

ORDINANCE NO. 532

AN ORDINANCE OF THE TOWN OF SOUTH PRAIRIE, PIERCE COUNTY, WASHINGTON,  
ADOPTING NEW PROVISIONS FOR THE TOWN RELATED TO ANIMAL CONTROL

WHEREAS, the Town Council wishes to repeal all pre-existing ordinances related to animal control and enact new provisions superseding these in preparation for the adoption of a new municipal code.

NOW, THEREFORE, the Town Council of the Town of South Prairie does hereby ordain as follows:

**Section 1.** The following provisions are adopted with relation to animal control:

**Title 5 – Animals**

**5.01.010 – Pierce County Code adopted**

Title 6 of the Pierce County Code (see Exhibit “A” attached) relating to animal control is hereby incorporated by reference in its entirety, including all future amendments, modifications, and additions.

**5.01.020 – Limits on number and type of animal**

The Town Council shall have authority to set limits on the type and number of animals that may be kept within the Town limits. Such limits as are adopted shall be subject to enforcement through the Town’s nuisance control regulations.

**Section 2.** All pre-existing ordinances related to any subject covered in this Ordinance, including but not limited to Ordinance No. 445 are hereby superseded in their entirety and shall be of no further effect.

PASSED IN REGULAR AND OPEN SESSION this 3<sup>th</sup> day of September 2013



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Mayor Pro-Tem Laura Heideman  
INTRODUCED 9-3-2013  
PASSED 9-3-2013  
APPROVED 9-3-2013  
PUBLISHED 9-18-2013

Attested:

  
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Marla Nevill, Town Clerk/Treasurer



*Title 6*

*ANIMALS*

**CHAPTERS:**

- 6.02 ANIMAL CONTROL – GENERAL PROVISIONS.**
- 6.03 ANIMAL CONTROL – VIOLATIONS, PENALTIES.**
- 6.04 LICENSING OF DOGS AND CATS.**
- 6.07 DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS.**
- 6.08 RABIES CONTROL.**
- 6.10 DOG CONTROL ZONES.**
- 6.14 BABY CHICKS, RABBITS, AND DUCKLINGS.**
- 6.16 POTENTIALLY DANGEROUS WILD ANIMALS.**
- 6.18 LIVESTOCK DISTRICTS.**

*Chapter 6.02*

***ANIMAL CONTROL – GENERAL PROVISIONS***

**Sections:**

- 6.02.010 Definitions.**
- 6.02.020 Authorized Agents May Perform Duties.**
- 6.02.025 Licenses Required.**
- 6.02.030 Authority to Pursue.**
- 6.02.040 Notice of Impounding Animal.**
- 6.02.050 Hindering an Officer.**
- 6.02.060 Interference With Impounding.**
- 6.02.070 Redemption of Dogs.**
- 6.02.075 Redemption of Livestock.**
- 6.02.080 Redemption of Animals Other Than Dogs and Livestock.**
- 6.02.082 Adoption Fees.**
- 6.02.085 Mandatory Spay/Neuter for Impounded Dogs and Cats – Deposit – Refund – Exceptions.**
- 6.02.088 Conditions of Release.**
- 6.02.090 Injured or Diseased Animals.**
- 6.02.100 Duties Upon Injury or Death to an Animal.**
- 6.02.110 Improper Handling/Storage of Poisonous Substances.**
- 6.02.140 Severability.**

**6.02.010 Definitions.**

As used in this Title, the following terms shall have the following meanings:

"Adult" means any animal seven months of age or over.

"Adequate care" means providing the following to animals:

1. Food or feed appropriate to the species for which it is intended. Both food and water must be in sufficient quantity, quality, and form appropriate to sustain the animals and should be in containers designed and situated to allow the animal easy access; and
2. A shelter that keeps the animals in a healthful, sanitary, warm, dry, and safe condition, and allows the animal to turn around freely, sit, stand, and lie without restriction, and by application does not cause injury, disfigurement, or physical impairment to the animal.
3. Adequate veterinary medical care.

"Altered" shall mean to permanently render incapable of reproduction (i.e., spayed or neutered).

"Animal" means any nonhuman mammal, bird, reptile or amphibian including livestock and poultry as defined herein.

"Animal Control Authority" or "Animal Control Agency" means Pierce County Animal Control.

"Animal Shelter" means that animal control facility authorized by Pierce County.

"At large" means off the premises of the owner or keeper of the animal, and not under restraint by leash or chain or not otherwise controlled by a competent person.

"Auditor" means Pierce County Auditor.

"Cat" means and includes female, spayed female, male and neutered male cats.

"Competent adult" means a person 18 years of age or older who is able to sufficiently care for, control, and restrain his/her animal, and who has the capacity to exercise sound judgement regarding the rights and safety of others.

"County" means Pierce County.

"Court" means District Court or the Superior Court, which courts shall have concurrent jurisdiction hereunder.

"Dangerous Animal" means any animal that:

- A. inflicts severe injury on or kills a human being without provocation; or
- B. inflicts severe injury on or kills an animal without provocation; or
- C. has been previously found to be potentially dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or other animals.

**Provocation exception:** an animal is a dangerous animal when it enters onto private property without the consent of the owner or occupant and inflicts a severe injury on or kills a human or animal regardless of provocation.

If two or more animals participate in an attack that results in a severe injury or death to a human being or animal, then all such animals may be deemed to be a dangerous animal.

"Dog" means and includes female, spayed female, male and neutered male dogs.

"Gross Misdemeanor" means a type of crime classification that, while not a felony, is ranked as a serious misdemeanor. The maximum penalty for a gross misdemeanor is 364 days in jail and/or a \$5,000.00 fine.

"Humane trap" means a live animal box enclosure trap designed to capture and hold an animal without injury.

"Impound" means to receive into the custody of the Animal Control Authority, or into the custody of the Auditor or designee.

"Juvenile" means any animal from weaning to seven months of age.

"Livestock" means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, other hoof animals, or animals of the equidae family; all pigs, swine, or animals of the suidae family; llamas; and ostriches, rhea, and emu.

"Misdemeanor" means a crime classification with a maximum penalty of 90 days in jail and/or a \$1,000.00 fine, pursuant to PCC 1.12.010.

"Muzzle" means a muzzle made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

"Owner" means any person, firm, or corporation owning, having an interest in, or having control or custody or possession of any animal.

"Potentially Dangerous Animal" means any animal that, without provocation:

- A. bites a human or animal; or
- B. chases or approaches a person in a menacing fashion or apparent attitude of attack; or
- C. any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals.

**Provocation exception:** an animal is a potentially dangerous animal when it enters onto private property without the consent of the owner or occupant and bites a human or animal or chases or approaches a person in a menacing fashion or apparent attitude of attack regardless of provocation.

If two or more animals participate in an attack that results in a bite being inflicted upon a human or animal, then all such animals may be deemed to be a potentially dangerous animal.

"Poultry" means domestic fowl normally raised for eggs or meat, and includes chickens, turkeys, ducks and geese.

"Proper Enclosure" means, while on the owner's property, the animal shall be confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have a locking door with a padlock, secure sides, a concrete floor, and a secure top attached to the sides, and shall also provide protection from the elements for the animal. The structure must comply with all applicable provisions of local Building and Zoning Codes.

"Provoke" or "Provocation" means to intentionally torment, agitate, or harass an animal prior to the attack, chase, or menacing behavior. "Provoke" or "Provocation" does not include actions taken to defend oneself, other humans, animals, or property.

"Severe injury" means any physical injury which results in broken bones or disfiguring lacerations.

"Unconfined" means not securely confined indoors or in a securely enclosed and locked pen or structure upon the premises of the person owning, harboring or having the care of the animal.

"Vicious" means chasing or approaching a person or animal in a menacing or apparent attitude of attack or the known propensity to do any act which might endanger the safety of any person, animal, or property of another.

"Warning Sign" means a clearly visible and conspicuously displayed sign containing words and a symbol (to inform children or others incapable of reading) warning that there is a dangerous animal on the property.

