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ORDINANCE NO. 1371

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTER 7.04 OF THE REDMOND MUNICIPAL CODE, ENTITLED "ANIMAL CONTROL," TO REORGANIZE EXISTING SECTIONS AND TO MAKE REVISIONS NECESSARY FOR CONSISTENCY WITH KING COUNTY ANIMAL CONTROL REGULATIONS.

WHEREAS the Redmond City Council finds that portions of Chapter 7.04 of the Redmond Municipal Code are outdated and disorganized, and

WHEREAS the Redmond City Council finds that the provisions of Chapter 7.04 should be consistent with the provisions of Title 11 of the King County Code in order to promote effective and uniform animal control enforcement, and

WHEREAS the Redmond City Council finds that this ordinance is in the interests of the public health, safety and welfare, now therefore

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON DO ORDAIN as follows:

Section 1. Chapter 7.04 of the Redmond Municipal Code, entitled "Animal Control" is hereby amended to read as follows:

7.04.010 Purpose. It is declared the public policy of the city to secure and maintain such levels of animal control as will protect human health and safety, and to the greatest degree practicable, prevent injury to property and cruelty to animal life. It is therefore the purpose of this chapter to provide a means of licensing dogs and cats, animal shelters, hobby kennels, kennels and pet shops and to control errant animal behavior so that it shall not become a public nuisance, and to prevent cruelty to animals.

7.04.020 Definitions. In construing the provisions of this chapter, 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:

A. "Abatement" means the termination of any violation by reasonable and lawful means determined by the director of the animal control authority in order that a person or a person presumed to be the owner shall comply with this chapter.

B. "Animal" means any living creature except man, insects and worms.

C. "Animal control authority" means the county animal control division, department of general services, acting alone or in concert with other municipalities for enforcement of the animal control laws of the county and state and the shelter and welfare of animals.

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

E. "Domesticated animal" means those domestic beasts including any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep or hog, or other animal made to be domestic.

F. "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 such loss of consciousness.

G. "Grooming parlor" means any place or establishment, public or private, where animals are bathed, clipped or combed, whether or not for compensation, for the purpose of enhancing their aesthetic value.

H. "Harboring, keeping or maintaining a dog or cat" means performing any of the acts of providing care, shelter, protection, refuge, food, or nourishment in such manner as to control the animal's actions, or, that the animal(s) is treated as living at one's house by the homeowner.

I. "Hobby kennel" means a noncommercial kennel at, or adjoining a private residence where four or more adult animals are bred and/or kept for hunting, training and exhibition for organized shows, field, working and/or obedience trials or for enjoyment of the species.

J. "Kennel" means a place where four or more adult dogs or cats or any combination thereof are kept, whether by owners of the dogs and cats or by persons providing facilities and care whether or not for compensation, but not including a small animal hospital or clinic or pet shop. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four months.

K. "Livestock" means horses, bovine animals, sheep, goats, swine, reindeer, donkeys and mules.

L. "Owner" means 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 by reason of the animal being seen residing consistently at a location, shall be presumed to be the owner.

M. "Packs of dogs" shall consist of a group of three or more dogs 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 such dogs are not restrained or controlled.

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

O. "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 offers to sell or rent such live animals to the public or to retail outlets.

P. "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 or verbal voice and/or signal control.

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

R. "Under control" means the animal is under voice competent and/or signal control so as to thereby be restrained from

approaching any bystander or other animal and from causing or being the cause of physical property damage when off of a leash or off the premises of the owner.

S. "Vicious" means the act of or 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, an attack on human beings or domestic animals without provocation.

7.04.030 Dog and cat licenses--Required. All dogs and cats, harbored, kept or maintained within the City of Redmond over six months of age shall be licensed and registered annually provided, however, that dogs kept in kennels need not be licensed annually while kept at such kennels and while such kennels are duly licensed as provided in Section 7.04.070, provided further that this section shall not apply to dogs used by the King County Department of Public Safety or Redmond Police Department for police work.

7.04.040 Dog and cat licenses--Fees. Dog and cat licenses shall be issued by the animal control authority upon application and payment of an annual license fee made payable to the county comptroller according to the following schedule:

- A. Dogs - annual: \$22.00
- B. Dogs - annual, with written proof that the animal has been neutered or spayed: \$10.00
- C. Cats - annual: \$12.00
- D. Cats - annual, with written proof that the animal has been neutered or spayed: \$ 7.00

E. City of Redmond residents sixty-five years of age or older shall be entitled to purchase a special permanent license for the lifetime of cats or dogs for which they are the registered owners when said animals are maintained at said owner's registered address. The special permanent animal license fee is twenty dollars (\$20) per licensed dog and twelve dollars (\$12) per licensed cat, provided that the owner provides written proof that the animal has been spayed or neutered.

Such residents shall not be required to annually purchase a new license for the lifetime of such licensed animals; provided that no person shall be granted more than three permanent animal licenses for any combination of three (3) cats and dogs for which they are the registered owner.

F. Applications for a dog or cat license shall be on forms provided by the animal control authority.

G. All license tags issued herein shall be securely affixed to a substantial collar, harness or other means which shall be worn by the dog at all times. As an alternative to a license tag, an animal 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 animal control authority.

H. King County Animal Control Section is hereby authorized to collect a two dollar (\$2) fee for a lost or stolen license tag replacement.

7.04.050 Dog and cat licenses--Penalty.

A. The following penalties are applicable in cases of late registration and licensing of dogs and cats kept and maintained within the City of Redmond as provided in this chapter:

1. New license applications \$50.00
2. License renewal application:
 - a. Received after thirty days of license expiration, but before sixty days: \$10.00
 - b. Received after sixty days of license expiration, but before ninety days: \$20.00
 - c. Received after ninety days of license expiration: \$40.00

B. It shall be a rebuttable presumption that an animal has not been licensed unless a proof of purchase, within the preceding thirty days is presented to the licensing officer or agent, that the animal's owner has moved into the city within the preceding thirty days, the animal had been under age which requires a license or other proof deemed acceptable in the department's rules and regulations.

7.04.060 Dog and cat licenses--Nonapplicability. The provisions of this chapter 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 thirty days.

7.04.070 Shelter, kennel or shop license--Required. It is unlawful for any person to keep or maintain any animal shelter, kennel or pet shop within the City of Redmond without first obtaining a valid and subsisting license therefor. A fee of one hundred fifty dollars (\$150.00) dollars for such license shall be assessed, not upon individual animals but upon the owner or keeper of an animal shelter, kennel or pet shop. Each license and certificate of inspection issued pursuant to this chapter shall be conspicuously displayed at the establishment to which such license was issued. The license shall be dated and numbered and shall bear the name of Redmond, King County, Washington, and the name and address of the owner or keeper of the establishment, and the expiration date of the license. The license shall run for a period of one year from the date of purchase.

7.04080 Shelter or kennel license--Zoning compliance. The applicant for an original animal shelter, hobby kennel or kennel license shall present to the animal control authority a written statement from the city department of planning, that the establishment of the animal shelter or kennel at the proposed site is not in violation of the Redmond Zoning Code, has a legal nonconforming zoning status, or a conditional use permit has been issued for the intended use.

7.04.090 Shelter or kennel license--Health inspection. Before an animal shelter, hobby kennel or kennel license may be issued by the animal control authority, a certificate of inspection from the Seattle-King County Health Department or King County Animal Control Section must be issued showing that said animal shelter, hobby kennel or kennel is in compliance with Sections 7.04.100 through 7.04.120 contained herein.

7.04.100 Hobby kennels--License required, limitations and requirements.

A. License Required. It is unlawful for any person to keep and maintain any dog or cat within the city for the purposes of a hobby kennel without obtaining a valid and subsisting license therefor. The fee for such license shall be assessed upon the owner or keeper of such animals and shall be twenty dollars (\$20). In addition, each animal shall be individually licensed pursuant to the provisions of Section 7.04.040.

B. Limitation on Number Allowed. The total number of dogs and cats over four months of age kept by a hobby kennel shall not

exceed the total number authorized by the City's zoning ordinances.

C. Limitation on Reproduction. The hobby kennel shall limit dog and cat reproduction to no more than twelve (12) offspring per license year.

D. Limitation on Advertising. The hobby kennel shall not have signs, displays and other visual representations not already permitted in the zone.

E. Immunization Required. Each animal in the hobby kennel shall have current and proper immunization from disease according to the animal's species and age. For dogs, such shall consist of DHL inoculation for dogs over three months of age and rabies inoculations for those over six months of age.

F. License Issuance and Maintenance. Only when the director is satisfied that the requirements of K.C.C. 11.04.060(C)(1) through (5) have been met may a hobby kennel license be issued. The license will continue in full force throughout the license year unless, at anytime, the hobby kennel is maintained in such a manner as to:

1. exceed the number of dogs and cats allowed at the hobby kennel by the animal control section; or

2. fail to comply with any of the requirements of K.C.C. 11.04.060(C)(1) through (5).

G. Compliance. All hobby kennels shall comply with the provisions of Sections 7.04.100 through 7.04.130.

7.04.110 Shelter, kennel or pet shop--Reporting required, Inspections, Sanitation and General Conditions.

A. Reporting Required. Each animal shelter, hobby kennel, kennel or pet shop shall provide a list of all dogs and cats auctioned off, given away, sold or otherwise disposed of to the animal control authority quarterly based upon the calendar year. The list shall include the origin, the age and type of dog or cat, and the name and address of the person to whom the dog or cat was given or purveyed.

B. Inspection. It shall be the duty of the director or his agent of the Seattle-King County Department of Public Health or the animal control authority to make or cause to be made such inspections as may be necessary to insure compliance with sections 7.04.110 through 7.04.130 herein. The owner or keeper of an animal shelter, hobby kennel, kennel or pet shop shall admit to the premises for the purposes of making an inspection, any officer, agent or employee of the Seattle-King County Department of Public Health or animal control authority at any reasonable time that admission is requested.

C. Sanitation Compliance. It is unlawful to keep, use or maintain within the City of Redmond any animal shelter, hobby kennel, kennel or pet shop that is unsanitary, nauseous, foul or offensive, or in any way detrimental to public health and/or safety and not in compliance with Sections 7.04.110 through 7.04.130. Violation of this subsection may be cause for revocation or denial of such license.

D. General Conditions. Animal shelters, hobby kennels, kennels and pet shops shall meet the following conditions:

1. Housing facilities shall be provided the animals and such shall be structurally sound, maintained in good repair, designed to protect them from injury, contain the animals and shall restrict the entrance of other animals.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

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

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

11. Adequate care and feeding instructions must be given to each purchaser of an animal and must be in writing.

7.04.120 Facilities--Indoors. Animal shelters, hobby kennels, 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 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, ceiling and floor 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, and

E. Contain a drainage system which shall be connected to a sanitary sewer or septic system which conforms to the standards of building codes in force within the city 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.

7.04.130 Facilities--Outdoors. Animal shelters, hobby kennels, kennels 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; and

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

7.04.140 Grooming parlors--License required, conditions.

A. License Required. It is unlawful for any person to keep or maintain any grooming parlor without first obtaining a valid and subsisting license therefor. A fee of one hundred dollars (\$100) for such license shall be assessed. However, if the grooming parlor is operated as a part of the business of a kennel, or a pet shop, a fee of fifty dollars (\$50) shall be assessed. Such fee shall be in addition to the fee established for a kennel or pet shop license.

B. Conditions. Grooming parlors shall:

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

2. Provide such restraining straps for a dog or cat while it is being groomed so that such animal shall neither fall nor be hanged;

3. Sterilize all equipment after each dog or cat has been groomed;

4. Not leave animals unattended before a dryer;

5. Not prescribe treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010;

6. Not put more than one animal in each cage;

7. 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;

8. 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);

9. Toilet and handwashing facilities with hot and cold running water must be conveniently available for personnel employed;

10. 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; and

11. 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.

7.04.150 Additional rules and regulations. The director of the animal control authority is authorized to promulgate rules and regulations not in conflict with this Chapter as they pertain to the conditions and operations of animal shelters, hobby kennels, kennels, pet shops, grooming parlors and guard dog purveyors, trainers and owners. Such rules and regulations may be enacted only after a public hearing has been held for such purpose. Enforcement of these rules and regulations may be appealed to the county board of appeals.

7.04.150 License--revocation, suspension or refusal to renew. The animal control authority may in addition to other penalties provided herein, revoke, suspend or refuse to renew any animal shelter, hobby kennel, kennel, grooming parlor, pet shop, guard dog purveyor, guard dog trainer, license or guard dog registration upon good cause or for failure to comply with any provision of this chapter; provided, however, the enforcement of such revocation, suspension or refusal shall be stayed during the pendency of an appeal filed pursuant to section 7.04.260.

7.04.170 License revocation or refusal--Waiting period. No applicant shall be issued an animal shelter, hobby kennel, kennel, grooming parlor, pet shop, guard dog purveyor, guard dog trainer license or guard dog registration who has previously had such license or registration revoked or a renewal refused, for a period of one year after the date of revocation or refusal and until such applicant meets the requirements contained in sections 7.04.110 through 7.04.130, or any other provision of this title to the satisfaction of the animal control authority.

7.04.180 Enforcement power.

A. The director of the animal control authority and his authorized animal control officers and city law enforcement officers are authorized to take such lawful action as may be required to enforce the provisions of this chapter and the laws of the State of Washington as they pertain to animal cruelty, shelter, welfare and enforcement of control.

B. The director of animal control authority or his authorized animal control officer and city law enforcement 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; provided, that the director of the animal control authority and his authorized animal control officers and city law enforcement officers, while pursuing any animal observed by the officer to be 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.

C. No person shall deny, prevent, obstruct or attempt to deny, prevent or obstruct any 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 director or his authorized animal control officer or city law enforcement officer to enter private property to perform any duty imposed by this chapter. Any person found guilty of violating this subdivision shall be punished in accordance with Section 1.01.110.

7.04.190 Nuisance declared--Abatement. All violations of this chapter are determined to be detrimental to the public health, safety and welfare as provided herein:

A. Any animal constituting a public nuisance as provided herein shall be abated and removed from the City of Redmond by the owner or by the director of the animal control authority, or his authorized animal control officer upon receipt of three notices and orders of violation by the owner in any one-year period. Where it is established by record pursuant to 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 director of the animal control authority shall notify and direct the owner of the animal to abate or remove the same from the city and county within ninety-six hours from the date of notice. If such animal is found to be within the confines of the city after ninety-six hours have elapsed from the date of notice, the same shall be abated and removed by the director of the animal control authority. Animals removed pursuant to the provisions of this section shall be removed from the city or be subjected to euthanasia by the animal control authority.

B. Any dog or other animal which 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 forty-eight hours after receiving written notice from the director or his authorized animal control officer. Such animal or animals found in violation of this section will be impounded and disposed of as an unredeemed animal, and the owner or keeper of such animal(s) has no right to redeem such dog or animal.

7.04.200 Nuisances defined--Violations to be abated. For purposes of this chapter, nuisances are violations of this chapter and shall be defined as follows:

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

B. Any dog running at large within the city;

C. Any domesticated animal, whether licensed or not, which runs at large in any park, or enters any public beach, pond, fountain or stream therein, or upon any public playground or school ground; provided, however, that this section shall not prohibit a person from walking or exercising an animal in a public park or on any public beach when such animal is on a leash, tether or chain not to exceed eight feet in length. Provided, however, that this section shall not apply to any blind person using a trained seeing-eye dog, to animal shows, exhibitions or organized dog-training classes where at least twenty-four hours advance notice has been given to the animal control authority by such persons requesting to hold such animal shows, exhibitions or dog-training classes;

D. Any animal which enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall. Provided, however, that this section shall not apply to any blind person using a trained seeing-eye dog, to veterinary offices or hospitals, or to animal shows, exhibitions

or organized dog-training classes where at least twenty-four hours advance notice has been given to the animal control authority by such persons requesting to hold such animal shows, exhibitions or dog-training classes;

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

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

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

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

I. A vicious animal or animal with vicious propensities which runs at large at any time, or such an animal 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 such animal; provided, that, in addition to other remedies and penalties, the provisions of this chapter relating to vicious animals shall apply;

J. Any domesticated animal which 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 which enters upon another 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 control authority;

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

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

O. Animals running in packs.

7.04.210 Impounding.

A. The director of the animal control authority and his authorized representatives may apprehend any animals found doing any of the acts defined as a public nuisance and/or being subject to cruel treatment as defined by this chapter. After such animals are apprehended, the animal control authority shall return the animal to the owner together with a notice of violation of this chapter. 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.

B. Holding Period. Any currently licensed animal impounded pursuant to this chapter shall be held for the owner at least one hundred twenty hours, after posting of the notification of impoundment by regular mail or after telephone contact by the impounding agency; any other animal impounded pursuant to this chapter shall be held for its owner at least seventy-two hours from the time of impoundment. The animal control authority shall

not sell any animal to research institutes or licensed dealers for research purposes.

