

ORDINANCE O-4609

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING PORTIONS OF THE CITY'S LOCAL ANIMAL CONTROL ORDINANCE THAT SETS FORTH THE REGULATIONS APPLICABLE TO KENNELS, HOBBY KENNELS, CATTERIES, HOBBY CATTERIES, GROOMING SERVICES, PET SHOPS AND PRIVATE ANIMAL PLACEMENT PERMITS.

1 WHEREAS, the City of Kirkland has, in the past, contracted with
2 King County to allow the County to provide the City with animal services,
3 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 adopts the regulations set forth below
21 applicable to kennels, hobby kennels, catteries, hobby catteries,
22 grooming services, pet shops and private animal placement permits.
23

24 NOW, THEREFORE, the City Council of the City of Kirkland do
25 ordain as follows:
26

27 Section 1. A new Section 8.09.170 of the Kirkland Municipal
28 Code is hereby created to read as follows:
29

30 **8.09.170 Hobby kennel or hobby cattery licenses - required -**
31 **limitations - requirements - issuance and maintenance.**

32 A. All hobby kennels and hobby catteries must be licensed by the
33 City. Licenses shall be valid for one year from the date of application.
34 Fees shall be assessed as provided in KMC 8.09.150. There is no
35 proration of the license fee. Renewal licenses shall retain the original
36 expiration date whether renewed on or after their respective renewal
37 month. Issuance of a license under this section shall not excuse any
38 obligation to obtain a private animal placement permit, if required. In
39 addition, each animal that is maintained at a hobby kennel or hobby
40 cattery shall be licensed individually. It is unlawful for any person to
41 keep and maintain any hobby kennel or hobby cattery without a valid
42 and subsisting license therefor.

43 B. The City may limit the total number of adult dogs and cats kept
44 by the hobby kennel or hobby cattery. This determination shall be made
45 by the Animal Control Officer and may be based on the following factors,
46 in addition to any other factor the Officer deems relevant:

- 47 1. Animal size;
- 48 2. Individual characteristics of specific animals;
- 49 3. The amount of lot area;
 - 50 a. twenty-five where the lot area contains five acres or
 - 51 more;
 - 52 b. ten where the lot area contains thirty-five thousand
 - 53 square feet but less than five acres; and
 - 54 c. five where the lot area is less than thirty-five
 - 55 thousand square feet;
- 56 4. The facility specifications and dimensions in which the dogs
57 and cats are to be maintained; and
- 58 5. The zoning classification in which the hobby kennel or hobby
59 cattery are to be maintained.

60 C. The following are requirements for hobby kennels and hobby
61 catteries:

62 1. All open run areas shall be completely surrounded by a six-
63 foot fence set back at least twenty feet from all property lines, though
64 this requirement may be modified for hobby catteries as long as the
65 open run area contains the cats and prohibits the entrance of children.
66 For purposes of this section, "open run area" means that area, within
67 the property lines of the premises on which the hobby kennel or hobby
68 cattery is to be maintained, where the dogs and cats are sheltered or
69 maintained. If there is no area set aside for sheltering or maintaining
70 the dogs within the property lines of the premises, then the twenty
71 foot setback does not apply. The property lines of premises not
72 containing an open run area must be completely surrounded by a six-
73 foot fence;

74 2. The Animal Control Officer may require additional setback,
75 fencing, screening or soundproofing as the Officer deems necessary to
76 ensure the compatibility of the hobby kennel or hobby cattery with the
77 surrounding neighborhood. Factors to be considered in determining
78 compatibility are:

- 79 a. statements regarding approval or disapproval of
80 surrounding neighbors relative to maintenance of a hobby kennel or
81 hobby cattery at the address applied for;
- 82 b. history of verified animal care and control complaints
83 relating to the dogs and cats of the applicant at the address for
84 which the hobby kennel or hobby cattery is applied for;
- 85 c. facility specifications or dimensions in which the dogs and
86 cats are to be maintained;
- 87 d. animal size and specific characteristics; and
- 88 e. the zoning classification of the premises on which the
89 hobby kennel or hobby cattery is maintained;