(Ord. 2013-10s § 2 (part), 2013; Ord. 2011-43s § 1 (part), 2011; Ord. 2008-14 § 1 (part), 2008; Ord. 2005-108 § 1 (part), 2005; Ord. 99-17 § 1 (part), 1999; Ord. 95-151S § 2 (part), 1996; Ord. 92-35 § 1 (part), 1992; Ord. 89-235 § 3, 1990; Ord. 87-40S § 1 (part), 1987)

#### **6.02.020 Authorized Agents May Perform Duties.**

Wherever a power is granted to or a duty imposed upon the Sheriff, the power may be exercised or the duty may be performed by a Deputy of the Sheriff or by an authorized agent of Pierce County, deputized by the Sheriff.

- A. The animal control authority shall be a division of the Pierce County Auditor. The duly elected auditor of Pierce County shall be the director of the animal control authority.
- B. The animal control authority is authorized to enforce the provisions of the Pierce County Code and the laws of the State of Washington as they pertain to animals.
- C. All animal control officers must be special deputies commissioned by the Pierce County Sheriff.

(Ord. 2008-14 § 1 (part), 2008; Ord. 87-40S § 1 (part), 1987)

#### **6.02.025 Licenses Required.**

Licenses required are for regulation and control. This entire Title shall be deemed an exercise of the power of the State of Washington and of the County of Pierce to license for regulation and/or control and all its provisions shall be liberally construed for the accomplishment of either or both such purposes. (Ord. 2005-108 § 1 (part), 2005)

#### **6.02.030 Authority to Pursue.**

Those employees or agents of the County charged with the duty of seizing animals running at large may pursue such animals onto County-owned property, vacant property, and unenclosed private property, and seize, remove, and impound the same. (Ord. 95-151S § 2 (part), 1996; Ord. 87-40S § 1 (part), 1987)

#### **6.02.040 Notice of Impounding Animal.**

Upon the impoundment of any animal under the provisions of this Title, the animal control agency shall immediately notify the owner, if the owner is known, of the impounding of such animal, and of the terms upon which said animal can be redeemed. The impounding authority shall retain said animal for 48 hours following actual notice to the owner. The notifying of any person over the age of 18 who resides at the owner's domicile shall constitute actual notice to the owner. If the owner of said animal so impounded is unknown, then said animal control agency shall make a reasonable effort to locate and notify the owner of said animal. (Ord. 99-17 § 1 (part); 1999; Ord. 95-151S § 2 (part), 1996; Ord. 87-40S § 1 (part), 1987)

#### **6.02.050 Hindering an Officer.**

It is unlawful for any person to interfere with, hinder, delay, or impede any officer who is enforcing the provisions of this Title as herein provided. A violation of this Section is a misdemeanor. (Ord. 2008-14 § 1 (part), 2008; Ord. 87-40S § 1 (part), 1987)

**6.02.060 Interference With Impounding.**

It is unlawful for any person to willfully prevent or hinder the impounding of any animal, or to by force or otherwise remove any animal from the animal shelter without authority of the person in charge of the animal shelter, or without payment of all lawful charges against such animal, or to willfully resist or obstruct any officer in the performance of any official duty. A violation of this Section is a misdemeanor. (Ord. 2008-14 § 1 (part), 2008; Ord. 95-151S § 2 (part), 1996; Ord. 87-40S § 1 (part), 1987)

**6.02.070 Redemption of Dogs.**

The owner of any dog impounded under this Title may redeem said dog within 48 hours from time of impounding by paying to the animal control agency the appropriate redemption fee and providing proof of such animal's current pet license at the time of redemption. The first time a dog is impounded within a one year period, the redemption fee is \$25.00; for the second impound within a one year period the redemption fee is \$50.00; for the third and subsequent impounds within a one year period the redemption fee is \$75.00. If a dog is wearing a current pet license at the time of the first impound, no redemption fee will be collected. In addition to the redemption fee, the redeemer shall pay all charges associated with the care and keeping of such dog, including the first and last days the dog is retained by the impounding authority. This boarding charge will be collected for the first time impound whether the animal is wearing a pet license or not. If an impounded dog is not redeemed by the owner within 48 hours, then any person may redeem it within the next 48 hours by complying with the above provision. In case such dog is not redeemed within 96 hours, it may be humanely destroyed or otherwise disposed of within the discretion of the animal control agency. (Ord. 2008-14 § 1 (part), 2008; Ord. 99-17 § 1 (part), 1999; Ord. 97-111 § 2, 1997; Ord. 88-138 § 1, 1988; Ord. 87-40S § 1 (part), 1987)

**6.02.075 Redemption of Livestock.**

The owner of livestock impounded under this Title may redeem said livestock within 48 hours from time of impounding by paying to the impounding authority a redemption fee of \$35.00 per animal for small livestock (i.e., goats, sheep, swine, ostriches, rhea, emu, etc.) and a redemption fee of \$75.00 per animal for larger livestock (i.e., cattle, horses, mules, llamas, etc.). In addition, the cost of a private livestock hauler, if one is used, is to be paid at the time of redemption. In addition to the redemption fee, the redeemer shall pay all charges associated with the caring and keeping of such animal, including the first and last days that the animal is cared for by the impounding authority. The livestock may be cared for by a private boarding facility, in which case that facility's boarding fees and all associated costs shall be paid at the time of redemption. (Ord. 2008-14 § 1 (part), 2008; Ord. 99-17 § 1 (part), 1999)

**6.02.080 Redemption of Animals Other Than Dogs and Livestock.**

The owner of any animal other than a dog or livestock impounded under the provisions of this Title may redeem it within 48 hours from the time of impounding by paying to the animal control agency the appropriate redemption fee and providing proof of such animal's current pet license (if applicable) at the time of redemption. In addition to the redemption fee, the redeemer shall pay all charges for the care and keeping of such animal, equal to the current total daily rate, including the first and last days, that the animal is retained by the impounding authority. If such animal is not redeemed by the owner within 48 hours, it may be humanely destroyed or otherwise disposed of at the discretion of the animal control agency; provided, however, that any

animal so impounded less than two months of age, at the discretion of the animal control agency, may be humanely destroyed or otherwise disposed of at any time after impounding. (Ord. 2008-14 § 1 (part), 2008; Ord. 99-17 § 1 (part), 1999; Ord. 95-151S § 2 (part), 1996; Ord. 88-138 § 2, 1988; Ord. 87-40S § 1 (part), 1987)

**6.02.082 Adoption Fees.**

Pierce County Animal Control is authorized to set and facilitate the collection of adoption fees as necessary for animals in the possession of animal control. Fees shall pay for the adoption process including assessment site visits, veterinary services, farrier services, other necessary services, and processing costs as appropriate. Fees may be collected directly by the County or by a contract vendor. (Ord. 2011-43s § 1 (part), 2011)

**6.02.085 Mandatory Spay/Neuter for Impounded Dogs and Cats – Deposit – Refund – Exceptions.**

- A. **Mandatory Spay/Neuter.** Any unaltered dog or cat that is impounded more than once in any 12-month period may not be redeemed by any person until the animal is spayed or neutered. The alteration shall be accomplished by the shelter or by transport of the animal by animal control personnel to any duly licensed veterinarian in Pierce County. In all cases, the veterinarian fees shall be paid at the time of redemption by the animal's owner.
- B. **Exceptions.** The alteration shall not be required upon a showing of proof of alteration from a licensed veterinarian. The alteration shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian stating that the spay or neuter procedure would be harmful to the animal.

