

ORDINANCE NO. 3211

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
RELATING TO ANIMAL CONTROL.

Be it ordained by the City Council of the City of
Kirkland as follows:

Section 1: There is hereby created a new Chapter to
be known as Chapter 8.05, Dangerous Dogs, and to read as
follows:

Chapter 8.05 DANGEROUS DOGS

8.05.010 Purpose. The Council finds that
certain dogs are a threat to the safety and
welfare of citizens by virtue of their
unpredictability or exceptional potential to
inflict severe injury. Some of these risks are
attributable to the failure of owners to confine
or properly control such dogs or to
characteristics of particular dogs. The Council
believes that this Chapter is necessary to
better address this situation as the potential
for harm outweighs the burden of added
requirements on owners. The purpose of this
Chapter is to provide for, and promote the
health, safety, and welfare of the general
public, and not to create or otherwise establish
or designate any particular class or group of
persons who will or should be especially
protected or benefited by the terms of these
provisions. This Chapter supplements and amends
Chapter 8.04. Should there be any conflict
between the provisions of this Chapter and other
portions of this Code, the provisions of this
Chapter shall prevail. Where there is no such
conflict, provisions such as those of Chapter
8.04 will be used for interpretation of this
Chapter.

8.05.020 Definitions. Section 8.04.020 is
amended and supplemented by the addition of the
following definitions:

"Dangerous Dog" means: 1) any dog with a
known propensity, tendency, or disposition to
attack unprovoked, to cause injury to, or to
otherwise endanger the safety of humans or other
domestic animals; or 2) a pit bull.

"Pit bull" is any dog known by the owner to be at least partially of the breed American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier, or a dog declared by the City to be a Pit Bull, after opportunity for a hearing.

"Residence." For the purposes of this Chapter, residence includes the premises controlled by a dog's keeper, including a dwelling unit or business, so long as the area at issue is not a place to which the public is generally invited, nor a common area of a condominium or multi-family residential property.

8.05.030 Criminal Penalty. It is unlawful to keep, harbor, own or in any way possess a dangerous dog within the City of Kirkland, except as permitted pursuant to this ordinance.

(S) 8.05.040 Keeping Dangerous Dog Without Valid License. Every person who shall keep a dangerous dog without being validly licensed to do so by the City of Kirkland is guilty of a serious crime.

A person may be licensed annually to keep a dangerous dog if he or she complies with all of the following requirements:

(a) Such person is at least 18 years of age and will regularly reside at the residence at which the dangerous dog is kept.

(b) Such person presents proof that he or she has at least \$100,000.00 liability insurance covering any damage or injury which may be caused by an animal he or she owns, and maintains such insurance.

(c) Such person has and will maintain the means by which to confine any dangerous dog in a secure enclosure as provided herein.

(d) Such person shall display a sign on the premises stating "Dangerous Dog". This sign shall be

visible and capable of being read from any public street or sidewalk.

(e) Such person complies with the requirements for keeping a dangerous dog as provided in this ordinance.

(f) A person's request to be licensed to keep a dangerous dog may be denied if the City has reasonable cause to believe that such person may not keep a dangerous dog in compliance with the provisions of this ordinance, such as because a dangerous dog has previously not been confined in a securely enclosed pen.

(S) 8.05.050 Failure to Confine Dangerous Dog. A keeper of a dangerous dog is guilty of failure to confine a dangerous dog if the keeper fails to insure that such dog is confined in accordance with this section. In addition, every person who causes a violation of the following confinement requirements is guilty of failure to confine a dangerous dog.

(a) Confinement on Premises.
The keeper of a dangerous dog shall securely confine such dog indoors or in a securely enclosed and locked kennel, pen or enclosed area. Such structure shall have secure sides and a secure top attached to the sides, and a secure bottom or floor attached to the sides unless the sides are embedded in the ground to a depth of at least two feet. Such structure shall be locked with a key or combination lock when occupied by a dangerous dog. When a dangerous dog is indoors, it shall be in a part of a house or structure which will not allow the dog to exit on its own volition, such as where the windows are open or where screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(b) Confinement by Leash and Muzzle. No person shall permit a dangerous dog to go outside of the premises of the licensed keeper unless the dangerous dog is securely leashed with a tether of no more than four feet, having a minimum tensile strength of 300 pounds, and controlled by a person physically capable of restricting the dangerous dog's movements to a radius of no more than three feet from such person. Such dogs shall not be leashed to inanimate objects such as trees or poles. In addition, all dangerous dogs shall be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals at all times when they are off the premises of the licensed keeper.

8.05.060 Sterilization. No person shall keep a dangerous dog over the age of six months at their premises unless such dog has been spayed or neutered and the City has been provided a copy of a veterinarian's certification as to the sterilization. For the purposes of this section only, "dangerous dog" shall include only those "pit bulls" which also come within subparagraph 1) of the "dangerous dog" definition in Section 8.04.020.

8.05.070 Vaccination. No person shall keep a dangerous dog at their premises unless such dog has been vaccinated against rabies within the last three years and the City has been provided a copy of a veterinarian's certification of rabies vaccination.

8.05.080 Revocation of License. If the licensed keeper fails to comply with any provision of this chapter or dangerous dogs kept at the premises of the licensed keeper are not controlled in accordance with the provisions of this chapter, then the license of the keeper is subject to suspension or permanent revocation.

8.05.090 Impoundment. A dangerous dog may be seized if it is not being controlled as provided in this chapter. In addition, any dangerous dog which is not being kept by a

validly licensed keeper may be seized. If after no fewer than two days following the seizure no person petitions for release of the dangerous dog, such dog may be humanely destroyed. An owner, agent of an owner or keeper of a dangerous dog may petition for the release of such dog. A dangerous dog whose release has been sought by petition may only be humanely destroyed after opportunity for a hearing. The dangerous dog may be released to a person validly licensed to keep dangerous dogs after any costs incurred in conjunction with the seizure or impoundment have been paid in full. A dangerous dog may be released to a person who demonstrates his or her ability to protect the public while transporting such dog out of the City of Kirkland once all costs have been paid. A dog that was to be transported out of Kirkland will be subject to immediate humane destruction if such dog is again found in the City of Kirkland more than one hour after the release.

8.05.100 Strict Liability. If any dangerous dog shall cause injury to a person or domestic animal or damage to property, regardless whether the dog was on or off the premises of the owner, or on or off a leash, or whether the dangerous dog escaped without the fault of the owner, the owner shall be liable to the person aggrieved thereby for all damages sustained, to be recovered in a civil action, except that the owner may raise a defense of reasonable protection of property or persons. It shall be presumed as a matter of law, that the owning or keeping of a dangerous dog in violation of this chapter is a nuisance.

8.05.110 Other Remedies. Nothing in this Chapter limits the right of the City or private persons to pursue other lawful criminal, civil, or equitable remedies to abate, discontinue, or correct violations of this Chapter or other risks posed by dogs.

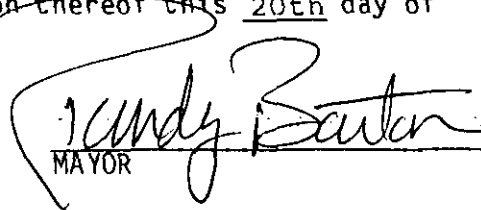
Nothing in this ordinance is intended to create a cause of action or claim against the City or its officials or employees running to specific individuals. Any duty created herein is intended to be a general duty running in favor of the public citizenry.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

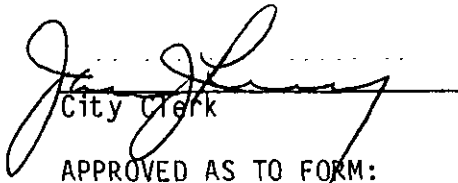
Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in summary form attached to the original of this Ordinance and by this reference approved by the City Council, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 20th day of March, 1990.

Signed in authentication thereof this 20th day of March, 1990.


MAYOR

ATTEST:


City Clerk
APPROVED AS TO FORM:


City Attorney

PUBLICATION SUMMARY OF ORDINANCE NO. 3211

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
RELATING TO ANIMAL CONTROL.

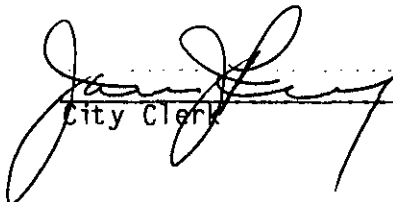
Section 1. Creates a new Chapter 8.05 Dangerous Dogs, including such provisions as: adoption of definitions of "dangerous dog" and "Pit Bull"; adoption of requirements for keeping a dangerous dog such as insurance and secure enclosure; and creation of a duty to keep a dangerous dog confined or leashed and muzzled.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. 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 regular meeting on the 20th day of March 1990.

I certify that the foregoing is a summary of Ordinance No. 3211 approved by the Kirkland City Council for summary publication.



City Clerk