

ORDINANCE NO. 94

AN ORDINANCE regulating the harboring and running at large of certain animals, providing for the licensing, seizure, quarantine, impounding, sale and other disposition thereof; declaring certain actions to be public nuisances; and describing penalties for violations.

THE CITY COUNCIL OF THE CITY OF BELLEVUE DO ORDAIN AS FOLLOWS:

Section 1. PURPOSE DECLARED. This ordinance is enacted for the purpose of regulating the keeping of cats and dogs 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.

Section 2. DEFINITIONS AND TERMS. As used in this ordinance, unless the context otherwise indicates, the following words and terms shall mean:

(a) "Animal" shall include both the male or female, natural or sterilized, cats and dogs.

(b) "Cat" or "Dog" shall include both male and female, natural or sterilized.

(c) "Vicious animal" shall include those whose temperament or habits creates danger of injury to persons or other animals or creates a reasonable apprehension of injury to persons or other animals.

(d) "Predatory animal" shall include any dog of either sex whose action or habits customarily defiles, despoils or damages property of others.

(e) "Owner" or "keeper" shall include any person, association or corporation owning, keeping or harboring an animal.

(f) "At large" means to be off the premises of the owner and not under the control of the owner or of an authorized person over twelve years of age, either 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.

(g) "Barking dog" means any dog which by frequent or habitual howling, yelping or barking annoys or disturbs other persons in the vicinity of the premises of the owner or upon the public street.

(h) "Leash" shall include a cord, thong or chain not more than 10 feet in length by which an animal is controlled by the person accompanying it.

(i) "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 ordinance.

(j) "Officer" or "Official" any policeman 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, give notice for any other acts, duties or functions prescribed by this or other ordinances relating to the animals herein regulated.

(k) "License", except as referred to in Section 9 hereof, shall mean the cat or dog license issued by the City of Bellevue under this ordinance.

(l) "Kennel" shall include any place, other than a veterinary hospital, where three or more cats or three or more dogs are kept for breeding and the offsprings thereof are sold for profit or where such animals are received for care and boarding.

(m) "Public emergency" shall include any situation resulting from conditions of war, insurrection, contagious disease or other circumstance which, in the opinion of the Chief of Police, warrants the restraint and confinement of animals within the premises of the owner or keeper.

(n) "Pound" A place within or without the City, provided and operated by the City employees or by an independent agency under the authority of the City acting alone or in concert with other municipalities for the restraint and care of animals.

(o) "Pet Shop" shall include any place duly licensed where live animals, birds or fish are kept and offered for sale.

(p) "Veterinary Hospital" shall include 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.

(q) "Spayed Female" shall include 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.

(r) "Restraint" An animal shall be deemed 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.

Section 3. ANNUAL LICENSE REQUIRED -- TAGS:

3.1 It shall be unlawful to keep or harbor a cat or dog over three months of age within the City unless an animal license shall be procured for the animal from the City.

3.2 Application for such license shall be made upon forms provided.

by the City. The application shall list the name, address and phone number of the owner; the name, breed, color, age and sex of each animal owned or harbored by him and such other medical and vaccination information and data as may be required in Section 8.1 hereof. Such information shall be kept, conveniently indexed, by the licensing official together with the number of the license issued.

3.3 The license shall expire each year on the 31st day of December following the date of issuance thereof.

3.4 The annual license fee for each male dog and spayed female dog shall be \$2.00. The annual license fee for each female dog or cat shall be \$2.00. The annual license fee for male and spayed female cats shall be \$.50.

3.5 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 when running at large. To such collar or harness shall be affixed a tag provided by the city official for each year for which a license has been procured. Such license tag shall be so affixed as to hang and be discernible to a person of normal vision at not less than 10 feet. The license tag shall be stamped with the number and year for which it is issued. The shape or design of such tag shall be changed from year to year. It shall be unlawful for any person other than the owner, his agent or a city official to remove the license tag from the dog.

3.6 Whenever the ownership of an animal 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 animal and the previously issued license for such animal shall remain valid for the remainder of the year.