(Ord. 2008-37 § 1, 2008; Ord. 2008-14 § 1 (part), 2008; Ord. 2005-108 § 1 (part), 2005; Ord. 92-35 § 1 (part), 1992)

**6.02.088 Conditions of Release.**

The animal control agency is authorized to refuse to release to its owner any animal which has been impounded more than once in a 12-month period unless satisfied that the owner has taken steps that the violation will not occur again. The agency may impose reasonable conditions which must be satisfied by the owner before release of the animal, including conditions assuring that the animal will be confined. Any violation of the conditions of release is unlawful and shall constitute a Class 3 Civil Infraction pursuant to Chapter 1.16 PCC. (Ord. 99-17 § 1 (part), 1999)

**6.02.090 Injured or Diseased Animals.**

Any animal suffering from serious injury or disease may be humanely destroyed by the animal control agency; provided, that the animal control agency shall immediately notify the owner, if the owner is known, and if the owner is unknown, make a reasonable effort to locate and notify the owner. (Ord. 95-151S § 2 (part), 1996; Ord. 87-40S § 1 (part), 1987)

**6.02.100 Duties Upon Injury or Death to an Animal.**

The operator of a vehicle involved in an accident resulting in injury or death to a domestic animal or livestock, shall immediately stop the vehicle at or as near to the scene of the accident as possible, and return thereto, and shall give to the owner or other competent person having custody of the animal, the name and address of the operator of the vehicle and the registration number of the vehicle involved in the accident. If the owner or other competent person is not the

person at the scene of the accident, the operator shall take reasonable steps to locate the owner or custodian of said animal and shall supply the information herein above required. If the animal is injured to the extent that it requires immediate medical attention and there is no owner or custodian present to look after it, the operator of said vehicle shall immediately report the situation to the appropriate law enforcement agency. A violation of this Section is a misdemeanor. (Ord. 2011-43s § 1 (part), 2011; Ord. 2008-14 § 1 (part), 2008; Ord. 95-151S § 2 (part), 1996; Ord. 87-40S § 1 (part), 1987)

**6.02.110 Improper Handling/Storage of Poisonous Substances.**

No person shall place or expose or cause to be placed or exposed in any yard or lot of vacant or enclosed land, or on any exposed place or public place, or on any street, alley, or highway, or other place where the same may be taken internally by a child, person, or by any animal, any poisonous substance which, if taken internally may cause death or serious sickness. The provisions of this Section shall not apply to the killing by poison of any animal in a lawful and humane manner by its owner or by a duly authorized agent of such owner or by a person acting pursuant to instructions from a duly constituted public authority. A violation of this Section is a misdemeanor. (Ord. 2013-10s § 2 (part), 2013; Ord. 2008-14 § 1 (part), 2008; Ord. 95-151S § 2 (part), 1996; Ord. 87-40S § 1 (part), 1987)

**6.02.140 Severability.**

If any provision of this Title or its application to any person or circumstances are held to be invalid, the remainder of this Title or the application of the provisions to other persons or circumstances shall not be affected. (Ord. 87-40S § 1 (part), 1987)

*Chapter 6.03*

***ANIMAL CONTROL – VIOLATIONS, PENALTIES***

**Sections:**

- 6.03.005 Exclusions.**
- 6.03.010 Infractions.**
- 6.03.020 Misdemeanors.**
- 6.03.030 Gross Misdemeanors.**
- 6.03.040 Penalties.**

**6.03.005 Exclusions.**

Nothing in this Chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof, or to the use of animals in the normal and usual course of rodeo events. (Ord. 2008-14 § 1 (part), 2008)

**6.03.010 Infractions.**

The following are declared to be Class 3 Civil Infractions:

- A. **Animals at Large.** It is unlawful for the owner or person having control or custody of any animal to cause or permit such animal to leave the premises where the owner resides, unless the animal is under physical restraint adequate to the size and nature of the animal. Exceptions to this restriction are pets engaged in formal training, hunt or competition, or animals lawfully within a designated off-leash park, or service dogs engaged in activity for which they are trained or in service. Any such animal may be seized and impounded. A violation of this subsection is a Class 3 Civil Infraction.
- B. **Agitating an Animal.** It is unlawful to intentionally agitate, harass, or provoke an animal. A violation of this subsection is a Class 3 Civil Infraction.
- C. **Animal Bites.** It is unlawful to own an animal that bites a person while such person is on public property or lawfully on private property. A violation of this subsection is a Class 3 Civil Infraction.
- D. **Animals Chasing Livestock.** It is unlawful for the owner or person having control or custody of any animal to cause or permit such animal to chase another owner's livestock when not engaged in the specific work of herding said livestock as approved and permitted by the owner of the livestock. A violation of this subsection is a Class 3 Civil Infraction.
- E. **Animals Chasing Vehicles on Public Roads.** It is unlawful for the owner or person having control or custody of any animal to cause or permit such animal to chase, run after, or jump at vehicles lawfully using the public road, street, avenues, alleys, and ways. Any such animal may be seized and impounded. A violation of this subsection is a Class 3 Civil Infraction.
- F. **Animals Jumping and/or Threatening Pedestrians.** It is unlawful for the owner or person having control or custody of any animal to cause or permit such animal to frequently or habitually snarl at, growl at, jump upon, or threaten persons upon the public sidewalks, roads, streets, alleys, or public places. Any such animal may be seized and impounded. A violation of this subsection is a Class 3 Civil Infraction.

- G. **Confinement of Female Dogs and Cats in Heat.** Every female dog and cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with a male of the species, except for planned breeding. It is unlawful for any person having control or custody of a dog or cat in heat to cause or permit such animal to be unconfined. Any dog or cat not so confined when in heat, whether or not such dog or cat is licensed, may be seized and impounded, and will be subject to mandatory spaying in accordance with the process in PCC 6.02.085. A violation of this subsection is a Class 3 Civil Infraction.
- H. **Failure to License.** A violation of Chapter 6.04 PCC is a Class 3 Civil Infraction.
- I. **Damaging Property.** It is unlawful for the owner or person having control of any animal to cause or permit their animal to leave the premises of the owner and thereafter cause damage to anything of value which does not exceed \$250.00, including another pet or livestock. A violation of this subsection is a Class 3 Civil Infraction.
- J. **Failure to Provide Adequate Care.** It is unlawful for any owner or person having control or custody of any animal to fail to provide adequate care as defined in PCC 6.02.010 under circumstances not amounting to animal cruelty as defined in RCW 16.52.205 or 16.52.207. A violation of this subsection is a Class 3 Civil Infraction. (Circumstances that amount to animal cruelty as defined in RCW 16.52.205 and 16.52.207 are addressed pursuant to those provisions.)
- K. **Confinement of an Animal in a Motor Vehicle.** It is unlawful for an owner or person to confine any animal in a motor vehicle in such a manner that places it in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of such animal, an animal control officer or law enforcement officer who has probable cause to believe that this Section is being violated shall have the authority to enter such motor vehicle by any reasonable means under the circumstances, after making a reasonable effort to locate the owner. A violation of this subsection is a Class 3 Civil Infraction.
- L. **Public Disturbance Noise and Public Nuisance Noise Made by an Animal.** Any Public Disturbance Noise made by an animal and Public Nuisance Noise made by an animal is unlawful and shall be enforced under the provisions of Chapter 8.72 PCC. Violations and penalties are defined in Chapter 8.72 PCC.
- M. **Sale or Transfer of Animals in Public Places Prohibited.** It is unlawful to sell, barter or otherwise transfer for the purpose of changing ownership any animal in an area open to the public unless such activity is licensed pursuant to Chapter 5.24 PCC. A violation of this subsection is a Class 3 Civil Infraction.
- N. **Failure to Provide Humane Restraint.** Any animal, excluding livestock and poultry, that is restrained by a tether must be restrained in compliance with this Section. All tethers must meet the following requirements:
1. Chains must be adequate to restrain the animal, but appropriate size and weight for the animal.
  2. The use of chains, pinch/prong collars, or choke chains as collars is prohibited. This subsection does not apply to pinch/prong collars or choke chains used for training purposes when a person is present at all times and is actively engaged in training the animal.
  3. A tether must be connected to a collar or harness on a swivel or in a manner that prevents entanglement.

4. The tether must not cause injury, disfigurement or physical impairment to the animal.
5. A tether must allow access to food, water and shelter while restrained.
6. A tether must not allow the animal to leave the owner's property.
7. If there are multiple animals, each animal must be restrained with a separate tether in a manner that prevents entanglement.

A violation of this subsection is a Class 3 Civil Infraction.

- O. **Operating a Facility without a License (First Offense).** It is unlawful for any person to own, maintain, or have six or more dogs and/or cats, or operate a commercial kennel or cattery, boarding kennel/cattery, short-term boarding facility, or pet shop, within the unincorporated areas of Pierce County without an applicable license as provided for and defined by Chapter 5.24 PCC. The first violation of this subsection is a Class 3 civil infraction.

