

ORDINANCE O-4622

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING PORTIONS OF THE CITY'S LOCAL ANIMAL CONTROL PROVISIONS THAT SET FORTH THE REGULATIONS APPLICABLE TO LEASH REQUIREMENTS, RABIES VACCINATIONS, REPORTING ANIMAL BITES, REMOVING ANIMAL WASTE, PROHIBITING TRAPPING AND/OR CONFINING ANIMALS, STRIKING ANIMALS WITH A MOTOR VEHICLE, AND BARRING OWNERSHIP OF INHERENTLY DANGEROUS ANIMALS.

1           WHEREAS, the City of Kirkland has, for many years, contracted  
2 with King County to allow the County to provide the City with animal  
3 services, such as animal control, sheltering and licensing; and  
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5           WHEREAS, in 1985, the City adopted the animal control  
6 ordinances enacted by King County, which are currently in effect in the  
7 City, codified at Kirkland Municipal Code, KMC chapter 8.04; and  
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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, the City Council held a study session on July 18,  
17 2017, to review initial proposed ordinances to eventually replace KMC  
18 chapter 8.04 and establish a local animal control authority in the City.  
19

20           NOW, THEREFORE, the City Council of the City of Kirkland do  
21 ordain as follows:  
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23           Section 1. A new Kirkland Municipal Code Section 8.09.500 is  
24 hereby adopted to read as follows:  
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26 **8.09.500 Dogs - leash requirement – exceptions.**

27           All dogs within the City limits shall be required to be on a leash, as  
28 defined in KMC 8.09.120, when they are off the premises of the property  
29 where they reside. Provided, dogs may lawfully be off-leash in areas  
30 that have been designated by the City of Kirkland as "off-leash" areas.  
31 Furthermore, dogs may lawfully be off-leash while on another's private  
32 property if the private property owner or occupier has given the dog's  
33 handler permission to let the dog off-leash. Violation of this leash  
34 provision shall be deemed a public nuisance and may subject the dog's  
35 owner and/or handler to a civil penalty.  
36

37           Section 2. A new Kirkland Municipal Code Section 8.09.502 is  
38 hereby adopted to read as follows:

39 **8.09.502 Rabies vaccination required.**

40 All dogs and cats six months of age or older shall be vaccinated  
41 against rabies. All vaccinations shall be performed in accordance with  
42 the standards contained in the Compendium of Animal Rabies  
43 Prevention and Control as amended, published by the National  
44 Association of State Public Health Veterinarians, Inc.,  
45 <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr6006a1.htm>  
46

47 Section 3. A new Kirkland Municipal Code Section 8.09.504 is  
48 hereby adopted to read as follows:  
49

50 **8.09.504 Animal bites to be reported.**

51 A. Every animal which bites a person shall, within 24 hours, be  
52 reported by any owner or person having charge of said animal to the  
53 Animal Control Authority. At the discretion of the Animal Control Officer,  
54 the animal may be quarantined for a period of up to 10 days. At the  
55 discretion of the Animal Control Officer, such quarantine may be on the  
56 premises of the owner, at the shelter designated as the City's animal  
57 shelter or, at the owner's option and expense, in a veterinary hospital  
58 of the owner's choice. When an animal's owner is unknown, such  
59 quarantine shall be at the shelter designated as the City's animal shelter  
60 or at a veterinary hospital designated by the Animal Control Authority.

61 B. Any owner or person having charge of any animal who fails to  
62 report an animal bite as required herein shall be guilty of a misdemeanor  
63 and, upon conviction thereof, may be sentenced to a fine not to exceed  
64 \$1,000 and/or 90 days in jail.  
65

66 Section 4. A new Kirkland Municipal Code Section 8.09.506 is  
67 hereby adopted to read as follows:  
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69 **8.09.506 Confining dogs in season.**

70 The owner or person having charge of any unspayed female dog  
71 shall confine such dog in a building or enclosed area during the period  
72 such dog is in season.  
73

74 Section 5. A new Kirkland Municipal Code Section 8.09.508 is  
75 hereby adopted to read as follows:  
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77 **8.09.508 Animal waste – removal required.**

78 A. It shall be unlawful for any person to:

79 1. Allow animal feces to accumulate in any open private area, run,  
80 pen, shelter, or yard where animals are harbored, kept, or maintained,  
81 or fail to remove and properly dispose of animal feces from such areas  
82 at least once every 24 hours, so as to prevent polluted drainage waters  
83 from entering the surface or storm water system of the City. A person  
84 who violates this provision shall be guilty of a misdemeanor. Nothing in  
85 this provision shall be construed as prohibiting the City from pursuing  
86 civil enforcement for a violation of KMC 15.52.090(a) pursuant to KMC  
87 Chapter 1.12.

88 2. Fail to remove fecal matter deposited by an animal under his  
89 or her ownership or control on public property or the private property  
90 of another before leaving the immediate area where the fecal matter  
91 was deposited.

92 3. Fail to have in his or her immediate possession an  
93 appropriately sized bag, or other proper means of disposal, to be used  
94 for the removal of animal feces when accompanying an animal on  
95 public property or private property of another.

96 B. Violation of the provisions listed in subsections A(2) and A(3) of  
97 this section will subject the offender to a civil penalty.

98  
99 Section 6. A new Kirkland Municipal Code Section 8.09.510 is  
100 hereby adopted to read as follows:

101  
102 **8.09.510 Crimes relating to the confinement of another's**  
103 **animal and the abatement of private nuisances.**

104 A. An owner of private real property has the right under Washington  
105 common and statutory law to protect his or her property from trespass  
106 by persons or other instrumentalities including domestic animals such  
107 as pets. This right is limited by animal cruelty laws and other ordinances  
108 and statutes intended to protect the health and safety of animals. The  
109 inappropriate or negligent use of even humane traps may pose a threat  
110 to animals. Thus, the City prohibits the use of all traps except under  
111 the conditions set forth in this section.

112 B. Crimes.

113 1. Unlawful Capture or Confinement of a Pet. A person is guilty of  
114 the crime of the unlawful capture or confinement of a pet if a person  
115 knowingly traps, captures or otherwise confines an animal known by the  
116 person to be the pet of another. The unlawful capture or confinement  
117 of a pet shall be a gross misdemeanor.

118 2. Trapping. It shall be unlawful for any person by means of a trap  
119 or similar mechanical device to intentionally trap a domestic animal or  
120 pet. The unlawful trapping of a domestic animal or pet shall be a gross  
121 misdemeanor. Nothing herein shall be interpreted to prohibit a property  
122 owner from using other lawful means to drive off a domestic animal or  
123 pet of another.

124 3. Negligent Confinement of an Animal. A person is guilty of the  
125 crime of negligent confinement of an animal if a person who traps,  
126 captures or confines an animal, whether intentionally or unintentionally,  
127 fails to promptly release an animal which the person knows or should  
128 have known to be confined and which is not the property of that person.  
129 Negligent confinement of an animal shall be a misdemeanor.

130 C. Defenses. The following acts are excluded from the crime of  
131 unlawful capture or confinement of a pet as set forth in subsection  
132 (B)(1) of this section or trapping as set forth in subsection (B)(2) of this  
133 section:

134 1. The humane capture, trapping or confinement of an injured or  
135 diseased animal, in order to protect the animal from harm or in order to  
136 deliver or report the animal to a veterinarian, animal control officer,

137 Washington State wildlife official, animal shelter or other charitable or  
138 governmental agency charged with animal welfare and protection;  
139 and/or

140 2. The actions of a city, county or state animal control officer, law  
141 enforcement officer or other public safety officer in the performance of  
142 his or her duties; and/or

143 3. The actions of any person or agency sanctioned by the Animal  
144 Control Authority to humanely capture, trap or confine a lost, stray or  
145 feral animal in order to deliver or report the animal to a veterinarian,  
146 animal control officer, Washington State wildlife official, animal shelter  
147 or other charitable or governmental agency charged with animal welfare  
148 and protection.

