

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 669

AN ORDINANCE, relating to animal control; providing for license fees; establishing regulations for incidents of animal control; providing for contractual services with King County; providing penalties for violations; and repealing Ordinance No. 423.

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

Section 1. 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 to prevent injury to property and cruelty to animal life. To this end, it is the purpose of this ordinance to provide a means of licensing dogs and cats, animal shelters, hobby kennels, kennels and pet shops and controlling errant animal behavior so that it shall not become a public nuisance and to prevent cruelty to animals.

Section 2. Definitions. In construing the provisions of this ordinance, 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) "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 ordinance.

(2) "Animal" means any living creature except man.

(3) "Animal Control Authority" means the County Animal Control Division, Department of General Services, acting alone or in concert with other municipalities for enforcement on the animal control laws of the County and State and the shelter and welfare of animals.

(4) "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 ordinance 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 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.

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

(6) "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.

(7) "Grooming parlor" means any place or establishment, public or private, where animals are bathed, clipped or combed for a consideration, for the purpose of enhancing their aesthetic value.

(8) "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.

(9) "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.

(10) "Livestock" means horses, bovine animals, sheep, goats, swine, reindeer, donkeys and mules.

(11) "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.

(12) "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.

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

(14) "Pet shop" means a person or establishment that, acquires animals bred by others and/or supplies, whether as owner, agent or on consignment, sells, offers to sell such animals and/or supplies to the public.

(15) "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 other means.

(16) "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.

(17) "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 property damage when off of a leash or off the premises of the owner.

(18) "Vicious" means the propensity to do any act that might endanger the safety of any 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 3. Dog and cat licenses - Required.

(1) License requirements. All dogs and cats, harbored, kept or maintained in Redmond over four 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 kennel and while such kennel is duly licensed as provided in Section 4 herein.

(2) 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 Treasurer in the sum of eight dollars (\$8.00) for dogs, provided that when proof is submitted that such dog has been neutered or spayed the fee shall be four dollars (\$4.00); and four dollars (\$4.00) for cats, provided that when proof is submitted that such cat has been neutered or spayed, the fee shall be two dollars (\$2.00). The effective date for such license fees shall be January 1, 1975. The annual license fee shall become due and payable on January 1st of each year. Applications for a dog or cat license shall be on forms provided by the Animal Control Authority. No proration of a license fee for a portion of the calendar year shall be made. 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.

(3) Penalty. A late penalty in the sum of ten dollars (\$10.00) shall be charged on all applications received after January 31 of each year. 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 the age which requires a license or other proof deemed acceptable in the department's rules and regulations.

(4) Nonapplicability. 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 thirty (30) days. The fees contained herein shall become effective beginning with the 1975 license year.

Section 4. Animal shelter, kennel and pet shop license - Required. It is unlawful for any person to keep or maintain any animal shelter, kennel or pet shop within Redmond without first obtaining a valid and subsisting license therefor. A fee of seventy-five dollars (\$75.00) 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 ordinance 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.

Section 5. Animal shelter, hobby kennel and kennel license - Information required.

(1) 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.

(2) 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 must be issued showing that said animal shelter, hobby kennel or kennel is in compliance with Sections 8, 9, 10 and 11 contained herein.

Section 6. Hobby kennel license - Required.

(1) License required. It shall be 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 ten dollars (\$10.00) for each three animals or portion thereof. In addition, each animal shall be licensed individually under provisions of Section 3 (2) of this ordinance.

(2) Limitation on number of dogs and cats 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 Redmond Zoning Code.

(3) Dog and cat reproduction limitations. The hobby kennel shall limit dog and cat reproduction to no more than twelve (12) offspring per license year.

(4) Advertising limitations. The hobby kennel shall not have signs, displays and other visual representations not already permitted in the zone.

(5) 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, innoculation for dogs over three (3) months of age and rabies innoculations for those over six (6) months of age.

(6) Compliance. The hobby kennel shall comply with the provisions of Sections 7 - 11.

Section 7. Animal shelters, hobby kennels, kennels and pet shops - 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.

Section 8. Animal shelters, hobby kennels, kennels and pet shops - Inspection.

(1) 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 9, 10 and 11, herein. The owner or keeper of an animal shelter, hobby kennel, kennel 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 Control Authority at any reasonable time that admission is requested.

(2) Unlawful. It shall be unlawful to keep, use or maintain within King County 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, 9, 10 and 11 herein and may be cause for revocation or denial of such license.

Section 9. Conditions - General. 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 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.

(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.

Section 10. Facilities - Indoors. Animal shelters, hobby kennels, kennels and pet shops which have indoor housing facilities for animals and birds shall:

(1) Be sufficiently heated or cooled to protect such animals from temperatures to which they are not normally acclimatized.

(2) 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.

(3) 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.

(4) 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.

(5) 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 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.

Section 11. Facilities - Outdoors. Animal shelters, hobby kennels, kennels and pet shops which have outdoor facilities for animals and birds shall:

(1) 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.

(2) 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.

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

Section 12. Grooming parlors - 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 fifty dollars (\$50.00) 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 twenty-five dollars (\$25.00) shall be assessed. Such fee shall be in addition to the fee established for a kennel or pet shop license.

Section 13. Grooming parlors - 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 the 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.

Section 14. Additional conditions. The Director of Animal Authority is authorized to promulgate rules and regulations not in conflict with this ordinance as they pertain to the conditions and operations of animal shelters, hobby kennels, kennels, pet shops and grooming parlors. 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.

Section 15. License - Revocation or refusal to renew. The Animal Control Authority may in addition to other penalties provided herein, revoke or refuse to renew any animal shelter, hobby kennel, kennel, grooming parlor or pet shop license upon good cause or for failure to comply with any provision of this ordinance provided, however, such revocation or refusal shall be only after a public hearing before the Board of Appeals held not less than thirty (30) days from the date notice is mailed by certified mail, postage prepaid, return receipt requested, to the license holder at the address given on the license.

Section 16. License Revocation or refusal waiting period. No applicant shall be issued an animal shelter, hobby kennel, kennel, grooming parlor or pet shop license, who has previously had such license 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 - 11 herein or any other provision of this ordinance to the satisfaction of the Animal Control Authority.

Section 17. Enforcement power.

(1) The Director of the Animal Control Authority and his authorized animal control officers and City law enforcement officers are hereby authorized to take such lawful action as may be required to enforce the provisions of this ordinance and the laws of the State of Washington as they pertain to animal cruelty, shelter, welfare and enforcement of control.

(2) 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 ordinance, 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 ordinance, 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.

(3) No person shall deny, prevent, obstruct or attempt to deny, prevent or obstruct an officer from pursuing any animal observed to be in violation of this ordinance. 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 ordinance. Any person violating this subdivision shall be guilty of a misdemeanor.

Section 18. Nuisance declared - Abatement. All violations of this code are determined to be detrimental to the public health, safety and welfare and are hereby declared to be public nuisances. All conditions which are determined after review by the Director of the Animal Control Authority to be in violation of this code shall be abated.

Section 19. Violations to be abated. For purposes of this ordinance, nuisances are violations of this ordinance and shall be defined as follows:

(1) Any public nuisance relating to animal control known at common law or in equity jurisprudence.

(2) A dog running at large within the City between the hours of 9:00 P.M. and 6:00 A.M. of the following day.

(3) 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 (8') 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.

(4) 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.

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

(6) Any domesticated animal which chases, runs after or jumps at vehicles using the public streets and alleys.

(7) Any domesticated animal which habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys or other public ways.

(8) 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.

(9) A vicious animal or animal with vicious propensities which runs at large at any time, or such animal 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 such animal.

(10) 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.

(11) Any domesticated animal which enters upon another person's property without the permission of that person.

(12) Animals staked, tethered or kept on public property without prior written consent of the County Animal Control Authority.

(13) Animals on any public property not under control by the owner or other competent person.

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

(15) Animals running in packs.

Section 20. Impounding. 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 subjected to cruel treatment as defined by law. After such animals are apprehended, the Animal Control Authority shall ascertain whether they are licensed, or otherwise identifiable and if reasonably possible, return the animal to the owner together with a notice of violation of the code, and if it is not reasonably possible to immediately return the animal to its owner, the Animal Control Authority shall notify the owner within a reasonable time by certified mail or telephone that the animal has been impounded and may be redeemed. Any animal impounded pursuant to this code shall be held for the owner at least seventy-two (72) hours after his receipt of notification by certified mail or by telephone from the impounding agency. 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. In case any animal is not redeemed, it shall be humanely destroyed by euthanasia by the impounding agency or may be made available for adoption. No live animals shall be used for experimentation purposes. Impounded animals should be taken to locations approved by the County Animal Control Authority and in accordance with RCW 16.13.030. The owner of any animal impounded pursuant to the provisions contained in this code may recover said animal or animals when all billable costs, redemption fees, penalties and boarding costs incurred in such impoundment are made payable to the County Treasurer, which may be accepted by the Animal Control Authority acting as agent for the County.

Section 21. Redemption procedures. Any animal impounded pursuant to the provisions of Section 20 may be redeemed upon payment of the redemption fee as provided herein. The redemption fee for an animal shall be ten dollars (\$10.00) for each animal plus an additional fee of two dollars (\$2.00) for each twenty-four (24) hour, or portion thereof, period during which such animal is retained by the impounding agency and shall be made payable to the County Treasurer. The boarding cost 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.

Section 22. Cruelty violations declared unlawful. 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 he 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 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.