3.7 LOST TAG.

(a) Any owner or keeper of a licensed animal whose current license tag has been lost may obtain a replacement tag, prior to impounding of such animal, by payment of a fee of 50¢ to the licensing official.

(b) Any animal, licensed for the current year which may be impounded while running at large without a tag may be re-deemed upon payment of impounding, care and inoculation fees as provided in Section 5.3.

Section 4. CONTROL OF ANIMALS. It shall be unlawful for the owner or keeper:

4.1 To permit an animal to run at large within the City at any time without a license as provided by ordinance.

4.2 To permit an animal whether licensed or not to frequent and run at large on public school grounds during school hours.

4.3 To permit a dog in public parks except on a leash and subject to all applicable rules and regulations of the Park Board or ordinances regulating the use of parks.

4.4 To permit a dog 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 Ordinance No. 61).

4.5 To permit a female dog to run at large while in heat.

4.6 To permit a dog to run at large during prohibited hours or times which may be set hereafter by the City Council, the City Manager, the Chief of Police or the City Health Officer during a public emergency, as defined in Section 2(M).

4.7 To permit a vicious, depredatory, destructive or diseased animal to run at large after the owner or keeper has been notified by the City Official that such animal has been so classified or that reports or complaints of two or more neighbors or other residents have been filed or registered with the Chief of Police, which would put the owner or keeper on notice of a disposition or tendency to condition or conduct of such animal that creates a threat of injury to any person or animal or properties of others.

(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 dog may make written complaint, giving such information as may be required by the Chief of Police.

(b) Any owner or keeper aggrieved at the classification of his animal as vicious, depredatory or destructive may request a hearing before the municipal 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 \$5.00 filing fee and the fees to other witnesses called by the Police Chief in support of the classification.

4.8 To permit such vicious animal off the owner's premises unless securely muzzled or leashed in the custody and control of a person over 15 years of age and physically able to restrain and control such animal.

4.9 To harbor or permit a barking dog, whose barking is audible to persons on adjacent property.

Section 5. IMPOUNDING OF OFFENDING ANIMALS.

5.1 It shall be the duty of such city employees as shall be designated for that purpose by the City Manager or the employees of any authorized agency designated by the City Manager with the approval of the City Council to take up and impound any animal found in the City in violation of any of the provisions of this ordinance.

5.2 The pound keeper or his duly appointed agent, shall immediately upon impounding of any animal make a complete registry, entering the breed, color and sex of such animal and whether licensed, if known; and if licensed,

he shall enter the name and address of the owner and number of the license tag, if known, and if bearing an inoculation tag, the number of such tag shall be recorded.

(a) When any licensed animal shall be impounded, the Chief of Police shall forthwith give notice by mail and by telephone if the owner be within the City limits, to the owner of such licensed dog informing such owner of the impounding of his dog and the reason therefor.

(b) When any dog not bearing a collar or harness to which is attached a license shall be impounded, the Chief of Police or pound master shall give notice within 24 hours of such impounding by posting notice of such impounding giving the breed, color, sex and other identifying characteristics of such impounded animal together with the date and place of apprehension thereof. Such notice shall be posted at Police Headquarters and at such other public place as shall be provided for such notice.

5.3 For every animal taken up and impounded, as provided in this ordinance, 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 \$3.50.

(b) If no license had been issued for the current year, the annual license fee required by Section 3.4, or if tag is lost, the replacement fee as provided by Section 3.7(a); or, if redeemed by other than prior owner, the cost of transferring registration as provided by Section 3.6.

(c) The cost of feeding and care of such animal at \$1.00 per day for animals weighing under 90 pounds and \$1.50 per day for animals weighing 91 pounds or more.

(d) Cost of inoculating said animal against rabies, at \$ 2.50 unless owner presents a certificate as provided by Section 8.1.

Provided, however, that the pound master, in his discretion, may waive collection of the fees provided in (a) and (c) above in event of sale of the animal to some person other than prior owner or keeper.

Provided further that payment of the fees provided in this section shall be exclusive of any fines or penalties imposed upon the owner upon conviction of violation of any provision of this ordinance.

