

ORDINANCE 907

CITY OF LACEY

AN ORDINANCE REQUIRING LICENSING AND REGULATING THE OPERATION OF PET SHOPS AND ADDING A NEW CHAPTER, 5.42 TO THE LACEY MUNICIPAL CODE.

WHEREAS, it is necessary in order to provide for the humane care and treatment of animals and to protect the public health and safety, that the operation of pet shops be licensed and regulated, now, therefore,

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

Section 1. There is hereby added to the Lacey Municipal Code a new chapter, 5.42 to read as follows:

5.42.010 Definitions. The following words and phrases shall have the following meanings for purposes of this chapter:

A. "Pet animal" means dogs, cats, monkeys and other primates, rabbits, birds, guinea pigs, hamsters, mice, snakes, iguanas, turtles, fish and any other species of animal sold or retained for the purpose of being kept as a household pet.

B. "Pet Shop" means any store, place or establishment within the City of Lacey where pet animals are held for sale either at wholesale or retail with the intent of making a profit. The term shall not include Hobby Kennels as defined by this code.

5.42.020 License Required.

A. No person, firm, partnership, corporation or other entity shall own, maintain or operate a pet shop without first obtaining a pet shop license issued pursuant to this chapter.

B. Applications for pet shop licenses shall be made to the City's Finance Department. An application for a pet shop license shall contain the following information:

(1) The name, address, telephone number and emergency telephone number of the person, firm or corporation owning the pet shop.

(2) The name, address, phone number and emergency phone number of the person managing, operating or otherwise having supervision of the pet shop.

(3) The business name, address and location of the pet shop.

(4) A statement that the pet shop will maintain and make available care and nutritional requirements for all animals for sale at the pet shop.

(5) The name and address of one or more licensed veterinarians who will care for any animals which become sick or injured while at the pet shop.

(6) The applicant must attach to the application any necessary approvals from the County Health Department which are required to assure that adequate provisions for sanitary facilities will be provided.

(7) The applicant shall be required to pay a non-refundable license fee upon filing the application. The license fee shall be in the amount set by Resolution of City Council, however, until the passage of such a Resolution, the license fee for those businesses wherein the gross proceeds derived from the sale of pet animals exceeds 20 percent of the total gross proceeds of the business shall be in the sum of \$100 and the license fee for those businesses whose gross proceeds from the sale of pet animals is less than 20 percent of the total gross proceeds of said business shall be in the sum of \$25.

(8) Within five (5) days after receipt of an application for a pet shop license, the department receiving the application shall transmit copies of such application to the planning department and to the director of Joint Animal Control.

(9) Within thirty (30) days of receipt of an application for a pet shop license, the license shall be issued unless the planning department has advised that the use or proposed use of the premises is not in conformity with the City's zoning code or other applicable land use laws and regulations or that the buildings

upon the subject premises fail to meet the requirements of the building, fire, mechanical or plumbing codes applicable to the proposed use or the Director of Joint Animal Control has determined that the applicant has previously been convicted of neglect or cruelty to animals or that a pet shop or other similar license held by such applicant has been revoked or renewal refused either pursuant to the terms of this ordinance or by any other licensing jurisdiction.

(10) The pet shop license shall expire on December 31 and must be renewed annually.

5.42.030 License Renewal. Pet shop licenses must be renewed annually. All license renewals shall be processed in the same manner as the original application except that the written statement from the Health Department and referral to the Planning Department shall not be necessary. The renewal fee shall be equal to the original license fee.

5.42.040 Facility Requirements. Any building used for a pet shop shall meet the following requirements:

A. Animal housing shall be structurally sound and designed to prevent the pet animals from injury and shall provide sufficient security to contain the pet animals while preventing entry of unwanted pets.

B. The facilities shall include a washroom with sinks for hot and cold running water.

C. Heating, air cooling and shade shall be provided to protect the pet animals from temperatures to which they are not acclimated.

D. Adequate ventilation shall be provided.

E. A smoke and/or fire detection and alarm system shall be required, provided that any pet shop operating prior to adoption

of this ordinance in a location meeting building and fire codes shall have until April 30, 1992, to comply with this requirement.

5.42.050 Operational Requirements. Any person, firm or corporation owning, operating or maintaining a pet shop shall do so in accordance with the following requirements:

A. The license issued in accordance with this chapter shall be prominently displayed on the premises at all times.

B. A statement that the pet shop will maintain and make available care and nutritional requirements for all animals for sale at the pet shop.

C. No species of pet animals shall be sold or maintained on the premises which are prohibited from such sale or possession by state or federal law.

D. Suitable food and bedding and adequate potable water shall be provided. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, use and size of the animal. The animal feeding schedule shall be posted on the pet shop premises.

E. Food shall be stored in a manner which prevents contamination or infestation.

F. Provision shall be made for the timely removal of animal excreta, food wastes, soiled bedding, dead animals and debris. Disposal facilities shall be maintained so as not to be a health hazard.

G. Sick animals shall be separated from those appearing healthy and normal and shall be removed from display and sale.

Timely veterinary care shall be provided for sick or injured animals.

H. There shall be an employee on duty at all times during any hours a pet shop is open whose responsibilities shall include the care and welfare of the animals in the facility. An employee or owner shall feed, water and perform the necessary cleaning of pet animals on each day that the pet shop is closed.

I. Pet animals shall be immunized from disease as is usual and customary for the animal's age and species. Records of vaccination shall be subject to inspection and shall be provided to a buyer.

