

Ordinance No. 00105

[Council Minutes 96/12/16](#)

ORDINANCE NO. 105

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating a new Chapter 6.14 of the Lakewood Municipal Code relating to exotic animals

WHEREAS, in connection with the assumption of responsibilities by the City for control of certain animals within the City, the City Council has adopted ordinances addressing dog licensing provisions as well as dangerous dog provisions; and,

WHEREAS, in addition to dog related problems, there are, on occasion, problems related to animals of a more unique or exotic nature which may not lend themselves to compatibility with the urban setting in which they may be located; and,

WHEREAS, illustrative of the concerns for exotic animals surfaced recently when a person brought a bobcat into the City which bobcat escaped from its containment; and,

WHEREAS, although the City's contract animal control authority (the Tacoma-Pierce County Humane Society) was called in that case, the City Ordinances are not, currently, equipped with regulations which address those types of animal problems; and,

WHEREAS, in order to provide the City's animal control authority with resources which would allow more effective response to exotic animal problems, it is appropriate to include a separate Chapter in the City Code to address exotic animals which are inappropriate for ownership within the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That a new Chapter 6.14 of the Lakewood Municipal Code relating to exotic animals be, and the same hereby is, adopted to read as follows:

Chapter 6.14

Exotic Animals

Sections:

6.14.010 Purpose and intent.

6.14.020 Definitions.

6.14.030 Possession unlawful.

6.14.040 Chapter limitations.

6.14.050 Violation - Penalty.

6.14.060 Euthanasia in exigent circumstances.

6.14.010 Purpose and intent.

It is the intent of the City of Lakewood to preserve the public peace and safety by prohibiting the possession or maintenance of exotic animals other than in the case of certain limited exceptions.

6.14.020 Definitions.

A. "Animal control authority" means a person or entity authorized by statute or contract to enforce the animal control laws of the City.

B. "Animal control officer" means

1. any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law relating to the licensure, control, or seizure and impoundment of animals,

2. any state or local law enforcement officer, or

3. any other official whose duties in whole or in part include the seizure and impoundment of any animal.

C. "Director" means director, executive or chief administrative officer of the animal control authority.

D. "Exotic animal" means any of the following:

1. Venomous species of snakes capable of inflicting serious physical harm or death to human beings;

2. Non-human primates and prosimians;

3. Bears;

4. Non-domesticated species of felines, including but not limited to cougars, bobcats and lynx;

5. Non-domesticated species of canines and their hybrids, including wolf and coyote hybrids;

6. The order crocodilia, including alligators, crocodiles, caiman, and gavials;

7. Any other non-domesticated animal that, either by behavior observed by an animal control officer or by complaints from a neighbor or other person in the vicinity of where the exotic animal has been kept, has demonstrated a dangerous propensity or conduct that poses a threat to the public welfare.

E. "Non-domesticated species" means species of animals that are not commonly considered tame and not generally accustomed to living among humans and being raised by humans as pets or as livestock.

6.14.030 Possession unlawful.

It is unlawful for any person to possess or maintain an exotic animal within City of Lakewood, except as provided in section 6.14.040 of this chapter.

6.14.040 Chapter limitations.

A. The purpose of this chapter is to prohibit the private ownership of exotic animals as pets. The provisions of this chapter shall not apply to any facility possessing or maintaining exotic animals as defined in this chapter which is owned, operated or maintained by any city, county, state or the federal government, including but not limited to public zoos, nor shall it apply to museums, laboratories and research facilities maintained by scientific or educational institutions, nor to private or commercial activities such as circuses, fairs, or zoological parks which are otherwise regulated by law, nor to any recognized program engaged in the training of exotic animals as defined in this chapter for use as service animals by disabled citizens.

B. Breeding, or allowing the reproduction of, exotic animals as defined in this chapter is prohibited, provided that this prohibition shall not apply to any governmental facility possessing or maintaining exotic animals nor shall it apply to private or commercial activities as set forth in paragraph A above.

6.14.050 Violation - Penalty.

Any person possessing or maintaining an exotic animal in City of Lakewood in violation of this chapter, is guilty of a misdemeanor and is subject to a fine not to exceed one thousand dollars and/or by incarceration in jail not to exceed ninety days.

6.14.060 Euthanasia in exigent circumstances.

A. An exotic animal possessed or maintained in violation of this chapter may be subject to impoundment and euthanasia by the animal control authority if any of the following exigent circumstances is deemed to exist by the director of the animal control authority or designee:

1. The exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement. For the purposes hereof, if an exotic animal wanders or runs loose in the City, it shall be presumed that the exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement; or
2. There is no reasonable basis to believe that the violation can be or in good faith will be corrected and after reasonable search or inquiry by the animal control authority no facility as authorized by local, state or federal law is available to house the exotic animal; or
3. The exotic animal suffers from a communicable disease injurious to other animals or human beings; provided, that this section shall not apply if the animal is under treatment by a licensed veterinarian and may reasonably be expected to recover without infecting other animals or human beings.

B. After an exotic animal has been impounded, as provided above, the director of the animal control authority or designee shall provide notice to the person who had possessed or maintained the exotic animal of the exigent circumstances deemed to exist that warranted the impoundment and euthanasia of the exotic animal. The person who had possessed or maintained the exotic animal or another person with an ownership interest in the exotic animal may appeal the determination to the City Manager, provided that the appeal must be filed with the City Manager within 15 days of the notice of impoundment referred to hereinabove.

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

Section 3. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 16th day of December, 1996.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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