

ORDINANCE O-4612

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING LOCAL ANIMAL CONTROL PROVISIONS THAT SET FORTH THE REGULATIONS APPLICABLE TO ENFORCEMENT, PENALTIES, AND IMPOUNDING PROCEDURES.

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
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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;
8 and
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10 WHEREAS, the City's contract with King County will expire on
11 December 31, 2017; and
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13 WHEREAS, on November 1, 2016, the City made a decision to
14 begin providing its own local animal services commencing on January 1,
15 2018; and
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17 WHEREAS, Council held a study session on July 18, 2017, to
18 review initial proposed ordinances to eventually replace KMC chapter
19 8.04 and establish a local animal control authority in the City; and
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21 WHEREAS, Council adopts the regulations set forth below
22 applicable to the enforcement authority of the City's Animal Control
23 Officer, penalties for violations of the animal code, and procedures
24 related to the impoundment of animals by the Animal Control Authority.
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26 NOW, THEREFORE, the City Council of the City of Kirkland do
27 ordain as follows:
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29 Section 1. A new Section 8.09.300 of the Kirkland Municipal
30 Code is hereby created to read as follows:
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32 **8.09.300 Enforcement power.**

33 A. The Animal Control Officer is authorized to take such lawful action
34 as may be required to enforce this chapter, and the laws of the state of
35 Washington as the laws pertain to animal cruelty, shelter, welfare and
36 enforcement and control of animals.

37 B. The Animal Control Officer shall not enter a building designated for
38 and used for private purposes, unless a proper warrant has first been
39 issued upon a showing that the officer has reasonable cause to believe
40 an animal is being maintained in the building in violation of this chapter.

41 C. The Animal Control Officer, while pursuing or observing any animal
42 in violation of this chapter, may enter upon any public or private
43 property, except any building designated for and used for private

44 purposes, for the purpose of abating the animal violation being pursued
45 or observed.

46 D. No person shall deny, prevent, obstruct or attempt to deny, prevent
47 or obstruct the Animal Control Officer from pursuing any animal
48 observed to be in violation of this chapter. Further, no person shall fail
49 or neglect, after a proper warrant has been presented, to promptly
50 permit the Animal Control Officer to enter private property to perform
51 any duty imposed by this chapter. Any person violating this subsection
52 is guilty of a misdemeanor.

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54 Section 2. A new Section 8.09.310 of the Kirkland Municipal
55 Code is hereby created to read as follows:

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57 **8.09.310 Violations - deemed nuisance - abatement.**

58 All violations of this chapter are detrimental to the public health,
59 safety and welfare and are public nuisances. All conditions that are
60 determined after review by the Animal Control Officer to be in violation
61 of this chapter shall be abated.

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63 Section 3. A new Section 8.09.320 of the Kirkland Municipal
64 Code is hereby created to read as follows:

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66 **8.09.320 Violations - misdemeanor - penalty.**

67 Unless otherwise stated, any person who allows an animal to be
68 maintained in violation of this chapter is guilty of a misdemeanor
69 punishable by fine of not more than one thousand dollars and/or
70 imprisonment for a term not to exceed ninety days.

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72 Section 4. A new Section 8.09.330 of the Kirkland Municipal
73 Code is hereby created to read as follows:

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75 **8.09.330 Violations - civil penalty.**

76 In addition to or as an alternative to any other penalty provided in this
77 chapter or by law, any person whose animal is maintained in violation
78 of this chapter shall incur a civil penalty in an amount not to exceed one
79 thousand dollars per violation to be directly assessed by the Animal
80 Control Officer, plus billable costs of the City. The Officer, in a
81 reasonable manner, may vary the amount of the penalty assessed to
82 consider the appropriateness of the penalty to the nature and type of
83 violation; the gravity of the violation; the number of past and present
84 violations committed and the good faith of the violator in attempting to
85 achieve compliance with prescribed requirements or after notification of
86 a violation.

87

88 Section 5. A new Section 8.09.340 of the Kirkland Municipal
89 Code is hereby created to read as follows:

90 **8.09.340 Additional enforcement.**

91 Notwithstanding the existence or use of any other remedy, the Animal
92 Control Officer may seek legal or equitable relief to enjoin acts or
93 practices and abate any conditions that constitute a violation of this
94 chapter and/or the Kirkland Zoning Code and/or other regulations
95 adopted under this chapter.

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97 Section 6. A new Section 8.09.350 of the Kirkland Municipal
98 Code is hereby created to read as follows:

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100 **8.09.350 Impounding - procedures.**

101 A. The Animal Control Officer may apprehend and impound any
102 animals found doing any of the acts defined as a public nuisance or
103 being subjected to cruel treatment. After the animal is apprehended
104 and/or impounded, the Animal Control Officer shall ascertain whether
105 the animal is licensed or otherwise identifiable. If reasonably possible,
106 the Animal Control Officer shall return the animal to the owner.

