

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 852

AN ORDINANCE, relating to animal control; and amending Sections 7.04.020, 7.04.280 and 7.04.400 of the Redmond Municipal Code.

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

Section 1. Amendment. Section 7.04.020 of the Redmond Municipal Code is hereby amended to read as follows:

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:

(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 chapter.

(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 chapter 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 or custodial and not secured by a leash fifteen (15) feet or less. This means that even if the dog is accompanied by an owner or custodian it is in violation of this ordinance if not secured by a leash. The only allowable exception is where an owner or custodian is training a dog on its own property or has permission of the owner of the property, or on public property designated to allow dog competition sanctioned by national organizations.

(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) "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 2. Amendment. Section 7.04.280 of the Redmond Municipal Code is hereby amended to read as follows:

"7.04.280 Nuisance declared--Abatement--Removal.
All violations of this code are determined to be detrimental to the public health, safety and welfare and are declared to be public nuisances and shall be abated as provided herein:

(a) Any animal constituting a public nuisance as provided herein shall be abated and removed from the city and King 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-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 and county 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 and county 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 or King County forty-eight hours after receiving written notice from the director, if the owner or custodian of the dog or other animal is known by a license or other identification. 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) have no right to redeem such dog or animal, provided, that the owner or custodian shall have the right to file an appeal as provided in Section 7.04.400 and the animal shall not be disposed of after the receipt of a notice of appeal until the appeal has been heard and determined as provided in this chapter."

Section 3. Amendment. Section 7.04.400 of the Redmond Municipal Code is hereby amended to read as follows:

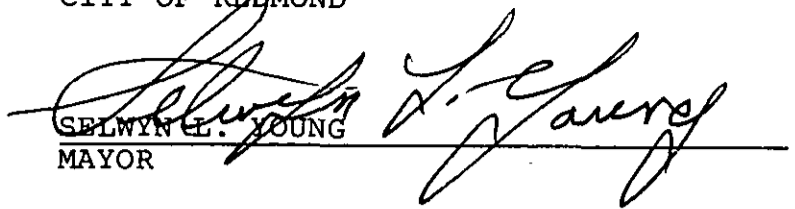
"7.04.400 Appeal--Form. Any person entitled to service under Section 7.04.340 or notice under Section 7.04.280 may appeal from any notice and order or any action of the director of the animal control authority under this code by filing at the office of the director of the animal control authority within fourteen days from the date of the service of such order or within forty-eight hours of a notice under Section 7.04.280(b) a written appeal containing:

- (1) A heading in the words: "Before the Board of Appeals of the County of King;"
- (2) A caption reading: "Appeal of _____" giving the names of all appellants participating in the appeal;
- (3) A brief statement setting forth the legal interest of each of the appellants in the animal involved in the notice and order;
- (4) A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
- (5) A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
- (6) The signatures of all parties' names as appellants, and their official mailing addresses;
- (7) The verification (by declaration under penalty of perjury) of at least one appellant as to the trust of the matters stated in the appeal."

Section 4. 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 5th day of December, 1978.

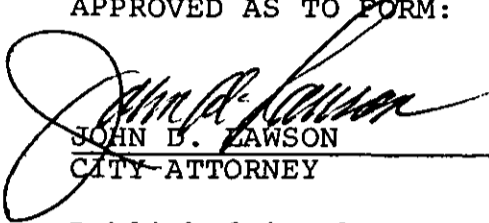
CITY OF REDMOND


SELWYN E. YOUNG
MAYOR

ATTEST:


PAUL F. KUSAKABE
CITY CLERK

APPROVED AS TO FORM:


JOHN B. LAWSON
CITY ATTORNEY

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