

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 1842

AN ORDINANCE regulating the keeping of animals within the City, and repealing Sections 7.20.150, 7.24.100, 7.24.110, and Chapters 7.70, 8.04, 8.06, 8.08 and 8.12 of the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Title 8, Bellevue City Code, is hereby amended by adding thereto the following chapters:

8.04.010 Purpose. This chapter is enacted for the purpose of regulating the keeping of 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.

8.04.020 Definitions. In construing the provisions of this title, 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:

1. ANIMAL includes any living creature except man.
2. ANIMAL CONTROL AUTHORITY means the King County Animal Control Division, Department of General Services, as agent of the City of Bellevue, or any other duly authorized agent of the City, acting alone or in concert with other municipalities for enforcement of the animal control laws of the City of Bellevue and State of Washington and the shelter and welfare of animals.
3. ANIMAL CONTROL OFFICER means any individual employed, contracted or appointed by the City of Bellevue for the purpose of aiding in the enforcement of this ordinance 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 police 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.
4. AT LARGE means to be off the premises of the owner and not under the control of the owner or of a competent person authorized by the owner, whether by leash or otherwise; but an animal within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.
5. BARKING DOG means any dog which by frequent or habitual howling, yelping, or barking unreasonably annoys or disturbs other persons in the vicinity of the premises or upon the public street or in a public place.
6. CAT or DOG includes both male and female, natural or sterilized.
7. DOMESTICATED ANIMAL includes, but is not limited to, any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep or hog, or other animal made to be domestic.

8. EUTHANASIA means the humane destruction of an animal; accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during such loss of consciousness.

9. GROOMING PARLOR means any place or establishment, public or private, where animals are bathed, clipped, or combed for a consideration, for the purpose of enhancing their aesthetic value.

10. HARBORING: The occupant of any premises on which an animal remains or to which it customarily returns daily for food and care for a period of 10 days is presumed to be harboring or keeping the animal within the meaning of this title.

11. HOBBY KENNEL means a noncommercial kennel at, or adjoining, a private residence where four or more adult dogs or four or more adult cats are bred and/or kept for hunting, training, exhibition for organized shows, field, working and/or obedience trials, or for enjoyment of the species. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four months.

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

13. LEASH includes a cord, thong or chain not more than eight feet in length by which an animal is controlled by the person accompanying it.

14. LICENSE, when not preceded by the word kennel or hobby kennel means the cat or dog license issued by or on behalf of the City of Bellevue under this title.

15. OWNER OR KEEPER includes any person having an interest in or right of possession to an animal or any person having control, custody, or possession of an animal or who by reason of the animal being seen residing consistently at a location shall be presumed to be the owner or keeper.

16. OFFICER OR OFFICIAL means any police officer or any officer, official, person or persons designated by the City Manager or by ordinance of this City to issue licenses, pick up, restrain, impound, sell, dispose, or give notice for any other acts, duties or functions prescribed by ordinance of the City relating to the animals herein regulated.

17. PACK OF DOGS consists of a group of three or more dogs running upon either public or private property not that of the dogs' owner in a state in which either control of the dog or its ownership is in doubt and when such dogs are not under restraint.

18. PERSON means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

19. PET SHOP includes any establishment or place where live animals, birds or fish and/or supplies are kept and offered for sale to the public.

20. DEPREDATORY ANIMAL includes any animal of either sex whose actions or habits customarily defile, despoil, or damage property of persons other than its owner.

21. PUBLIC EMERGENCY includes any situation resulting from conditions of war, insurrection, contagious diseases or other circumstances

which, in the opinion of the Chief of Police, warrants the restraint and confinement of animals within the premises of the owner or keeper.

22. RESTRAINT. An animal is considered to be under restraint if it is confined within the property limits of its owner or keeper by a suitable fence or securely restrained within the premises by a leash affixed to a post or other securely fixed object.

23. RUNNING AT LARGE means to be off the premises of the owner and not under the control, either by leash or other means, of the owner or a competent person authorized by the owner.

24. 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 devoted to the welfare, protection, and humane treatment of animals.

25. SPAYED FEMALE includes a female cat or dog which has been sterilized by a licensed veterinarian to avoid or prevent conception. Proof of such sterilization must be evidenced by the certificate of a licensed veterinarian.

26. UNDER CONTROL means the animal is under voice and/or signal control so as to be thereby restrained from approaching any bystander or other animal and from causing or being the cause of physical or property damage when off a leash or off the premises of the owner.

27. VETERINARY HOSPITAL includes any establishment maintained and operated by a licensed veterinarian for the diagnosis, treatment, and care of diseased or injured animals and for their care and training.

