

ORDINANCE O-4592

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING PORTIONS OF THE CITY'S LOCAL ANIMAL CONTROL ORDINANCE THAT SETS FORTH THE CITY'S PURPOSE AND SCOPE IN PROVIDING LOCAL ANIMAL SERVICES, SETS FORTH DEFINITIONS, AND SETS FORTH PET LICENSING REQUIREMENTS.

1           WHEREAS, the City of Kirkland has, in the past, for many years  
2 contracted with King County to allow the County to provide the City with  
3 animal services, such as animal control, sheltering and licensing; and  
4

5           WHEREAS, beginning in 1985, the City adopted the animal  
6 control ordinances enacted by King County, which are currently in effect  
7 in the City, codified at Kirkland Municipal Code, KMC chapter 8.04; and  
8

9           WHEREAS, the City's contract with King County will expire on  
10 December 31, 2017; and  
11

12           WHEREAS, on November 1, 2016, the City made a decision to  
13 begin providing its own local animal services commencing on January 1,  
14 2018; and  
15

16           WHEREAS, Council held a study session on July 18, 2017, to  
17 review initial proposed ordinances to eventually replace KMC chapter  
18 8.04 and establish a local animal control authority in the City; and  
19

20           WHEREAS, Council defined the purpose and scope of the City's  
21 local animal services ordinance, set forth the definitions for the City's  
22 local animal services ordinance, and set forth the pet licensing  
23 requirements for the City.  
24

25           NOW, THEREFORE, the City Council of the City of Kirkland do  
26 ordain as follows:  
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28           Section 1. A new Section 8.09.110 of the Kirkland Municipal  
29 Code is hereby created to read as follows:  
30

31 **8.09.110 Purpose and scope.**

32           It is the public policy of the city to secure and maintain such levels  
33 of animal control as will protect human health and safety, to prevent  
34 cruelty to animal life, and to the greatest degree practicable to prevent  
35 damage to property. To this end, it is the purpose of this title to provide  
36 a means of licensing pets; to regulate kennels, catteries, grooming  
37 parlors, and pet shops; to control errant animal behavior so that it shall  
38 not become a public nuisance; and to prevent cruelty to animals.  
39

40           Section 2. A new Section 8.09.120 of the Kirkland Municipal  
41 Code is hereby created to read as follows:

42 **8.09.120 Definitions.**

43 In construing this chapter, except where otherwise plainly declared  
44 or clearly apparent from the context, words shall be given their common  
45 and ordinary meaning. In addition, the following definitions apply to this  
46 chapter:

47 1. "Altered" means spayed or neutered.

48 2. "Animal" means any living creature except humans, insects and  
49 worms.

50 3. "Animal Control Authority" means the person, association or  
51 corporation, appointed or authorized by the City to enforce the  
52 provisions of this chapter and all other ordinances of the city pertaining  
53 to animal control.

54 4. "Animal Control Officer" and "Officer" means officers employed  
55 by the Animal Control Authority and includes police officers. Whenever  
56 "Animal Control Officer" is used in this title, the term shall mean the  
57 City's Animal Control Officer and his or her designee.

58 5. "Animal Services" means the City's program of providing animal  
59 control, licensing and contracted sheltering services, and may also  
60 include investments in pet-related improvements and activities in public  
61 facilities and parks.

62 6. "At large" means off the premises of the owner and not under the  
63 immediate control of the owner, member of the owner's immediate  
64 family, or person authorized by the owner, by means of a leash, cord or  
65 chain no longer than eight feet.

66 7. "Cattery" means a place where four or more adult cats are kept,  
67 whether by owners of the cats or by persons providing facilities and  
68 care, whether or not for compensation, but not including a pet shop. An  
69 adult cat is one of either sex, altered or unaltered, that is at least six  
70 months old.

71 8. "City" means the City of Kirkland.

72 9. "Council" means the City Council for the City of Kirkland.

