

Title 7 ANIMALS

Chapter 7.04

ANIMAL LICENSING AND REGULATIONS

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7.04.010 Purpose

It is 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, will prevent injury to property and cruelty to animal life. To this end, it is the purpose of this chapter to provide a means of licensing dogs, cats, pot-bellied pigs, exotic animals, animal shelters, hobby kennels, kennels and pet shops, to control errant animal behavior so that it shall not become a public nuisance, and to prevent cruelty to animals.

(Ord. 2011 §1(part), 2003)

7.04.020 Definitions

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 the owner or a person presumed to be the owner shall comply with this chapter.

B. "*Animal*" means any living creature except Homo Sapiens, insects and worms.

C. "*Animal Control Authority*" means the department of the City charged with the responsibility of administering the provisions of this chapter, or the department and any other governmental body to which this responsibility is contractually delegated and which is thereby charged with the duty of enforcing the animal control laws of the City and with the shelter and welfare of animals.

D. "Animal Control Officer" means any individual employed, contracted, or appointed by the King County 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.

E. "Board of Appeals" means the King County Board of Appeals.

F. "City" shall mean the City of Tukwila.

G. "County" or "King County" shall mean Metropolitan King County.

H. "Dangerous dog" means any dog that:

1. Bites or inflicts severe injury on a human being or a domestic animal without provocation on public or private property; or

2. In an aggressive manner, inflicts severe injury or kills a domestic animal or other animal protected under Federal, State or local laws, without provocation while off the owner's property; or

3. 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.

(Definition of Potentially Dangerous Dog: see Item Q.)

I. "Dog pack" means a group of two or more dogs running upon either public or private property not that of their owner, in a state in which either their control or ownership is in doubt or cannot readily be ascertained, and when such dogs are not restrained or controlled.

J. "Exotic animal" means any of the following:

1. Venomous species of snakes capable of inflicting serious physical harm or death to human beings.

2. Non-human primates and prosimians.

3. Bears.

4. Non-domesticated species of felines.

5. Non-domesticated species of canines and their hybrids, including wolf and coyote hybrids.

6. The order Crocodylia, including alligators, crocodiles, caiman and gavials.

K. "Guide dog" means a dog that is trained for the purpose of guiding blind persons or hearing impaired persons.

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

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

N. "Owner" means any person, firm, corporation, organization or department having an interest in or right of possession to an animal, or having control, custody or possession of an animal, including possession by reason of the animal being seen residing consistently at a location.

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

P. "Pot-bellied pig" means that type of American swine commonly known as Vietnamese, Chinese or Asian pot-bellied pig (*Sus Scrofa Bittatus*).

Q. "Potentially dangerous dog" means any dog that, when unprovoked:

1. Chases, charges at, or tries to attack, causing a person to take defensive action in order to prevent bodily injury; or

2. Approaches a person on the streets, sidewalks, public or private property other than the dog owner's property, in a menacing fashion or apparent attitude of attack; or

3. With a known propensity, tendency or disposition to attack, unprovoked, to cause injury or otherwise threaten the safety of humans or domestic animals; or

4. Bites a domestic animal off the dog owner's property, causing the animal's skin to be broken.

R. "Rules and regulations" of the Animal Control Authority means such rules and regulations as may be adopted by the Animal Control Authority, not inconsistent with the intent of this chapter.

S. "Running at large" means to be off the premises of the owner and not under the immediate control of the owner or other competent person authorized by the owner, by means of a leash, cord or chain no longer than eight feet, except when in or on any vehicle and securely confined to such vehicle.

T. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

U. "Service animal" means an animal that is trained or being trained for the purpose of assisting or accommodating a disabled person's sensory, mental or physical disability.

V. "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 or person devoted to the welfare, protection and humane treatment of animals.

(Ord. 2011 §1(part), 2003)

7.04.030 General provisions and licensing

A. **General Licensing Provisions.** The following sections of Chapter 11.04 Metropolitan King County Code, as now in effect and as may be subsequently amended, are hereby adopted by reference, except that -- unless the context indicates otherwise -- the word "County" and "King County" shall refer to Metropolitan King County, and references to violations of the County code or County ordinances shall be deemed to be references to violations of City ordinances.