28. VICIOUS means the propensity to do any act that might endanger the safety of any person, animal, or property of another, including but not limited to a disposition to mischief or fierceness as might occasionally lead to attack on human beings without provocation, whether in play or outbreak of untrained nature.

8.04.030 Annual license required--tags. Except as provided in Bellevue City Code, Section 8.06.060 it is unlawful to keep or harbor a cat or dog over four months of age within the City of Bellevue unless an animal license shall be procured for the animal annually from the City or the City's authorized agent. The provisions of this section shall not apply to dogs or cats whose owners are nonresidents, temporarily within the City for a period not exceeding 30 days, nor to dogs kept in duly licensed kennels during the period the dog is kept at such kennel.

8.04.035 Application for license--fees. Dog and cat licenses shall be issued by the animal control authority upon application and payment of an annual license fee in the sum of \$5.00 for dogs, except that when proof is submitted that such dog has been neutered or spayed the fee shall be \$3.00, and \$3.00 for cats, except that when proof is submitted that such cat has been neutered or spayed the fee shall be \$2.00. The annual license fee shall become due and payable on January 1 of each year. Applications for a dog or cat license shall be on forms provided by the animal control authority. The application shall list

the name, address and phone number of the owner of the animal and such information shall be kept, conveniently indexed, by the licensing official together with the number of the license issued. The license shall expire each year on the 31st day of December following the date of issuance. No proration of a license fee for a portion of the calendar year shall be made.

8.04.040 Dog collar--shape and size of license tag--removal of tag.

Each licensed dog shall be provided by the owner or keeper with a suitable collar or harness which shall be worn by the animal at all times. To such collar or harness shall be affixed a tag provided by the animal control authority for each year for which a license has been procured. Such license tag shall be so affixed as to hand and be discernible to a person a normal vision at not less than 10 feet. The license tag shall be stamped with the number and year for which it is issued. As an alternative to a license tag, at the option of the owner, a dog or cat may be identified as licensed by being tattooed on its right ear or on its inside right thigh or groin with a license number approved or issued by the City.

8.04.045 Change in ownership--fee. Whenever the ownership of a dog or cat shall change, the new owner shall notify the licensing official and pay to the official a sum equal to 50% of the annual fee, whereupon the licensing official shall change the record accordingly for such dog or cat and the previously issued license for such dog or cat shall remain valid for the remainder of the year.

8.04.050 Lost tag--replacement fee. Any owner or keeper of a licensed dog or cat whose current license tag has been lost may obtain a replacement tag, prior to impounding of such dog or cat, by payment of a fee of .50¢ to the licensing official.

8.04.055 Penalty. A late penalty in the sum of \$10.00 shall be charged to each owner who does not obtain the required license until after March 1 of any year, provided, however, that a dog or cat acquired after January 1 of any year shall be licensed within 60 days from the date of its acquisition and in such cases the additional fee shall be charged only on applications received after the expiration of that 60 day period.

8.04.090 Control of animals. It shall be unlawful for the owner or keeper:

1. To permit an animal to run at large on public school grounds or public playgrounds;
2. To permit a dog in public parks or beaches except on a leash and subject to all applicable park rules and regulations or ordinances regulating the use of parks;
3. To permit any animal to enter a church, market or other place where food is stored, prepared, served or sold to the public or any other public place or hall, except for animal shows or other exhibition purposes, veterinary hospitals, kennels or places for which the licensing official has issued a permit under provisions of this title, or organized dog training classes where at least 24 hours advance notice has been given to the official, by such persons requesting to hold such animal shows, exhibitions or dog training classes, provided, however, that this subsection shall not apply to any blind person using a trained seeing-eye dog;

4. To permit a female dog to run at large while in heat (estrus);
5. To permit a dog to roam, run, stray, or to be away from the premises of the owner or custodian and to be on any public place or on any public property or the private property of another in the City, unless such dog while away from such premises be controlled by a leash or chain not more than eight feet in length, such control to be exercised by the owner or custodian or other competent and authorized person; and any dog found roaming, running, straying, or being away from the premises of the owner or custodian and not under control as herein provided may be impounded subject to redemption in the manner provided by ordinance;
6. To permit a vicious, depredatory, destructive or diseased animal to run at large after the owner or keeper has been notified by an official that such animal has been so classified or that reports or complaints of one or more persons have been filed or registered with the Animal Control Officer which would put the owner or keeper on notice of a disposition or tendency, condition or conduct of such animal that creates a threat of injury to any person or animal or properties of others;
7. To permit any animal of fierce, dangerous or vicious tendencies to run at large within the City and fail to keep such animal securely confined when on the owner's premises so that such animal cannot reach mailmen, delivery men, or others who may have occasion to enter the owner's premises in the course of their lawful work;
8. To harbor or permit a barking dog as defined in Section 8.04.020.
9. To keep, harbor or maintain animals known to have a contagious disease unless under the treatment of a licensed veterinarian;
10. For any person owning or having control of any cattle, horses, goats, swine or sheep to permit or suffer such animals to escape from the premises owned, leased or occupied by the owner or custodian of such animals, or to run at large onto the streets, sidewalks or ways of the City of Bellevue or upon any property therein not owned, leased or occupied by such person;
11. For the owner or keeper of cattle, horses, or goats to stake out or tether such animals along the public ways of the City of Bellevue or upon the property of any person other than the owner or person having custody of such animals without the prior consent of the owner, lessee or occupant of the land upon which such animals are staked or tethered;

