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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4577

AN ORDINANCE regarding the regulation of dogs and cats in the City of Bellevue; amending Ordinance No. 3811, Section 1, Ordinance No. 1842, Section 1, Ordinance No. 3773, Section 2, and Bellevue City Code Chapter 8.04; and adding new sections 8.04.025, 8.04.065, 8.04.080, 8.04.085, 8.04.115, 8.04.125, 8.04.215, to Bellevue City Code Chapter 8.04.

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

Section 1. Section 1 (part) of Ordinance No. 1842 and Bellevue City Code Chapter 8.04.020 are amended to read as follows:

**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 Homo sapiens, insects and worms.
2. "Animal control authority" means the King County animal control division, department of general services, as agent of the city, 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 and state and the shelter and welfare of animals.
3. "Animal control officer" means any individual employed, contracted or appointed by the city for the purpose of aiding in the enforcement of this title 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. "Animal Rescuer" means any individual who routinely obtains an unwanted dog or cat and who locates within 90 days an adoptive home for that spayed or neutered dog or cat provided, however, an interim, administrative extension may be granted by the animal control authority for

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a maximum of six months if a dog or cat is pregnant, nursing, or injured and that condition is verified by a veterinarian.

6. "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.

7. "Cat" or "dog" include both male and female, altered or unaltered.

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

9. "Depredatory animal" includes any animal of either sex whose actions or habits customarily defile, despoil or damage property of persons other than its owner.

10. "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.

11. "Euthanasia" means the humane destruction of an animal, by a method that causes painless loss of consciousness and death during such loss of consciousness.

12. "Grooming service" means any place or establishment, public or private, where animals are bathed, clipped or groomed for a consideration, for the purpose of enhancing their aesthetic value and/or health.

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

14. "Hobby cattery" means a noncommercial cattery at or adjoining a private residence where four or more adult cats are bred or kept for exhibition for organized shows or for the enjoyment of the species provided, however, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the legal limit.

15. "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, exhibition for organized shows, field, working and/or obedience trials, or for enjoyment of the species. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months.

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16. "Juvenile" means any dog or cat, altered or unaltered, that is under the age of six months.

17. "Kennel" means a place where four or more adult dogs 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 is one of either sex, altered or unaltered, that has reached the age of six months.

18. "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.

19. "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 under this title.

20. "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.

21. "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 all other acts, duties or functions prescribed by ordinance of the city relating to the animals herein regulated.

22. "Pack of dogs" consists of a group of two 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.

23. "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 or to retail outlets.

24. "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.

25. "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 lease affixed to a post or other securely fixed object.

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26. "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.

27. "Service animal" means any animal, which is trained or being trained to aide a person who is blind, hearing impaired, or otherwise disabled and is used for the purpose and is registered with a recognized service animal organization.

28. "Shelter" means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals 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.

29. "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 a certificate of a licensed veterinarian.

30. "Special hobby kennel license" means a license issued to pet owners under certain conditions, who do not meet the requirements for a Hobby Kennel License, to allow them to retain only those specific dogs and cats then in their possession until such time as the death or transfer of such animals reduces the number they possess to the legal limit.

31. "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.

32. "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.

33. "Vicious" means the propensity to do any act that might endanger the safety of a 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.

Section 2. A new Section 8.04.025 is added to Bellevue City Code Chapter 8.04 to read as follows:

**8.04.025 Mandatory spaying and neutering.**

A. No person shall own or harbor any cat or dog over the age of six months that has not been spayed or neutered unless the person holds an unaltered animal license for the animal pursuant to section 8.04.040.

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B. Guide dog puppies in training and police service dogs are exempted from provisions of this section.

C. Any dog or cat over the age of six months adopted from an animal shelter in the city shall be spayed or neutered before transfer to owner.