J. Reasonable care shall be taken not to place for sale, trade or adoption any pet animal which is diseased or injured.

5.42.060 Inspection. It shall be a condition of the issuance of a license that Animal Control Officers shall be permitted to inspect all animals held for sale and all locations where such animals are kept, at reasonable times to protect the health and safety of the animals and the community. Such right of inspection shall extend not only to the pet shop, but to any place within the Joint Animal Control's jurisdiction where pet animals held for sale through said pet shop are located or kept. If permission for such inspection is refused, a correction notice shall be issued.

5.42.070 Correction Notice. If an Animal Control Officer determines that a licensee has violated any provision of this ordinance the officer shall issue a correction notice requiring such violation to be remedied within seven days, provided that, if such

violation endangers the immediate health or safety of an animal in the possession or under the control of the licensee, such correction shall be required within 24 hours. If the violation identified in the inspection notice is not timely corrected, the license may be revoked under the procedures of this ordinance.

5.42.080 Impoundment. An Animal Control Officer may impound any animal if a licensee fails to comply with a correction notice issued under Section 5.42.070 and said Animal Control Officer determines that any animal in the possession or under the control of the licensee is disabled or diseased due to neglect or abuse, or that the condition of any animal constitutes a threat or danger to the public health or safety. The animal being impounded shall be taken to a veterinarian designated in the licensee's application for treatment. The licensee shall be responsible for the veterinary bill.

5.42.090 Violation. Any person, firm or corporation who violates any provision of this ordinance shall upon conviction, be deemed guilty of a misdemeanor and subject to punishment in accordance with the provisions of this code.

5.42.100 Revocation or Nonrenewal of License. If the Director of Joint Animal Control determines that a licensee has failed to substantially comply with this Chapter after being notified pursuant to Section 5.42.070 and that such failure has resulted in neglect or abuse of any animal in the possession or control of the licensee or creates a danger to the public health and safety, the Director of Joint Animal Control may petition the Director of the department

issuing the pet shop license to revoke said license or deny renewal of said license. The nature of said petition, its processing and determination shall be as follows:

A. The petition shall set forth the specific violations upon which it is based.

B. The Director of the issuing department shall set a date for hearing said petition which date shall not be less than 14 days after service of said petition by the issuing department.

C. A copy of the petition and notice of the hearing date shall be served either personally or by certified mail, return receipt requested, upon the licensee. Service shall be deemed effective on the date of personal service or three days after such service was deposited in the United States Postal System.

D. If the Director of the issuing department determines upon the basis of the evidence presented at such hearing that it is necessary in order to provide for the humane care and treatment of animals or to protect the public health and safety that such license either be revoked or an application for a renewal of said license be denied, the Director shall so revoke or deny the renewal of such license. If the Director finds that there have been violations of this chapter but that such violations do not warrant the revocation or nonrenewal of the license, the Director may set forth such lesser conditions for continued operation as shall be appropriate in order to promote humane care and treatment of animals or to better protect the public health and safety. Such remedy may include civil fines not to exceed \$100.00.

E. If the licensee wishes to appeal the decision of the Director of the licensing department, said licensee shall file with the licensing department a written request for review of the Director's decision within ten days after the receipt of said decision.

F. If review is requested within the time limit set forth above, the decision of the Director of the licensing department shall be reviewed by the City's Hearings Examiner at a hearing to be held not more than 30 days after the filing of such request for review. The decision of the Director of the issuing department shall be held in abeyance pending such review hearing. The Hearings Examiner may affirm, reverse or modify the decision of the Director of the issuing department. The decision of the Hearings Examiner shall be final.

Section 2. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance, or application of the provision to other persons or circumstances, shall be unaffected.

Section 3. The summary of this Ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 25TH day of April, 1991.

CITY COUNCIL

BY

Gene Liddell
Mayor

Attest:

Charlotte M. Taylor
City Clerk

Approved as to form:

[Signature]
City Attorney

Published: April 30, 1991

SUMMARY FOR PUBLICATION
ORDINANCE 907

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on April 25, 1991, Ordinance No. _____ entitled "AN ORDINANCE REQUIRING LICENSING AND REGULATING THE OPERATION OF PET SHOPS AND ADDING A NEW CHAPTER, 5.42 TO THE LACEY MUNICIPAL CODE."

A section by section summary of this ordinance is as follows:

Section 1 adds a new chapter, 5.42 to the Lacey Municipal Code in order to provide for the licensing and regulation of pet shops within the City. The various sections of this new chapter provide as follows:

Section 5.42.010 defines the terms "Pet Animal" and "Pet Shop" to make it clear that the City is regulating those establishments selling pet animals at wholesale or retail with the intent of making a profit.

Section 5.42.020 requires a license for operation of pet shops and specifies the information to be included in a license application, the application fee to be paid and the steps to be taken by the City and by the Director of Joint Animal Control in reviewing the application.

Section 5.42.030 provides that the license will be required to be renewed annually with an annual fee equal to that of the original fee.

Section 5.42.040 details the requirements of the building and other facilities used as a pet shop.

Section 5.42.050 lists the operational requirements necessary for pet shops.

Section 5.42.060 provides for inspection by Animal Control Officers.

Section 5.42.070 provides for the issuance of a correction notice when violations are observed, specifies the time in which such violations are to be cured and provides for license revocation when violations are not timely corrected.

Section 5.42.080 allows impoundment by an Animal Control Officer of disabled or diseased animals or those animals constituting a threat or danger to the public health or safety.

Section 5.42.090 provides "any person, firm or corporation who violates any provision of this ordinance shall upon conviction, be deemed guilty of a misdemeanor and subject to punishment in accordance with the provisions of this code."

Section 5.42.100 provides the procedure and grounds for revocation or nonrenewal of a pet shop license.

Section 2 of the ordinance provides that if any portion of the ordinance is held invalid such holding will not affect the remainder of the ordinance.

Section 3 approves this summary.

A copy of the full text of this ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

PUBLISHED April 30, 1991.