149  
150 Section 7. A new Kirkland Municipal Code Section 8.09.512 is  
151 hereby adopted to read as follows:  
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153 **8.09.512 Striking domestic animal with motor vehicle.**

154 Any person who, while operating a motor vehicle, strikes a domestic  
155 animal shall stop at once, render reasonable assistance, and shall  
156 immediately report such injury or death to the animal's owner. In the  
157 event the owner of said animal cannot be ascertained and located, such  
158 person shall at once report the accident to the animal control authority.  
159 This subsection shall in no way be construed as requiring the person  
160 striking the animal with a motor vehicle to be financially responsible for  
161 any injury or death of the animal.  
162

163 Section 8. A new Kirkland Municipal Code Section 8.09.514 is  
164 hereby adopted to read as follows:  
165

166 **8.09.514 No duty created.**

167 Nothing contained in this chapter is intended to be, nor shall be,  
168 construed to create or form any special duties or relationships with  
169 specific individuals or otherwise constitute the basis for any liability on  
170 the part of the city or its officers, employees or agents, for any injury or  
171 damage resulting from the failure of any person to comply with the  
172 terms of this chapter, or by reason or in consequence of any commission  
173 with the implementation or enforcement of this chapter on the part of  
174 the city by its officers, employees, or agents. This chapter has been  
175 enacted for the welfare of the public as a whole, and not for any specific  
176 group or class.  
177

178 Section 9. A new Kirkland Municipal Code Section 8.09.516 is  
179 hereby adopted to read as follows:  
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181 **8.09.516 Potentially dangerous wild animals – permit from**  
182 **state required.**

183 No person, as defined by RCW 16.30.100(3), shall own any  
184 potentially dangerous wild animal as defined by RCW 16.30.100(2),  
185 unless such person has first obtained a permit from the State Game  
186 Department and/or Federal Fish and Wildlife Service; *provided*, that the  
187 Animal Control Officer may allow a person to temporarily care for an

188 infant or injured wild animal native to this area which is homeless while  
189 the person acquires the necessary state and/or federal permits. Any  
190 person who violates this section shall be guilty of a misdemeanor,  
191 punishable by up to 90 days in jail and up to a \$1,000 fine or both.  
192

193 Section 10. A new Kirkland Municipal Code Section 8.09.518 is  
194 hereby adopted to read as follows:  
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196 **8.09.518 Inherently dangerous animal – unlawful to own.**

197 A. It is unlawful for any person to possess or maintain an inherently  
198 dangerous animal within the City of Kirkland. Any person who violates  
199 this section shall be guilty of a misdemeanor, punishable by up to 90  
200 days in jail and up to a \$1,000 fine or both.

201 B. The provisions of this section shall not apply to any facility  
202 possessing or maintaining inherently dangerous animals as defined in this  
203 chapter which is owned, operated or maintained by any city, county, state  
204 or the federal government, including but not limited to public zoos, nor  
205 shall it apply to museums, laboratories and research facilities maintained  
206 by scientific or educational institutions, nor to private or commercial  
207 activities such as circuses, fairs, or private zoological parks which are  
208 otherwise regulated by law.  
209

210 Section 11. If any provision of this ordinance or its application  
211 to any person or circumstance is held invalid, the remainder of the  
212 ordinance or the application of the provision to other persons or  
213 circumstances is not affected.  
214

215 Section 12. This ordinance shall be in force and effect January  
216 1, 2018 from and after its passage by the Kirkland City Council and  
217 publication pursuant to Section 1.08.017, Kirkland Municipal Code in the  
218 summary form attached to the original of this ordinance and by this  
219 reference approved by the City Council.  
220

221 Passed by majority vote of the Kirkland City Council in open  
222 meeting this 21st day of November, 2017.  
223

224 Signed in authentication thereof this 21st day of November,  
225 2017.

  
Amy Walen, Mayor

Attest:

  
Kathi Anderson, City Clerk

Publication Date: November 27, 2017

Approved as to Form:

*Kevin Raymond*

Kevin Raymond, City Attorney