

**Ordinance No. 5612**

AN ORDINANCE amending Chapter 6.04 of the Olympia Municipal Code relating to animal services.

**THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

Section 1. That Sections 6.04.010, 6.04.020, 6.04.040, 6.04.050, 6.04.055, 6.04.057, 6.04.060, and 6.04.070 of the Olympia Municipal Code are hereby repealed.

**Chapter 6.04**

**ANIMAL SERVICES**

- NEW SECTION 6.04.010 Purpose.
- NEW SECTION 6.04.020 Enforcement.
- NEW SECTION 6.04.030 Definitions.
- NEW SECTION 6.04.040 Licensing and registration requirements.
- NEW SECTION 6.04.050 Regulations and violations relating to pet animals.
- NEW SECTION 6.04.060 Cruelty to animals.
- NEW SECTION 6.04.070 Confinement or restraint of a pet animal.
- NEW SECTION 6.04.080 Venomous and constrictor reptiles.
- NEW SECTION 6.04.090 Unlawful release of pet animal.
- NEW SECTION 6.04.100 Impoundment and redemption.
- NEW SECTION 6.04.110 Potentially dangerous dog or dangerous dog.
- NEW SECTION 6.04.120 Infractions.
- NEW SECTION 6.04.130 Misdemeanors and gross misdemeanors.

**NEW SECTION 6.04.010 Purpose.** This chapter is enacted for the purpose of regulating the keeping of dogs, cats, and other pet animals within the City of Olympia.

**NEW SECTION 6.04.020 Enforcement.** The Animal Services Director, his/her designees, and other officers as defined in Section 6.04.030(Q) are hereby authorized and delegated the responsibility for enforcement of laws set forth in this code and in Chapter 16.08 and 16.52 RCW, including the issuance of misdemeanor citations and notices of infraction.

**NEW SECTION 6.04.030 Definitions.**

- A. "Abandon" means the act of leaving a pet animal without humane care in such a way that the health or safety of the animal is imperiled.
- B. "Animal" means any nonhuman mammal, bird, reptile, or amphibian.
- C. "Animal Services" means the agency designated to enforce this ordinance and operate a shelter facility designated or recognized by the cities of Lacey, Olympia, and Tumwater and Thurston County for the purpose of impounding, caring for, placing through adoption, returning to owners, and euthanizing pet animals.

- D. "At large" means any pet animal that is not in the physical presence and control of an owner or keeper; provided that the following animals shall be considered at large only under the following circumstances:
1. When a dog, licensed or not, is found off the premises or outside the vehicle of the owner and not under control of a person by means of a leash, carrier, or demonstrated voice command; or
  2. For the purpose of this section, the dog is presumed not to have been under control and to be at large if the person purporting to exercise control is unable to immediately cause the dog to heel by giving the appropriate voice command; or
  3. When an unleashed dog interferes with pedestrian or vehicular movement, causes affront or alarm to a person, or if injury or damage has been caused by the dog, or trespass has occurred; or
  4. When a cat, licensed or not, is on property where the property owner or tenant objects to the presence of the cat and has humanely trapped or otherwise contained the cat.
- E. "Cattery" means an establishment kept for the purpose of breeding, owning, selling, or boarding of cats, and having a current certification by a nationally recognized cattery registration group that formulates and applies their own standards for appropriate care, such as Cat Fanciers Association, the American Cat Fanciers Association, the International Cat Association, or the United Feline Organization.
- F. "Dangerous dog" means a dog that according to the records of Animal Services has committed serious offenses as more fully set fourth in Section 6.04.110.
- G. "Domestic animal" means an animal other than a pet animal which may or may not be used as a food source such as, but not limited to, a rabbit, chicken, goat, sheep, cow, or horse.
- H. "Euthanasia" means the humane killing of an animal.
- I. "Exotic animal" means an animal, such as, but not limited to, venomous or constrictor type reptiles, or primates.
- J. "Harbors, keeps, possesses, or maintains a pet animal" means providing care, shelter, protection, refuge, food, or nourishment in such manner as to influence the behavior of the animal; or, treating the animal as living at one's property.
- K. "Humane care" means care of an animal that includes providing necessary food, water, shelter, rest, sanitation, ventilation, space, and medical attention in a way that the health and safety of the animal is not imperiled.
- L. "Impound" means to take control of any animal pursuant to the terms of this chapter.
- M. "Kennel"
1. "Commercial kennel" means a place where adult dogs are bred by a person providing facilities for breeding and the offspring are sold, where such dogs are received for care, training, and boarding for compensation, not including a small animal hospital, clinic, or pet shop. An adult dog is one that has reached the age

of six months.