Section 3. Section 1 (part) of Ordinance No. 3811, Ordinance No. 1842 and Bellevue City Code Chapter 8.04.030 are amended to read as follows:

**8.04.030 Annual license required.**

Except as provided in Section 8.06.070 of this code, all dogs and cats eight weeks and over which are harbored, kept, or maintained in the city shall be licensed and registered annually, provided that an altered two-year license may be purchased. The provisions of this section shall not apply to dogs or cats whose owners are non-residents, temporarily within the city for a period not exceeding thirty days, nor to dogs kept in duly licensed kennels during the period the dog is kept at such kennel, nor to animal rescuers. The provisions of this section shall not apply to dogs used by the police department for police work.

Section 4. Section 1 of Ordinance 3773, Section 1 of Ordinance 3904, Section 1 of Ordinance 2295, Section 1 of Ordinance 2175, Section 1 of Ordinance 1842 (part), and Bellevue City Code Chapter 8.04.040 are amended to read as follows:

**8.04.040 Application for license – Fees – Penalties.**

A. Issuance – Fees. Dog and cat licenses shall be issued by the animal control authority upon application and payment of license fees in the amount specified in this section. 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.

Pet licenses for unaltered dogs and cats will be valid for a term of one year from the date of issuance, expiring on the last day of the twelfth month. Pet licenses for altered dogs and cats will be valid for two years, expiring on the last day of the twenty-fourth month. There is no proration of any license fees. Renewal licenses will retain the original expiration period whether renewed prior to, on, or after respective renewal month.

Juvenile licenses must be obtained for pets from eight weeks to six months of age.

Fees shall be assessed according to the following schedule:

- 1. Pet license for unaltered dog or cat . . . . . \$55.00

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- 2. Pet license for altered dog or cat with proof that animal has been neutered or spayed . . . . . 10.00
- 3. Juvenile pet license . . . . . 5.00
- 4. Senior Citizen/Lifetime License:
  - a. Dogs, with proof that animal has been neutered or spayed . . . . . 20.00
  - b. Cats, with proof that animal has been neutered or spayed . . . . . 12.00
- 5. Animal Rescuer License . . . . . 5.00

B. Penalties. The following penalties are applicable in cases of late registration and licensing of dogs and cats provided in this chapter:

- 1. No late penalty shall be charged on new license applications if:
  - a. The owner submits proof of purchase or acquisition of the animal within the preceding thirty (30) days; or
  - b. The owner has moved into the county within the preceding thirty (30) days; or
  - c. The animal is currently or has been within the preceding thirty (30) days, under the age which requires a license; or
  - d. The owner purchase the license(s) voluntarily, prior to in person or field contact by animal control personnel; or
  - e. The owner submits other proof deemed acceptable in the section's administrative rules and regulations.
- 2. License renewal applications:
  - a. Received after 30 days of license expiration but before 60 days or failure to comply with Subsection B1, Section 8.04.040 . . . . . \$10.00
  - b. Received after 60 days of license expiration but before 90 days . . . . . 20.00
  - c. Received after 90 days of license expiration . . . . . 40.00
- 3. New license applications . . . . . 25.00

Section 5. Section 1 (part) of Ordinance 1842 and Bellevue City Code Chapter 8.04.060 are amended to read as follows:

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**8.04.060 Change in ownership – Fee.**

It shall be a violation of this chapter for any person to sell or transfer ownership of any pet without a pet license. The King County animal control authority shall be notified of the name, address, and telephone number of the new owner by the person who sold or transferred the pet.

Whenever the ownership of a dog or cat changes, the new owner shall notify the licensing official and pay to the official a sum equal to fifty percent 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.

Section 6. A new Section 8.04.065 is added to Bellevue City Code Chapter 8.04 to read as follows:

**8.04.065 Advertising requirements.**

No person shall publish or advertise to the City's residents the availability of any unaltered dog or cat unless the publication or advertisement includes: the unaltered animal's license number or the animal's juvenile license number, provided, however, that nothing in this chapter shall prohibit licensed breeders from advertising in national publications for sale of a planned litter or litters.

Section 7. Section 1 (part) of Ordinance 1842 and Bellevue City Code Chapter 8.04.070 are amended to read as follows:

**8.04.070 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 three dollars to the licensing official.

Section 8. Section 8.04.080 is added to Bellevue City Code Chapter 8.04 to read as follows:

**8.04.080 Move into City – Transfer fee.**

Owners of dogs and/or cats which hold valid licenses from other jurisdictions and who move into the City may transfer the license by paying a transfer fee of three dollars. Such a license shall maintain the original expiration date.

Section 9. A new Section 8.04.085 is added to Bellevue City Code Chapter 8.04 to read as follows:

**8.04.085 Rabies vaccination – Required.**

All dogs and cats six months of age or older shall be vaccinated against rabies. All vaccinations shall be performed in accordance with the standards contained in the Compendium of Animal Rabies Control as amended,

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published by the National Association of State Public Health Veterinarians, Inc.

Section 10. Section 1 (part) of Ordinance 1842 and Bellevue City Code Chapter 8.04.080 are amended to read as follows:

**8.04.090 Control of animals.**

It is unlawful for the owner or keeper:

A. To permit an animal to run at large on public school grounds or public playgrounds;

B. To permit a dog in parks or beaches except on a leash and subject to all applicable park rules and regulations or ordinances regulating the use of parks;

C. 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 twenty-four 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 such subsection shall not apply to any blind person using a trained seeing-eye dog;

D. To permit a female dog to run at large while in heat (estrus);

E. 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 is 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;

F. 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;

G. 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



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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;

H. To harbor or permit a barking dog as defined in Section 8.04.020(6);

I. To keep, harbor or maintain animals known to have a contagious disease unless under the treatment of a licensed veterinarian;

J. 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 or upon any property therein not owned, leased or occupied by such person;

K. For the owner or keeper of cattle, horses or goats to stake out or tether such animals along the public ways of the city 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.

Section 11. Section 1 (part) of Ordinance 1842 and Bellevue City Code Chapter 8.04.110 are amended to read as follows:

**8.04.110 Nuisances defined – Violation.**

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

B. 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 twenty-four 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;

C. 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 twenty-four 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;

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D. A female domesticated animal while in heat (estrus), accessible to other animals for purposes other than controlled or planned breeding;

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

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

G. 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;

H. 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;

I. 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;

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

K. Animals staked, tethered or kept on public property without prior written consent of the animal control authority;

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

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

N. Dogs running in packs.

Section 12. A new Section 8.04.115 is added to Bellevue City Code Chapter 8.04 to read as follows:

**8.04.115 Transfer of unaltered dogs and cats prohibited.**

It is a violation of this chapter to sell or give away unaltered dogs and cats in any public places or to auction off or raffle unaltered dogs or cats as prizes or gifts.

Section 13. Section 1 (part) of Ordinance 1842 and Bellevue City Code Chapter 8.04.120 are amended to read as follows:

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**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 and shall report the accident immediately to the police department or animal control officer.

B. Feeding and Care of Animals. It is unlawful for any person to keep or harbor an animal within the city without providing suitable a 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 twenty-four hours without providing for the feeding and care of such animal in the absence of such person.

C. Poisoning of Animals. It is unlawful to lay out or to 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 any 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. Wilfully 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.

Section 14. A new Section 8.04.125 is added to Bellevue City Code Chapter 8.04 to read as follows:

**8.04.125 Unlawful acts against police department dogs.**

A. No person shall wilfully torment, torture, beat, kick, strike or harass any dog used by a police department for police work, or otherwise interfere with the use of any such dog for police work by said department or its officers or members.

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B. Any person who violates subsection A. of this section shall be deemed guilty of a misdemeanor.