8.04.100 Complaints--Adjudication of classification of animal.

- A. Any person, reasonably apprehensive over the safety of his person, his family, or his property because of the threatening, vicious or depredatory actions of any animal may make written complaint, giving such information as may be required by the official.
- B. Any owner or keeper aggrieved at the classification of his animal as vicious, depredatory or destructive may request a hearing before the District Court Judge to determine the justification of such classification or the merit of the complaints. In the event of the affirmance of such classification the owner or keeper appealing shall pay the costs of such hearing including a \$6.00 filing fee and the fees to other witnesses called by the official in support of the classification.

8.04.110 Nuisances defined--Violation. Nuisances, defined as follows are violations of this title:

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

2. Any domesticated animal which runs at large in any park, or enters any public beach, pond, fountain or stream therein, or upon any public playground or school ground; provided, however, that this section shall not prohibit a person from walking or exercising an animal in a public park or on any public beach when such animal is on a leash, tether, or chain not to exceed eight feet in length. This section shall not apply to any blind person using a trained seeing-eye dog, to animal shows, exhibitions or organized dog training classes where at least 24 hours advance notice has been given to the animal control authority by such persons requesting to hold such animal shows, exhibitions, or dog training classes.

3. Any animal which enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall. This section shall not apply to any blind person using a trained seeing-eye dog, to veterinary offices or hospitals, or to animal shows, exhibitions or organized dog training classes where at least 24 hours advance notice has been given to the animal control authority by such persons requesting to hold such animal shows, exhibitions or dog training classes.

4. A female domesticated animal while in heat (estrus) accessible to other animals for purposes other than controlled and planned breeding.

5. Any domesticated animal which chases, runs after, or jumps at vehicles using the public streets and alleys.

6. Any domesticated animal which habitually snaps, growls, snarls, jumps upon or otherwise threatens persons using the public sidewalks, streets, alleys or other public ways.

7. Any animal which has exhibited vicious propensities and which constitutes a danger to the safety of persons or property off its premises or lawfully on its premises.

8. An animal with vicious propensities which runs at large at any time, or which is off its owner's premises not securely leashed on a line or confined or under the control and restraint of a person of suitable age and discretion.

9. Any domesticated animal which by frequent or habitual howling yelping, whining, or barking or other oral noises unreasonably annoys or disturbs other persons in the vicinity of the premises or upon the public street.

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 animal control authority.

12. Animals on any public property not under control 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. Dogs running in packs.

8.04.120 Cruelty to animals.

A. Injuring animal with vehicle. No person shall willfully injure, beat, abuse or run down any animal with a vehicle. Any person who kills or injures an animal while driving a vehicle shall stop at the scene of the accident and render such assistance as practicable; shall make reasonable efforts to locate and identify himself to the owner or to any person having custody of the animal and shall report the accident immediately to the police department or animal control officer.

B. Feeding and care of animals. It shall be unlawful for any person to keep or harbor an animal within the City without providing a suitable dry place for the housing thereof or to fail to provide a suitable amount of wholesome food and clean water for the nutrition and comfort thereof or to leave the premises upon which such animal is confined or to which it customarily returns for more than 24 hours without providing for the feeding and care of such animal in the absence of such person.

C. Poisoning of animals. It shall be unlawful to lay out or expose any kind of poison or to leave exposed any poisoned food or drink for man, animal or fowl or any substance or fluid whatever whereon or wherein there is or shall be 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; except that the provisions of this section shall not apply to the killing by poison of an animal or bird in a lawful and humane manner by the owner thereof or by a duly authorized servant or agent of such owner, or by a person acting pursuant to instructions from a duly constituted public authority, in accordance with the exceptions provided in RCW 16.52.190.

D. Injury to animal - Neglect of injured animal. It is unlawful for any person to:

1. Willfully and cruelly injure or kill any animal by any means causing it fright or pain;

2. By reason of neglect or intent to cause or allow any animal to endure pain, suffering, or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury such person has caused to any animal.

