

January 9, 1987
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Introduced by: Ron Sims

Proposed No.: 86-727

ORDINANCE NO. 7923

AN ORDINANCE relating to animal control, regulating vicious animals, amending Ordinance 1396, Article I, Section 3, Ordinance 1396, Article III, Sections 4, 7, and 12, K.C.C. 11.04.020, K.C.C. 11.04.200, K.C.C. 11.04.230 and K.C.C. 11.04.290, and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 1396, Article I, Section 3, as amended, and K.C.C. 11.04.020 are hereby amended to read as follows:

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:

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

B. "Animal" means any living creature except man, insects and worms.

C. "Animal control authority" means the county animal control section, division of general services, acting alone or in concert with other municipalities for enforcement of the animal control laws of the county and state and the shelter and welfare of animals.

D. "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

1 employee whose duties in whole or in part include assignments
2 which involve the seizure and taking into custody of any animal.

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

6 F. "Euthanasia" means the humane destruction of an animal
7 accomplished by a method that involves instantaneous
8 unconsciousness and immediate death, or by a method that causes
9 painless loss of consciousness, and death during such loss of
10 consciousness.

11 G. "Grooming parlor" means any place or establishment,
12 public or private, where animals are bathed, clipped or combed,
13 whether or not for compensation, for the purpose of enhancing
14 their aesthetic value.

15 H. "Harboring, keeping, or maintaining a dog or cat" means
16 performing any of the acts of providing care, shelter,
17 protection, refuge, food, or nourishment in such manner as to
18 control the animals actions, or, that the animal(s) is treated as
19 living at one's house by the homeowner.

20 I. "Hobby kennel" means a noncommercial kennel at or
21 adjoining a private residence where four or more adult dogs or
22 cats are bred or kept for hunting, training and exhibition for
23 organized shows, field, working and/or obedience trials, or for
24 enjoyment of the species.

25 J. "Kennel" means a place where four or more adult dogs or
26 cats or any combination thereof are kept, whether by owners of
27 the dogs and cats or by persons providing facilities and care,
28 whether or not for compensation, but not including a small animal
29 hospital or clinic or pet shop. An adult dog or cat is one of
30 either sex, altered or unaltered, that has reached the age of
31 four months.

32 K. "Livestock" means horses, bovine animals, sheep, goats,
33 swine, reindeer, donkeys and mules.

1 L. "Owner." Any person having an interest in or right of
2 possession to an animal or any person having control, custody or
3 possession of any animal, or by reason of the animal being seen
4 residing consistently at a location, shall be presumed to be the
5 owner.

6 M. "Pack of dogs" means a group of three or more dogs
7 running upon either public or private property not that of its
8 owner in a state in which either its control or ownership is in
9 doubt or cannot readily be ascertained, and when such dogs are
10 not restrained or controlled.

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

14 O. "Pet shop" means any person, establishment, store or
15 department of any store that acquires live animals, including
16 birds, reptiles, fowl and fish, and sells, or offers to sell or
17 rent such live animals to the public or to retail outlets.

18 P. "Running at large" means to be off the premises of the
19 owner and not under the control of the owner or competent person
20 authorized by the owner, either by leash or verbal voice and/or
21 signal control.

22 Q. "Shelter" means a facility which is used to house or
23 contain stray, homeless, abandoned or unwanted animals and which
24 is owned, operated or maintained by a public body, an established
25 humane society, animal welfare society, society for the
26 prevention of cruelty to animals or other nonprofit organization
27 or person devoted to the welfare, protection and humane treatment
28 of animals.

29 R. "Under control" means the animal is under competent voice
30 and/or signal control so as to be thereby restrained from
31 approaching any bystander or other animal and from causing or
32 being the cause of physical property damage when off of a leash
33 or off the premises of the owner.

1 S. "Vicious" means the act of, or the propensity to do any
 2 act ((that-might)) endangering the safety of any person, animal
 3 or property of another, including, but not limited to, biting a
 4 human being, ((a-disposition-to-mischief-or-fierceness-as-might
 5 occasionally-lead-to)) an attack on human beings or domestic
 6 animals without provocation ((,whether-in-play-or-outbreak-of-
 7 untrained-nature)).