Section 15. Section 1 of Ordinance 3773, Section 1 (part) of Ordinance 1842 and Bellevue City Code Chapter 8.04.150 are amended to read as follows:

**8.04.150 Impounding procedures.**

A. The director of the animal control authority and his authorized representatives may apprehend any animal found doing any of the acts defined as a public nuisance and/or being subjected to cruel treatment as defined by law. After such animals are apprehended, the animal control officer shall ascertain whether they are licensed, or otherwise identifiable. If reasonably possible, the animal control authority shall return the animal to the owner, together with a notice of violation of this code. If it is not reasonably possible to immediately return a currently licensed animal to its owner, the animal control authority shall notify the owner within a reasonable time by regular mail or telephone that the animal has been impounded and may be redeemed. Any currently licensed animal impounded pursuant to this code shall be held for the owner at least one hundred twenty hours after telephone contact by the impounding agency or at least two weeks after posting of the notification of impoundment by regular mail; any other animal impounded pursuant to this chapter shall be held for its owner at least seventy-two hours from the time of impoundment. 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. No live animal shall be used for experimentation purposes.

B. Any animal not redeemed shall be treated in one of the following ways:

1. Made available for adoption at a fee of seven dollars and fifty cents per animal.
  - a. Any person may adopt an animal impounded pursuant to provisions contained in this chapter when all available costs, redemption fees, penalties, and boarding costs incurred in such impoundment, are made payable to the county finance director, which may be accepted by the animal control authority acting as agent for the county.
  - b. All dogs and cats over the age of six months adopted from the city shall be spayed or neutered prior to adoption. A spay/neuter deposit shall be charged for dogs and cats under the age of six months which are too young to be spayed/neutered prior to adoption. This deposit will be returned to the adopting person upon submission of proof

that the sterilization was performed within six months from the date of adoption. Failure to spay/neuter such dog or cat is a violation of this chapter and a breach of the adoption contract and will result in the forfeiture of the adoption and return of the dog or cat to King County animal control for the required spaying/neutering.

- c. No animal impounded in the city shall be sold for the purposes of medical research to any research institute or any other purchasers.
- d. Any unaltered dog or cat impounded more than once shall be spayed or neutered by the animal control authority prior to the release of the dog or cat. The cost of the spay or neuter shall be charged to the owner upon redemption, but shall be deducted from the impound/redemption fees otherwise due under this chapter.

Section 16. Section 5 of Ordinance 3773, Section 1 (part) of Ordinance 1842 and Bellevue City Code Chapter 8.04.160 are amended to read as follows:

**8.04.160 Impounding fees.**

Any animal impounded pursuant to provisions of Section 8.04.150 may be redeemed upon payment of the fee as provided herein. The redemption fee for dogs and cats shall be thirty dollars for each such dog or cat on the first offense, sixty dollars on the second offense, within one year of the first offense, and ninety dollars on the third offense, within one year of the first offense. Owners of impounded licensed dogs or cats shall not be charged a redemption fee on the first offense, but shall be charged on the second offense at the second offense rate. An additional fee of seven dollars for each twenty-four-hour period, or portion thereof, during which such dog or cat is retained by the impounding agency shall be made payable to the County Comptroller. The redemption fee for livestock shall be one hundred dollars per animal impound incident plus any hauling and boarding costs due. Livestock not redeemed may be sold at public auction by the impounding agency. The hauling and boarding costs for livestock impounded shall be in accordance with the rate established by contract between King County and the given stockyard used for holding such animal.

Section 17. A new Section 8.04.215 is added to Bellevue City Code Chapter 8.04 to read as follows:

**8.04.215 Unauthorized release of animals from confinement.**

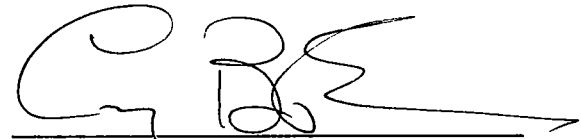
No person other than the owner or person authorized by the owner of the animal shall release any animal from any confinement, vehicle or restraint unless such release is necessary for the immediate health and safety of the animal; provided this section shall not apply to peace officers and animal control or humane officers.

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Section 18. This ordinance shall take affect and be in force five (5) days after passage and legal publication.


PASSED by the City Council this 20th day of September, 1993, and signed in authentication of its passage this 20th day of September, 1993.

(SEAL)

  
Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
David Kahn, Assistant City Attorney

Attest:

  
Myrna L. Basich, City Clerk

Published September 24, 1993.