2. "Hobby kennel" means a noncommercial kennel at or adjoining a private residence where four or more adult dogs are bred and/or kept for hunting training, and exhibit for organized shows, field working, and/or obedience trials or for enjoyment of the species.
- N. "Leash" means a cord, thong, or chain by which a dog is controlled by the person accompanying it.
- O. "License" means the dog, cat, or other pet animal license issued for registration and identification.
- P. "Nuisance pet animal" means a pet animal that:
1. Damages or destroys landscaping or property of another person, including destruction of wildlife that has been purposefully attracted to the person's property, or
  2. Soils or defecates on public or private property other than the owner's, unless such waste is immediately removed and properly disposed of by the owner of the pet animal, or
  3. Causes unsanitary, dangerous, or offensive conditions, or
  4. Is a female dog or cat in heat not confined within a structure to prevent access of male dogs or cats except for planned breeding, or
  5. Chases people or vehicles, or molests or interferes with persons or other animals on public or private property other than the owner's property, or
  6. Habitually or continually disturbs the peace and quiet of any individual or neighborhood by barking, whining, howling, or making any other noise (domestic animals are exempted from this provision); or
  7. Trespasses on private property and the property owner or tenant supplies a written complaint to Animal Services, and, in the case of a cat, physically contains the cat.
- Q. "Officer" means any Animal Services officer, police officer, or other commissioned person designated by the City of Olympia to issue citations, pick up, restrain, impound, place, or dispose of animals or give notice for any other acts, duties, or functions prescribed by this chapter or other chapters relating to pet animals.
- R. "Owner" means any person who harbors, keeps, possesses, or maintains a pet animal, or who encourages a pet animal to remain about their property for a period of fourteen (14) consecutive days or more, or the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner for the purpose of this chapter.
- S. "Pet animal" means any species of wild or domestic animal sold or retained for the purpose of being kept for pleasure, companionship, or utilitarian purpose and not kept as a food source.

- T. "Restrained" means secured by a leash or lead and under physical control of a person with the strength and judgment to handle the animal, or tethered to a stationary object which keeps the animal confined to the pet owner's property or premises.
- U. "Severe injury" means any physical injury that results in broken bones or lacerations requiring sutures or cosmetic surgery.
- V. "Sterilized" means the animal is surgically rendered incapable of reproduction by means of castration or an ovariectomy.

**NEW SECTION 6.04.040 Licensing and registration requirements.**

- A. Failure to license a pet animal. Except as otherwise provided in this chapter, it is unlawful for any person to own, keep, or have control of any dog or cat in the City of Olympia unless the person has procured a license. Failure to license a pet animal is a class 4 civil infraction.
- B. Issuance of license tag. Animal Services or agents thereof shall provide an appropriate identification tag for each dog or cat licensed to persons applying, upon payment of the appropriate license fee. It shall be the responsibility of the owner of a dog to keep a collar or harness on the animal with the license tag attached if the animal is off the owner's property. For cats only a microchip may substitute if a collar is considered a hazard.
- C. Supplemental identification. Tattooing or microchip implantation are acceptable auxiliary means of identification but not replace the license.
- D. Lack of authorized and current tag. A dog or cat without an authorized and current license tag may be impounded, except as otherwise set fourth in this chapter.
- E. Annual License Fees.

Annual license for dogs which are not sterilized .....	\$24.00
Annual license for dogs which are sterilized or which are under six months of age.....	\$12.00
Annual license for dogs which are not sterilized and whose owners are low income senior citizens as identified in RCW 84.36.381(5)(b)(ii) .....	\$9.00
Annual license for dogs which are sterilized and whose owners are low income senior citizens as identified in RCW 84.36.381(5)(b)(ii) .....	\$6.00
Annual license for cats which are not sterilized.....	\$16.00
Annual license for cats which are sterilized or are under six months of age .....	\$8.00
Annual license for cats which are not sterilized and whose owners are low income senior citizens as identified in RCW 84.36.381(5)(b)(ii) .....	\$4.00
Annual license for cats which are sterilized and whose owners are low income senior citizens as identified in RCW 84.36.381 (5)(b)(ii) .....	\$6.00
Duplicate license .....	\$3.00