8 SECTION 2. Ordinance 1396, Article III, Section 4 and K.C.C.
 9 11.04.200 are hereby amended to read as follows:

10 Violations - Civil penalty. In addition to or as an
 11 alternative to any other penalty provided in this chapter or by
 12 law, any person whose animal is maintained in violation of this
 13 chapter shall incur a civil penalty in an amount not to exceed
 14 two hundred and fifty dollars per violation to be directly
 15 assessed by the director plus billable costs of the animal
 16 control authority. ((The-penalty-for-the-first-notice-of
 17 violation-shall-be-twenty-five-dollars;-fifty-dollars-for-the
 18 second-notice-of-violation-in-any-one-year-period;-and-one
 19 hundred-dollars-for-each-succcessive-violation-in-any-one-year
 20 period;-provided;-that-these-provisions-shall-not-apply-to
 21 specifite-areas-designated-by-ordinance-as-dog-control-zones-under
 22 the-provisions-of-RGW-16-10-)) The director, in a reasonable
 23 manner, may vary the amount of the penalty assessed to consider
 24 the appropriateness of the penalty to the nature and type of
 25 violation; the gravity of the violation; the number of past and
 26 present violations committed and the good faith of the violator
 27 in attempting to achieve compliance with prescribed requirements
 28 or after notification of a violation. All civil penalties
 29 assessed will be enforced and collected in accordance with the
 30 procedure specified in this chapter.

31 SECTION 3. Ordinance 1396, Article III, Section 7 and K.C.C.
 32 11.04.230 are hereby amended to read as follows:
 33

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

3 A. Any public nuisance relating to animal control known at
4 common law or in equity jurisprudence;

5 B. A dog running at large within the county.

6 C. Any domesticated animal, whether licensed or not, which
7 runs at large in any park, or enters any public beach, pond,
8 fountain, or stream therein, or upon any public playground or
9 school ground; provided, however, that this section shall not
10 prohibit a person from walking or exercising an animal in a
11 public park or on any public beach when such animal is on a
12 leash, tether or chain not to exceed eight feet in length.

13 Provided, however, that this section shall not apply to any blind
14 person using a trained seeing-eye dog, to animal shows,
15 exhibitions or organized dog training classes where at least
16 twenty-four hours' advance notice has been given to the animal
17 control authority, by such persons requesting to hold such animal
18 shows, exhibitions or dog training classes;

19 D. Any domesticated animal which enters any place where food
20 is stored, prepared, served or sold to the public, or any other
21 public building or hall. Provided, however, that this section
22 shall not apply to any blind person using a trained seeing-eye
23 dog, to veterinary offices or hospitals, or to animal shows,
24 exhibitions or organized dog-training classes where at least
25 twenty-four hours' advance notice has been given to the animal
26 control authority, by such persons requesting to hold such animal
27 shows, exhibitions or dog-training classes;

28 E. A female domesticated animal whether licensed or not,
29 while in heat, accessible to other animals for purposes other
30 than controlled and planned breeding;

31 F. Any domesticated animal which chases, runs after, or
32 jumps at vehicles using the public streets and alleys;

1 G. Any domesticated animal which habitually snaps, growls,
2 snarls, jumps upon or otherwise threatens persons lawfully using
3 the public sidewalks, streets, alleys, or other public ways;

4 H. Any animal which has exhibited vicious propensities and
5 which constitutes a danger to the safety of persons or property
6 off his premises or lawfully on his premises; provided, that, in
7 addition to other remedies and penalties, the provisions of this
8 ordinance relating to vicious animals shall apply;

9 I. A vicious animal or animal with vicious propensities
10 which runs at large at any time, or such animal is off the
11 owner's premises not securely leashed on a line or confined and
12 in the control of a person of suitable age and discretion to
13 control or restrain such animal; provided, that, in addition to
14 other remedies and penalties, the provisions of this ordinance
15 relating to vicious animals shall apply;

16 J. Any domesticated animal which howls, yelps, whines,
17 barks, or makes other oral noises, in such a manner as to disturb
18 any person or neighborhood to an unreasonable degree;

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

21 L. Animals staked, tethered, or kept on public property
22 without prior written consent of the county animal control
23 authority;

24 M. Animals on any public property not under control by the
25 owner or other competent person;

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

29 O. Animals running in packs.

30 SECTION 4. Ordinance 1396, Article III, Section 12, as
31 amended, and K.C.C. 11.04.290 are hereby amended to read as
32 follows:
33

1 NUISANCES ((--Removal)) A. Vicious animals. 1. An animal,
2 declared by the director to be vicious pursuant to the definition
3 in this ordinance, may be kept, harbored or maintained in King
4 County only upon compliance with those requirements prescribed by
5 the director.