73 10. "Dangerous dog" means any dog that, according to the records  
74 of the Animal Control Authority (a) inflicts severe injury on a human  
75 being without provocation on public or private property; (b) kills a  
76 domestic animal without provocation while the dog is off the owner's  
77 property; or (c) has been previously found to be potentially dangerous,  
78 the owner having received notice of such and the dog again aggressively  
79 bites, attacks, or endangers the safety of humans or domestic animals;  
80 provided, however, that an animal shall not be considered a "dangerous  
81 dog" if the threat, injury, or damage was sustained by a person who, at  
82 the time, was committing a willful trespass or other tort upon the  
83 premises occupied by the owner of the dog, or was tormenting, abusing,  
84 or assaulting the dog or has, in the past, been observed or reported to  
85 have tormented, abused, or assaulted the dog or was committing or  
86 attempting to commit a crime.

87 11. "Dog" means an animal of the species *Canis lupus familiaris*.

88 12. "Domestic animal" means any animal that is usually or commonly  
89 tamed and bred by humans, such as, but not limited to, any dog, cat,

90 rabbit, guinea pig, gerbil, bird, horse, mule, ass, bovine animal, lamb,  
91 goat, sheep, hog or other animal made to be domestic.

92 13. "Euthanasia" means the humane destruction of an animal  
93 accomplished by a method that involves instantaneous unconsciousness  
94 and immediate death or by a method that causes painless loss of  
95 consciousness and death during the loss of consciousness.

96 14. "Food" means food or feed appropriate to the species for which  
97 it is intended.

98 15. "Fostering" means harboring, keeping or maintaining stray,  
99 homeless, abandoned and/or unwanted domestic animals and locating  
100 adoptive homes for those animals.

101 16. "Grooming service" and "grooming parlor" means any place or  
102 establishment, public or private, where animals are bathed, clipped or  
103 combed for the purpose of enhancing either their aesthetic value or  
104 health, or both, and for which a fee is charged.

105 17. "Harbored, kept or maintained" means performing any of the  
106 acts of providing care, shelter, protection, refuge, food or nourishment  
107 in such a manner as to control the animal's actions, or that the animal  
108 or animals are treated as living at one's domicile by the property owner  
109 or renter.

110 18. "Hobby cattery" means a noncommercial cattery at or adjoining  
111 a private residence where four or more adult cats are bred or kept for  
112 exhibition for organized shows or for the enjoyment of the species.  
113 However, a combination hobby cattery/kennel license may be issued  
114 where the total number of cats and dogs exceeds the number otherwise  
115 allowed by code.

116 19. "Hobby kennel" means a noncommercial kennel at or adjoining  
117 a private residence where four or more adult dogs are bred or kept for  
118 any combination of hunting, training and exhibition for organized shows,  
119 for field, working or obedience trials or for the enjoyment of the species.  
120 However, a combination hobby cattery/kennel license may be issued  
121 where the total number of cats and dogs exceeds the number otherwise  
122 allowed by code.

123 20. "Inherently dangerous animal" means any live member of the  
124 listed species, including hybrids thereof, which, due to its inherent  
125 nature, may be considered dangerous to humans. Inherently dangerous  
126 animals include but are not limited to:

127 a. Canidae, meaning and including any member of the dog  
128 family not customarily domesticated by man, or any hybrids thereof, but  
129 not including domestic dogs and wolf hybrids (cross between a wolf and  
130 a domestic dog).

131 b. Felidae, meaning and including any member of the cat family  
132 not customarily domesticated by man, or any hybrids thereof, but not  
133 including domestic cats.

134 c. Ursidae, meaning and including any member of the bear  
135 family, or any hybrids thereof.

136 d. Reptilia, meaning venomous and "devenomized" reptiles,  
137 including but not necessarily limited to all members of the following

138 families: Helodermidae (gila monster), Viperidae (pit vipers), Crotalidae  
139 (rattlesnakes), Atractaspidae (mole vipers), Hydrophiidae (sea snakes),  
140 and Elapidae (coral snakes and cobras).

141 e. Colubridae snakes which are rear fanged, including, but not  
142 necessarily limited to dispholidus typus (boomslangs), thebtornis  
143 kirtlandii (African twig or vine snake), and rhabdophis (keelbacks).

144 f. Colubridae snakes which reach a length of 10 feet and over,  
145 including but not necessarily limited to green anaconda, reticulated  
146 pythons, Burmese python, albino Indian python, and African rock  
147 python.

148 g. Crocodilia, meaning and including crocodiles, alligators and  
149 caimans.

150 21. "Inhumane treatment" means every act or omission whereby  
151 unnecessary or unjustifiable physical pain or suffering is caused or  
152 permitted.