Code Revisor's Note: Ordinance No. 2013-10s erroneously showed subsection J. above as part of PCC 6.03.020. Subsection J. is correctly located within PCC 6.03.010.

(Ord. 2013-10s § 3 (part), 2013; Ord. 2011-43s § 1 (part), 2011; Ord. 2008-14 § 1 (part), 2008)

#### **6.03.020 Misdemeanors.**

The following are declared to be misdemeanors:

- A. **Abandonment of Animal.** It is unlawful for the owner or person having control or custody of any animal to place such animal under circumstances which manifest or constitute a willful intent to abandon it, or to abandon an animal by leaving it on the street, road, or highway, or in any public place or on private property without the property owner's permission. A violation of this subsection is a misdemeanor.
- B. **Animals Injuring Private and Public Property.** It is unlawful for the owner or person having control of any animal to cause or permit their animal to leave the premises of the owner and thereafter cause damage to anything of value which exceeds \$250.00, including another pet or livestock. Any such animal may be seized and impounded. A violation of this subsection is a misdemeanor.
- C. **Duties Upon Injury or Death to an Animal.** A violation of PCC 6.02.100 is a misdemeanor.
- D. **Hindering an Officer.** A violation of PCC 6.02.050 is a misdemeanor.
- E. **Interference with Impounding.** A violation of PCC 6.02.060 is a misdemeanor.
- F. **Improper Handling/Storage of Poisonous Substances.** A violation of PCC 6.02.110 is a misdemeanor.
- G. **Selling Ill or Injured Animals.** It is unlawful for any person to sell an animal knowing it to be ill or injured. A violation of this subsection is a misdemeanor.
- H. **Refusal to Quarantine.** It is unlawful for any person to refuse to quarantine or permit the quarantine of an animal when and as required by PCC 6.08.040. A violation of this Section is a misdemeanor.
- I. **Operating a Facility without a License (Second or Subsequent Offense).** It is unlawful for any person to own, maintain, or have six or more dogs and/or cats, or operate a commercial kennel or cattery, boarding kennel/cattery, short-term boarding facility, or pet shop, within the unincorporated areas of Pierce County without an applicable license as provided for and defined by Chapter 5.24 PCC. The first violation of this subsection is a Class 3 civil infraction. A second or subsequent violation of this subsection is a misdemeanor.

J. **Potentially Dangerous Wild Animals.** A violation of Chapter 6.16 PCC is a misdemeanor.  
(Ord. 2013-10s § 3 (part), 2013; Ord. 2008-14 § 1 (part), 2008)

**6.03.030 Gross Misdemeanors.**

The following are declared to be gross misdemeanors:

- A. **Animals Injuring Humans or Animals.** It is unlawful for the owner or person having control or custody of any animal to cause or permit such animal to cause injury to a human or animal which is acting in a lawful manner. Any such animal may be seized and impounded. A violation of this subsection is a gross misdemeanor.
- B. **Habitual Violator.** Any owner receiving two or more convictions, singularly or in combination, of crimes relating to animals within a ten-year period, or any combination of two findings of potentially dangerous and/or dangerous animals within ten years, or any four infractions, singularly or in combination, pursuant to Chapter 6.03 PCC found to be committed by the district court within a 5-year period may be designated as a "habitual violator" by the animal control authority and shall be prohibited from owning animals for a period of not less than ten years. A violation of this prohibition is a gross misdemeanor.
- C. **Penalty for Failure to Control or Comply with Restrictions.** A violation of any of the provisions of Chapter 6.07 PCC is a gross misdemeanor.
- D. **Use of an Animal in Illegal Activity.** No person shall keep, maintain, control, or retain custody of any animal in conjunction with or for the purpose, whether in whole or in part, of aiding, abetting, or conducting any illegal activity or committing any crime within unincorporated Pierce County. Any such animal may be seized and impounded. A violation of this subsection is a gross misdemeanor.
- E. **Possession of a Dangerous or Potentially Dangerous Animal where Prohibited.** It is unlawful to bring an animal into unincorporated Pierce County that has been declared to be dangerous or vicious by any other agency, animal control authority, Hearing Examiner, municipality or court. The owner of such animal shall be guilty of a gross misdemeanor under circumstances evidencing that the animal was intentionally brought into unincorporated Pierce County by the owner or at the request or acquiescence of the owner.
- F. **Relocation of Dangerous or Potentially Dangerous Animal without Proper Notice.** When an animal has been declared dangerous or potentially dangerous by an animal control authority, the owner of the animal shall be guilty of a gross misdemeanor if such animal is thereafter found to have been moved to a location other than as registered with the animal control authority without notice as indicated in PCC 6.07.050.
- G. **Animals Declared Potentially Dangerous in Other Jurisdictions.** When an animal has been declared potentially dangerous by any other agency, animal control authority, Hearing Examiner, municipality or court, the owner of such animal shall obtain a permit in accordance with PCC 6.07.040 within 30 days of the declaration or, if an appeal has been filed, a final decision in the other jurisdiction. During the entire appeal process, the owner shall not allow or permit the animal to go beyond the premises of the owner unless such animal is securely leashed and under the control of a competent adult and humanely muzzled or otherwise securely restrained. Failure to comply with this subsection shall be a gross misdemeanor.

(Ord. 2013-10s § 3 (part), 2013; Ord. 2011-43s § 1 (part), 2011; Ord. 2008-14 § 1 (part), 2008)

**6.03.040 Penalties.**

Unless specifically designated in this Chapter as a misdemeanor or gross misdemeanor, any violation of this Chapter is unlawful and shall constitute a Class 3 Civil Infraction pursuant to Chapter 1.16 PCC. Such penalty is in addition to any other remedies or penalties specifically provided in this Title. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense. (Ord. 2008-14 § 1 (part), 2008)

*Chapter 6.04*

**LICENSING OF DOGS AND CATS**

**Sections:**

- 6.04.010 License Required.**
- 6.04.020 Purchase of License.**
- 6.04.030 Fees.**
- 6.04.040 Late Payment Penalty.**
- 6.04.050 License Not Transferable.**
- 6.04.060 License Violation – Civil Infraction.**

**6.04.010 License Required.**

- A. Any adult dog or cat which is off the premises of its owner must be licensed and have a current license tag attached to the collar or harness which is worn by the dog or cat. If any dog and/or cat which is required to be licensed is found without a current license tag, it may be seized and impounded by the animal control agency or the Pierce County Sheriff, provided, such seizure and impoundment will not preclude the issuance of a civil infraction. Hunting dogs, during a controlled hunt, need not wear a license tag.
- B. No more than five dogs and/or cats may be individually licensed at a residence in Pierce County. Dogs and cats are exempt from the above licensing provisions when they are in the custody of a recognized animal rescue group. In order to qualify as a recognized group, proof of registration with the Internal Revenue Service pursuant to IRC 501(c)(3) must be submitted to the Pierce County licensing authority by the group.

(Ord. 2013-10s § 4, 2013; Ord. 2011-43s § 1 (part), 2011; Ord. 2008-14 § 1 (part), 2008; Ord. 99-17 § 3 (part), 1999; Ord. 97-111 § 4 (part), 1997; Ord. 95-151S § 4 (part), 1996; Ord. 92-35 § 3 (part), 1992; Ord. 87-40S § 3 (part), 1987)

**6.04.020 Purchase of License.**

All dog or cat licenses shall be obtained by paying the required license fee in the amounts and within the time limits as provided in this Chapter to the Auditor, or to the Auditor's designated licensing agent. The license shall remain in force for a period of 12 months from the date of issuance. There is no prorating of any license fee. The applicant shall be furnished with such license and a metal tag with the words "Pierce County". The tag shall be attached to a collar or harness which will be worn by the dog or cat at all times. (Ord. 2011-43s § 1 (part), 2011; Ord. 2009-27 § 1, 2009; Ord. 2005-108 § 1 (part), 2005; Ord. 2002-19s3 § 2 (part), 2002; Ord. 97-111 § 4 (part), 1997; Ord. 87-40S § 3 (part), 1987)

**6.04.030 Fees.**

The license fees for the ownership, keeping, or having control of dogs and/or cats in unincorporated Pierce County shall be as follows:

- A. Adult Dogs:
  - altered ..... \$ 20.00
  - unaltered ..... \$ 55.00

B. Adult Cats:	
altered .....	\$ 12.00
unaltered .....	\$ 55.00
C. "Temporary Tag" dogs/cats (30 days).....	\$ 0.00
D. "Juvenile" dogs (up to 6 months old) .....	\$ 10.00
E. "Juvenile" cats (up to 6 months old) .....	\$ 6.00
F. Duplicate License Tag for a dog or cat .....	\$ 5.00
G. Reduced rates for senior citizens, 62 years of age or older, and individuals with a permanent disability:	
1. Dogs:	
altered .....	\$ 10.00
unaltered .....	\$ 30.00
2. Cats:	
altered .....	\$ 5.00
unaltered .....	\$ 30.00

In order to receive the fee advantage for altered dogs and cats, an individual must provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay/neuter procedure would be harmful to the animal.

