

ORDINANCE NO. 1215

CITY OF LYNNWOOD

AN ORDINANCE REPEALING LYNNWOOD MUNICIPAL CODE CHAPTER 6.04 IN ITS ENTIRETY AND CREATING A NEW CHAPTER 6.02 PROVIDING FOR THE REASONABLE REGULATION OF ANIMALS UNDER THE POLICE POWERS OF THE CITY OF LYNNWOOD, GRANTING OWNERS OF ANIMALS REASONABLE UTILIZATION THEREOF AND AT THE SAME TIME PROVIDING FOR THE HEALTH, SAFETY, WELFARE AND GENERAL PROTECTION OF BOTH THE HUMAN RESIDENTS AND ANIMALS OF THE CITY OF LYNNWOOD.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS FOLLOWS:

SECTION 6.02.010. REPEAL.

That Chapter 6.04 of the Lynnwood Municipal Code should be, and it hereby is, repealed in its entirety.

SECTION 6.02.015. DEFINITIONS.

(1) Animal control authority - means the person, association or corporation, appointed or authorized (including contractual authorization) by the Mayor of the City of Lynnwood and/or Chief of Police to carry out the duties of the animal control officer and enforcement under this Ordinance.

(2) Animal control officer - includes a police officer.

(3) At large - means off the premises of the owner and not under the immediate control of the owner, member of his immediate family or person authorized by him, by means of a leash, cord or chain no longer than eight (8) feet.

(4) Covered animals - means hooved animals usually found on farms, such as horses, ponies, mules, bovine animals, sheep, goats and/or swine.

(5) Domestic animals - means any animals that are usually tamed and bred for the uses of humans.

(6) Exotic animals - means any animals that are not native to or usually found in the United States.

(7) Guard dog - means any member of the dog family which has been trained or represented as trained to protect persons

and/or property by virtue of exhibiting hostile propensities and aggressiveness to unauthorized persons.

(8) Inhumane treatment - means every act, omission or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

(9) Own - means owning, keeping, leasing, possessing or harboring an animal.

(10) Person - means any person, firm, corporation or association.

(11) Poultry - means domestic fowl normally raised for meat or eggs, chickens, turkeys, ducks and geese.

(12) Vicious animal - means an animal that is dangerously aggressive to humans or other animals.

(13) Wild animal - means an animal living in its natural state and native to the United States and not normally domesticated, raised or bred by humans.

SECTION 6.02.020. LICENSING.

(1) License Required. It is unlawful for any person to own any dog or cat over the age of six (6) months within the City unless the owner has first procured a license therefor or unless no license is required by this ordinance.

(2) Dogs Excluded from License Requirements. The licensing provisions of this ordinance shall not apply to the following dogs:

(a) Whose owners are nonresidents temporarily within the City;

(b) Brought into the City for the purpose of participating in any dog show;

(c) Seeing Eye dogs properly trained to assist blind persons, when such dogs are actually being used by blind persons, for the purpose of aiding them in going from place to place; and

(d) Licensed pet stores are exempt from the dog licensing requirement of those dogs kept and intended for sale.

(3) License Tags Issued and Fees. The Police Department, or such other person, firm or entity as shall be designated by the City Council by contract or otherwise, shall issue animal licenses consisting of a metal tag with a number

corresponding to the number of the application, to the applicant.

(a) The applicant shall cause the same to be attached or fixed to the animal. Tags shall not be transferable from one animal to another.

(b) The following fees shall be paid for licenses required under this Ordinance:

(i) Spayed female or neutered males with a veterinarian certificate or signed affidavit (lifetime tags issued)	\$1.50
(ii) Unspayed female dogs over six (6) months of age	\$10.00
Unspayed female cats over six (6) months of age	\$4.00
(iii) Unneutered male dogs over six (6) months of age	\$10.00
Unneutered male cats over six (6) months of age	\$4.00
(iv) Replacement of metal tag	\$1.50

When application is made between January 1 and May 1, and the animal was not subject to licensing prior to that date, the license fee shall be one-half (1/2) of the above-specified amount for that current license period.

Licenses shall be valid for one (1) year from each July 1 to the following June 30. License applications may be made from May 1 through June 30 each year without penalty. When application is made after June 30, and the animal was subject to licensing prior to that date, an additional Two Dollars (\$2.00) fee shall be charged for the license fee if it is delinquent.