153 22. "Juvenile" means any dog or cat, altered or unaltered, that is  
154 under six months old.

155 23. "Kennel" means a place where four or more adult dogs are kept,  
156 whether by owners of the dogs or by persons providing facilities and  
157 care, whether or not for compensation, but not including a pet shop.  
158 An adult dog is one of either sex, altered or unaltered, that is at least  
159 six months old.

160 24. "Leash" for purposes of this Title means a cord, rope, chain or  
161 some other type of line that secures upon the collar/harness of an  
162 animal, mainly a dog, to keep the animal under control of the handler.  
163 A leash may not be longer than eight feet when measured from the  
164 attachment to the dog's collar/harness to the base of the handler's  
165 handgrip.

166 25. "Livestock" means animals kept either in the open fields or  
167 structures for training, boarding, home use, sales, or increase. Livestock  
168 includes cattle, hogs, sheep, goats, horses, llamas and other large  
169 grazing animals but does not include small wild or predatory animals.

170 26. "Necessary food" means the provision at suitable intervals of  
171 wholesome foodstuff suitable for the animal's age, species, and  
172 condition, and that is sufficient to provide a reasonable level of nutrition  
173 for the animal and is easily accessible to the animal or as directed by a  
174 veterinarian for medical reasons.

175 27. "Necessary shelter" means a structure sufficient to protect a dog  
176 from wind, rain, snow, cold, heat, or sun that has bedding to permit a  
177 dog to remain dry and reasonably clean and maintain a normal body  
178 temperature.

179 28. "Necessary water" means water that is in sufficient quantity and  
180 of appropriate quality for the species for which it is intended and that is  
181 accessible to the animal or as directed by a veterinarian for medical  
182 reasons.

183 29. "Owner" means any person having an interest in or right of  
184 possession to an animal. "Owner" also means any person having control,  
185 custody or possession of any animal, or by reason of the animal being

186 seen residing consistently at a location, to an extent such that the  
187 person could be presumed to be the owner.

188 30. "Pack" means a group of two or more animals running upon  
189 either public or private property not that of its owner in a state in which  
190 either its control or ownership is in doubt or cannot readily be  
191 ascertained and when the animals are not restrained or controlled.

192 31. "Person" means any individual, partnership, firm, company,  
193 corporation, association, trust, estate or other legal entity.

194 32. "Pet" means a domestic animal owned and kept by an individual  
195 or family for enjoyment and pleasure rather than utility. The term "pet"  
196 includes all animals required to be licensed under the terms of this  
197 chapter when properly licensed.

198 33. "Pet shop" means any person, establishment, store or  
199 department of any store that acquires live animals, including birds,  
200 reptiles, fowl and fish, and sells or rents, or offers to sell or rent, the  
201 live animals to the public or to retail outlets.

202 34. "Potentially dangerous dog" means: (1) any dog that when  
203 unprovoked: (a) inflicts a bite or bites on a human, pet or livestock  
204 either on public or private property; or (b) chases or approaches a  
205 person upon the streets, sidewalks, or any other public grounds or  
206 private property in a menacing fashion or apparent attitude of attack;  
207 or (2) any dog with a known propensity, tendency, or disposition to  
208 attack unprovoked, to cause injury or otherwise to threaten the safety  
209 of humans, pets or livestock on any public or private property.

210 35. "Poultry" means domestic fowl normally raised for eggs or meat  
211 and includes, but is not limited to, chickens, turkeys, ducks, geese,  
212 pheasants, quail, guinea fowl, pea fowl and other similar domesticated  
213 birds. Nothing herein shall be interpreted to conflict with or eliminate  
214 any state wildlife licensing requirement with relation to the keeping of  
215 any type of fowl.

216 36. "Proper enclosure of a dangerous dog" means, while on the  
217 owner's property, a dangerous dog shall be securely confined indoors  
218 or in a securely enclosed and locked pen or structure, suitable to prevent  
219 the entry of young children and designed to prevent the animal from  
220 escaping. Such pen or structure shall have secure sides and a secure  
221 top, and shall also provide protection from the elements for the dog.

222 37. "Private animal placement permit" means a permit or permits  
223 issued to qualified persons engaged in fostering domestic animals, to  
224 allow them to possess more animals than is otherwise specified by this  
225 code.

