordinance shall take effect and be in force thirty days after passage.

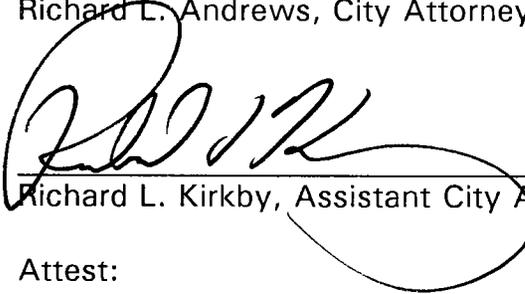
PASSED by the City Council this 1st day of April, 1996, and signed in authentication of its passage this 1st day of April, 1996.

(SEAL)

  
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Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
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Richard L. Kirkby, Assistant City Attorney

Attest:

  
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Myrna L. Basich, City Clerk

Published APRIL 5, 1996