Voluntary license, other pet animal .....	\$6.00
Annual hobby kennel permit .....	\$25.00
Plus each dog in hobby kennel shall be licensed for a fee of .....	\$1.00
Annual commercial kennel permit .....	\$25.00
Annual cattery permit .....	\$18.00
Certified service dog and police dogs .....	\$0.0

- F. Date due. All licenses granted under this chapter shall be valid for one year, the licensing year commencing on January 1 running through December 31. Cat licenses shall be required effective January 1, 1997.
- G. Licenses nontransferable. Licenses shall not be transferable from one pet animal to another.
- H. Tag removal unlawful. It is unlawful for any person to remove a tag from any pet animal, or to obliterate any tattoo or microchip registered under this section without the permission of the owner or issuing authority other than in a medical emergency. A violation of this provision shall be a gross misdemeanor.
- I. Kennel or cattery permit. A kennel or cattery permit may be granted for those areas where such use is not prohibited by local zoning. An annual fee in lieu of individual licensing for each animal may be granted for the following:
- J. Private nonprofit animal welfare or protection organizations that have IRS 501 (c)(3) status with operating standards and criteria and whose primary purpose is to provide temporary care, shelter, and placement of animals, or
- K. Catteries (as defined in Section 6.04.030(E) that can demonstrate that all cats placed in Olympia are reported to Animal Services and all nonshow quality cats are sold or given away with a blinding contract for sterilization.
- L. Hobby kennels (as defined in Section 6.04.030(M)).
- M. Exotic Animals. Owners of constrictor type reptiles over eight foot in length, venomous reptiles, and primates are required to annually register such animals with Animal Services by completing a form provided by Animal Services. Failure to register such animals shall be a misdemeanor.

**NEW SECTION 6.04.050** Regulations and violations relating to pet animals. Any person who harbors, keeps, possesses, maintains, or has temporary custody of a pet animal shall be responsible for the behavior of such animal whether the owner knowingly permits the behavior or not. Such person shall violate the terms of this chapter if:

- A. Dog at large. Such person's dog is at large as defined in Section 6.04.030(D); provided, however, this section shall not prohibit the owner and pet animal from

participating in an organized show or training, exercise, or hunting session in locations designated and authorized for that purpose.

- B. Nuisance pet animal. Such person's pet animal constitutes a nuisance pet animal as defined in Section 6.04.030(P). Nuisance pet animal is a class 4 infraction.
- C. Pet animal on public property. Such person's pet animal is on property such as a public park, beach, or school ground and not on a leash held by a person who is able to maintain physical control, or proper safeguards have not been taken to protect the public and property from injury or damage from said animal, or is in violation of additional specific restrictions which have been posted. Such restrictions shall not apply to cats, guide dogs for the visually impaired, service animals for the physically handicapped, or to dogs on public property leash. Pet animals on public property is a class 4 infraction.
- D. Injury to a person or animal. Such person's pet animal causes injury to a person or domestic or pet animal (see also potentially dangerous dog or dangerous dog, Section 6.04.030). Injury to a person or animal is a misdemeanor.
- E. Failure to possess removal equipment or to remove fecal material. Such person (1) fails to possess in a public park the equipment or material necessary to remove animal fecal matter when accompanying a pet animal, or (2) fails to remove animal fecal material when accompanying a pet animal off the owner's property. Failure to possess removal equipment or to remove fecal material is a class 4 infraction.
- F. Failure to sterilize an adopted pet animal. Such person, when adopting a pet animal from the Animal Services Shelter, fails to have the pet sterilized within the time period specified in the written agreement, unless specifically recommended by a veterinarian in writing, or in cases of verifiable placement within a governmental law enforcement agency. Failure to sterilize an adopted pet animal is a class 4 infraction.
- G. Failure to provide humane care. Such person fails to provide a pet animal with humane care as defined in Section 6.04.030(K). Failure to provide humane care is a misdemeanor.
- H. Failure to meet terms of quarantine. Such person fails to accept or to meet the terms of a quarantine notice served pursuant to Thurston County Health Department regulations after an animal has bitten a human. Failure to meet terms of quarantine is a misdemeanor.