90 D. Each dog and cat in the hobby kennel or hobby cattery shall have
91 current and proper immunization from disease according to the dog's
92 and cat's species and age. The immunizations shall consist of, at a
93 minimum, distemper, hepatitis, leptospirosis, parainfluenza and parvo
94 virus (DHLPP) inoculation for dogs over three months old and feline
95 herpesvirus 1, calicivirus and panleukopenia virus (FVRCP) inoculation
96 for cats over two months old and rabies inoculations for all dogs and
97 cats over four months old.

98 E. A hobby kennel or hobby cattery license may be terminated if the
99 number of dogs and cats exceeds the number allowed by the Animal
100 Control Officer or if the facility fails to comply with any of the
101 requirements of this Title or the specific requirements imposed on the
102 hobby kennel or hobby cattery by the Animal Control Authority.

103 F. The Animal Control Officer may authorize hobby kennels and
104 hobby catteries to exceed the maximum number of dogs and cats
105 otherwise allowed under this section.

106
107 Section 2. A new Section 8.09.180 of the Kirkland Municipal
108 Code is hereby created to read as follows:
109

110 **8.09.180 Hobby kennels and hobby catteries - licenses -**
111 **revocation, suspension or refusal to renew.**

112 The Animal Control Officer may, in addition to other penalties
113 provided in this title, revoke, suspend or refuse to renew any hobby
114 kennel or hobby cattery license upon good cause or for failure to comply
115 with any provision of this title. Enforcement of such a revocation,
116 suspension or refusal may be stayed during the pendency of an appeal
117 filed in accordance with this Title.

118
119 Section 3. A new Section 8.09.190 of the Kirkland Municipal
120 Code is hereby created to read as follows:
121

122 **8.09.190 Hobby kennel or hobby cattery licenses, registration**
123 **– revocation or refusal waiting period.**

124 If an applicant has had a license or registration revoked or a renewal
125 refused, the applicant shall not be issued a hobby kennel license or
126 hobby cattery license for at least one year after the revocation or
127 refusal.

128
129 Section 4. A new Section 8.09.200 of the Kirkland Municipal
130 Code is hereby created to read as follows:
131

132 **8.09.200 Animal shelters, kennels, catteries, grooming service**
133 **or pet shops – inspections - unsanitary conditions unlawful.**

134 A. It shall be the duty of the Animal Control Officer to make or cause
135 to be made such an inspection as may be necessary to determine
136 compliance with this code. The owner or keeper of an animal shelter,
137 kennel, cattery, grooming service or pet shop shall admit to the
138 premises, for the purpose of making an inspection, any officer, agent or
139 employee of the Animal Control Authority at any reasonable time that

140 admission is requested; but in all events the owner or keeper shall admit
141 the inspection within 24 hours of the request.

142 B. It is unlawful to keep, use or maintain within the City any animal
143 shelter, kennel, cattery, grooming service or pet shop that is unsanitary,
144 nauseous, foul or offensive, or in any way detrimental to public health
145 or safety, or the safety of animals, or not in compliance with any
146 provision of this code.

147
148 Section 5. A new Section 8.09.210 of the Kirkland Municipal
149 Code is hereby created to read as follows:

150

151 **8.09.210 Animal shelters, kennels, catteries, grooming**
152 **services, and pet shops - Conditions.**

153 Animal shelters, kennels, catteries, grooming services and pet shops
154 shall meet the following conditions:

155 1. Housing facilities shall be provided to the animals and such shall
156 be structurally sound and shall be maintained in good repair; shall be
157 designed so as to protect the animals from injury; shall contain the
158 animals; and shall restrict the entrance of other animals.

159 2. Electric power shall be supplied in conformance with city, county,
160 and state electrical codes adequate to supply lighting, heating, and
161 cooling as may be required by this chapter. Water shall be supplied at
162 sufficient pressure and quantity to clean indoor housing facilities and
163 primary enclosures of debris and excreta. Refrigeration shall be
164 provided for the protection of perishable foods.