- 11.04.020 Definitions (*and in addition thereto, the definitions set forth in TMC 7.04.020*)
- 11.04.040 Animal Shelter, Kennel, Grooming Service, Cattery and Pet Shop License Required
- 11.04.060 Hobby Kennel License -- Required
- 11.04.070 Animal Shelters, Kennels and Pet Shops -- Reporting Required
- 11.04.080 Animal Shelters, Kennels and Pet Shops -- Inspections
- 11.04.090 Animal Shelters, Kennels and Pet Shops -- Conditions
- 11.04.100 Animal Shelters, Kennels and Pet Shops -- Indoor Facilities
- 11.04.110 Animal Shelters, Kennels and Pet Shops -- Outdoor Facilities
- 11.04.130 Grooming Parlors -- Conditions
- 11.04.140 Animal Shelters, Hobby Kennels, Kennels, Pet Shops, Grooming Parlors, Guard Dog Purveyors, Guard Dog Trainers and Guard Dog Owners-Additional Conditions
- 11.04.150 Licenses, Registrations -- Revocation, Suspension or Refusal to Renew
- 11.04.160 Licenses, Registration -- Revocation or Refusal Waiting Period
- 11.04.165 Private Animal Placement Permit -- Individual
- 11.04.167 Private Animal Placement Permit -- Organizational

B. **General Enforcement and Procedures.** The following sections of Chapter 11.04 Metropolitan King County, as now in effect and as may be subsequently amended, are hereby adopted by reference, except that -- unless the context indicates otherwise -- the word "County" and the words "King County" shall refer to Metropolitan King County, and references to violations of the County Code or County ordinances shall be deemed to be references to violations of City ordinances.

- 11.04.170 Enforcement power.
- 11.04.180 Violations -- Deemed nuisance -- Abatement.
- 11.04.190 Violations -- Misdemeanor -- Penalty.
- 11.04.200 Violations -- Civil Penalty.
- 11.04.210 Impounding.
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- 11.04.280 Redemption procedures.
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- 11.04.510 Unaltered Dogs and Cats -- Advertising Requirements
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- 11.12 Rabies Control
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- 11.32 Guard Dogs

(Ord. 2011 §1(part), 2003)

7.04.040 Dog, cat and pot bellied pig licenses, required

A. **Applicability.** All dogs, cats and pot-bellied pigs eight weeks old and over, which are harbored, kept or maintained in the City, shall be licensed and registered annually. Dogs kept in kennels for 30 or fewer days need not be licensed while kept at such kennel and while such kennel is duly licensed as provided in King County Code 11.04; otherwise King County licensing provisions shall apply.

B. **Juvenile licenses.** Reduced-fee juvenile licenses may be obtained for all dogs and cats from eight weeks to six months of age.

C. **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 or County-authorized licensing agency according to the schedule of fees adopted by the King County Council, as now or hereafter amended.

1. Tukwila residents 65 years of age or older shall be entitled to purchase special permanent licenses 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 will be available provided that the owner provides written proof that the animal has been spayed or neutered.

2. The annual license fee shall become due and payable one year from the last day of the month of issuance.

3. Applications for a dog or cat license shall be on forms provided by the Animal Control Authority.

4. All license tags issued under this chapter shall be securely affixed to a substantial collar, harness or other means, and shall be worn by the animal at all times.

5. Guide dogs and service animals may be eligible for a special, free, permanent license. The guide dog or service animal license is subject to meeting requirements by both the owner and the pet.

6. The Animal Control Authority is authorized to collect a fee for a lost or stolen license tag replacement.

D. Dog and cat licenses, penalties.

1. Penalties shall be assessed in cases of late registration and licensing of dogs and cats kept and maintained in the City as provided in the schedule adopted by the King County Council for such penalties, as now or hereafter amended.

2. It shall be a rebuttable presumption that an animal has not been licensed unless a proof of purchase within the preceding 30 days is presented to the licensing officer or agent, or the animal's owner has moved into the City within the preceding 30 days, or the animal has been under the age which requires a license, or other proof deemed acceptable in the department's rules and regulations.

E. Dog and cat licenses, non-applicability. The provisions of this chapter shall not apply to dogs used by law enforcement agencies for police work, nor shall it apply to dogs or cats in the custody of a veterinarian or animal shelter or whose owners are nonresidents temporarily within the City for a period not exceeding 30 days.

F. Mandatory spaying and neutering.

1. No person shall own or harbor any cat or dog over the age of six months that has not been spayed or neutered unless that person pays a special unaltered animal license fee for the animal pursuant to King County animal control licensing provisions.

2. Guide dog puppies in training and police service dogs are exempt from the provisions of this subsection.

(Ord. 2011 §1(part), 2003)

7.04.050 Pot Bellied Pigs-- Licenses and Restrictions

A. Licenses. Pot-bellied pig licenses shall be issued by the City of Tukwila upon application and payment of an annual license fee made payable to the City of Tukwila according to the schedule of fees approved by the City Council. City residents must obtain a valid license within 30 days of the pig's entry into the City, or by the effective date of this ordinance.

B. Restrictions.

1. No more than two pot-bellied pigs may be kept in any dwelling unit or business establishment. Any pigs in excess of two shall be subject to a fine of \$25.00 per day per pig, payable to the City of Tukwila.

2. No pot-bellied pigs weighing more than 150 pounds or having a height greater than 22 inches at the shoulder are allowed.

(Ord. 2011 §1(part), 2003)

7.04.060 Exotic animals

A. The possession or maintenance of an exotic animal by private citizens within the City of Tukwila is prohibited unless the exotic animal is licensed, according to requirements of the King County Code 11.28.

B. The provisions of this chapter shall not apply to any facility -- possessing or maintaining exotic animals as defined in this chapter -- which is owned, operated or maintained by any city, county, state or the federal government, including but not limited to public zoos, nor shall it apply to museums, laboratories and research facilities maintained by scientific or educational institutions, nor to private or commercial activities such as circuses, fairs, or private zoological parks which are otherwise regulated by law, nor to any recognized program engaged in the training of exotic animals for use as service animals by disabled citizens.

C. Breeding or allowing the reproduction of exotic animals as defined in this chapter is prohibited, provided that this prohibition shall not apply to any governmental facility possessing or maintaining exotic animals nor shall it apply to private or commercial activities.

D. Each exotic animal must have a license tag securely affixed to a substantial collar, harness or other means, or a microchip implant for identification; the owner must show proof of such upon request of the Animal Control Authority officer.

(Ord. 2011 §1(part), 2003)

7.04.070 Regulation of animals

A. Number of cats and dogs. No person shall keep more than three dogs or three cats, or a total of five of a combination of cats and dogs over the age of four months. If four or more adult dogs, four or more adult cats, or a combination of five total animals are kept, a hobby kennel license is required.

B. Dogs at large -- requirement of a leash or chain. It shall be a violation of this chapter for any owner or custodian to cause, permit or allow any dog owned, harbored, controlled or kept by him/her in the City to roam, run or stray away from the premises where the dog is owned, harbored, controlled or kept; except that, while away from the premises, the dog shall at all times be controlled by the owner or some duly authorized and competent person by means of a leash or chain not exceeding eight feet in length, provided that such leash or chain is not required for any dog when otherwise safely and securely confined or completely controlled while in or upon any vehicle.

C. Offenses relating to sanitation. It is unlawful for an owner to:

1. Allow the accumulation of pig, cat, fowl or dog feces in any open area, run cage or yard wherein those animals are kept, and to fail to remove or dispose of feces at least once every seven days.

2. Fail to remove the fecal matter deposited by his/her animal on public property, public easements, or private property of another before the owner leaves the immediate area where the fecal matter was deposited.

3. Fail to have in his/her possession equipment such as a plastic bag or other means of conveyance necessary to remove his/her animal's fecal matter when said animal deposits fecal matter on public property, public easement or another's private property.