(4) Enforcement Procedure. All animals not licensed under this section, or who do not exhibit the metal identification tag provided for in subsection (3) of this section, are declared to be public nuisances, and it shall be the duty of the City to impound and restrain the animals for a period of three (3) days (except Saturday, Sunday and holidays), and/or issue a citation to the owner. If not redeemed within the three (3) day period, the animal control authority may sell or destroy said animal.

SECTION 6.02.030. EXOTIC ANIMALS.

The owner of an exotic animal must keep the animal, at all times, contained within a fence or cage consistent with the age, size and species of the animal, such that the animal cannot run at large.

SECTION 6.02.040. WILD ANIMALS.

No person shall own any wild animal unless he has obtained a permit from the State Game Department and/or Federal Fish and Wildlife Service; provided, that the animal control authority may allow a person to temporarily care for an infant or injured wild animal native to this area which is homeless while the person acquires the necessary State and/or Federal permits.

SECTION 6.02.050. GUARD DOGS.

Guard dogs shall be kept contained within a building or on a leash under the control of a person, or enclosed within a six- (6-) foot solid or chain-link fence and of sufficient height to prevent the dog from reaching persons off the property. The owner shall restrain the guard dog in such a manner that the dog is unable to reach those persons using the normal ingress and egress to and from the property. The owner shall post signs in two (2) conspicuous places on the property, warning that a guard dog is on the premises. The owner must indicate at the time of obtaining a dog license that the dog is a guard dog.

SECTION 6.02.060. FEES AUTHORIZED.

The animal control authority shall be entitled to charge fees under this Ordinance as follows:

	<u>In Dollars</u>
(1) Impound Fees	\$5.00
(2) Board and Room Per Day	\$3.50
(3) Pick up Dog at Owner's Request	-0-
(4) Pick up Second Dog or Pet at Same Time at Owner's Request	-0-
(5) Pick up Cat at Owner's Request	-0-
(6) Pick up Second Cat at Owner's Request	-0-
(7) Horses and Ponies Impound Fee	\$25.00

(8)	Horses and Ponies, Board and Room Per Day	\$3.50
(9)	Put Animal to Sleep	-0-
(10)	Miscellaneous Animals Impound Fees	5.00
(11)	Miscellaneous Animals Board Fees	3.50
(12)	Miscellaneous Animals Pick-Up Fees at Owner's Request	-0-

SECTION 6.02.070. RUNNING AT LARGE PROHIBITED.

No domestic, covered or exotic animal of any kind shall be permitted to run at large during any hours of the day or night, provided that this section shall not apply to dogs which are in special areas designated and posted by the Chief of Police as dog training areas so long as the regulations of the Chief of Police with respect to the use of such areas are complied with and such dogs are under the custody and control of their trainer.

SECTION 6.02.080. PUBLIC PARKS, BEACHES AND/OR PLAYGROUNDS.

Unless otherwise directed by the Director of Parks and Recreation, it is unlawful for any person to ride, lead or otherwise permit any covered animal to be within or on any public park, beach or playground within the City of Lynnwood, whether owned by, leased or otherwise under the direct supervision of the City, or to ride, lead or permit any said animal to be within or on the private property of another, without the consent of the owner of said property; provided, however, the Director of Parks and Recreation is authorized to post a notice or notices of specific areas in any particular public park, beach or playground within the City of Lynnwood where said animals may be permitted under such circumstances as may be required by the Director of Parks and Recreation. Said notices shall be placed in a conspicuous place or places at each drive-in or pedestrian access provided by the City to such public parks, beaches and/or playgrounds. In the event the Director of Parks and Recreation so determines and posts notices as provided in this section, he shall maintain a list of said parks, beaches and/or playgrounds, shall file a copy of the same with the City Clerk, and said list shall be open and available for public inspection at all business hours of the City Clerk.

SECTION 6.02.090. IMPOUND PROCEDURES.

(1) Notice of Impounding. When any licensed animal is impounded, the officer or department impounding such animal shall attempt to give notice the same day by mail, or by leaving written notice at the address contained in the license application or by telephone, to the owner, informing him of the impounding of such animal and the reason thereof. It shall, however, be the entire responsibility of the owner to ascertain that his animal has been impounded and to take such measures as he deems fit for redeeming such animal. Neither the City nor any officer or agent of the City shall be responsible for failing to notify an animal owner under this Ordinance.