8.04.130 Abandonment of animal--penalty--costs. It is unlawful for any person to abandon within the City of Bellevue any domestic animal by dropping off or leaving such animal on the street, road or highway or any other public place, or upon private property

without the owner's consent. An animal is abandoned when left in any such place without any provision made for the care and feeding of such animal or for the return of such animal to its owner or keeper. Any person violating this section shall, upon conviction, be punished by a fine as provided for in Bellevue City Code Section 8.04.220 and shall be required to reimburse the City of Bellevue for any reasonable and necessary costs incurred by the City for the care or disposition of the abandoned animal.

8.04.140 Disposition of abandoned animal. Any animal found to be abandoned, and whose owner is unknown or cannot be located, may be disposed of by the City as provided by Section 8.04.150.

8.04.150 Impounding procedures. The animal control officer may apprehend any animal found doing any of the acts defined as a public nuisance and/or being subject to cruel treatment as defined by law. After such animals are apprehended, the animal control officer shall deliver such animals to the shelter where the officer or official shall ascertain whether they are licensed, or otherwise identifiable and, if reasonably possible, return the animal to the owner, together with a notice of violation of the Code, and if it is not reasonably possible to immediately return the animal to its owner, the officer or official shall notify the owner within a reasonable time by certified mail or telephone that the animal has been impounded and may be redeemed. Any animal impounded pursuant to this Code shall be held for the owner at least 72 hours, after his receipt of notification by certified mail or by telephone from the impounding agency. Any animal suffering from serious injury or disease may be humanely destroyed, or in the discretion of the impounding authority, may be held for a longer period and redeemed by any person on payment of charges not exceeding those prescribed herein. In case any animal is not redeemed, it shall be humanely destroyed by euthanasia by the impounding agency or may be made available for adoption. No live animal shall be used for experimentation purposes. The owner of any animal impounded pursuant to the provisions contained in this Code may recover said animal or animals when all billable costs, redemption fees, penalties and boarding costs incurred in such impoundment are made payable to King County, which may be accepted by the shelter acting as agent for the City.

8.04.160 Impounding fees. For every animal taken up and impounded as provided in this chapter, there shall be paid to the designated official for the use of the City, by any person desiring to redeem such animal, the total of the following fees:

- A. An impounding fee of \$10.
- B. If no license has been issued for the current year, the annual license fee required by this chapter, plus a late fee as provided by Section 8.04.055 if applicable, or if tag is lost, the replacement fee as provided by this chapter; or if redeemed by any other than prior owner, the cost of transferring registration as provided by this chapter.
- C. The cost of feeding and care of such animal in accordance with the rate established by contract between the City and the shelter. Provided, however, that the shelter manager, in his discretion, may waive collection of the fees provided in subparagraph A and subparagraph C above in event of sale of the animal to some person other than prior owner or keeper.

8.04.170 Sale of impounded animal--disposition of proceeds. The proceeds of the auction or other sale of any impounded animal after the expiration of the period of redemption above provided shall be applied first to the cost of apprehension, license, and the care of the animal at the rate set in Section 8.04.160 above and the balance of such proceeds shall be deposited with the general funds of the City.

8.04.180 Holding and care of impounded animals. All animals arrested and impounded shall be given humane care and properly fed during such detention and reasonable effort shall be exerted to segregate such animals as to size, condition and temperament so that the timid, sick, weak or injured animals will not suffer from the actions of others.

8.04.190 Killing dangerous animals. If any fierce, dangerous, vicious or depredatory animal cannot be safely taken up and impounded, such animal may be slain by any police officer or authorized animal control officer.

8.04.200 Confinement of biting dog. It shall be unlawful for the owner of any animal, when notified that such animal has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such animal or permit or allow such animal to be taken beyond the limits of the City except to a veterinary hospital, and it shall be the duty of such owner upon receiving notice of the character aforesaid to immediately place such animal in a duly licensed veterinary hospital where such animal shall be confined for a period of at least 10 days or to deliver such animal to any officer for such placement. Provided, upon authorization of a licensed veterinarian, with the consent of the City health officer, such animal may be released to the custody of its owner upon the owner's undertaking to keep the same securely chained and confined to the premises of the owner and segregated from any other animals during such observation period.

8.04.210 Enforcement power.

A. The King County Animal Control Division, Department of General Services, as agent of the City of Bellevue, or any other duly authorized agent of the City, acting alone or in concert with other municipalities is hereby authorized to take such lawful action as may be required to enforce the provisions of this ordinance and the laws of the State of Washington as they pertain to animal cruelty, shelter, welfare and enforcement of control.

B. The officer or official shall not enter a building designated for use for private purposes, unless a proper warrant has first been issued upon a showing that the officer or official has reasonable cause to believe an animal is being maintained in the building in violation of this ordinance.