**NEW SECTION 6.04.060 Cruelty to animals.**

- A. No person shall perform any acts described in RCW 16.52 which are punishable as gross misdemeanors. A violation of this subsection shall constitute cruelty to animals in the first degree. Cruelty to animals in the first degree is a gross misdemeanor.
- B. No person shall perform any acts described in RCW 16.52.207 (animal neglect) or perform or omit any other acts described in other sections of RCW Chapter 16.52, which performance or omission is punishable as a misdemeanor. Such violation

shall be considered a misdemeanor under this ordinance. Cruelty to animals in the second degree is a misdemeanor.

- C. Killing of rodents, moles, or shrews by traps specified for these species, slaughter of food source animals, or hunting of animals as set forth in RCW 77.32 are exempt from this section. Humane euthanasia of animals by Animal Services or veterinarians shall not constitute a violation of this section.
- D. In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall be two years.
- E. In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this section or if the defendant has a prior conviction under this section or a similar ordinance or state statute. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur. If forfeiture is ordered, the owner shall be prohibited from owning or caring for any similar animals for a period of two years. The court may delay its decision on forfeiture under this subsection until the end of the probationary period.
- F. In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.
- G. As a condition of the sentence imposed under this chapter, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

**NEW SECTION 6.04.070** Confinement or restraint of a pet animal. A pet animal shall not be trapped in any manner that subjects the animal to injury inherent in the mechanism of the trap. A humane box trap may be set on a complainant's property for the purpose of trapping nuisance pet animals. Animals which are caught in such a trap must be returned to their owners or taken to Animal Services. Injurious confinement or restraint of a pet animal is a misdemeanor.

**NEW SECTION 6.04.080** Venomous and constrictor reptiles. A humane and secure facility shall be provided for constrictor type reptiles over eight (8) feet in length and all venomous reptiles. Escape of any venomous reptile or constrictor type reptile must be reported immediately to Animal Services. Failure to comply constitutes a misdemeanor.

**NEW SECTION 6.04.090** Unlawful release of pet animal. No person other than the owner or an officer acting in an official capacity to enforce this chapter shall release a pet animal from any enclosed area within which the animal is properly restrained or from

any restraining device such as a leash or chain by which the animal is properly restrained. Unlawful release of a pet animal is a misdemeanor.

**NEW SECTION 6.04.100 Impoundment and redemption.**

- A. Impoundment. An officer may impound any pet animal involved in violations of Section 6.04.050(A) through (D) and (F) through (H), or any other pet animal at large as defined in Section 6.04.030(D).
- B. Notification of owner. Upon any pet animal being impounded, Animal Services shall, as soon as feasible, notify the owner, if the owner is known, of the impoundment of the pet animal, and the terms required for the pet animal's return to the owner. Notification may be by telephone, or by other means appropriate for the circumstances, and shall include a description of the pet animal, the reason for impoundment, the general location where the animal was found, and the date when the impounding occurred, and shall advise the owner that the pet animal may be placed for adoption or euthanized by Animal Services unless reclaimed within the time limits provided in this section.
- C. Reclaim of pet animal. The owner may reclaim any pet animal impounded under this chapter within a 48-hour holding period, excluding Sundays and holidays, from the time of impoundment by paying a service charge pursuant to a posted schedule of fees duly adopted by the Joint Animal Services Commission, and, if the pet animal is a pet animal which is not licensed, shall also pay the appropriate fee for a license. Service charges are in addition to any fine, penalty, or medical fee incurred.
  - 1. Failure by owner to reclaim. If the owner of the pet animal can be identified and fails to reclaim the pet or sign a release of ownership of the pet animal within the 48-hour holding period, the pet animal will be considered released to Animal Services. However the owner will remain responsible for payment of the impound, medical, and kennel fees.
  - 2. Availability for adoption. If the pet animal is not redeemed by the owner within 48 hours of impoundment, it will be made available for adoption during the next 48 hours, not including Sundays and holidays, unless, in the opinion of the Animal Services Director or director's designee, the animal is unsuitable for adoption, in which case it may be humanely destroyed.
  - 3. Late Reclaim. If a pet is adopted after the 48 hour holding period, and an owner appears to reclaim the animal after that time, return of the animal to the original owner shall be at the discretion of the adopter.
- D. Owner unknown. If the owner of a pet animal is not known, notice providing appropriate information as described in Section 6.04.100 (B) above shall be recorded onto a telephone message device maintained by Animal Services. This notice shall continue to be recorded for a period of 96 hours from the date of impoundment, or less if said pet animal is reclaimed or adopted after the 48-hour holding period required by Section 6.04.100 (C) above.