Individuals with a permanent disability, residing in unincorporated Pierce County, qualify for the reduced fee specified in G. above, provided that the dogs and cats are not used for a commercial purpose. To qualify for this reduced fee, individuals with a permanent disability must provide proof of permanent disability to the Auditor, or the Auditor's designated licensing agent, in the form of a U.S. Department of Veterans Affairs Identification Card or documentation showing at least 30 percent permanent disability, a Washington Department of Licensing parking placard issued for permanent disability under RCW 46.16.381, or any other means that the licensing agency, Auditor, or the Auditor's designated licensing agent deems an appropriate proof of permanent disability.

The Pierce County Auditor is authorized to establish agents for the purpose of selling pet licenses on its behalf. The agents shall be allowed to collect a service charge of \$4.00 for each new pet license or renewal transaction. This service fee may be negotiated at a different rate if included in a contract for shelter and adoption services.

(Ord. 2011-43s § 1 (part), 2011; Ord. 2009-104 § 2, 2009; Ord. 2008-14 § 1 (part), 2008; Ord. 2005-108 § 1 (part), 2005; Ord. 2002-19s3 § 2 (part), 2002; Ord. 98-10 § 1, 1998; Ord. 97-111 § 4 (part), 1997; Ord. 95-151S § 4 (part), 1996; Ord. 92-35 § 3 (part), 1992; Ord. 90-152 § 1, 1990; Ord. 89-235 § 1, 1990; Ord. 87-40S § 3 (part), 1987)

#### **6.04.040 Late Payment Penalty.**

- A. Any person who fails to obtain a license within 30 days after the license expiration date but before 60 days of the expiration date shall pay a penalty of \$10.00 per license. Any person who fails to obtain a license within 60 days of the license expiration date shall pay a penalty of \$20.00 per license.
- B. No late payment penalty shall be charged on new license applications if:
  1. The owner submits proof of purchase or acquisition of the animal within the preceding 30 days; or
  2. The owner has moved into the County within the preceding 30 days; or
  3. The animal is currently or has been within the preceding 30 days, under the age which requires a license; or

4. The owner purchases the license(s) voluntarily, prior to in-person or field contact by animal control personnel; or
5. The owner submits other proof deemed acceptable in the animal control authority's administrative policy.

(Ord. 97-111 § 4 (part), 1997; Ord. 92-35 § 3 (part), 1992; Ord. 87-40S § 3 (part), 1987)

**6.04.050 License Not Transferable.**

Dog or cat licenses as provided for in this Chapter shall be nontransferable. A person may not use a license for another dog or cat that he/she owns, if the dog or cat for which it was issued is no longer owned by such person. It is unlawful for any person to give, sell, exchange, or otherwise transfer a dog or cat license to another person, even if it is to be used for the same dog or cat for which it was originally issued.

Dog or cat license fees are nonrefundable.

(Ord. 2008-14 § 1 (part), 2008; Ord. 87-40S § 3 (part), 1987)

**6.04.060 License Violation – Civil Infraction.**

Any violation of PCC 6.04.010, 6.04.020, or 6.04.050 is unlawful and shall constitute a Class 3 civil infraction pursuant to Chapter 1.16 PCC. Provided, that if the person presents evidence of a valid license to the District Court, the citation shall be dismissed without cost, except that the court may assess court administration costs of \$25.00 at the time of dismissal. (Ord. 2008-14 § 1 (part), 2008; Ord. 2008-14 § 1 (part), 2008; Ord. 99-17 § 3 (part), 1999; Ord. 97-111 § 4 (part), 1997; Ord. 87-40S § 3 (part), 1987)

*Chapter 6.07*

***DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS***

**Sections:**

- 6.07.010 Declaration of Animals as Potentially Dangerous or Potentially Dangerous – Procedure.**
- 6.07.020 Appeal of Declaration.**
- 6.07.030 Permits, Fees, and Conditions for Dangerous Animals.**
- 6.07.040 Permits, Fees, and Conditions for Potentially Dangerous Animals.**
- 6.07.050 Notification of Status of a Dangerous or Potentially Dangerous Animal.**
- 6.07.060 Impoundment of Dangerous or Potentially Dangerous Animals.**
- 6.07.070 Criminal Penalty for Failure to Control or Comply with Restrictions**
- 6.07.080 Duty to Comply.**

**6.07.010 Declaration of Animals as Dangerous or Potentially Dangerous – Procedure.**

- A. The animal control authority may declare an animal as dangerous or potentially dangerous if the animal control officer has a reasonable belief that the animal's conduct falls within the definition of a dangerous animal or potentially dangerous animal as set forth in PCC 6.02.010 and the exclusions contained in this Section do not apply. The finding must be based upon:
  - 1. The written or verbal complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definitions of a dangerous or potentially dangerous animal; or
  - 2. Animal bite reports filed with the animal control authority; or
  - 3. Actions of the animal witnessed by any animal control officer or law enforcement officer; or
  - 4. Other substantial evidence.
- B. **Exclusions.** An animal shall not be declared dangerous or potentially dangerous if the threat, injury, or bite alleged to have been committed by the animal was sustained by a person who was at the time committing a willful trespass upon the premises occupied by the owner of the animal, or who was abusing or assaulting the animal, or who was committing or attempting to commit a crime. This exclusion does not apply to actions taken in defense of oneself, other humans, animals, or property.
- C. The declaration of a dangerous or potentially dangerous animal shall be in writing and shall be served on the owner by one of the following methods:
  - 1. Regular and certified mail to the owner's last known address. Service shall be deemed complete upon the third day following the day upon which the notice was placed in the mail. If the third day falls upon a Saturday, Sunday, or legal holiday, then service shall be deemed complete on the next business day; or
  - 2. Personally; or
  - 3. By posting the declaration in a conspicuous location at the owner's residence.
- D. The declaration shall state at least:
  - 1. The description of the animal.
  - 2. The name and address of the owner of the animal, if known.
  - 3. A brief statement of facts upon which the declaration is based.

4. A reference to the Code Section that contains a definition of a dangerous or potentially dangerous animal and to this Chapter.
5. The availability of an appeal in case the person objects to the declaration, if a request is made within ten calendar days.

(Ord. 2013-10s § 5 (part), 2013)

**6.07.020 Appeal of Declaration.**

- A. The owner of the animal may contest a declaration of dangerous or potentially dangerous animal by submitting a written appeal.
  1. The owner must submit the written appeal at the Auditor's office within ten calendar days of service of the declaration.
  2. Except as provided by this Chapter, the appeal shall proceed in accordance with the Pierce County Hearing Examiner Code, Chapter 1.22 PCC.
  3. Notice of the public hearing shall be mailed to the owner's address as listed on the written appeal.
  4. At the public hearing, the scope of evidence and the scope of review shall be de novo.
  5. The burden shall be on the animal control authority to prove, by a preponderance of evidence, that the animal is a dangerous animal or potentially dangerous animal as defined in PCC 6.02.010 and that the exclusions contained in PCC 6.07.010 do not apply.
  6. The Examiner shall render a decision on the appeal within 30 calendar days following the conclusion of all testimony and hearings and closing of the record unless a longer period of time is agreed to by the parties.
- B. The decision of the Examiner shall be considered final and conclusive unless a writ of review is filed in Superior Court within 20 calendar days of the decision.
  1. If a writ is issued, the petitioner shall be responsible for paying the cost of preparing the administrative record and the transcript of proceedings and shall serve copies of both upon the Prosecuting Attorney's office. The prevailing party shall be entitled to recovery of these costs.
- C. During the entire appeal process, the owner shall keep the animal indoors or securely confined on the property where the owner resides. Secure confinement may be accomplished by erecting an escape proof fence, keeping the animal in a proper enclosure as described in PCC 6.02.010, humanely tethering the animal as described in PCC 6.03.010 N., or by other means approved by the animal control authority. It is unlawful for the owner appealing a declaration to allow or permit the animal to go beyond the premises of the owner unless such animal is securely leashed, under the control of a competent adult, and humanely muzzled or otherwise securely restrained. Upon noncompliance with this subsection, the animal control authority is authorized to impound the animal subject to the procedures set forth in PCC 6.07.060.

(Ord. 2013-10s § 5 (part), 2013)

**6.07.030 Permits, Fees, and Conditions for Dangerous Animals.**

- A. Following the declaration of a dangerous animal and the exhaustion of the appeal therefrom, the owner of a dangerous animal shall obtain a permit for such animal from the animal control authority and shall be required to pay the fee for such permit in the amount of \$500.00 to the Auditor or the Auditor's designee. In addition, the owner of a

dangerous animal shall pay an annual renewal fee for such permit in the amount of \$500.00 to the Auditor or the Auditor's designee. A permit will be issued to the owner of a dangerous animal upon payment of the permit fees if the owner is able to pass an inspection within the prescribed timeframe by meeting the following inspection criteria:

1. A proper enclosure of the animal with a posted warning sign as defined in PCC 6.02.010,
  2. Proof that the animal has been microchipped and microchip number is provided.
  3. Two current, color, digital photographs in electronic format of the animal (minimum 3" x 5" in size), for identification purposes;
  4. Proof of current rabies vaccination;
  5. Proof the animal has been spayed or neutered;
  6. Proof of a policy of liability insurance (such as homeowner's insurance) issued by an insurer qualified under Title 48 RCW in the amount of at least \$500,000.00, insuring the owner for any personal injuries inflicted by the dangerous animal, or proof of a surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least \$500,000.00 and payable to any person injured by the dangerous animals;
  7. Proof that the owner has obtained a muzzle as defined in PCC 6.02.010. The muzzle must be available at time of inspection; and
  8. Proof that the owner has obtained a brightly colored collar with current license tag. The collar must be made available at the time of inspection.
- B. Following a declaration of dangerous animal and the exhaustion of any appeals therefrom, it shall be unlawful for the person owning or harboring or having care of a dangerous animal to allow and/or permit such animal to:
1. Remain outside of a proper enclosure while on the premises of such person; or
  2. Go beyond the premises of such person unless such animal is securely leashed and humanely muzzled or otherwise securely restrained.
- The animal must wear a brightly colored collar with current license tag at all times.
- C. Where an animal is found to be a dangerous because the animal killed a human being, after the exhaustion of appeal therefrom, the dangerous animal shall be surrendered to the animal control authority and be humanely euthanized.

(Ord. 2013-10s § 5 (part), 2013)

#### **6.07.040 Permits, Fees, and Conditions for Potentially Dangerous Animals.**

- A. Following the declaration of a potentially dangerous animal and the exhaustion of the appeal therefrom, the owner of a potentially dangerous animal shall obtain a permit for such animal from the animal control authority and shall be required to pay the fee for such permit in the amount of \$250.00 to the Auditor or the Auditor's designee. In addition, the owner of a potentially dangerous animal shall pay an annual renewal fee for such permit in the amount of \$250.00 to the Auditor or the Auditor's designee. A permit will be issued to the owner of a potentially dangerous animal upon payment of the permit fees if the owner provides the following:
1. Proof that the animal has been microchipped and microchip number is provided.
  2. Two current, color, digital photographs in electronic format of the animal (minimum 3" x 5" in size), for identification purposes;
  3. Proof of current rabies vaccination;
  4. Proof the animal has been spayed or neutered; and
  5. Proof that the owner has obtained a brightly colored collar with current license tag.
- The animal must wear the collar with current license tag at all times.

- B. The animal control authority may impose any or all of the following restrictions upon the owner of a potentially dangerous animal:
1. **Training.** The animal control authority may require the owner of a potentially dangerous animal and the animal to attend, complete, and pay all costs associated with an obedience training class. The animal control authority shall pre-approve any choice of class by the owner of the animal, and proof of satisfactory completion of such training shall be provided to the animal control authority, even if similar training has been completed by the animal in the past.
  2. **Restraint.** The animal control authority may require the owner of the potentially dangerous animal to muzzle the animal whenever the animal goes beyond the owner's property.
  3. **Confinement.** The animal control authority may require that the owner of a potentially dangerous animal keep the animal within a proper enclosure as defined in PCC 6.02.010 while on the owner's property.
  4. **Warning.** The animal control authority may require that the owner of a potentially dangerous animal post a warning sign as described in PCC 6.02.010.
  5. **Liability Insurance.** The animal control authority may require that the owner of a potentially dangerous animal purchase a policy of liability insurance (such as homeowner's insurance) issued by an insurer qualified under Title 48 RCW in an amount of up to \$250,000.00, insuring the owner for any personal injuries inflicted by the potentially dangerous animal.
- C. The animal control authority may inspect the owner's premises to verify compliance with this Section.
- D. Petition to Vacate the Declaration. Where an owner has obtained a potentially dangerous animal permit and has been in compliance with the requirements of this Section for three consecutive years, the owner may submit a written petition to vacate the potentially dangerous animal declaration and to lift the associated ownership requirements.
1. The petition shall be submitted to the animal control authority.
  2. The animal control authority will forward the petition, along with any comments, objections, and recommendations, to the Examiner.
  3. The animal control authority may request that a public hearing be scheduled to hear the petition.
  4. The Examiner may, in his discretion, grant the petition where the petitioner demonstrates, by a preponderance of evidence, that the animal no longer poses a substantial danger. Among the factors that the Examiner may consider is the age of the animal, the animal and owner's successful completion of an obedience training class, evidence of aggressive behavior or lack thereof, and any other relevant evidence.
  5. The Examiner shall issue a decision granting or denying the petition.

(Ord. 2013-10s § 5 (part), 2013)

**6.07.050 Notification of Status of a Dangerous or Potentially Dangerous Animal.**

- A. The owner of an animal that has been classified as a dangerous or potentially dangerous animal shall immediately notify the animal control authority when such animal:
1. is loose or unconfined; or
  2. has bitten or otherwise injured a human being or attacked another animal.

- B. At least 48 hours prior to a dangerous or potentially dangerous animal being sold, given away, or moved to another location, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority. The owner shall provide a copy of the declaration the new owner.
- C. When an animal classified as dangerous or potentially dangerous dies, the owner of said animal shall submit proof (vet records, etc.) to the Auditor or the Auditor's designee within ten calendar days.

(Ord. 2013-10s § 5 (part), 2013)

**6.07.060 Impoundment of Dangerous or Potentially Dangerous Animals.**

Should the owner of a dangerous or potentially dangerous animal violate the conditions or restrictions of owning or possessing a dangerous or potentially dangerous animal such animal may be seized and impounded upon issuance of a warrant.