165 3. Suitable drinking water, food and bedding shall be provided and
166 stored in facilities adequate to provide protection against infestation or
167 contamination by insects, rodents or disease.

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

173 5. Washroom facilities, including sinks and toilets, with hot and cold
174 water, must be conveniently available for cleaning purposes, and a large
175 sink or tub provided for the purpose of washing utensils, equipment and
176 facilities.

177 6. Sick animals shall be separated from those appearing healthy and
178 normal and, if for sale, shall be removed from display and sale. Sick
179 animals shall be seen by a licensed veterinarian within 24 hours of
180 exhibiting sickness. Unless taken by the veterinarian, sick animals shall
181 be kept in isolation quarters with adequate ventilation to keep from
182 contaminating well animals. Sick or injured animals shall be treated
183 humanely at all times.

184 7. There shall be an employee on duty at all times during those
185 hours any store is open whose responsibility shall be the care and
186 welfare of the animals in that shop or department.

187 8. An employee or owner shall come in to feed, water and do the
188 necessary cleaning of animals on days and during those hours the store
189 or shop is closed.

190 9. No person, persons, association, firm or corporation shall
191 knowingly sell a sick or injured animal.

192 10. No person, persons, association, firm or corporation shall
193 misrepresent an animal to a consumer in any way
194

195 Section 6. A new Section 8.09.220 of the Kirkland Municipal
196 Code is hereby created to read as follows:
197

198 **8.09.220 Animal shelters, kennels, catteries, grooming services
199 and pet shops – Indoor facilities.**

200 Animal shelters, kennels, catteries, grooming services and pet shops
201 that have indoor housing facilities for animals and birds shall:

202 1. Be sufficiently heated or cooled to protect such animals from
203 temperatures to which they are not normally acclimatized;

204 2. Be adequately ventilated to provide for the health of animals
205 contained therein and to assist in the removal of foul and obnoxious
206 odors;

207 3. Have sufficient natural or artificial lighting to permit routine
208 inspection and cleaning at any time of day or night. In addition,
209 sufficient natural or artificial lighting shall be supplied in the area of sinks
210 and toilets to provide for the hygiene of animal caretakers;

211 4. Have interior wall and ceiling surfaces constructed of materials
212 which are resistant to the absorption of moisture and odors, or such
213 surfaces shall be treated with a sealant or with paint, when such
214 materials are not originally resistant to moisture or odors. Floor surfaces
215 shall not be made of unsealed wood. In addition, interior walls shall be
216 constructed so that the interface with floor surfaces is sealed from the
217 flow or accumulation of moisture or debris;

218 5. Contain a drainage system which shall be connected to a sanitary
219 sewer or septic tank system which conforms to the standards of the
220 City's building codes and shall be designed to rapidly remove water and
221 excreta in the cleaning of such indoor housing facility under any
222 condition of weather or temperature.

223 6. All indoor housing facilities for animals, fish, or birds shall be
224 maintained in a clean and sanitary condition and a safe and effective
225 disinfectant shall be used in the cleaning of such facilities.
226

227 Section 7. A new Section 8.09.230 of the Kirkland Municipal
228 Code is hereby created to read as follows:
229

230 **8.09.230 Animal shelters, kennels, catteries, grooming
231 services, and pet shops - Outdoor facilities.**

232 Animal shelters, kennels, catteries, grooming services and pet shops
233 which have outdoor facilities for animals shall:

234 1. Be constructed to provide shelter from excessive heat, cold,
235 sunlight, rain, snow, wind, or other elements. In addition, such facilities

236 shall be constructed to provide sufficient space for the proper exercise
237 and movement of each animal contained therein;

238 2. Be constructed to provide drainage and to prevent the
239 accumulation of water, mud, debris, excreta, or other materials and
240 shall be designed to facilitate the removal of animal and food wastes;
241 and

242 3. Be constructed with adequate walls or fences to contain the
243 animals kept therein and to prevent entrance of other animals.