C. The officer or official, while pursuing any animal observed by the officer or official to be in violation of this ordinance, 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.

D. No person shall deny, prevent, obstruct or attempt to deny, or prevent, or obstruct an officer from pursuing any animal observed to be in violation of this ordinance. Further, no person shall fail or neglect after a proper warrant has been presented to promptly permit the officer or official to enter private property to perform any duty imposed by this ordinance.

8.04.220 Misdemeanor. Any person who allows any animal to be maintained in violation of this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$250 and/or imprisonment for a term not to exceed 90 days.

8.04.230 Civil penalty. In addition to or as an alternate to any other penalty provided herein or by law, any person whose animal is maintained in violation of this ordinance shall incur a civil penalty upon an action commenced by the City and judgment rendered by a court. The civil penalty shall be in addition to the billable costs of the City. The penalty for the first violation shall be \$20; \$50 for the second violation in any one year period; and, \$100 for each successive violation in any one year period.

8.04.240 Personal obligations. The civil penalty and the billable costs are also personal obligations of the animal owner. The City Attorney, on behalf of the City, may collect the civil penalty and the billable costs by use of all appropriate legal remedies.

8.04.250 Costs of enforcement action. In addition to the costs and disbursements as provided for by statute, the City in a collection action under this ordinance may, in the court's discretion, be allowed interest and a reasonable attorney's fee when the City is the prevailing party. The City Attorney shall seek such costs, interest and reasonable attorney's fees on behalf of the City.

8.06.010 Purpose. It is the purpose of this chapter to regulate the operation and maintenance of kennels, pet shops, grooming parlors, and other boarding places for dogs, cats, and other animals by providing standards of health and safety in the care of such animals.

8.06.020.

A. General. Unless specifically defined in this section all words used in this chapter shall have their ordinary meanings and common usage and as defined in Bellevue City Code Section 8.04.020. Words specifically defined in this section shall also have their common meaning consistent with or supplementary to such specific definition.

B. INDOOR HOUSING FACILITY means any enclosed structure in which any animal is kept for more than a 24-hour period.

C. KEEPER means any person responsible for the maintenance, operation, care, or use of any kennel, pet shop, grooming parlor or hobby kennel.

D. OUTDOOR HOUSING FACILITY means any outside enclosure or area in which any animal is kept for more than a 24-hour period.

E. PRIMARY ENCLOSURE means any place or thing so constructed as to enclose, for any period of more than 24 hours, any animal, or bird, for purposes of feeding, containing, or providing a resting place for such animal or bird.

F. OWNER means any person having any proprietary or equitable ownership of any kennel, pet shop, grooming parlor or hobby kennel.

8.06.030 Kennel and pet shop license--required. No person, owner, or keeper, shall keep or board four or more dogs or four or more cats, any of which are four months of age or older, and no person shall operate and maintain any kennel, or pet shop, within the City of Bellevue without first obtaining a license therefor. The annual license fee for kennels and pet shops shall be \$75.00. Such license shall expire on the 31st day of December of the year in which it is issued. The fee shall not be prorated except that if the original application for license is made after June 30, a fee equal to one-half of the specified license fee may be accepted.

8.06.035 Hobby License--required.

A. License required. It shall be unlawful for any person to keep and maintain any dog or cat within the City for the purposes of maintaining a hobby kennel without obtaining a valid and subsisting license therefor. The fee for such license shall be assessed upon the owner or keeper of such animals and shall be \$10 for each three animals or portion thereof. In addition, each animal shall be licensed individually under the provisions of this ordinance.

B. Limitation on number of dogs and cats allowed. The total number of dogs and cats over four months of age kept by a hobby kennel shall not exceed the total number authorized by the zoning code.

C. Dog and cat reproduction limitations. The hobby kennel shall limit dog and cat reproduction to not more than 12 offspring per license year.

D. Advertising limitations. The hobby kennel shall not have signs, displays and other visual representations not otherwise permitted.

E. Immunization required. Each animal in the hobby kennel shall have a current and proper certificate of inoculation from disease according to the animal species and age. For dogs such shall consist of DHL inoculation for dogs over three months of age, and rabies inoculation for those over six months of age.

8.06.040 Hobby kennels, kennels, and pet shops--application--inspection--issuance of license. Application for license shall be made to the animal control authority on forms provided by the animal control authority.

A. Prior to the issuance of a license, the premises of a kennel, pet shop, or hobby kennel shall be inspected by the officer or official or his agent of the Seattle-King County Department of Public Health to determine whether there is compliance with the provisions of this chapter. Such officer or official shall file a written report of inspection with the animal control authority.

B. The applicant for an original hobby kennel license, kennel license or pet shop license shall present to the animal control authority a written statement from the City Department of Planning that the establishment of the pet shop, kennel or hobby kennel at the proposed site is not in violation of the City of Bellevue's zoning code, has a legal nonconforming status, or a conditional use permit has been issued for the intended use.

8.06.050 Inspection--revocation of license.

A. The premises of any kennel, pet shop, or hobby kennel shall be subject to inspection at reasonable hours by the official or officer or his designated agent of the Seattle-King County Department of Public Health.

B. The license for a kennel, hobby kennel, or pet shop may be revoked upon petition of the Animal Control Authority for failure to comply with Bellevue City Code, Sections 8.04.120 and 8.06.070 through 8.06.160, or any part thereof.

C. Notice of the petition for revocation shall contain:

1. A statement by the Animal Control Authority listing each ordinance not complied with;

2. The place, date and time of the public hearing on the petition for revocation;

3. A statement that the licensee may appear at such public hearing and examine the Animal Control Authority's witnesses and present competent evidence favorable to the licensee;

4. A statement that the license will be revoked if the hearing examiner finds there to be sufficient grounds for revocation.

D. The notice of the petition shall be served upon all persons named on the license either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to the person or persons at the addresses given on the application for the license.

E. The public hearing shall be held not less than 20 days from the date the notice is either personally served or is mailed by certified mail, postage prepaid.

F. The petition for revocation shall be heard by a hearing examiner appointed by the Mayor. The hearing examiner shall be a licensed doctor of veterinary medicine. The hearing examiner shall have authority to either grant, deny, or conditionally deny the petition.

G. Orders of the hearing examiner shall be served in same manner as prescribed in Subsection D above, and shall be effective on the date of service, if personally served, or three days following the day on which the order was mailed by certified mail, postage prepaid.

H. Appeal from the order of the hearing examiner shall be to the Superior Court. Appeal to the Superior Court shall not stay or otherwise relieve the appellant from compliance with the order of the hearing examiner.

8.06.060 Unlicensed animals. Kennels, pet shops, or veterinary hospitals may keep unlicensed animals on the premises temporarily, provided that the premises are securely fenced or enclosed and the entrances thereto locked when unattended. Each such unlicensed animal four months of age or older contained within the premises of a kennel, pet shop, or veterinary hospital shall be inoculated against such diseases, and in such manner as may be prescribed by a veterinarian and an inoculation certificate provided for each such dog. For dogs such shall consist of DHL inoculation for dogs over three months of age and rabies inoculations for those over six months of age.

8.06.070 Facilities--general.

A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair, shall be designed so as to protect the animals from injury, shall contain the animals, and shall restrict the entrance of other animals.

B. Electric power shall be supplied in conformance with the City, county, and state electrical codes adequate to supply lighting and heat as may be required by this chapter. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and primary enclosures of debris and excreta.

C. Food and bedding shall be stored at facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

D. Provision shall be made for the removal and disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors.

E. Washroom facilities, including sinks and toilets, shall be provided for animal caretakers.

F. There shall be an employee on duty at all times during hours any store is open whose responsibility shall be the care and welfare of the animals in that shop or department held for sale or display.

G. An employee or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the store or shop is closed.

H. No person, persons, association, firm or corporation shall misrepresent an animal or bird to a purchaser in any way.

I. Adequate care and feeding instructions must be given to each purchaser of an animal and must be in writing.

8.06.080 Facilities--indoor.

A. Indoor housing facilities for animals shall be sufficiently heated to protect such animals from cold temperatures to which they are not acclimated.

B. Indoor housing facilities shall be adequately ventilated to provide for the health of animals contained therein and to assist in the removal of foul and obnoxious odors. Provision shall be made so that the volume of air within any enclosed indoor facility shall be changed three times or more each hour. This may be accomplished through the location and periodic opening of doors and windows. If fans or ventilating equipment are used, they shall be constructed in conformance with current standards of good engineering practice with respect to noise, and minimization of drafts.

C. Indoor housing facilities for animals shall have sufficient natural or artificial lighting to permit routine inspection and cleaning at any time of day. In addition, sufficient natural or artificial lighting shall be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers.

D. Interior wall, ceiling, and floor surfaces of indoor housing facilities shall be constructed of materials which are resistant to the absorption of moisture and odors, or such surfaces shall be treated with a sealant or with paint, when such materials are not originally resistant to moisture or odors. Floor surfaces shall not be of unsealed wood. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris.

E. Indoor housing facilities shall contain a drainage system which shall be connected to a sanitary sewer or septic tank system which conforms to the standards of building codes in force within the city, and shall be designed to rapidly remove water and excreta in the cleaning of such indoor housing facility under any condition or weather or temperature. The foregoing requirement shall not apply to pet shops. All indoor housing facilities for animals, fish, or birds shall be maintained in a clean and sanitary condition and a safe and effective disinfectant shall be used in the cleaning of such facilities.