- E. Sick and injured. All seriously sick or injured pet animals, licensed or not, may be impounded when not in the owner's possession and may be given emergency medical treatment or euthanized. 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 Animal Services. The Animal Services Director or designee shall immediately notify the owner, if the owner is known, and if the owner is unknown, make all reasonable efforts to locate and notify the owner.
- F. Abandoned pet animals. Officers are empowered to impound any pet animal found abandoned within any building, establishment, or property, whether public or private. Upon such impoundment, Animal Services shall treat such pet animal in the same manner as other impoundments provided for in this chapter. Litters of puppies and kittens under three months of age brought to or left at the Animal Shelter may be made available for adoption, placed in foster care, or euthanized immediately at the discretion of the Director or the Director's designee.
- G. Humane destruction. If any pet animal is not redeemed or adopted at the end of the 96-hour holding period from the time it entered the shelter, it may be euthanized.

**NEW SECTION 6.04.110 Potentially dangerous dog or dangerous dog.**

- A. Classification. The Animal Services Director or designee shall have authority to classify potentially dangerous dogs and dangerous dogs. The Animal Services Director may find and declare an animal potentially dangerous or dangerous if there is probable cause to believe that the animal's action falls within the descriptions which follow. The finding must be based upon the written complaint of a person who has pertinent information and who is willing to testify that the dog has acted in a manner which may cause it to be classified as a dangerous dog or a potentially dangerous dog; and one of the following:
  - 1. Reports on file with Animal Services about previous aggressive behavior by the dog; or
  - 2. Actions of the dog witnessed by any Animal Services Officer or law enforcement officer; or
  - 3. Other substantial evidence.
- B. Actions resulting in designation. The following actions may result in the designation as potentially dangerous dog or dangerous dog.
  - 1. A dog shall be declared potentially dangerous if, unprovoked, it:
    - a. Inflicts bites on a human or a pet or domestic animal either on public or private property; or
    - b. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or
    - c. Has a known propensity to attack unprovoked, or to cause injury, or otherwise to threaten the safety of humans or pet or domestic animals.
  - 2. A dog shall be declared a dangerous dog when, according to the records of

Animal Services, the dog has:

- a. Inflicted severe injury on a human being without provocation on public or private property;
  - b. Killed a pet or domestic animal without provocation while off the owner's or keeper's property; or
  - c. Aggressively bitten, attacked, or endangered the safety of humans or pet or domestic animals after previously having been found to be potentially dangerous, and the owner or keeper has received written warning.
3. A dog shall not be declared potentially dangerous or dangerous if:
- a. The treat, 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 or keeper of the dog, or
  - b. The person was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or
  - c. The person was committing or attempting to commit a crime; or
  - d. Another pet animal or domestic animal has entered the property of the owner of the dog without invitation; or
  - e. The dog, when on a leash, is responding to attack by another pet or domestic animal whether on or off the owner's premises.

C. Declaration as potentially dangerous or dangerous dog.

1. The declaration of potentially dangerous or dangerous shall be in writing and shall be served on the owner or keeper in one of the following methods:
  - a. Certified mail to the owners or keeper's last known address; or
  - b. Personally; or
  - c. If the owner or keeper cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
2. The declaration shall state at least:
  - a. The description of the dog;
  - b. The name and address of the owner or keeper of the dog;
  - c. The whereabouts of the dog if it is not in the custody of the owner or keeper;
  - d. The facts upon which the declaration of potentially dangerous or dangerous is based;
  - e. The availability of a hearing in case the person objects to the declaration, if a written request is made within ten days;
  - f. The restrictions placed on the dog as a result of the declaration of potentially dangerous or dangerous;