6 In prescribing these requirements, the director must take into
7 consideration the following factors:

8 a. The breed of the animal and its characteristics;

9 b. The physical size of the animal;

10 c. The number of animals in the owner's home;

11 d. The zoning involved; size of the lot where the animal
12 resides; the number and proximity of neighbors;

13 e. The existing control factors, including but not
14 limited to, fencing, caging, runs, staking locations;

15 f. The nature of the behavior giving rise to the
16 director's determination that the animal is vicious:

17 (1) extent of injury(ies);

18 (2) circumstance, e.g., time of day, on/off property,
19 provocation instinct;

20 (3) circumstances surrounding the result and complaint,
21 e.g., neighborhood disputes, identification, credibility of
22 complainants, and witnesses.

23 2. Requirements which may be prescribed include, but are
24 not limited to the following:

25 a. Erection of additional or new fencing adequate to keep
26 the animal within the confines of its property;

27 b. Construction of a run within which the animal is to be
28 kept. Dimensions of the run will be consistent with the size of
29 the animal;

30 c. Keeping the animal on a leash adequate to control the
31 animal, the length and location to be determined by the director.
32 When unattended the leash must be securely fastened to a secure
33 object;

1 d. Maintenance of the animal indoors at all times, except
2 when personally controlled on a leash adequate to control the
3 animal by the owner or a competent person at least fifteen (15)
4 years of age;

5 e. Removal of the animal from the county within
6 forty-eight (48) hours from receipt of such notice.

7 3. Failure to comply with any requirement prescribed by the
8 director pursuant to Section 4 of this ordinance constitutes a
9 misdemeanor. Such animal shall not be kept in unincorporated King
10 County forty-eight hours after receiving written notice from the
11 director. Such animal or animals found in violation of this
12 section will be impounded and disposed of as an unredeemed animal,
13 and the owner or keeper of such animal(s) has no right to redeem
14 such animal or animals.

15 B. Removal. 1. Any animal constituting a public nuisance as
16 provided herein shall be abated and removed from the county by the
17 owner or by the director of the animal control authority, upon the
18 receipt of three notices and orders of violation by the owner in
19 any one-year period; provided, however, that this removal
20 procedure shall not apply to the vicious animal removal procedure
21 set out in Section 4.A.3. of this ordinance. Where it is
22 established by record pursuant to this chapter and no finding was
23 entered showing that the owner will be able to provide reasonable
24 restraints to protect the public from repetitions of violations,
25 the director of the animal control authority shall notify and
26 direct the owner of the animal to abate or remove the same from
27 the county within ninety-six hours from the date of notice. If
28 such animal is found to be within the confines of King County
29 after ninety-six hours have elapsed from the date of notice, the
30 same shall be abated and removed by the director of the animal
31 control authority. Animals removed pursuant to the provisions of
32 this section shall be removed from King County or be subjected to
33 euthanasia by the animal control authority.

1 2. Any dog or other animal which bites, attacks, or
2 attempts to bite one or more persons two or more times within a
3 two-year period is declared to be a public nuisance and shall not
4 be kept within unincorporated King County forty-eight hours after
5 receiving written notice from the director. Such animal or
6 animals found in violation of this section will be impounded and
7 disposed of as an unredeemed animal, and the owner or keeper of
8 such animal(s) has no right to redeem such dog or animal.

9 SECTION 5. Severability. Should any section, subsection,
10 subdivision, paragraph, sentence, clause or phrase of this chapter
11 or application thereof to any person or circumstance, be declared
12 unconstitutional or invalid for any reason, such decision shall
13 not affect the validity of the remaining portions of this chapter,
14 or its application to any person or circumstance.

15 INTRODUCED AND READ for the first time this 1st day of
16 December, 1986.

17 PASSED this 12th day of January, 1987.

18 KING COUNTY COUNCIL
19 KING COUNTY, WASHINGTON

20 Gary Grant
21 Chairman

22 ATTEST:

23 Donna M. Owens
24 Clerk of the Council

25 APPROVED this 22nd day of January, 1987.

26 [Signature]
27 King County Executive