D. **Animal show.** Any animal show or exhibition held out of doors or in a public building must notify the Animal Control Authority and the City of Tukwila at least 24 hours in advance of the event.

(Ord. 2011 §1(part), 2003)

7.04.080 Nuisance Defined - Violation

A. For purposes of this chapter, nuisances are violations of this chapter and shall be defined as follows:

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

2. Any animal running at large within the City;

3. Any domesticated animal, whether licensed or not, which runs at large in any park, or enters any public playground or school ground. However, this subsection shall not prohibit a person from walking or exercising an animal in a public park or on a public beach when such animal is on a leash, tether or chain not to exceed eight feet in length. This subsection shall not apply to any person using a trained, properly licensed guide or service dog, or to animal shows, exhibitions or organized 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. However, this subsection shall not apply to any person using a licensed guide or service dog, to veterinary offices or hospitals, businesses offering pet services, or to animal shows, exhibitions or organized 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 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; provided, that in addition to other remedies and penalties, the provisions of this chapter relating to dangerous dogs and potentially dangerous dogs shall apply;

9. 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;

10. Any domesticated animal which enters upon another person's property without the permission of that person;

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

12. Animals on any public property not under control with a leash held by the owner or other competent person;

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

14. Animals running in dog packs.

B. Nuisance violations shall be subject to a civil fine and enforcement necessary to abate the violation.

(Ord. 2011 §1(part), 2003)

7.04.085 Dangerous and Potentially Dangerous Dogs - Registration, Prohibitions, Etc.

A. It is unlawful for an owner to have a dangerous dog or a potentially dangerous dog as defined in TMC 7.04.020, in the City without fulfilling the requirements of the City and of the Animal Control Authority.

B. No potentially dangerous dog or dangerous dog shall go unrestricted upon the premises of the owner. Further, no potentially dangerous or dangerous dog shall be kept on a porch, patio or in any part of a house or structure which would allow such dog to exit the building on its own volition.

C. All potentially dangerous and dangerous dogs shall be securely confined indoors or in a secure enclosure. Such an enclosure can be a pen, dog run, or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, structure or dog run shall have secure sides and a secure top. The sides of the enclosure shall not directly adjoin a neighboring property. If the pen, structure or dog run area has no bottom secured to the sides, the sides shall be embedded not less than two feet into the ground. An enclosure with doors, windows, or other openings enclosed solely by wire or mesh screening shall not be considered a proper enclosure as defined in this section.

D. No person owning or harboring, or having the care of, a potentially dangerous or dangerous dog shall suffer or permit such dog to go beyond the premises of such person, unless such dog is securely muzzled in a manner that will not cause injury to the dog but shall prevent it from biting any person or animal; and is restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

E. Any corrective actions available under King County's Code 11.04.290 must be made as required by an animal control officer.

F. No person shall own or possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the City any potentially dangerous or dangerous dog.

G. No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purposes of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.

(Ord. 2011 §1(part), 2003)

7.04.087 Additional Dangerous Dog Regulations

Dangerous dogs which have been shown to be a particular threat to the health, safety and welfare of the community may be subject to additional dangerous dog regulations as follows:

1. A dog which has been declared dangerous may be removed and destroyed if the release of the dog would create a significant threat to the health, safety, and welfare of the public.
2. If it is determined that a dangerous dog shall not be removed or destroyed, Animal Control shall impose any additional conditions upon the ownership of the dog that protect the health, safety and welfare of the public.
3. The owner of a dangerous dog that is not removed and destroyed shall be required to have a surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a sum not less than \$250,000 payable to a person injured by the dog; or a policy of liability insurance, such as homeowners’s insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$250,000, insuring the owner or keeper for personal injuries inflicted by the dangerous dog, with a certificate from the insurer providing for written notice to the City within 30 days of cancellation, reduction of limits, or termination of coverage.
4. A copy of the surety bond or liability insurance policy shall be provided to the City before the dangerous dog is returned to Tukwila to live.