5.4 Any animal which has been impounded may be redeemed during the first three days after being impounded by any person claiming to own or act for the owner of such animal, and after such three days by any person, on payment of the fees and costs as set forth in Section 5.3 above. If any such animal be not redeemed within six days after being impounded, such animal shall be subject

(a) to being destroyed by the order of the Chief of Police or the authorized pound master; provided, that after such six days on order of the pound master,

(b) such animal may be kept and offered for sale at a price fixed by the pound master, or

(c) released by the pound master to any person who shall pay the fees required by Section 5.3 or such portion, including inoculation and license, as pound master may require, or

(d) such pound master may release such animal to any other organization for such other disposition as he may see fit *provided that no animal shall be given or sold to any person or Association for vivisection purposes.*

5.5 DISPOSITION OF PROCEEDS FROM SALE OF IMPOUNDED ANIMALS. 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 paragraph 5.3 above and the balance of such proceeds shall be deposited with the City Clerk to be held for a period of six months during which time any person who shall present sufficient credible evidence of ownership of said animal may be entitled to redeem the remainder of such proceeds. If there has been no redemption of the balance of such proceeds within six months of the date of sale, the Clerk shall deposit said funds with the general funds of the City.

5.6 Impounding and disposition of vicious animals. Any fierce, dangerous or vicious animal at large in the public ways or public places of the City or upon private premises of any person other than the owner and any animal which may disturb the quiet of any person or neighborhood or which may so conduct itself on private premises as to cause harm thereto or annoyance to the owner thereof or which shall bite a person or so injure a person as to cause an abrasion of the skin is hereby declared to be a public nuisance and such animals shall immediately be taken up and impounded in the manner provided for in this ordinance. Any such animal may be redeemed, subject to the provisions of Chapter 8, only by a person undertaking to control such animals so as to prevent its being a nuisance as hereinabove defined and if any animal shall be so impounded three times in any two year period under the provisions of this section such animal shall be disposed of as an unredeemed animal unless the owner shall undertake and actually keep such animal outside the City.

5.7 Any animal of fierce, dangerous or vicious tendencies shall not be permitted to run at large anywhere within the City and shall be kept securely confined when on the owner's premises so that such animal cannot reach mailmen, delivery boys or others who may have occasion to enter the owner's premises in the course of their lawful work.

5.8 Any dog which shall bite, attack or attempt to bite one or more persons two or more times within a five year period is hereby declared to be a nuisance and shall not be kept within the City. If any such animal shall be found within the City, it shall be impounded and disposed of as an unredeemed dog, and the owner shall have no right to redeem such dog.

5.9 If any fierce, dangerous, vicious or depredatory animal cannot be safely taken up and impounded such dog may be slain by any police officer or authorized agent of the City Pound.

5.10 All costs of maintaining any such animal in a veterinary hospital shall be paid by the owner.

5.11 When any animal shall be impounded pursuant to the provisions of this ordinance, the pound master may impose such conditions upon the release of such animal as may be necessary or desirable in order to avoid, forestall or prevent recurrence of the violation leading to the impounding of such animal and no animal shall be redeemed by the owner or other person except on the compliance with and subject to conditions which may include undertaking to keep such animal outside the City, undertaking to pay for damages done by such animal, undertaking to control such animal within specified limits, or any other conditions which may be appropriate and reasonable to avoid recurrence of the conditions leading to such impounding.

Section 6. INJURING, KILLING, ABANDONING OR MISTREATING ANIMALS.

6.1 No person shall wilfully 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 a reasonable effort to locate and identify himself to the owner or to any person having custody of the dog and shall report the accident immediately to the police department.

6.2 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.

6.3 It shall be unlawful for any person to poison or to wilfully place or leave poison food anywhere within the City where it may be eaten by domestic animals or to leave poison or unpoisoned food outside the City with the intension and in such proximity as to poison a cat or dog within the City of Bellevue. Upon conviction of violation of this section such person shall be subject to a \$300.00 fine or 30 days imprisonment.

Section 7. ARREST OF ANIMAL.