107 1. If it is not reasonably possible to immediately return a currently
108 licensed animal to its owner, the Animal Control Officer shall notify the
109 owner of the impoundment and the reason therefor by regular mail,
110 telephone, email, or by leaving written notice at the address contained
111 in the license application. It shall be the owner's responsibility to take
112 measures to redeem such animal. Neither the City nor any officer or
113 agent of the City shall be legally or financially responsible for failing to
114 notify an animal owner under this chapter. Any currently licensed
115 animal impounded in accordance with this chapter shall be held for the
116 owner at least 120 hours (five days). The Animal Control Officer may,
117 at his or her discretion, extend the impound period for up to 10 days
118 prior to release of the animal for adoption.

119 2. Any other animal impounded in accordance with this chapter shall
120 be held for its owner at least 72 hours from the time of impoundment.

121 3. Unless otherwise provided in this code, the owner of an impounded
122 animal may redeem the animal at any time prior to its release for
123 adoption by the City and shall be entitled to the possession of the animal
124 upon payment of all legal charges and expenses incidental to impound
125 and keeping of said animal.

126 4. Any animal suffering from serious injury or disease, as determined
127 by a licensed veterinarian, may be humanely euthanized.

128 5. At the discretion of the Animal Control Officer, any animal may be
129 held for a longer period than otherwise specified in this section and
130 redeemed by any person on payment of charges not exceeding those
131 prescribed in this chapter.

132 B. After impoundment, any animal not redeemed shall be made
133 available for adoption.

134 C. The City shall not sell any animals for the purposes of medical
135 research to any research institute or any other purchaser; nor shall the
136 City transfer any animal to any research institute or other person or
137 agency for the purposes of medical research.

138 D. In the event of an emergency endangering the health or safety of
139 any person, where seizure and impoundment is deemed inadvisable or
140 impracticable, or for humane considerations, the Animal Control Officer
141 or other police officer at his or her discretion may summarily destroy the
142 animal involved.

143 E. Despite Section A above, in the event an animal is impounded as
144 a dangerous dog, potentially dangerous dog or vicious animal, and the
145 owner is issued a notice of violation, then the animal may not be
146 redeemed, and the owner shall instead be subject to the rules,
147 regulations and instructions set forth in the notice of violation.

148 F. Despite Section A above, in the event the ACO has probable cause
149 to believe an animal is suffering from conduct constituting animal cruelty
150 under this Title or any other law, and the owner is issued a notice of
151 violation, then the animal may not be redeemed and the owner shall
152 instead be subject to the rules, regulations and instructions set forth in
153 the notice of violation.

154 G. No person shall willfully:

155 1. Prevent or hinder the impounding of any animal found in violation
156 of this code;

157 2. Remove the animal from the designated shelter without the
158 authority of the Animal Control Officer or Officer in charge of the
159 designated shelter;

160 3. Remove the animal from the designated shelter without paying all
161 lawful charges; or

162 4. Resist or obstruct the Animal Control Officer in the performance of
163 his/her duties.

164
165 Section 7. If any provision of this ordinance or its application to
166 any person or circumstance is held invalid, the remainder of the
167 ordinance or the application of the provision to other persons or
168 circumstances is not affected.

169
170 Section 8. This ordinance shall be in force and effect January 1,
171 2018 after its passage by the Kirkland City Council and publication
172 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
173 form attached to the original of this ordinance and by this reference
174 approved by the City Council.

175
176 Passed by majority vote of the Kirkland City Council in open
177 meeting this 17th day of October, 2017.

178
179 Signed in authentication thereof this 17th day of October, 2017.

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182 
183 Amy Walen, Mayor

184 Attest:

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186 
187 Kathi Anderson, City Clerk
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Publication Date: October 23, 2017

189 Approved as to Form:

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Kevin Raymond

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4612

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING LOCAL ANIMAL CONTROL PROVISIONS THAT SET FORTH THE REGULATIONS APPLICABLE TO ENFORCEMENT, PENALTIES, AND IMPOUNDING PROCEDURES.

SECTION 1. Adds a new Kirkland Municipal Code ("KMC") Section 8.09.300 relating to enforcement power of the Animal Control Officer.

SECTION 2. Adds a new KMC Section 8.09.310 relating to violations of the Chapter, when they are deemed a nuisance, and will be abated.

SECTION 3. Adds a new KMC Section 8.09.320 providing for a penalty for the Chapter.

SECTION 4. Adds a new KMC Section 8.09.330 providing for an additional or alternative civil penalty for the Chapter.

SECTION 5. Adds a new KMC Section 8.09.340 allowing for additional enforcement.

SECTION 6. Adds a new KMC Section 8.09.350 providing for impound procedures for the Chapter.

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 January 1, 2018 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 17th day of October, 2017.

I certify that the foregoing is a summary of Ordinance O-4612 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk