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ORIGINAL

ORDINANCE NO. 1408

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTER 7.04 OF THE REDMOND MUNICIPAL CODE TO REQUIRE THE LICENSING OF DOGS AND CATS WHICH ARE WEANED, RESTRICT THE ISSUANCE OF SENIOR CITIZEN SPECIAL PERMANENT LICENSES TO PERSONS HAVING SPAYED OR NEUTERED ANIMALS, REQUIRE THAT ANIMALS BE LEASHED WHEN OFF THE OWNER'S PREMISES AND REQUIRE THE ALTERING OF ANIMALS ADOPTED FROM ANIMAL SHELTERS; ADDING A NEW SECTION 7.04.225 TO AUTHORIZE THE DIRECTOR TO WAIVE FEES AND PENALTIES; ADDING A NEW SECTION 7.04.335 INCORPORATING THE DANGEROUS DOG PROVISIONS ADOPTED IN RCW 16.08; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

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WHEREAS, the Redmond City Council finds that the animal control provisions of the Redmond Municipal Code should be amended to incorporate the dangerous dog regulations adopted by the Washington State Legislature in 1987 under RCW 16.08, as well as the animal control regulations adopted by King County under ordinance No. 7986, and

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

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 7.04.010 of the Redmond Municipal Code is hereby amended to reletter subsections (E) through (S) as subsections (F) through (T) and add a new subsection (E) to read as follows:

E. "Dangerous dog" means any dog that according to the records of the appropriate authority, (a) has inflicted severe injury on a human being without provocation on public or private property, (b) has killed a domestic animal without provocation while off the owner's property, or (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. Provided, however, that an animal shall not be considered a "dangerous dog" if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has in the past been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

Section 2. Subsection Q of Section 7.04.010 of the Redmond Municipal Code is hereby amended to read as follows:

Q. "Running at large" means to be off the premises of the owner or custodian and not secured by a leash fifteen feet or less. This means that even if the dog is accompanied by the owner or custodian it is in violation of this chapter if not secured by a leash. The only allowable exception is where an owner or custodian is training a dog on his own property or has permission of the owner of the property, or on public property designated to allow dog competition sanctioned by national organizations.

Section 3. Section 7.04.030 of the Redmond Municipal Code is hereby amended to read as follows:

7.04.030 Dog and cat licenses--Required. All weaned dogs and cats which are harbored, kept or maintained within the City of Redmond shall be licensed and registered annually provided, however, dogs kept in kennels need not be licensed annually while kept at 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.

Section 4. Section 7.04.040(E) of the Redmond Municipal Code is hereby amended to read as follows:

7.04.040 Dog and cat licenses--Fees.

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 which are neutered or spayed and 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 (\$20.00) per licensed dog and twelve dollars (\$12.00) 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.

Section 5. Section 7.04.190 of the Redmond Municipal Code is hereby amended to read as follows:

7.04.190 Violations --Abatement and Removal Authorized.

A. Whenever the director or authorized animal control officer has found an animal maintained in violation of this title, the director of the animal control authority shall commence proceedings to cause the abatement of each violation, provided that the abatement and removal procedures of this section shall not apply to the vicious animal or dangerous dog removal procedures contained in this chapter.

B. Any animal constituting a public nuisance as provided in this chapter shall be abated and removed from the City of Redmond by the owner or by the director of the animal control authority, or his unauthorized 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.

- C. 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 unauthorized 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.

Section 6. Section 7.04.200(H) of the Redmond Municipal Code is hereby amended to read as follows:

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 title relating to vicious animals and dangerous dogs shall apply.

Section 7. Section 7.04.210(D) of the Redmond Municipal Code is hereby amended to read as follows:

- 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 (\$5.00) 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. All dogs and cats adopted from the King County animal shelter shall be spayed or neutered within 30 days from the date of adoption, or the age of six months for females or nine months for males, whichever comes last. This deposit will be returned to the adopting person upon submissions of proof that the sterilization was performed within the applicable time period.
  - c. The director shall have the authority to set administrative rules regarding the adoption of animals from the county shelters.

Section 8. There is hereby added to the Redmond Municipal Code a new section 7.04.225 to read as follows:

7.04.225 Waiver of Fees and Penalties.

- A. The director has the authority to waive licensing fees, late licensing penalty fees, and redemption and sheltering fees, in whole or in part, when to do so would further the goals of the animal control section and be in the public interest.
- B. In determining whether a waiver should apply, the director 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 animal control section if the fee(s) or penalties are not waived and no payment is received.

Section 9. Section 7.04.330(C) of the Redmond Municipal Code is hereby repealed.

Section 10. There is hereby added a new section 7.04.335 to the Redmond Municipal Code to read as follows:

7.04.335. Dangerous Dogs--Registration, prohibitions, etc.

- A. It is unlawful for an owner to have a dangerous dog in the City of Redmond without a "Certificate of Registration" as required by RCW 16.08.
- B. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the "proper enclosure" as defined in RCW 16.08, unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. The owner of a dangerous dog shall further be required to post the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog.
- C. Any dog shall be immediately confiscated by the animal control authority if (a) the dog is not validly registered under RCW 16.08; (b) the owner does not secure the liability insurance coverage required by RCW 16.08; (c) the dog is not maintained in the proper enclosure; or (d) the dog is outside of the dwelling of the owner or outside of the proper enclosure and not under physical restraint of the responsible person. Any dangerous dog confiscated under this section will be disposed of as a unredeemed animal and the owner has no right to redeem such dog. In addition, the owner shall be guilty of a gross misdemeanor punishable in

accordance with RCW 9A.20.021.

Section 11. Section 7.04.310 of the Redmond Municipal Code is hereby amended to read as follows:

7.04.310. Criminal penalty.

Unless otherwise provided, any person who violates the provisions of this chapter, and the violation does not constitute a felony offense under the provisions of RCW 16.08, shall be guilty of a misdemeanor and the penalties contained in Redmond Municipal Code Section 1.01.110 shall apply.

Section 12. 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 13. This ordinance, being an administrative action, is not subject to referendum and shall take effect five (5) days after publication of the attached summary which is hereby approved.

APPROVED:

Doreen Marchione  
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schauble  
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

BY James C. Martin

FILED WITH THE CITY CLERK: 1-14-88  
PASSED BY THE CITY COUNCIL: 1-19-88  
PUBLISHED: 1-24-88  
EFFECTIVE DATE: 1-29-88  
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