

ORDINANCE 640

CITY OF LACEY

AN ORDINANCE RELATING TO LICENSING, CONTROL, AND IMPOUNDMENT OF DOGS AND OTHER PET ANIMALS AND CRUELTY TO SUCH ANIMALS AND REPEALING CHAPTERS 7.04, 7.08, 7.12 AND 7.16, AND ADDING A NEW CHAPTER 7.04 TO THE LACEY MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, as follows:

Section 1. Chapters 7.04, 7.08, 7.12, and 7.16 of the Lacey Municipal Code are hereby repealed.

Section 2. There is hereby added to the Lacey Municipal Code a new Chapter 7.04 to read as follows:

"7.04.010. PURPOSE. This chapter is enacted for the purpose of regulating the keeping of dogs, cats and other pet animals within the city. The fees, charges, and penalties collected hereunder shall be budgeted to defray, in whole or in part, the expense of such regulation. Donations and voluntary fees shall be retained in a special fund at the city of Lacey for Joint Animal Control and known as the Animal Control Donation Fund. These funds may be used for training, education, capital expenditures, and animal care.

"7.04.020. APPOINTMENT AND RESPONSIBILITIES OF JOINT ANIMAL CONTROL COMMISSION AS POUNDMASTER.

A. Appointment of Poundmaster. The Joint Animal Control Commission authorized by the Intergovernmental Agreement for Joint Animal Control Operations is appointed and declared to be the official poundmaster of the city.

B. Responsibilities of The Joint Animal Control Commission. The Joint Animal Control Commission, pursuant to adopted rules of the commission:

1. Shall act as a sales agent for licenses;
2. Shall provide for impounding of pet animals found to be in violation of and as prescribed by this title;
3. Shall provide shelter services and authorize the redemption, sale and humane destruction of pet animals so impounded;
4. May adopt rules and fees for the voluntary purchase of licenses and identification tags for cats and pet animals other than dogs;
5. May adopt rules for the issuance of licenses without charge for municipally owned police dogs and without charge or at a reduced fee for privately owned seeing eye dogs, specially trained dogs for hearing impaired owners, and dogs registered with county or municipal law enforcement search and rescue operations;
6. May employ such agents and employees as shall be necessary and said agents and employees shall have official authority to act on behalf of the commission in its capacity as poundmaster of the city and will be commissioned deputies by the appropriate law enforcement agency as their duties relate to animal control.

7.04.030. DEFINITIONS.

A. Animal Shelter: a place provided and operated under the authority of the Joint Animal Control Commission for the impoundment, care, and euthanasia of dogs, cats, and other pet animals.

B. At large: any dog found off the premises or outside the vehicle of the owner or custodian of the dog and not under control of a person by means of a leash.

C. Barking, howling or yowling pet animal: any pet animal which by frequent or habitual howling, yowling, yelping or barking constitutes a nuisance.

D. Euthanasia: the humane destruction of an animal.

E. Impound: to take control by authorized officials of any animal found to be in violation of this chapter and pursuant to the terms of this chapter.

F. Kennel:

Hobby kennel - a noncommercial kennel at or adjoining a private residence where 4 or more adult dogs and/or cats 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.

Commercial kennel - a place where adult dogs or cats are kept by persons providing facilities for breeding and the offspring thereof are sold for profit, or where such dogs or cats are received for care, training and boarding for compensation, but not including a small animal hospital, clinic or pet shop. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of six months.

G. Leash: includes a cord, thong or chain by which a dog is controlled by the person accompanying it.

H. License: the dog, cat, or other pet animal license issued for registration and identification.

I. Officer or official: any police officer, animal control officer, or other official designated by the city to issue licenses, citations, pick-up, restrain, impound, sell, dispose of, give notice for any other acts, duties or functions prescribed by this title or other title relating to pet animals.

J. Owner: any person, firm or corporation owning, having an interest in, or having custody or possession of any pet animal.

K. Pet animals: dogs (Canidae), cats (Felidae), monkeys and other similar primates, turtles, psittacine birds, skunks or any other species of wild or domestic animals, female, spayed female, male, or neutered male, sold or retained for the purpose of being kept as a pet.

L. Vicious Animal: any pet animal which creates a reasonable apprehension of injury to persons or property, or any pet animal for which two or more written verified complaints have been received alleging that said pet animal has injured a human being.

7.04.040. LICENSING REQUIREMENTS

A. Dog licenses required. Except for licensed veterinarians and commercial kennels, it is unlawful for any person to own, keep or have control of any dog in the city unless the person has procured a license therefor. Licenses are valid for the calendar year for which issued.

B. Issuance of licenses - Tag - Collar. The issuing authority or agent thereof shall issue licenses and appropriate identification tags for each animal licensed to persons applying therefor upon payment of the license fee as shown below. The license and tag shall be in a format approved by the Joint Animal Control Commission. It shall be the responsibility of the owner of a dog to keep a substantial collar on the dog and attach firmly thereto the identification license tag for the current year, provided that in the event an owner does not desire to provide identification for the dog by use of the authorized identification tag, an alternate method of identification may be used, such as tattooing. The owner, however, shall pay the appropriate license fee and shall be issued an identification tag which need not be worn by the animal. The owner shall also assume the responsibility for the tattooing and shall provide the required data for proper identification of the animal to Animal

Control, including the name and telephone number of the central tattoo registry in which the pet animal is registered, if so registered. A dog with neither an authorized identification tag nor a registered tattoo shall be considered an unlicensed dog.

C. Annual license fees:

Initial license for dogs which are not neutered or spayed	\$ 8.00
Annual renewal of such license	6.00
Annual license for dogs which are neutered or spayed	4.00
Annual license where owners are senior citizens (age 62 or older) when the combined income of the owner and his or her spouse shall not exceed \$11,000. When the owner is single or widowed, the qualifying income level shall not exceed \$8,000.00	4.00
Penalty for license purchased after due date	2.00
Duplicate license	2.00
Voluntary license, other pet animals (see section .02 B 4)	
Prorated license dog acquired after July 1 1/2 appropriate fee or when owner moves into city after July 1	
Annual kennel license	
Hobby kennel	25.00
Plus each dog will be licensed with a fee of (in compliance with procedures adopted by the Joint Animal Control Commission)	1.00
Commercial kennel	25.00

D. Date due.

1. All dog licenses granted under this title shall expire
December 31 of the year for which issued.

2. City residents may purchase licenses through January 31 after which a \$2.00 penalty shall be assessed.

3. A resident moving from one municipality to another within Thurston County and having a dog with a valid license within the previous municipality shall notify Animal Control of their new address. The license shall remain valid for the remainder of that calendar year provided such notification is made.

E. Licenses nontransferable. Dog licenses as provided herein shall be nontransferable from one dog to another.

F. License tag removal unlawful. It is unlawful for any person to remove a license tag from any dog or to obliterate any tattoo registered under the provisions of this title without the permission of the owner or issuing authority.

G. Kennel license. A kennel license shall be issued only for those areas where such use is not prohibited by local zoning.

7.04.050. CONTROL OF DOGS AND OTHER PET ANIMALS. It shall be unlawful for the owner or custodian of any pet animal to:

A. Permit a dog to be at large as defined herein. Provided, however, this section shall not prohibit the the owner from permitting a dog to participate in an organized dog show or training, exercise or hunting session in a location designed and authorized for such purpose. A dog within the confines of the premises of the owner or with the consent of the property owner shall not be considered to be at large.

B. Permit pet animal to damage property of another, including other animals. This prohibition shall also apply to the deposit of fecal material on public or private property.

C. Keep or maintain within the city a barking dog or yowling pet animal as defined herein.

D. Keep or maintain within the city a vicious pet animal, as defined herein, unless said pet animal is securely confined on the owner's premises in a manner so as not to endanger persons lawfully entering the owner's property or other property.

7.04.060. ISSUANCE OF CITATION AND/OR IMPOUNDMENT AND REDEMPTION.

A. In lieu of impounding a dog in violation of Section 7.04.050.A or dog or other pet animal in violation of Section 7.04.050.B or C, the owner, if known and available, shall be subject to a citation appropriate to the violation incurred. In the case of violation of Section 7.04.050.D, the pet animal shall, whether the owner is known and available or not, be immediately impounded.

B. If the owner is not known or is not available, the authorized official may impound any pet animal found to be in violation of Chapter 7.04.050 of this chapter. Provided, however, that for violations of Section 7.04.050.B, C, and D the authorized official may impound the animal on any property, including that of the alleged owner of the animal, upon receiving a written complaint from the victim thereof. For violations of Section 7.04.050.A the authorized official may pursue such dog onto private property only if said officer witnesses said dog at large or if the complainant has seized the dog.

C. Upon any pet animal being impounded, the impounding authority shall, as soon as feasible, notify the owner, if the owner is known, of the impounding of such pet animal, and the terms upon which said pet animal can be redeemed. For the purposes of this section the notice herein provided for may be by telephone, or by other means appropriate in the circumstances, which notice shall include a description of the pet animal impounded, the reason for impoundment, the date upon which such impounding occurred, and shall advise the owner that the pet animal will be disposed of by the impounding authority unless redeemed within the time limits provided in this chapter.

D. The owner of any pet animal impounded under this title may redeem it within 48 hours from the time of impoundment by paying to the impounding authority a service charge pursuant to a posted schedule of impounding fees duly adopted by the Joint Animal Control Commission, and, if the pet animal is a dog which is not licensed, shall also pay the appropriate fee for a license. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or license fees. If such pet animal is not redeemed by the owner within 48 hours, it will be made available for sale for the next 48 hours. In case such pet animal is not redeemed or purchased at the end of such time (96 hours), it may be humanely destroyed. Holidays and Sunday shall not be considered when computing the holding period.

E. In the event that the owner of said pet animal is not known, a notice providing appropriate information as described in Section 7.04.060.C above shall be posted on the bulletin board maintained by the impounding authority. Said notice shall remain posted for a period of 96 hours from the date of impoundment, or less if said pet animal is redeemed or purchased after the 48 hour holding period required by Section 7.04.060.D above.

F. Disposition of vicious pet animal. Any pet animal identified as vicious as a result of court action, and not appropriately confined as required by this chapter, may be seized and impounded. Such pet animal may be redeemed only by the owner or keeper, provided that such person agrees to be responsible for the appropriate control of such pet animal. Any pet animal not maintained in accordance with such agreement may be impounded and humanely destroyed.

G. Sick and injured. All seriously sick or injured pet animals may be seized and impounded when not in the owner's possession and may, be euthanized or given emergency medical treatment. Costs for any medical

treatment provided in this manner will be the responsibility of the owner of the pet animal, if known, or, if unknown, by the Joint Animal Control Commission. The poundmaster shall immediately notify the owner, if the owner is known, and if the owner be unknown, make all reasonable efforts to locate and notify the owner.

H. Abandoned animals. The authorized official is empowered to impound any dog or other pet animal found abandoned within any building, establishment or premises, whether public or private, in such condition as would be considered cruelty to animals under Section 7.04.080 of this chapter. Upon such impoundment, the impounding authority shall treat such dog or other animal in the same manner as other impoundments provided for in this chapter.

I. Voluntary release:

1. Any owner desiring to relinquish their ownership of a pet animal to be made available for sale at the animal shelter may notify the poundmaster and, upon signing a consent and release of liability form, the pet animal may be made available for purchase immediately, or retained at the shelter, on a space available basis, for up to the 96 hour holding period provided for impounded pet animals.

2. Any owner desiring to have a pet animal euthanised may notify the poundmaster. If the pet animal is adoptable in the opinion of the poundmaster, the poundmaster shall counsel with the owner and urge that the pet animal shall first be made available for adoption. The poundmaster shall euthanize the pet animal only upon the written request of the owner and upon the owner signing a consent and release of liability form.

3. A pet animal brought to the shelter by a person other than its owner shall be held for the same holding period as impounded nonowner pet animal.

7.04.070. VIOLATION DEEMED MISDEMEANOR.

A. Interference unlawful. It is unlawful for any person to interfere with, hinder, delay or impede any officer in the enforcement of any animal control ordinance adopted by the city and such violation constitutes a misdemeanor.

B. Violation deemed misdemeanor. Any person violating any of the provisions of this title especially declared unlawful is guilty of a misdemeanor. The minimum fine for specific violations shall be as follows:

	1st	2nd	3rd and Subsequent
	Violation	Violation	Violations
	<u>Fine</u>	<u>Fine</u>	<u>Fines</u>
1. Unlicensed dog	\$ 15.00	\$ 30.00	\$ 30.00
2. Dog at large	15.00	30.00	100.00
3. Damage property of others	15.00	30.00	100.00
		and restitution	
4. Deposit of fecal material on public or private property	15.00	30.00	100.00
5. Keep or maintain barking dog or yowling pet animal	15.00	30.00	100.00
6. Unsecured vicious animal	250.00	250.00	250.00
7. Interference with impoundment	250.00	250.00	250.00
8. Cruelty to animals	150.00	250.00*	500.00*


*and confiscation of animal

7.04.080. CRUELTY TO ANIMALS AND/OR ABANDONED ANIMALS. RCW 16.52

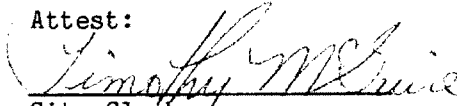
and 16.54 are hereby adopted by reference.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 28th day of January, 1982.

CITY COUNCIL

By 
Mayor

Attest:


City Clerk

Approved as to Form:


City Attorney

Passed: 1-28-82

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