C. Injured or Diseased Animals. 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.

D. Animals not Redeemed. Any animal not redeemed shall be treated in one of the following ways:

1. Made available for adoption at a fee of five dollars (\$5) per animal.

a. Any person may adopt an animal impounded pursuant to the provisions contained in this chapter when all billable 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. There shall be a spay/neuter deposit of \$25.00 on all adopted animals. This deposit will be returned to the adopting person upon submission of proof that the sterilization was performed within 180 days of the date of the adoption.

2. Humanely destroyed by euthanasia.

E. The animal control authority shall not sell any animals for the purposes of medical research to any research institute or any other purchasers.

7.04.220 Redemption procedures. Any animal impounded pursuant to the provisions of Section 7.04.210 may be redeemed upon payment of the redemption fee as provided herein. The redemption fee for dogs and cats shall be twenty-five dollars (\$25.00) for each dog or cat on the first offense, forty dollars (\$40.00) on the second offense, within one year of the first offense, and fifty-five dollars (\$55.00) on the third offense, within one year of the first offense. 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 fee of five dollars (\$5.00) 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 treasurer. The redemption fee for livestock shall be fifty dollars (\$50.00) per animal impound incident, plus any hauling or 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 stockyard used for holding such animal.

7.04.230 Cruelty violations declared unlawful. It is unlawful for any person to:

A. Wilfully and cruelly injure or kill any animal by any means causing it fright or pain;

B. 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 he has so caused to any animal;

C. Lay out or expose any kind of poison, or to leave exposed any poison food or drink for man, animal or fowl, or any substance or fluid whatever, whereon or wherein there is or shall be deposited or mingled, any kind of poison or poisonous 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 the provisions of RCW 16.52.190; or

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

7.04.240 Abatement--Commencement, notice and order, service standards.

A. Whenever the director or authorized animal control officer has found an animal maintained in violation of this chapter, the director of the animal control authority shall commence proceedings to cause the abatement of each violation.

B. The director or authorized animal control officer shall issue a notice and 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 that the director or authorized animal control officer has found the animal maintained illegally with a brief and concise description of the conditions, found to render the animal in violation of this chapter;

4. A statement of the action required to be taken as determined by the director of the animal control authority:

a. If the director has determined the animal must be abated, the order shall require the abatement be completed within a time certain from the date of the order as determined by the director to be reasonable;

b. If the director of the animal control authority has determined to assess a civil penalty, the order shall require that the penalty shall be paid within fourteen days from the date of the order;

5. Statements advising that if any required abatement is not commenced within the time specified, the director of the animal control authority will 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 and order or any action of the director of the animal control authority to the board of appeals; provided the appeal is made in writing as provided by this chapter, and filed with the director of the animal control authority within fourteen days from the date of service of such notice and order; and (b) that failure to appeal will constitute 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 and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to the person at his last known address.

E. Proof of service of the notice 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.

F. The standards of this chapter shall be followed by the director of the animal control authority in determining the existence of an animal control violation and in determining the abatement action required.

7.04.250 Appeal--Authority. The King County Board of Appeals, as established by Article 7 of the King County Charter, is designated to hear appeals by parties aggrieved by actions of the director of the animal control authority pursuant to this chapter. All decisions and findings of the board shall be rendered to the appellant in writing with a copy to the director of the animal control authority.

7.04.260 Appeal--Form. Any person entitled to service or notice under Section 7.04.190 or Section 7.04.240 may appeal from any notice and order or any action of the director of the animal control authority under this chapter by filing at the office of the director of the animal control authority within fourteen days from the date of the service of such order or within forty-eight hours of a notice under Section 7.04.190(b) a written appeal containing:

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

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

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

D. 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;

E. 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;

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

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

7.04.270 Appeal-Scheduling. The Board of Appeals shall set a time and place, not more than thirty days from such notice of appeal for hearing thereon. Written notice of the time and place of hearing shall be given at least ten days prior to the date of the hearing to each appellant by the manager-clerk of the board.

7.04.280 Appeal--Appellant action. At the hearing the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence pertinent and material to the action of the director. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered.

7.04.290 Failure to File. Failure of any person to file an appeal in accordance with Section 7.04.260 shall constitute a waiver of this right to an administrative hearing.

7.04.300 Stay of enforcement. Enforcement of any notice and order of the director of the animal control authority issued under this chapter shall be stayed during the pending of an

appeal except impoundment of an animal which is (1) vicious or dangerous; or (2) cruelly treated.

7.04.310 Penalties for violations. Any person who allows an animal to be maintained in violation of this chapter shall be guilty of a misdemeanor punishable as provided in Section 1.01.110.

7.04.320 Civil penalty. In addition to any other penalty provided herein or by law, any person whose animal is in violation of this chapter shall incur a civil penalty in an amount not to exceed two hundred fifty dollars (\$250.00) per violation to be directly assessed by the director, plus actual costs incurred by the animal control authority. The director, 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 will be enforced and collected in accordance with the procedure specified in this chapter.

7.04.330 Nuisances.

A. **Vicious animals.** An animal, declared by the director to be vicious pursuant to the definition in this ordinance, may be kept, harbored or maintained in the City of Redmond only upon compliance with those requirements prescribed by the director. In prescribing those requirements, the director must take into consideration the following factors:

1. The breed of the animal and its characteristics;
2. The physical size of the animal;
3. The number of animals in the owner's home;
4. The zoning involved; size of the lot where the animal resides; the number and proximity of neighbors;
5. The existing control factors, including but not limited to, fencing, caging, runs and staking locations;
6. The nature of the behavior giving rise to the director's determination that the animal is vicious:
 - a. Extent of injury(ies);
 - b. Circumstances, e.g., time of day, on/off property, provocation instinct;
 - c. Circumstances surrounding the result and complaint, e.g., neighborhood disputes, identification, credibility of complainants, and witnesses.

Requirements which may be prescribed include, but are not limited to the following:

1. Erection of additional or new fencing adequate to keep the animal within the confines of its property;
2. Construction of a run within which the animal is to be kept. Dimensions of the run will be consistent with the size of the animal;
3. Keeping the animal on a leash adequate to control the animal, the length and location to be determined by the director. When unattended the leash must be securely fastened to a secure object;

4. 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 (15) years of age;

5. Removal of the animal from the City within forty-eight (48) hours from receipt of such notice.

B. Penalty. Failure to comply with any requirement prescribed by the director pursuant to this section of this ordinance constitutes a misdemeanor and the penalty contained in Redmond Municipal Code Section 1.01.110 shall apply. Such animal shall not be kept in the City of Redmond forty-eight hours after receiving written notice from the director. Such animal or animals found in violation of this section will be impounded and disposed of as an unredeemed animal, and the owner or keeper of such animal(s) has no right to redeem such animal or animals.

C. Removal. Any animal constituting a public nuisance as provided herein shall be abated and removed from the City by the owner or by the director of the animal control authority, upon receipt of three notices and orders of violation by the owner in any one year period provided, however, that this removal procedure shall not apply to the vicious animal removal procedure set out in this chapter. Where it is established by record pursuant to 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 director of the animal control authority shall notify and direct the owner of the said animal to abate or remove the same from the City within ninety-six hours from the date of notice. If such animal is found to be within the confines of the City after ninety-six hours have elapsed from the date of the notice, the same shall be abated and removed by the director of the animal control authority. Animals removed pursuant to the provisions of this section shall be removed from the City of Redmond or be subjected to euthanasia by the animal control authority.

7.04.340 Personal obligations. The civil penalty and the cost of abatement are also personal obligations of the animal owner. The City Attorney on behalf of the City of Redmond or prosecuting attorney on behalf of King County may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies.

7.04.350 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 reasonable attorneys' fees. The City attorney or prosecuting attorney shall seek such costs, interest and reasonable attorneys' fees on behalf of the City or King County when the City or County is the prevailing party.

7.04.360 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director of the animal control authority may seek legal or equitable relief to enjoin any acts or practices and abate any conditions which constitute a violation of this code or other regulations herein adopted.

7.04.370 Contract with county. The Mayor and City Clerk are authorized and empowered to execute a contract or contracts with King County to collect license and other fees and costs and to enforce the provisions of this chapter on behalf of the City of Redmond.

Section 2. The provisions of this ordinance do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this ordinance, or to the construction and application of any defense to a prosecution for such an offense. Any such offense shall be construed and punished according to the provisions of law existing at the time

of the commission thereof in the same manner as if this title had not be enacted.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. This ordinance shall take effect and be in full force thirty (30) days after publication of the attached summary which is hereby approved.

CITY OF REDMOND


MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS A. SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK:	April 16, 1987
PASSED BY THE CITY COUNCIL:	April 21, 1987
SIGNED BY THE MAYOR:	April 23, 1987
PUBLISHED:	April 26, 1987
EFFECTIVE DATE:	May 26, 1987
ORDINANCE NO. <u>1371</u>	