226 38. "Running at large" means to be off the premises of the owner  
227 and not under the control of the owner, or competent person authorized  
228 by the owner, either by leash, verbal voice or signal control. There shall  
229 be a presumption that police dogs, search and rescue dogs and other  
230 such working dogs which are training or working under the control of  
231 their handler are not running at large.

232 39. "Service animal" means any animal that is trained or being  
233 trained to aid a person who is blind, hearing impaired or otherwise

234 disabled and is used for that purpose and is registered with a recognized  
235 service animal organization.

236 40. "Severe Injury" means any physical injury that results in broken  
237 bones or disfiguring lacerations requiring a suture or sutures or cosmetic  
238 surgery.

239 41. "Shelter" means a facility that is used to house or contain stray,  
240 homeless, abandoned or unwanted animals and that is owned, operated  
241 or maintained by a public body, an established humane society, animal  
242 welfare society, society for the prevention of cruelty to animals or other  
243 nonprofit organization or person devoted to the welfare, protection and  
244 humane treatment of animals.

245 42. "Tether" means: (i) to restrain an animal by tying or securing  
246 the animal to any object or structure; and (ii) a device including, but  
247 not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley  
248 system for restraining an animal.

249 43. "Under control" means the animal is either under competent  
250 voice control or competent signal control, or both, so as to be restrained  
251 from approaching or injuring any bystander or other animal and from  
252 causing or being the cause of personal or physical property damage  
253 when off a leash or off the premises of the owner. Police dogs, search  
254 and rescue dogs and other such working dogs shall be presumed to be  
255 under control while such dogs are training or working under the control  
256 of their handler even though no leash or direct restraint is utilized.

257 44. "Vicious animal" means an animal that endangers the safety of  
258 any person or domestic animal by biting or attacking without  
259 provocation.

260  
261 Section 3. A new Section 8.09.130 of the Kirkland Municipal  
262 Code is hereby created to read as follows:  
263

264 **8.09.130 Pet licenses - required - issuance - penalty - fee use -**  
265 **exceptions.**

266 A. All dogs and cats twelve weeks old and older that are owned,  
267 harbored, kept or maintained in the City shall be licensed and registered.  
268 Licenses shall be renewed on or before the date of expiration.

269 B. The Animal Control Authority, or such other person, firm or entity  
270 authorized by the city council, shall issue a pet license upon the payment  
271 of a fee as provided for by this subsection. Upon issuance of a license,  
272 a metal tag corresponding to the number of the application shall be  
273 furnished to the applicant. The applicant shall cause the same to be  
274 attached to the appropriate pet. Tags shall not be transferable from one  
275 animal to another.

276 C. Pet licenses shall be valid for a term of one year from the date of  
277 issuance, expiring on the last day of the twelfth month. There is no  
278 proration of any license fees. Renewal licenses shall retain the original  
279 expiration period whether renewed before, on or after their respective  
280 renewal months.

281 D. Applications for a pet license shall be on forms provided by the  
282 Animal Control Authority.

283 E. License tags shall be worn by pets at all times. As an alternative  
284 to a license tag, a pet may be identified as licensed by being tattooed  
285 on its right ear or on its inside right thigh or groin with a license number  
286 approved or issued by the Animal Control Authority.

287 F. Owners of pets who hold valid licenses from other jurisdictions  
288 and who move into the City may transfer the license by paying a transfer  
289 fee. The license shall maintain the original license's expiration date.

290 G. An applicant may be denied the issuance or renewal of a pet  
291 license, if the applicant was previously found in violation of the animal  
292 cruelty provisions of this title or convicted of animal cruelty under RCW  
293 16.52.205 or 16.52.207.

294 1. An applicant may be denied the issuance or renewal of a pet  
295 license for up to:

296 (a) four years, if found in violation of the animal cruelty  
297 provisions of this title or convicted of a misdemeanor under RCW  
298 16.52.207; or

299 (b) indefinitely, if convicted of a felony under RCW  
300 16.52.205.

301 2. Any applicant who is either the subject of a notice and order  
302 under this title or charged with animal cruelty under RCW 16.52.205 or  
303 16.52.207, may have the issuance or renewal of their pet license denied  
304 pending the final result of either the notice and order or charge.

305 H. Pet owners are subject to a penalty for failure to comply with the  
306 licensing requirements of this section. Penalties shall be set by  
307 resolution of the City Council as part of the biennial budget process.