8.06.090 Facilities--Outdoor.

A. Outdoor facilities shall be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements. In addition, such facilities shall be constructed to provide sufficient space for the exercise and movement of each animal contained therein.

B. All outdoor facilities shall be constructed to provide drainage and to prevent the accumulation of water, mud, debris, excreta, or other materials, and shall be designed to facilitate the removal of animal and food wastes.

C. All outdoor facilities shall be constructed with adequate walls or fences to contain the animals kept therein and to prevent entrance of other animals.

8.06.100 Primary enclosures--Space requirements. Primary enclosures for animals shall be constructed and maintained so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit, and lie in a comfortably normal position.

Each dog housed in any primary enclosure shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus twelve inches, expressed in square feet; except that such floor space per animal need not exceed twenty-four square feet. When dogs or cats are boarded or kept for more than twenty-four hours, except when otherwise requested by the owners of the animals, a separate primary enclosure shall be provided for each animal, except that litters of puppies or kittens may be housed with their dam or with siblings, or with other puppies or kittens of similar age and size.

Each adult cat housed in a primary enclosure shall be provided a minimum of three square feet of floor space. In all primary enclosures containing cats there shall be maintained a receptacle containing clean litter, and a solid resting surface shall be provided of adequate size to comfortably hold all occupants of the primary enclosure at the same time.

8.06.110 Watering. If potable water is not accessible to the animals at all times, potable liquids shall be offered to such animals at least twice daily for periods of not less than one hour, except as might otherwise be required to provide adequate veterinary care. Water receptacles shall be kept clean and shall be sanitized at least once every two weeks.

8.06.120 Sanitation.

A. Excreta and other debris and waste materials shall be removed from all indoor housing facilities and primary enclosures as often as necessary to prevent contamination of animals contained therein and to reduce disease hazards and odors. When hosing or flushing method is used for cleaning a primary enclosure, any animal contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

B. Prior to the introduction of animals into empty primary enclosures previously occupied, such enclosures shall be sanitized with a safe and effective disinfectant.

C. Primary enclosures for animals shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard. Such enclosures shall be sanitized not less than once every week with a safe and effective disinfectant.

D. No kennel, pet shop, or other boarding place for animals shall be operated at any time after it has been designated by a public health official pursuant to city, state, or federal statutes or regulations concerning health, as being infested with insects, rodents, or disease which may endanger the public health, until the health officer having jurisdiction shall have certified that the condition has been corrected and the premises then comply with applicable health standards and regulations.

8.06.130 Classification and separation.

A. No animal exhibiting or having a reputation of a vicious disposition shall at any time be housed in any primary enclosure with any other animal.

B. No female animal in heat (estrus) shall be enclosed with any male animal, except for breeding purposes with the consent of the owners of both animals.

C. No animal not fully developed shall be kept in the same primary enclosure with any adult animal other than its dam, except upon request of the owner of the animal.

D. Animals under quarantine by any public health organization or under treatment by any qualified veterinarian for communicable disease shall not be kept in the same primary enclosure with any other animal. Primary enclosures for such quarantined animals or animals under such treatment shall be separated from other primary enclosures by location in another indoor facility or by solid walls within the same indoor facility.

8.06.140 Health care--veterinary services. Every kennel, pet shop, or hobby kennel for dogs or cats shall maintain a program of veterinary care for such animals kept or boarded therein, which program shall comply with current standards of animal husbandry common to the good practice of kennels, pet shops, and hobby kennels within the State of Washington, as applicable. Animals shall not be without attention over 18 consecutive hours. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

8.06.150 Records. Each kennel, shelter, hobby kennel and pet shop shall keep a list of the name, address, and telephone number of the owner of each boarded animal and the license number of the animal, if known, which register must be exhibited to the officer or official or his agent of the Seattle-King County Department of Public Health, or other officials having jurisdiction, upon request. Each kennel, shelter, hobby kennel and pet shop shall also keep a list of the name and address of each person selling, trading, or giving a cat or dog or buying a cat or dog from such establishment. Such list shall also include the origin, the age and type of dog or cat given or purveyed and shall be provided to the officer or official quarterly based on the calendar year.

8.06.160 Pet shops--regulations.

A. No person owning or operating a pet shop shall sell any animal which is, at the time of the delivery of the animal to the buyer, sick, impaired, unweaned, or otherwise so incapacitated that its weakness or incapacity will substantially impair its ability to recover or grow normally.

B. Every person owning or operating a pet shop shall post a notice, conspicuously displaced and protected by glass, in a place where it readily may be seen during hours that the pet shop is closed, containing the names, addresses, and telephone numbers of persons to be notified who will proceed immediately to the premises upon request of any duly authorized health officer, police officer, or animal control officer having reasonable cause for belief that animals or birds contained therein are in immediate need of care or protection.

C. No person owning or operating a pet shop shall abuse, tease, or otherwise torment, nor permit any other person to abuse, tease, or otherwise torment, any animals, birds, or fish therein.

D. No person owning or operating a pet shop shall exhibit any animal, bird, or fish to public display for more than twelve consecutive hours. At no time shall any animal be placed on public display outside the enclosed premises of a pet shop by chaining or caging the animal upon the public street or other public place.

E. Aquariums shall be constructed and maintained to provide adequate room for the fish contained therein. In addition, such aquariums shall be kept clean, and free from excessive exposure to direct sunlight or heat. Such aquariums shall be provided with an apparatus which will oxygenate the water contained in the aquarium, when required for the well-being of the fish.

F. Small animals or birds shall be kept in cages having adequate room for free exercise. Such cages shall be kept clean and free from the accumulation of debris and excreta and shall be protected from excessive exposure to direct sunlight or heat. Food and water necessary for the health of the occupants of the cage shall be provided.

8.06.170 Grooming parlors--license required. It is unlawful for any person to keep or maintain any grooming parlor without first obtaining a valid and subsisting license therefor. A fee of \$50 for such license shall be assessed. However, if the grooming parlor is operated as a part of the business of a kennel, or a pet shop, a fee of \$25 shall be assessed. Such fee shall be in addition to the fee established for a kennel, or a pet shop license.

8.06.180 Grooming parlors--conditions. Grooming parlors shall:

A. Not board animals but keep only dogs and cats for a reasonable time in order to perform the business of grooming.

B. Provide such restraining straps for the dog or cat while it is being groomed so that such animal shall either fall nor be hanged.

C. Sterilize all equipment after each dog or cat has been groomed.

D. Not leave animals unattended before a dryer.

E. Not prescribe treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010.

F. Not put more than one animal in each cage.

8.06.190 Penalty for violations. Any person found guilty of violating any terms of this chapter for which no other penalty is expressly provided shall be guilty of a misdemeanor and may be fined not more than \$250 for each offense or confined not more than 90 days, or both.

8.06.200 Violation--civil penalty. In addition to or as an alternate to any other penalty provided herein or by law, any person whose animal is maintained in violation of this ordinance shall incur a civil penalty upon an action commenced by the City and judgment rendered by a court. The civil penalty shall be in addition to the billable costs of the City. The penalty for the first violation shall be \$20; \$50 for the second violation in any one year period; and, \$100 for each successive violation in any one year period.

8.06.210 Costs. In addition to any penalty or fine provided by ordinance, the City may, in the court's discretion, be allowed a reasonable attorney's fee and costs when the City is the prevailing party.

8.06.220 Severability. If any section, subsection, or portion of this chapter or the rules and regulations referred to herein, shall be declared invalid, such declaration shall not affect the validity of the remaining portions of this chapter or such rules and regulations.

8.06.230 Licenses. Any valid license issued pursuant to City of Bellevue Ordinance Nos. 1738, Section 1, or 1746, Section 1, shall have the same force and effect as if issued pursuant to Chapter 8.04 or 8.06 of the Bellevue City Code.

8.06.235 Effective date. No person, owner or keeper shall be required to have a license for a pet shop pursuant to Section 8.06.030 of the Bellevue City Code or a license for a hobby kennel pursuant to Section 8.06.035 of the Bellevue City Code prior to January 1, 1974.

Section 2. Sections 7.20.150, 7.24.100, 7.24.110 and Chapters 7.70, 8.04, 8.06, 8.08, and 8.12 of the Bellevue City Code and Ordinance No's. 18; Sections 5.15, 6.9 and 6.10 of 43; 61; 94; Section 7 of 829; 1235; 1242; 1291; 1738; 1746; 1800 and 1830 of the City of Bellevue are hereby repealed.

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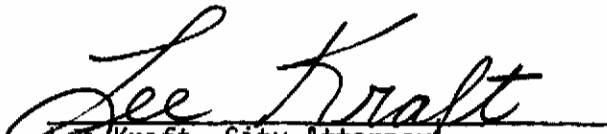
Section 3. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council this 4 day of February, 1974, and signed in authentication of its passage this 4 day of February, 1974.

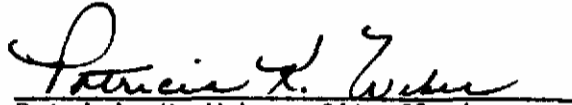
(SEAL)


Richard M. Foreman, Mayor

Approved as to form:


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published ; February 14, 1974