- A. The owner may prevent the animal's destruction by, within two business days, submitting a petition for the animal's immediate return.
  - 1. The owner shall submit the written petition to the animal control authority and the petition will be forwarded to the Examiner.
  - 2. Except as provided in this Chapter, the petition shall proceed in accordance with the Pierce County Hearing Examiner Code, Chapter 1.22 PCC, as an appeal of an administrative official's decision.
  - 3. Notice of the hearing shall be mailed to the owner at the address listed on the notice of appeal.
  - 4. At the public hearing, the burden shall be on the animal control authority to prove, by a preponderance of evidence, that the owner failed to comply with the conditions or restrictions of owning and possessing a dangerous or potentially dangerous animal.
  - 5. The Examiner shall decide if the animal should be returned to the owner, subject to conditions that will bring the owner into compliance with this Chapter, or be humanely euthanized.
  - 6. In cases where a declaration of dangerous or potentially dangerous animal has been issued, but an appeal of the declaration is pending, the Examiner shall decide if the animal should be returned to the owner or remain in impound pending a decision on the appeal. If the Examiner decides to release the animal back to the owner, he may impose additional ownership conditions as necessary to protect the public while the appeal is pending.
  - 7. If the Examiner allows the release of the animal, the owner shall pay all redemption, boarding, and veterinary fees and costs prior to release, except in cases where the animal control authority failed to meet its burden of proof.
- B. If a decision to euthanize the animal is rendered by the Examiner, the owner may prevent the animal's destruction by, within seven calendar days:
  - 1. Petitioning the District Court for the animal's immediate return, subject to court imposed conditions, and
  - 2. Posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of 30 calendar days from the seizure date.
  - 3. A copy of the petition shall be served upon the animal control authority and the Prosecuting Attorney's Office the same day that the petition is filed in District Court.
  - 4. The burden shall be on the animal owner to prove that the decision of the Examiner was arbitrary and capricious.

5. If the District Court finds that the Examiner's decision was arbitrary and capricious, the bond or security shall be refunded to the poster and the animal shall be released to the owner.

(Ord. 2013-10s § 5 (part), 2013)

**6.07.070 Criminal Penalties for Failure to Control or Comply with Restrictions.**

- A. Any person who knowingly violates any provision of Chapter 6.07 PCC shall be guilty of a gross misdemeanor.
- B. Any person found guilty of violating this Chapter shall pay restitution to the animal control authority for all expenses incurred in the enforcement of this Chapter, including boarding/shelter, food, and veterinary expenses.
- C. Furthermore, any dangerous or potentially dangerous animal which attacks a human being or animal may be ordered destroyed when, in the court's judgment, such dangerous or potentially dangerous animal represents a continuing threat of serious harm to human beings or animals.

(Ord. 2013-10s § 5 (part), 2013)

**6.07.080 Duty to Comply**

It is the duty of every animal owner to keep his or her animals under proper supervision and control at all times. Where an animal is declared dangerous or potentially dangerous, the duty is upon the animal owner to comply with all provisions of this Chapter. When an animal owner breaches these duties, the responsibility for any resulting injury or damage shall be on the animal owner and not the County. (Ord. 2013-10s § 5 (part), 2013)

*Chapter 6.08*

***RABIES CONTROL***

**Sections:**

- 6.08.010 Definitions.**
- 6.08.020 Duty of Owner, Custodian and Health Officer.**
- 6.08.030 Quarantine – Notice to Owner.**
- 6.08.040 Quarantine – Duties of Owner.**
- 6.08.050 Handling of an Animal Bitten by Rabid Animal.**
- 6.08.060 Publication of Notice of Outbreak of Rabies.**
- 6.08.070 Procedures.**
- 6.08.080 Violation – Penalty.**
- 6.08.090 Severability.**

**6.08.010 Definitions.**

Unless specifically indicated otherwise, the following definitions shall apply throughout this Chapter:

- A. "Animal shelter" means the facilities for the temporary containment of animals, operated by the Tacoma-Pierce County Humane Society.
- B. "Health Officer" means the Director of the Tacoma-Pierce County Health Department and/or his authorized representatives.
- C. "Quarantine" means the detention or isolation of an animal on account of suspected exposure or affliction with rabies.
- D. "Unvaccinated animal" means an animal which has either never been vaccinated against rabies or whose vaccination has expired according to the current Compendium of Animal Rabies Vaccines published by the National Association of State Public Health Veterinarians, Inc., and which has been bitten by a known rabid animal.
- E. "Vaccinated animal" means an animal which has been vaccinated in accordance with the Compendium of Animal Rabies Vaccines published by the National Association of State Public Health Veterinarians, Inc., and which has been bitten by a known rabid animal.

(Ord. 84-24 § 1 (part), 1984; prior Code § 36.09.010)

**6.08.020 Duty of Owner, Custodian and Health Officer.**

- A. It shall be the duty of the owner and/or custodian of any dog or cat within the County to quarantine any dog or cat within the County which he has grounds to suspect of being infected with the disease of rabies or hydrophobia.
- B. If the Health Officer:
  - 1. Has grounds to suspect that any dog or cat running at large in the County is infected with rabies or hydrophobia; and
  - 2. Has notice that said dog or cat's owner or custodian cannot be determined; and
  - 3. Is able to locate and confine said animal; the Health Officer shall quarantine the animal as provided in this Chapter.
- C. The biting of a human being by a dog or cat causing penetration of the skin by the animal's teeth is specifically declared a ground for suspecting that such animal is so infected.

(Ord. 84-24 § 1 (part), 1984; prior Code § 36.09.020)

**6.08.030 Quarantine – Notice to Owner.**

The Health Officer may initiate a quarantine by delivering to the owner or custodian of such suspected animal, by either certified mail or by hand delivering to a responsible person present on the premises, a written notice of such quarantine which shall prescribe the duration of the quarantine period; provided, that the period of the quarantine shall not exceed ten days, unless it is determined that the animal is infected with rabies. The delivery of the notice of quarantine to a responsible person present upon the premises where such animal is kept shall be considered service of a notice upon the owner or custodian. Any such animals so quarantined shall be impounded in a shelter or a local veterinary clinic's kennel. At the discretion of the Health Officer, the animal may be quarantined upon the premises of the owner or any other person so long as the requirements of the quarantine are strictly fulfilled. (Ord. 2005-108 § 1 (part), 2005; Ord. 84-24 § 1 (part), 1984; prior Code § 36.09.030)

**6.08.040 Quarantine – Duties of Owner.**

- A. During the period of any quarantine, the owner or custodian of a quarantined animal shall not allow the animal to come in contact with any other animal or person or permit such animal to run at large outside of the premises where quarantined or upon the premises itself, unless the premises is enclosed by a secure fence from which the animal cannot escape. When the fence encloses the access to the premises, the animal must be restricted to leave free access to those persons lawfully entering the premises.
- B. The owner or custodian shall not remove or cause the animal to be removed from the premises without the prior consent of the Health Officer. These restrictions shall continue until the animal is released from quarantine. If any animal is found running at large after the commencement of the quarantine period or is removed from the premises where quarantined, it shall be impounded and unless claimed and redeemed by its owner or custodian within two days after the expiration of the quarantine period, may be destroyed by the proper authorities.
- C. Upon redemption of a dog, cat or other animal released from quarantine, the owner or custodian shall pay the same impound fee and board fee for any dog, cat or other animal quarantined, as provided for in PCC 6.02.070; provided, however, if the animal is surrendered by the owner or custodian, the service fee shall be waived.

(Ord. 2005-108 § 1 (part), 2005; Ord. 91-52 § 1, 1991; Ord. 84-24 § 1 (part), 1984; prior Code § 36.09.040)

**6.08.050 Handling of an Animal Bitten by Rabid Animal.**

When an animal is known to have been bitten by a rabid animal, the following procedures shall be followed:

- A. Unvaccinated Animal. An unvaccinated animal shall be immediately destroyed; provided, that upon the election of the owner, the animal may be kept, at its owner's expense, in strict isolation in a kennel under veterinary supervision for a minimum period of six months following the bite.
- B. Vaccinated Animal. A vaccinated animal shall be handled as follows:
  1. The animal shall be immediately revaccinated with an approved rabies vaccine and confined under the supervision of a veterinarian for a period of thirty days following revaccination; or
  2. If the animal is not immediately revaccinated, it shall be confined in strict isolation in a kennel for six months under the supervision of a veterinarian; or

3. The animal shall be destroyed if the owner or custodian does not comply with subsections 1. or 2. above.

(Ord. 84-24 § 1 (part), 1984; prior Code § 36.09.050)