308 I. A late fee shall be charged on all pet license applications unless  
309 waived by the Animal Control Authority due to unique circumstances.  
310 The Animal Control Authority shall adopt administrative criteria for  
311 granting late fee waivers. Late fees shall be set by resolution of the City  
312 Council as part of the biennial budget process.

313 J. All fees and fines collected under this chapter shall be deposited  
314 in the general fund in an account to be applied solely to animal services.  
315

316 Section 4. A new Section 8.09.140 of the Kirkland Municipal  
317 Code is hereby created to read as follows:  
318

319 **8.09.140 Licenses Not Required.**

320 The provisions of this section shall not apply to dogs used by a law  
321 enforcement agency for police work, nor to dogs or cats in the custody  
322 of a veterinarian or animal shelter or animal rescuer, or whose owners  
323 are nonresidents temporarily within the city for a period not exceeding  
324 30 days.

325 Section 5. A new Section 8.09.150 of the Kirkland Municipal  
326 Code is hereby created to read as follows:

327 **8.09.150 License fees and penalties.**  
328 After establishing initial fees and penalties by resolution, unless  
329 otherwise designated, subsequent pet license fees and animal control  
330 fees and fines shall be set by resolution of the city council as part of the  
331 biennial budget process.

332  
333 Section 6. A new Section 8.09.160 of the Kirkland Municipal  
334 Code is hereby created to read as follows:

335  
336 **8.09.160 Fees authorized.**

337 A. In addition to any other fees required by this chapter, prior to the  
338 release of animals in the custody of the Animal Control Authority or its  
339 agents, the Animal Control Authority may charge fees under this chapter  
340 as follows:

341 1. Room fees for impound: as determined by the process identified  
342 in KMC 8.09.150. This may be applicable to foster care programs.

343 2. All other services: as determined by the process identified in KMC  
344 8.09.150.

345 B. Prior to the release of animals as set forth in Section A above, or  
346 the adoption of animals in the custody of the Animal Control Authority  
347 or its agent, the Animal Control Authority shall be entitled to collect the  
348 reasonable veterinary fees incurred, if any.

349 C. In addition, prior to the release or adoption of animals as set  
350 forth in Sections A or B above, the contracted animal shelter provider  
351 shall be entitled to collect a reasonable room and board fee.

352  
353 Section 7. If any provision of this ordinance or its application to  
354 any person or circumstance is held invalid, the remainder of the  
355 ordinance or the application of the provision to other persons or  
356 circumstances is not affected.

357  
358 Section 8. This ordinance shall be in full force and effect  
359 January 1, 2018, which will be more than five days from and after its  
360 passage by the City Council and publication pursuant to Kirkland  
361 Municipal Code 1.08.017, in the summary form attached to the original  
362 of this ordinance and by this reference approved by the City Council as  
363 required by law.

364  
365 Passed by majority vote of the Kirkland City Council in open  
366 meeting this 2nd day of August, 2017.

367  
368 Signed in authentication thereof this 2nd day of August, 2017.

  
\_\_\_\_\_  
Amy Walen, Mayor

Attest:

  
\_\_\_\_\_  
Kathi Anderson, City Clerk

Publication Date: August 7, 2017



Approved as to Form:

Kevin Raymond  
Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4592

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING PORTIONS OF THE CITY'S LOCAL ANIMAL CONTROL ORDINANCE THAT SETS FORTH THE CITY'S PURPOSE AND SCOPE IN PROVIDING LOCAL ANIMAL SERVICES, SETS FORTH DEFINITIONS, AND SETS FORTH PET LICENSING REQUIREMENTS.

SECTION 1. Establishes the purpose and scope for animal control.

SECTION 2. Provides definitions relating to animal control.

SECTION 3 Adds a new section related to pet licenses.

SECTION 4. Adds a new section for when licenses are not required.

SECTION 5. Adds a new section related to license fees and penalties.

SECTION 6. Provides for when fees are authorized.

SECTION 7. Provides a severability clause for the ordinance.

SECTION 8. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 2nd day of August, 2017.

I certify that the foregoing is a summary of Ordinance O-4592 approved by the Kirkland City Council for summary publication.

  
\_\_\_\_\_  
Kathi Anderson, City Clerk