(Ord. 2011 §1(part), 2003)

7.04.090 Declaration of Dangerous and Potentially-Dangerous Dog

A. Provision for declaring dangerous and potentially-dangerous dogs. Based on an investigation, the Animal Control Authority may find and declare an animal potentially dangerous or dangerous if it has probable cause to believe that the animal falls within the definitions set in TMC 7.04.020 H or Q. For the purposes of this chapter, the determination of probable cause may include:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definitions in TMC 7.04.020 H or Q; or
2. Dog bite reports filed with the Animal Control Authority; or
3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
4. A verified report that the animal previously has been found to be either potentially dangerous or dangerous by any Animal Control Authority; or
5. Other substantial evidence admissible in a court of law.

B. Exception. Dogs shall not be declared dangerous 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 in the past has been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

C. Declaration, service to owner in writing. The declaration shall be in writing, and shall be served on the owner or keeper in one of the following methods:

1. Certified mail to the owner's or keeper's last known address; or
2. Personally delivered; or
3. Posting the notice of violation and order on the front door of the living unit of the owner or person with right to control the animal if said owner or person is not home; or
4. If the owner or keeper cannot be located by one of these methods, by publication in a newspaper of general circulation.

The owner or keeper of any animal found to be a potentially dangerous or dangerous dog under this section shall be assessed all actual service costs expended under this subsection.

D. Declaration, information required. The declaration set forth in this section shall state at least:

1. A description of the animal;
2. The name and address of the owner or keeper of the animal, if known;
3. The whereabouts of the animal if it is not in the custody of the owner or keeper;
4. The facts upon which the declaration is based;
5. The availability of a hearing in case the person objects to the declaration, if a request is made within 14 days.
6. The restrictions placed on the animal as a result of the declaration; and
7. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner or keeper.

E. Declaration appeal procedure. If the owner or keeper of the animal wishes to contest the declaration, the following procedures shall apply:

1. The owner or keeper shall, within 14 days of receipt of the declaration, or within 14 days of the publication of the declaration, or within 14 days of the publication of the declaration pursuant to 7.04.090C, request a hearing from the Tukwila Hearing Examiner. Failing to exhaust this administrative appeal process shall be a bar to action in a court of law. Any appeal decision issued by the Tukwila Hearing Examiner can be appealed in Superior Court.
2. If the Tukwila Hearing Examiner finds there is insufficient evidence to support the declaration, it shall be rescinded and the restrictions imposed thereby vacated.
3. If the Tukwila Hearing Examiner finds sufficient evidence to support the declaration, then it shall be affirmed.

4. If the Tukwila Hearing Examiner finds that the animal is not a potentially dangerous or dangerous dog, no costs shall be assessed against the City or the Animal Control Authority or officer.

(Ord. 2197 §1, 2008; Ord. 2011 §1(part), 2003)

7.04.100 Declaration--impoundment and abatement

A. **Impoundment.** Following service of a declaration of potentially dangerous or dangerous dog, and pending appeal under TMC 7.04.090E, the Animal Control Authority may, if circumstances require, impound the animal at the owner's or keeper's expense, until the appeal to the Tukwila Hearing Examiner or a court of competent jurisdiction orders either its redemption or destruction.

B. **Abatement.** 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 danger to public safety, and shall not be kept within the City 48 hours after receipt of 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.

(Ord. 2197 §2, 2008; Ord. 2011 §1(part), 2003)

7.04.110 Cruelty to animals - Unlawful

A. It is unlawful for any person to:

1. Willfully and cruelly inflict physical injury, or to kill any animal by any means causing unnecessary fright, suffering or pain.

2. By reason of neglect or intent, fail to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space or medical attention, thereby causing or allowing any animal to endure pain, suffering or injury; or to fail or neglect to aid or attempt alleviation of pain, suffering or injury he or she 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 or wherein there is 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.

5. Keep an animal in an enclosed vehicle when the temperature inside the vehicle reaches 80°F, and/or the animal appears to be in stress as a result of excessive heat or thirst.

B. Any person may lawfully kill a dangerous animal when a clear and present danger exists to his or her own self or to the public safety, and a record of complaint against the animal has been filed with the Animal Control Authority.

(Ord. 2011 §1(part), 2003)

7.04.120 Enforcement authority

A. The director of the Animal Control Authority and his/her authorized animal control 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 as they pertain to animal cruelty, shelter, welfare, and enforcement of control.

B. The director of the Animal Control Authority or his/her authorized animal control officer shall not enter a building designated for and used for private purposes, unless the officer has reasonable cause to believe an animal is being maintained in the building in violation of this chapter.

C. The director of the Animal Control Authority and his/her authorized animal control officers, while pursuing any animal observed by the officer to be in violation of this chapter, or during investigations for unlicensed animals, 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 the licensing of animals.

D. 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 chapter. Further, no person shall fail or neglect, after a proper warrant has been presented, to promptly permit the director or his/her authorized animal control officer to enter private property to perform any duty imposed by this chapter. Any person violating this subsection is guilty of a misdemeanor.

E. 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.

(Ord. 2011 §1(part), 2003)

7.04.130 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 dangerous dog removal procedures contained in this chapter.

B. Any animal constituting a public nuisance as provided in this chapter shall be abated and impounded from the City by the owner or by the director of the Animal Control Authority, or his/her authorized animal control officer, upon receipt of two King County Animal Control Authority notices of violation and one order of confinement 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 96 hours from the date of the notice. If such animal is found to be within the confines of the City after 96 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.

(Ord. 2011 §1(part), 2003)

responsible for payment of the cost of confinement and control, and that the dog will be destroyed by Animal Control in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within 20 days. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

(Ord. 2011 §1(part), 2003)

7.04.140 Penalties

A. **Civil penalty and cost of abatement, collection.** The civil penalty described in TMC 7.04.140 C, and the cost of abatement are also personal obligations of the animal owner. Animal control, on behalf of King County, and the City Attorney, on behalf of the City, may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies.

B. **Cost of enforcement, collection.** In addition to the costs and disbursements provided for by statute, the prevailing party in a collective action under this chapter may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The City attorney shall seek such costs, interest, and reasonable attorney's fees on behalf of the City or County when the City is the prevailing party.

C. **Violation, civil penalty.** In addition to any other penalty provided in this title or by law, any person whose animal is maintained in violation of this title shall incur a civil penalty plus billable costs of the Animal Control Authority. The penalty shall be \$50 for the first notice of violation, \$75 for the second violation in any one-year period, and \$200 for each successive violation.

D. **Violation, dangerous dog.** Any dangerous dog shall be immediately confiscated by an Animal Control Authority if the dog is not maintained in a secure enclosure; or if the dog is allowed to go beyond the owner's premises without leash or muzzle restraints; or either a required surety bond or liability insurance of \$250,000 is not valid. The owner must pay the costs of confinement and control. The Animal Control Authority must serve notice upon the dog owner in person, to the owner's residence, or by regular and certified mail, return receipt requested, specifying the reason for the confiscation of the dangerous dog, that the owner is

Chapter 7.08 LIVESTOCK, SMALL ANIMALS AND FOWL

Sections:

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7.08.010 Chapter compliance required

It is unlawful for any person, persons, firm or corporation to keep or maintain livestock, small animals or fowl within the City limits, except as provided in this chapter.

(Ord. 232 §1, 1956)

7.08.020 Livestock defined

“Livestock,” where used in this chapter, means and includes horses, cattle, sheep, goats and swine.

(Ord. 232 §2, 1956)

7.08.030 Small animals and fowl defined

“Small animals and fowl,” where used in this chapter mean rabbits, chinchillas, guinea pigs, hamsters, chickens, geese, ducks, turkeys, parakeets and pigeons.

(Ord. 232 §3(part), 1956)

7.08.040 Chinchillas, guinea pigs, hamsters, parakeets and pigeons

Chinchillas, guinea pigs, hamsters, parakeets and pigeons will be permitted in numbers as approved by the health officer.

(Ord. 232 §3(a), 1956)

7.08.050 Rabbits, chickens, geese, ducks and turkeys

Rabbits, chickens, geese, ducks and turkeys will be permitted in numbers as defined in TMC 7.08.110.

(Ord. 232 §3(b), 1956)

7.08.060 Enclosure construction

All livestock, small animals and fowl shall be kept within an enclosure adequately built and maintained to prevent the livestock, small animals and fowl from breaking through, out, over or under the same. All pens, coops, hutches and housing of any kind used for the housing of livestock, small animals and fowl must be built to include siding or shakes or their equivalent, and must be painted or stained to appear presentable.

(Ord. 232 §4, 1956)

7.08.070 Number of livestock allowed

The number of horses, cows or cattle, sheep, goats or swine allowed on any given piece or parcel of property shall be regulated by the duly appointed health officer of the City.

(Ord. 232 §5, 1956)

7.08.080 Maintaining horses, cattle, sheep and goats within City limits

All livestock, except swine, may be kept or maintained within the city limits, provided they are kept not less than 100 feet from the nearest residence.

(Ord. 232 §6, 1956)

7.08.090 Maintaining swine within City limits

Swine may be kept or maintained within the City limits provided they are kept within an enclosure as herein described, the outside limits of which shall be not less than 200 feet from the nearest residence.

(Ord. 232 §7, 1956)

7.08.100 Minimum area for keeping

No livestock, small animals or fowl shall be kept on any property within the City limits where the property does not contain a minimum of 10,000 square feet of area.

(Ord. 232 §8, 1956)

7.08.110 Number of animals per area size

Small animals and fowl shall be permitted as follows:

1. Twelve chickens or twelve rabbits or any combination of chickens and rabbits, not to exceed a total of twelve collectively, for 10,000 square feet of property;
2. The number of chickens or rabbits may be increased by 1/10th for each additional 1,000 square feet of property;

3. Six geese, six ducks, six turkeys or any combination of geese, ducks or turkeys, not to exceed a total of six collectively for 10,000 square feet of property;

4. The number of geese, ducks or turkeys may be increased 1/10th for each additional 1,000 square feet of property;

5. At no time shall the total number of small animals or fowl exceed a total of twelve for each 10,000 square feet of property.

(Ord. 232 §9, 1956)

7.08.120 Distance from human habitation

Buildings for the housing of small animals and fowl shall be built and located not less than 65 feet from any place of human habitation, other than the owner's, or not less than 20 feet from the adjoining property; and providing further that the roaming area for the small animals and fowl shall be fenced and located not less than 35 feet from any adjacent place of human habitation.

(Ord. 232 §10, 1956)

7.08.130 One building per site for housing

Not more than one building for the housing of livestock, small animals or fowl shall be allowed in any one building site.

(Ord. 232 §11, 1956)

7.08.140 Nuisance prohibited

No livestock, small animals or fowl shall be kept in such a manner that a condition resulting from same shall constitute a nuisance.

(Ord. 232 §12, 1956)

7.08.150 Manure removal

All manure must be kept in a covered water-tight pit or chamber and shall be removed at least once a week during the period from April 1 to October 1, and during the other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer:

1. Manure shall not be allowed to collect in any place where it can prejudicially affect any source of drinking water.

2. Manure, when used as a fertilizer, must be plowed or spaded under within 24 hours after application.

(Ord. 232 §13, 1956)

7.08.160 Enforcement

The health officer for the City shall be authorized to enforce this chapter, unless otherwise provided.

(Ord. 232 §14, 1956)

7.08.170 Issuance of permits for housing

The building superintendent shall issue all permits for housing livestock, small animals and fowl. Buildings must be completed, including manure pit, within 60 days after issuance of permit.

(Ord. 232 §15, 1956)

7.08.180 Exemptions

A. Any person, persons, firm or corporation who, on January 3, 1956 are keeping livestock, small animals or fowl within the City limits, will not be affected by TMC 7.08.070, 7.08.080, 7.08.090, 7.08.100, 7.08.110 and 7.08.120.

B. Any person, persons, firm or corporation who discontinues the keeping or reduces the number of livestock, small animals or fowl for a period of more than 90 days, or who sells or transfers his property, shall then become subject to all the provisions of this chapter.

(Ord. 232 §16, 1956)