(2) Redemption of Animals by Owner. If, at any time before sale or disposal by the City, the owner of animals so impounded shall claim the same, he shall be entitled to the possession thereof upon payment of all legal charges and expense incidental to such taking up and keeping of said animal.

(3) Impounding Sick or Injured Animals. When in the judgment of a licensed veterinarian or the animal control authority an animal should be destroyed for humane reasons, such animal may not be redeemed. The animal control authority, or its agents, shall not be held liable for the destruction of said animal. Before such licensed animal is destroyed, the animal control authority, or its agents, shall take reasonable steps to serve the owner with a notice of destruction, informing him that his animal is going to be destroyed and of the owner's rights of appeal. Upon such notice, the owner may appeal the decision to destroy the animal to the Superior Court within fourteen (14) days of notice by the City. The destruction of the animal shall be stayed for the fourteen- (14-) day appeal period if the owner serves the City with a notice of appeal within forty-eight (48) hours of receipt of the City's notice of destruction. If the Superior Court holds that the animal should be destroyed, the owner shall pay all costs and fees for board and care of the animal.

(4) Hindrance to Impounding. No person shall willfully do the following:

(a) Prevent or hinder the impounding of any animal found in violation of the provisions of this Ordinance;

(b) Remove any animal from the public pound without the authority of the Chief of Police, the animal control authority or the officer in charge of the pound;

(c) Remove any animal from the public pound without paying all lawful charges against the animal;

(d) Resist or obstruct the animal control authority in the performance of his duties.

SECTION 6.02.100. ANIMAL BITES TO BE REPORTED.

Every animal which bites a person shall be promptly reported to the animal control authority and shall thereupon be securely quarantined at the direction of the animal control authority for a period of ten (10) days. At the discretion of the animal control authority, such quarantine may be on the premises of the owner, at the shelter designated as the City's animal shelter, or, at the owner's option and expense, in a veterinary hospital of the owner's choice. In the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the City animal shelter or veterinary hospital.

SECTION 6.02.110. CONFINING DOGS IN SEASON.

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

SECTION 6.02.120. MUZZLING AND VACCINATION.

Whenever it becomes necessary to safeguard the public from the dangers of rabies or other communicable disease, the City Council, if it deems it necessary for the public's health and safety, shall pass a resolution ordering every person owning or keeping the infected type animal to confine it securely on his premises unless such animal has a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled animal running at large during the time of the proclamation shall be seized and impounded. All animals noticeably infected with rabies shall be killed by the animal control authority or by any police officer, without notice to the owner. Animals impounded during the first two (2) days of such proclamation shall, if claimed within five (5) days, be released to the owner, unless infected, upon payment of the fees and charges provided for in this Ordinance. If unclaimed after that period, such animal may be summarily destroyed. Said resolution may also provide for and require the vaccination of all dogs with antirabies vaccine, or other appropriate vaccines in the case of animals or diseases.

SECTION 6.02.130. MAXIMUM NUMBER OF DOGS AND/OR CATS PERMITTED.

No person shall keep more than three (3) cats or three (3) dogs, or any combination of cats and dogs exceeding three (3) in number that are over six (6) months of age on any premises in the City.

SECTION 6.02.140. NUISANCE.

Every owner of an animal shall exercise proper care and control of his animal to prevent the animal from becoming a public nuisance. Excessive or untimely barking, molesting passersby, chasing vehicles, attacking other domestic animals, depositing excretory matter on property other than that of the owners, damaging property and running at large, shall be deemed a nuisance.

Further, it is unlawful to permit an animal which has the propensity to bite or attack human beings, to run loose on or within the owner's premises in such a manner as to endanger the safety of any person lawfully entering such premises.

SECTION 6.02.150. HORSES ON ARTERIAL STREETS.

(1) It is unlawful for any person to ride or lead or allow any horse, mare, pony or related animal on any of the following streets in the City of Lynnwood:

- (a) 196th Street S.W.
- (b) Highway 99;
- (c) 44th Avenue West, south of 188th Street S.W.;
- (d) 200th Street S.W.;
- (e) Alderwood Mall Boulevard;
- (f) 37th Avenue West, north of 200th Street S.W.;
- (g) 28th Avenue West, north of Alderwood Mall Boulevard;
- (h) 33rd Avenue West, south of 184th Street S.W.;
- (i) 36th Avenue West, south of 184th Street S.W.;
- (j) 188th Street S.W., east of Highway 99; and
- (k) 184th Street S.W., east of 36th Avenue West.

Provided, that it is not unlawful for any person to dismount and lead by the rein or rope any horse, mare, pony or related animal directly across any of the above streets or arterials.

SECTION 6.02.160. OWNER RESPONSIBILITY TO REMOVE ANIMAL MANURE.

(1) Every person who owns or who has under his control or care any animal shall be responsible for picking up and removing immediately any offal or manure left by any such animal upon any public place in the City or upon any private property not owned by him or her.

(2) It is unlawful for any person who owns or who has under his control or care any animal and who fails to pick up and remove immediately any offal or manure left by such animal upon any public place in the City of Lynnwood or private property not owned by him or her.

SECTION 6.02.170. MISCELLANEOUS REGULATIONS.

(1) Exposure of Poison Prohibited. It is unlawful for any person to lay out or expose any kind of poison, or leave exposed any poisoned foods or drink for human, animal or fowl, or any substance of fluid whatever, on the premises of another or in any unenclosed place.

(2) Found Stray Animals. It shall be the duty of a person who takes into his possession any stray animal, not owned by him or not placed into his possession by the person having the lawful custody and control thereof, to notify the animal control authority or police at once, and to release such animal to said City officer upon demand and without any charge.

(3) Duty When Striking Domestic Animal with Motor Vehicle. Any person who, while operating a motor vehicle, strikes a domestic animal, shall stop at once, render reasonable assistance, and shall immediately report such injury or death to the animal's owner. In the event the owner of said animal cannot be ascertained and located, such person shall at once report the accident to the animal control authority. This subsection shall in no way be construed as requiring the person striking the animal with a motor vehicle to be financially responsible for any injury or death of the animal.

(4) Slaughtering of Animals. No persons shall kill or slaughter, within the City, any animal or animals, the flesh of which is intended to be sold or offered for sale.

(5) Confined Animals. Any person who shall confine any animal shall supply the same during such confinement with clean, adequate shelter from the weather and a sufficient daily quantity of food and water.

(6) Inhumane Treatment of Animals Unlawful. It is unlawful for any person to knowingly subject any animal to any inhumane treatment.

(7) Abandoning of Animals Unlawful. It is unlawful for any person to abandon any animal within the City in any manner.

(8) Animals owned by the Lynnwood Police Department and used to assist in law enforcement and the carrying out of its duties shall be exempt from the provisions of this Ordinance.

Any person found guilty of a violation of this section shall pay to the City the cost and expense of the impound and distraint of the animal or animals involved.

SECTION 6.02.180. INTERFERENCE.

The animal control officer or any properly designated City employee is authorized to enter upon private property for the purpose of enforcing this Ordinance. No person shall conceal any animal or otherwise interfere with the proper enforcement of this Ordinance.

SECTION 6.02.190. PENALTIES.

Any person who violates or fails to comply with any provision of this title shall be guilty of a misdemeanor and punishable by a fine or bail forfeiture in an amount not to exceed Two Hundred Fifty and 00/100 Dollars (\$250.00).

SECTION 6.02.200. ENFORCEMENT.

Any conduct by any person violating any of the provisions of this Ordinance is unlawful and may be prosecuted by the authorities of the City, or may be redressed by civil action at the option of the authorities, or both. All criminal proceedings for violation of this title shall be initiated as prescribed by Justice Court Rule 2.01 as now or hereafter amended.

SECTION 6.02.210. ADMINISTRATION.

The City administrative officer is authorized to develop whatever administrative regulations as may be necessary to implement the provisions of this Ordinance, including procedures for animal enumerations and animal shelter operations.

SECTION 6.02.220. NON-LIABILITY.

Nothing contained in this Ordinance is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City or its officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with the terms of this Ordinance, or by reason or in consequence of any omission in connection with the implementation or enforcement of this Ordinance on the part of the City by its officers, employees or agents.


SECTION 6.02.230. SEVERABILITY CLAUSE.

If any section, subsections, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6.02.240. PASSAGE.


This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication.

PASSED by the City Council of the City of Lynnwood this 14th day of September 1981, and signed in authentication of its passage this 14th day of September, 1981.



M. J. HRDLICKA
Mayor

ATTEST:



R. W. NOACK
City Clerk

APPROVED AS TO FORM:



PAT CURRAN
Asst City Attorney