**6.08.060 Publication of Notice of Outbreak of Rabies.**

Upon any outbreak of rabies or when rabies has been diagnosed within the County, and when in the judgment of the Health Officer there is imminent danger of the spread of the disease, the Health Officer shall publish a notice to that effect in the official newspaper of the County for three successive days. For a period of six weeks following the final publication of the notice, the owner or custodian of a dog shall keep the dog securely confined at all times by leash or in a tight enclosure from which the dog cannot escape. During said period any dog found running at large in the County shall be impounded and unless claimed and redeemed by its owner within two days following such impounding, may be destroyed by the proper authorities. Any person charged with the enforcement of this Chapter may destroy any dog found running at large within the County when, after reasonable effort, he is unable to impound the dog or after reasonable investigation, is unable to locate the owner or custodian thereof. The Health Officer shall have authority to extend the six-week time period for additional six-week periods by notice given in the manner provided above until, in his judgment, the imminent danger of the spread of the disease is no longer present. (Ord. 84-24 § 1 (part), 1984; prior Code § 36.09.060)

**6.08.070 Procedures.**

The Health Officer is authorized and directed to develop a quarantine program for dogs, cats, and other household pets and otherwise to develop procedures for the enforcement of this Chapter. (Ord. 84-24 § 1 (part), 1984; prior Code § 36.09.090)

**6.08.080 Violation – Penalty.**

Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be penalized by a fine. (Ord. 84-24 § 1 (part), 1984; prior Code § 36.09.070)

**6.08.090 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 9, 1989)

*Chapter 6.10*

***DOG CONTROL ZONES***

**Sections:**

**6.10.010 Dog Control Zone Established.**

**6.10.020 Dogs Off Premises.**

**6.10.030 Violation – Civil Infraction.**

**6.10.010 Dog Control Zone Established.**

Unincorporated Pierce County is hereby established as a Dog Control Zone. (Ord. 87-40S § 5 (part), 1987)

**6.10.020 Dogs Off Premises.**

Within a Dog Control Zone, any person owning or having charge, care, custody, or control of any dog shall keep such dog exclusively upon his own premises, except that the dog may be off the premises if it is under control of its owner or a competent person by a leash. (Ord. 87-40S § 5 (part), 1987)

**6.10.030 Violation – Civil Infraction.**

Any violation of this Chapter is unlawful and shall constitute a Class 3 Civil Infraction pursuant to Chapter 1.16 PCC. Such penalty is in addition to any other remedies or penalties specifically provided in this Title. (Ord. 99-17 § 5, 1999; Ord. 87-40S § 5 (part), 1987)

*Chapter 6.14*

***BABY CHICKS, RABBITS, AND DUCKLINGS***

**Sections:**

**6.14.020 Artificial Coloring Unlawful.**

**6.14.030 Commercial Sale Not Affected.**

**6.14.040 Violation – Civil Infraction.**

**6.14.020 Artificial Coloring Unlawful.**

It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter, give away, or display living baby chicks, rabbits, ducklings or other fowl, which have been dyed, colored or otherwise treated so as to impart to them an artificial color. (Ord. 89-141 § 5 (part), 1989; Res. 7256 § 2, 1959; prior Code § 36.04.020).

**6.14.030 Commercial Sale Not Affected.**

This Chapter shall not be construed to prohibit the sale or display of natural baby chicks, rabbits, ducklings or other fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them for commercial purposes. (Ord. 89-141 § 5 (part), 1989; Res. 7256 § 3, 1959; prior Code § 36.04.030).

**6.14.040 Violation – Civil Infraction.**

Any violation of this Chapter is unlawful and shall constitute a Class 3 Civil Infraction pursuant to Chapter 1.16 PCC. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense. (Ord. 99-17 § 6, 1999; Ord. 89-141 § 5 (part), 1989; Res. 7256 § 4, 1959; prior Code § 36.04.040).

## Chapter 6.16

### POTENTIALLY DANGEROUS WILD ANIMALS

#### Sections:

- 6.16.010 Animal Defined.**
- 6.16.020 Potentially Dangerous Wild Animals.**
- 6.16.025 Duty to Advise Purchaser/Recipient.**
- 6.16.030 Allowing Wild or Vicious Animals to Run at Large Prohibited.**
- 6.16.040 Exceptions for Circuses, Zoos, and Transportation of Wild Animals.**
- 6.16.050 Violations – Penalty – Continuing Offenses.**

#### **6.16.010 Animal Defined.**

For purposes of this Chapter, "animal" means all reptiles, birds, invertebrates, mammals, amphibians, and fishes. (Ord. 89-141 § 6 (part), 1989)

#### **6.16.020 Potentially Dangerous Wild Animals.**

Persons residing in the unincorporated area of Pierce County may keep potentially dangerous wild animals other than those defined in and prohibited by RCW 16.30.010 if they obtain a permit as defined in PCC 6.07.040 from the Auditor or the Auditor's designated agent. Such permits may be granted only upon a showing by the applicant that adequate safeguards have been instituted and will be maintained which effectively control any dangerous or vicious propensities of such animal, and eliminate any danger to individuals and property, and that the keeping and maintaining of such animal will be in the best interests of the animal and will in no way constitute a nuisance to the occupant of any surrounding property. It shall be the duty of the animal owner to comply with this Section and to maintain proper supervision and control over his or her animals at all times. When a potentially dangerous wild animal causes injury or damage, the responsibility shall be upon the animal owner and not the County. (Ord. 2013-10s § 6, 2013; Ord. 2008-14 § 1 (part), 2008; Ord. 2005-108 § 1 (part), 2005; Ord. 89-141 § 6 (part), 1989; prior Code § 36.06.010)

#### **6.16.025 Duty to Advise Purchaser/Recipient.**

Any person offering for sale or gift any animal in unincorporated Pierce County which falls within PCC 6.16.020 shall have the duty to advise the purchaser or recipient of the wild nature of the animal and its vicious, venomous/poisonous, or dangerous propensities and of the fact that possession of such animal is regulated or prohibited by the Pierce County Code. (Ord. 89-141 § 6 (part), 1989; prior Code § 36.06.015)

#### **6.16.030 Allowing Wild or Vicious Animals to Run at Large Prohibited.**

No person owning or having charge, custody, control, or possession of any animal specified in PCC 6.16.020 shall permit or allow the same to run at large upon any highway, street, lane, alley, court, or any other place, public or private, or within the premises of such person in such a manner as to endanger any person lawfully entering such premises. (Ord. 89-141 § 6 (part), 1989; prior Code § 36.06.020)

**6.16.040 Exception for Circuses, Zoos, and Transportation of Wild Animals.**

- A. PCC 6.16.020 shall not apply to any person who has custody of any animal described in that Section in connection with the operation of any zoo or circus or any program of medical or scientific research, provided, such person has taken adequate measures to safeguard persons and property.
- B. PCC 6.16.020 shall not apply to any person keeping, maintaining or having in his possession or under his control any animal defined in that Section when such person is transporting such animal through Pierce County, provided, he has taken adequate safeguards to protect the public, and has notified the Sheriff of his proposed route of transportation and of the time that such trip is to take place.

(Ord. 89-141 § 6 (part), 1989; prior Code § 36.06.030)

**6.16.050 Violations – Penalty – Continuing Offenses.**

A violation of this Chapter is a misdemeanor. (Ord. 2008-14 § 1 (part), 2008; Ord. 89-141 § 6 (part), 1989; prior Code § 36.02.010)

*Chapter 6.18*

***LIVESTOCK DISTRICTS***

**Sections:**

**6.18.010 Stock Restricted Area.**

**6.18.020 Violations.**

**6.18.010 Stock Restricted Area.**

All areas of unincorporated Pierce County are restricted areas where livestock may not run at large. (Ord. 91-69 § 1 (part), 1991; Ord. 89-141 § 7 (part), 1989; prior Code § 36.14.020)

**6.18.020 Violations.**

The owner or other person having control or custody of any livestock at large is in violation of PCC 6.03.035. (Ord. 99-17 § 7, 1999; Ord. 91-69 § 1 (part), 1991; Ord. 89-141 § 7 (part), 1989; prior Code § 36.14.030)

Code Revisor's Note: The reference to PCC 6.03.035 above is incorrect. The correct cite should be PCC 6.03.010.