2. Dangerous dogs.
  - a. Must be securely muzzled and leashed and under the control of a person physically able to control the dog if the dog is away from the premises of the owner or keeper; or
  - b. While on the premises of the owner or keeper, the dog must be securely confined inside a locked building, kennel, pen, or other structure having secure sides, bottom, and top, suitable to prevent the entry of young children and designed to prevent the animal from escaping; and
  - c. Must be kept in conformance with other restrictions which may be set forth in the notice classifying the dog as dangerous.
- E. Certificate of registration as dangerous dog. The Animal Services Director shall issue a certificate of registration to the owner or keeper of a dangerous dog if the owner or keeper presents sufficient evidence of:
  1. A proper enclosure to confine the dog, which meets the requirements of Section 6.04.110 (D) and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property; and
  2. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW, in a form acceptable to the Animal Services Director in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurer qualified under RCW Title 48 in the amount of at least \$50,000, insuring the owner or keeper for any injuries inflicted by the dangerous dog; and
  3. Such other identifying information as may be required by the Animal Services Director; and
  4. Certification that the owner or keeper is aware of and understands the nature of the dog and the provisions of the law which apply to it; and
  5. Payment of an annual registration fee for a dangerous dog in the sum of \$75.00, which shall be in addition to the annual license fee.
- F. Violations relating to potentially dangerous or dangerous dog regulations.
  1. Any potentially dangerous or dangerous dog which is in violation of the restrictions contained within this section or of restrictions imposed as part of declaration of potentially dangerous or dangerous dog, may be seized and impounded at the expense of the dog owner.
  2. Any person violating the provisions of this section relation to keeping, securing, or confining of potentially dangerous dogs shall be deemed guilty of a misdemeanor and shall be subject to those penalties set forth in RCW9A.20.021 (3).
  3. Any person violating the provisions of this section relating to keeping, securing, or confining of dangerous dogs shall be deemed guilty of a gross misdemeanor and shall be subject to those penalties set forth in RCW 9A.20.021 (2).

4. The Animal Services Director may petition the Olympia Municipal Court to determine disposition of said potentially dangerous or dangerous dog. The owner or keeper of said dog shall be given notice of such hearing and attendance shall be mandatory. After hearing, the court may rule that:
  - a. There is insufficient evidence to support the allegations made, whereupon the dog will be released to its owner subject to any restrictions imposed upon it previously; or
  - b. The dog shall be euthanized by Animal Services; or
  - c. Under special circumstances and subject to the restrictions of Chapter 16.08 RCW, the owner or keeper may be allowed to permanently remove the dog from the city; provided that adequate security or assurance against its return is given, and the court is convinced that the dog will be kept in such a manner that it is no longer a danger to persons, property, or other animals.

G. Other dangerous pet animals. The Animal Services Director or designee shall have authority to classify other pet animals as dangerous under the same criteria as used in Section 6.04.110(A) for dogs. Such designation will be based on specific actions by the animal such as those noted in Section 6.04.110(B) and the Animal Services Director or designee shall have authority to require the owner or keeper of such pet animal to take certain actions to control or confine the pet animal. Once a pet animal has been declared potentially dangerous or dangerous, any violations of the provisions of this section will be handled in the same manner as violations under Section 6.04.110(F).

**NEW SECTION 6.04.120 Infractions.** Violation of the following sections of this chapter shall constitute a Class 4 civil infraction:

- A. Section 6.04.040(A) Failure to license.
- B. Section 6.04.050(A) Dog at large.
- C. Section 6.04.050(B) Nuisance pet animal.
- D. Section 6.04.050(C) Pet animals on public property.
- E. Section 6.04.050(E) Failure to remove fecal material.
- F. Section 6.04.050(F) Failure to sterilize and adopted pet animal.

Civil infractions shall be heard and determined according to Chapter 7.80 RCW, as amended, and any applicable court rules. Per Section 7.80.120 RCW, the maximum penalty and default amount for a class 4 civil infraction shall be \$25, not including statutory assessments.

**NEW SECTION 6.04.130 Misdemeanors and gross misdemeanors.**

- A. Where this chapter designates violations as misdemeanors, such violations shall, upon a conviction being obtained, result in a fine not to exceed \$1,000, or to imprisonment not to exceed ninety days, or to both such fine and imprisonment, unless a different fine or duration of imprisonment is mandated by state law.
- B. Where a violation is designated as a gross misdemeanor, a conviction thereon shall result in a fine not to exceed \$5,000, or to imprisonment not to exceed one year, or

to both such fine and imprisonment, unless a different fine or duration of imprisonment is mandated by state law.

Section 3. 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 4. This ordinance shall become effective thirty days after final passage, provided that any provisions requiring or relating to the licensing of cats shall become effective on January 1, 1997.

(Signed by) Bob Jacobs  
Mayor

**ATTEST:**

(Signed by) Jane Kirkemo  
City Clerk

**APPROVED AS TO FORM:**

(Signed by) Mark Erickson  
City Attorney

Passed: July 2, 1996

Approved: July 2, 1996

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