(4) 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.

Section 23. Notice and order.

(1) Whenever the Director or authorized animal control officer has found an animal maintained in violation of this code, the Director of the Animal Control Authority shall commence proceedings to cause the abatement of each violation.

(2) 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 ordinance. The notice and order shall contain:

- (a) The name and address if known of the owner or person presumed to be the owner of the animal in violation of this ordinance.
- (b) The license number, if available, and description of the animal in violation sufficient for identification.
- (c) A statement 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 ordinance.
- (d) A statement of the action required to be taken as determined by the Director of the Animal Control Authority.
 - (i) If the Director has determined the animal must be abated, the order shall require the abatement shall be completed within a time certain from the date of the order as determined by the Director to be reasonable.
 - (ii) 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 (14) days from the date of the order.
- (e) 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.
- (f) Statements advising (i) 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 ordinance, and filed with the Director of the Animal Control Authority within 14 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

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

(4) 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 address as it appears on the last equalized assessment roll of the County.

(5) 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 affecting service, declaring the time, date and manner in which service was made.

(6) The standards of the animal control ordinance 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.

Section 24. Appeal.

(1) Appeals. The King County Board of Appeals as established by Article 7 of the King County Charter is hereby designated to hear appeals by parties aggrieved by actions of the Director of the Animal Control Authority pursuant to this ordinance. 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.

(2) Form of appeal. Any person entitled to service under Section 23 (2) may appeal from any notice and order or any action of the Director of the Animal Control Authority under this code by filing at the office of the Director of the Animal Control Authority within fourteen (14) days from the date of the service of such order, 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.
- (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.

(3) Scheduling and noticing appeal. The Board of Appeals shall set a time and place, not more than thirty (30) days from such notice of appeal for hearing thereon. Written notice of the time and place of hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the manager-clerk of the Board.

(4) 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.

(5) Failure of any person to file an appeal in accordance with Section 23 shall constitute a waiver of his right to an administrative hearing.

(6) Enforcement of any notice and order of the Director of the Animal Control Authority issued under this ordinance shall be stayed during the pending of an appeal except impoundment of an animal which is (i) vicious or dangerous or (ii) cruelly treated.

Section 25. Penalties for violations. Any person who allows an animal to be maintained in violation of this ordinance shall be guilty of a misdemeanor punishable as provided in Section 1.01.110 of the Redmond Municipal Code.

Section 26. Civil penalty. In addition to or as an alternate to any other penalty provided herein or by law, any person whose animal is maintained in violation of this ordinance shall incur a civil penalty plus billable costs of the Animal Control Authority. The penalty for the first notice of violation shall be ten dollars (\$10.00); twenty-five dollars (\$25.00) for the second notice of violation in any one (1) year period; and fifty dollars (\$50.00) for each successive violation in any one (1) year period.

Section 27. Removal. Any animal constituting a public nuisance as provided herein shall be abated and removed from the County 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 (1) year period. Where it is established by record pursuant to this ordinance 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 County within ninety-six (96) hours from the date of the notice. If such animal is found to be within the confines of King County after ninety-six (96) 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 King County or be subjected to euthanasia by the Animal Control Authority.

Section 28. 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.

Section 29. Costs of enforcement action. In addition to costs and disbursements provided for by statute, the prevailing party in a collection action under this ordinance may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The City Attorney or prosecuting attorney shall seek such costs, interest and reasonable attorney's fees on behalf of the City or King County when the City or County is the prevailing party.

Section 30. 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.

Section 31. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

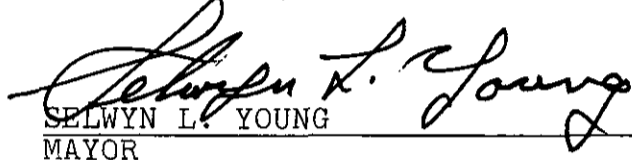
Section 32. Repeal. Ordinance No. 423, passed March 14, 1967, is hereby repealed.

Section 33. 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 ordinance on behalf of the City of Redmond.


Section 34. Effective date. This ordinance shall take effect and be in force five (5) days after the date of its publication in the manner provided by law.

PASSED by the Council of the City of Redmond, Washington, at a regular meeting thereof, and APPROVED by the Mayor this 19 day of November, 1974.

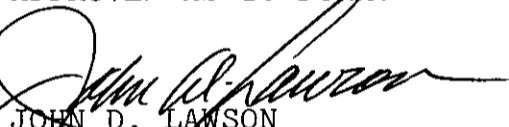
CITY OF REDMOND


SELWYN L. YOUNG
MAYOR

ATTEST:


ELEANOR J. HAYDEN
CITY CLERK

APPROVED AS TO FORM:


JOHN D. LAWSON
CITY ATTORNEY

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