7.1 The City by its properly constituted officers shall arrest any animal:

(a) Found to be at large or harbored under circumstances constituting a violation of this ordinance, or

(b) Damaging property of a person other than the owner of such dog, except in defense of the property of or members of the owner's household, or

(c) Causing bodily harm to any person, or

- (d) Acting in such manner as to cause reasonable apprehension of such harm to persons or animals not within or upon the premises of such dog's owner.

Such animal may also be taken into custody by any person who observes such violation. Such person shall promptly call the City police or other official, or report the circumstances leading to such seizure and deliver or tender possession of such animal to the City for impounding.

7.2 Any person, including the owner or member of his family, who shall give refuge to or who shall fail or refuse to deliver possession of an animal to an officer who was in pursuit of an animal seen violating any provision of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine not to exceed \$100.00.

7.3 An officer, in hot pursuit of an animal known to be vicious, or reasonably suspected of being dangerous to persons other than wrongful trespassers upon his owner's premises, may enter the premises of the owner and demand possession of such animal and if, after request therefor, the owner or keeper of the animal over 16 years of age shall refuse to deliver the animal to the officer and the officer cannot with reasonable safety catch the animal, he may cause it to be killed; Provided such officer shall not enter the abode of the owner without a warrant therefor.

7.4 **HOLDING AND CARE OF IMPOUNDED ANIMALS.** All animals arrested and impounded shall be given humane care and properly fed during such detention. 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.

7.5 Except in those cases in which the animal is being redeemed or returned to the owner or person having the lawful right thereto, all impounded animals shall be retained for not less than 72 hours after the time of giving notice of such impounding, unless the animal is sick or injured and a sooner disposal is deemed by the pound master to be the proper course to be taken. The pound master shall retain impounded animals beyond the 72 hour minimum requirement if, in his opinion, the animal is of sufficient value and attraction that the continued care and expense is warranted pending the sale or disposal of such animal.

Section 8. RABIES.

8.1 **QUARANTINE, OBSERVATION AND VACCINATION.** No license shall be issued for any dog which has not been inoculated against rabies within a period of 12 months prior to the application for such license. The veterinarian inoculating any animal shall provide the owner with a certificate evidencing such fact together with the date thereof and the age, breed, sex, color and other identifying characteristics of such dog. The licensing official shall enter such information into the register provided in this ordinance.

8.2 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 to 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 15 days or to deliver such animal to any policeman 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.

8.3 Upon taking possession of an animal, known to have bitten or having displayed symptoms of rabies, any policeman or other authorized city employee or authorized agent shall forthwith convey such animal to the nearest veterinary hospital where such animal shall be securely chained or confined for a period of at least 15 days. In case such animal is delivered to a veterinary hospital, notice of the name and location of such hospital shall be immediately furnished the Chief of Police by the owner of such animal and upon receipt of such animal the veterinary hospital shall submit to the Chief of Police a certificate stating that such animal either shows no symptoms of rabies or does show symptoms of rabies. At the expiration of 15 days of confinement and upon release of such animal, the veterinary hospital shall submit to the Chief of Police a second certificate stating that the animal does not have rabies and has been released. The cost of maintaining such animal in the veterinary hospital shall be borne by the owner thereof, except where the owner of such animal cannot be ascertained, the City shall then pay for such observation and care.

8.4 In all cases where any animal, which has bitten a person or caused an abrasion of the skin, is slain by any policeman or other authorized representative whether by order of the court or otherwise, and a period of 15 days has not elapsed since the day on which such dog bit any person or caused an abrasion of the skin of any person, it shall be the duty of the officer slaying such animal to forthwith deliver intact the brain of such animal to the laboratory of the State Department of Health or a duly authorized veterinary hospital for examination.

Section 9. LICENSING OF KENNELS, PET SHOPS AND VETERINARY HOSPITALS. The annual license fee for kennels, pet shops or veterinary hospitals shall be \$10.00 for ten animals or less, and \$15.00 for eleven animals or more. Kennels, pet shops or veterinary hospitals may keep unlicensed animals on the premises, provided the same are securely fenced and the entrances thereto locked, and provided, further, that inoculation certificates are provided for each dog over three months of age contained within the premises of any kennel, pet shop or veterinary hospital. The license for a kennel, pet shop or veterinary hospital shall be subject to revocation upon conviction of the operator thereof for violation of the terms of this ordinance or for failure to comply with the rules, regulating such places as promulgated by the City Health Officer. The premises of such places shall be subject to inspection by the health official and shall be kept free from decaying food and shall provide separate facilities for the confinement of rabies cases; report to the Health Department any disease among the animals existing at such places and keep the food in sanitary, rat-free containers. Such places shall provide a suitable place for housing the animals, maintained on the premises and be so designed and constructed as to keep the animals in clean, dry and well ventilated

cages or pens and make provision for reasonable exercise and feeding for the animals contained on such premises.

Section 10. POUNDS TO BE MAINTAINED BY THE CITY. The City Manager shall provide some suitable place within or without the City for housing animals picked up as strayed, injured or in violation of the terms of this ordinance, and provision shall be made for the care, treatment, sale or other disposition of animals not redeemed as provided above. Such house shall be so designed and constructed as to keep the animals in clean, dry and well ventilated pens or cages, permit animals to get sunshine and exercise, and provide segregation of animals, be fire proof, provide isolation cages for sick or bite cases, provide office or other rooms for attendants to be on the premises 24 hours per day, provide a lethal room and a morgue. Care for said animals shall be provided as approved by a licensed veterinarian. Dead animals shall be cremated, buried or removed to a rendering plant within 48 hours of death except that in case of the death or destruction of such animal resulting from its having a communicable disease the body thereof shall be removed and cremated or buried as soon as feasible after death.

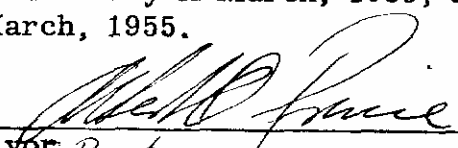
The City Manager, with the approval of the City Council, may contract with any firm, person or corporation who shall provide services in catching and impounding animals as authorized by this ordinance or who shall operate a pound, kennel or veterinary hospital within or without the City, which complies with the standards and requirements of this ordinance for the keeping and care of impounded or quarantined animals. It shall be no objection to such contract that the operator of such pound shall contract for and provide such service to other cities or counties and in the event of such contracting the duly authorized agents of such pound, kennel or hospital operator may be granted authority, as peace officers of the City of Bellevue for enforcement of this ordinance, as the City Manager shall deem proper subject to approval of the City Council. Such contracting party and his agents shall not be deemed employees of the City within the meaning of RCW 35.18.110.

Section 11. PENALTIES -- (In addition to impounding costs). Any person found guilty of violating any terms of this ordinance for which no other penalty is expressly provided shall be guilty of a misdemeanor and, in addition to the costs and fees provided by Sections 3.4 and 5.3, may be fined not to exceed \$50.00 for each offense or confined for not more than 10 days or both.

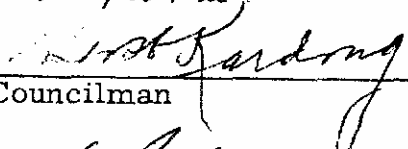
Section 12. If any section, subsection or portion of this ordinance shall be declared invalid, such declaration shall not affect the validity of the remaining portions of this ordinance.

Section 13. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

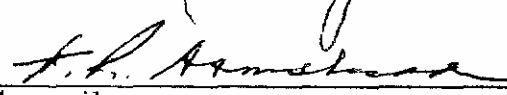
PASSED by the City Council on this 15th day of March, 1955, and signed in authentication thereof this 15th day of March, 1955.



Mayor Pro Tem



Councilman



Councilman

APPROVED AS TO FORM:

Kenneth A. Cole

City Attorney

(SEAL)

Jean S. Scholer

City Clerk

FILED

CITY OF BELLEVUE

DATE March 16, 1955

CITY CLERK Jean S. Scholer

DATE OF PUBLICATION: March 17, 1955.