244
245 Section 8. A new Section 8.09.240 of the Kirkland Municipal
246 Code is hereby created to read as follows:
247

248 **8.09.240 Grooming parlors - Conditions.**

249 Grooming parlors shall:

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

252 2. Provide such restraining straps for the dog or cat while it is being
253 groomed so that such animal shall neither fall nor be hanged, nor be
254 injured in any manner;

255 3. Sterilize all equipment after each dog or cat has been groomed;

256 4. Not leave animals unattended before a dryer;

257 5. Not prescribe treatment or medicine that is the province of a
258 licensed veterinarian as provided in RCW 18.92.010;

259 6. Not put more than one animal in each cage;

260 7. Have all floors and walls in rooms, pens and cages used to retain
261 animals or in areas where animals are clipped, groomed or treated,
262 constructed of water impervious material that can readily be cleaned,
263 and must be maintained in good repair;

264 8. Have hot and cold water conveniently available and a large sink
265 or tub provided;

266 9. Have toilet and hand washing facilities with hot and cold running
267 water conveniently available for personnel employed;

268 10. Keep or store all equipment used for the business in a sanitary
269 manner;

270 11. Keep all cages, pens, or kennels used for holding animals in a
271 clean and sanitary condition and disinfect on a routine basis.
272

273 Section 9. A new Section 8.09.250 of the Kirkland Municipal
274 Code is hereby created to read as follows:
275

276 **8.09.250 Animal shelters, hobby kennels, kennels, catteries,
277 hobby catteries, pet shops, grooming parlors - additional
278 conditions.**

279 The Animal Control Officer is authorized to promulgate rules and
280 regulations not in conflict with this Title as they pertain to the conditions
281 and operations of animal shelters, kennels, hobby kennels, catteries,
282 hobby catteries, pet shops and grooming parlors.
283

284 Section 10. A new Section 8.09.260 of the Kirkland Municipal
285 Code is hereby created to read as follows:

286 **8.09.260 Individual private animal placement permit - required**
287 **- qualifications - limitations -inspection, denial and revocation.**

288 A. Any person independently engaged in the fostering of dogs and
289 cats who routinely possesses more dogs and cats than are otherwise
290 allowed in this Title or any other provision of the Kirkland Zoning Code
291 must obtain a private animal placement permit from the Animal Control
292 Authority. Permits shall be valid for one year from issuance and may not
293 be transferred.

294 B. In order to qualify for a private animal placement permit, an
295 applicant must:

296 1. Maintain and care for dogs and cats in a humane and sanitary
297 fashion.

298 2. Foster the dogs and cats at a location that is compatible with
299 the surrounding neighborhood.

300 3. Agree to return stray or lost animals to their owners before
301 placing the animals in an adoptive home.

302 4. Agree to spay or neuter and license each dog or cat before
303 placement into its new home and transfer the license of each animal to
304 its adoptive owner.

305 C. Individuals or organizations holding a private animal placement
306 permit shall be allowed to possess five foster animals above the limit
307 that would normally apply to their property under this Title or any other
308 provision of the Kirkland Zoning Code. Permit holders are required to
309 locate an adoptive home for each dog or cat within six months of
310 acquiring the dog or cat. If, after six months, an adoptive home has not
311 been found for a dog or cat, the Animal Control Officer shall review the
312 situation to determine if the permit holder is complying with the permit.
313 If the Animal Control Officer ascertains that a good faith effort is being
314 made to locate adoptive homes, a six-month extension may be granted.
315 The presence of juvenile animals shall not necessarily place a permit
316 holder over their limit unless the Animal Control Officer determines that
317 juvenile animals are present in such large numbers as to otherwise place
318 the permit holder out of compliance with the permit. Holders of hobby
319 kennel licenses and hobby cattery licenses shall be allowed to possess
320 and foster five more animals than are allowed by the conditions of a
321 hobby kennel permit and hobby cattery permit.

322 D. The Animal Control Officer may inspect the facilities of an
323 applicant for a private animal placement permit to determine whether
324 or not such a permit shall be issued. In addition, the Animal Control
325 Officer may periodically inspect the facilities of holders of private animal
326 placement permits to ensure compliance with this section. The Animal
327 Control Officer may also deny or revoke permits based on any one or
328 more of the following:

329 1. A failure to meet the qualifications listed in subsections A
330 through C of this section;

331 2. Verified animal care and control complaints;

332 3. Verified complaints by neighbors regarding the failure to
333 comply with private animal placement permit requirements.

334 Section 11. If any provision of this ordinance or its application
335 to any person or circumstance is held invalid, the remainder of the
336 ordinance or the application of the provision to other persons or
337 circumstances is not affected.

338
339 Section 12. This ordinance shall be in force and effect January
340 1, 2018, after its passage by the Kirkland City Council and publication
341 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
342 form attached to the original of this ordinance and by this reference
343 approved by the City Council.

344
345 Passed by majority vote of the Kirkland City Council in open
346 meeting this 3rd day of October, 2017.

347
348 Signed in authentication thereof this 3rd day of October, 2017.


Amy Walen, Mayor

Attest:


Kathi Anderson, City Clerk

Publication Date: October 9, 2017

Approved as to Form:


Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4609

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING PORTIONS OF THE CITY'S LOCAL ANIMAL CONTROL ORDINANCE THAT SETS FORTH THE REGULATIONS APPLICABLE TO KENNELS, HOBBY KENNELS, CATTERIES, HOBBY CATTERIES, GROOMING SERVICES, PET SHOPS AND PRIVATE ANIMAL PLACEMENT PERMITS.

SECTION 1. Adopts regulations and licensing requirements for hobby kennels and hobby catteries.

SECTION 2. Authorizes Animal Control Officer to revoke, suspend or refuse to renew any hobby kennel or catterie license for code violations.

SECTION 3. Requires applicant for a hobby kennel or catterie to wait one year before applying for a new license if they have previously had license revoked or refused.

SECTION 4. Authorizes the Animal Control Officer to inspect animal shelters, kennels, catteries, grooming services and pet shops for unsanitary conditions.

SECTION 5. Sets forth conditions and requirements for animal shelters, kennels, catteries, grooming services and pet shops; including requirements regarding housing facilities, electric power, water, refrigeration, food, bedding, disposal of wastes, washroom facilities, separation of sick animals from healthy animals, and care for the confined animals.

SECTION 6. Sets forth conditions for indoor facilities for shelters, kennels, catteries, grooming services and pet shops; including sufficient heating and cooling; ventilation; lighting, sanitary surfaces of floors, walls and ceilings; sanitary sewer drainage system; and clean and sanitary conditions.

SECTION 7. Sets forth conditions for outdoor facilities for shelters, kennels, catteries, grooming services and pet shops; including shelter from heat and cold; drainage and adequate walls and fences.

SECTION 8. Sets forth conditions for grooming parlors; including safety restraining straps; sterilize equipment; animal safety; sanitary conditions; do not board animals or give them treatment within the province of a licensed veterinarian; hot and cold water; and restrooms for employees.

SECTION 9. Authorizes Animal Control Officer to promulgate rules and regulations not inconsistent with this Title.

SECTION 10. Requires private animal placement permit to foster animals. Sets forth requirements for fostering; including humane treatment of animals; sanitary conditions, compatible with surrounding neighborhood; must return strays to their owners; and must spay or neuter before adopting out. No more than five foster animals above the limit allowed by code; must find fosters new homes within six months; Animal Control Officer has authority to grant good-faith extensions. The Animal Control Officer is authorized to inspect the premises and may, in his or her discretion, require, refuse, revoke or deny a permit.

SECTION 11. Provides a severability clause for the ordinance.

SECTION 12. 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 January 1, 2018.

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 3rd day of October, 2017.

I certify that the foregoing is a summary of Ordinance O-4609 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk