

Ordinance No. 00149

[\(Council Minutes 12/15/97\)](#)

ORDINANCE NO. 149

AN ORDINANCE of the City Council of the City of Lakewood, Washington amending Sections 6.02.070, 6.04.090, 6.04.110, 6.06.010, 6.06.020, 6.06.030, 6.06.040, 6.06.060, 6.06.080, and 6.10.030 of the Lakewood Municipal Code, and creating new Sections 5.24.105, 6.04.025, 6.04.045, 6.04.055, 6.04.091, 6.04.092, relating to animal control

WHEREAS, in order to address animal control issues in the City of Lakewood, the City has contracted with the Humane Society of Tacoma-Pierce County for animal control services; and,

WHEREAS, more effective animal control services would be available or enhanced where the City=s animal control regulations, provisions and processes are uniform and consistent with those of neighboring communities; and

6.02.070, 6.04.090, 6.04.110, 6.06.010, 6.06.020, 6.06.030, 6.06.040, 6.06.060, 6.06.080, and 6.10.030 of the Lakewood Municipal Code, and creating new Sections 5.24.105, 6.04.025, 6.04.045, 6.04.055, 6.04.091, 6.04.092, relating to animal control

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WHEREAS, in light of some changes to the animal control regulations used in surrounding jurisdictions, it is appropriate for the City of Lakewood to amend its animal control regulations accordingly.

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

1. That Section 6.02.070 of the Lakewood Municipal Code is amended to read as follows:

6.02.070 Redemption of Dogs.

The owner of any dog impounded under this Chapter may redeem said dog within forty-eight hours from time of impounding by paying to the animal control agency a redemption fee of \$25.00 for the first time impounded within any twelve month period. A redemption fee of \$50.00 for the second impound within any twelve month period, and a redemption fee of \$75.00 for the third or subsequent impound within any twelve month period shall be collected. If a dog is wearing a current pet license at the time of the first such impound, no redemption fee shall be collected. In addition to the redemption fee, the redeemer shall pay, as a boarding charge for the caring and keeping of such dog, the sum of ~~\$5.00~~ \$5.50 per day for each day, including the first and last days, that the dog is retained by the impounding authority. This boarding charge will be collected for all dogs retained by the impounding authority, including dogs wearing a current pet license at the time of their first impound within any twelve month

period. If such dog is not redeemed by the owner within forty-eight hours, then any person may redeem it within the next forty-eight hours by complying with the above provision, and in case such dog is not redeemed at the end of such time, it may be humanely destroyed or otherwise disposed of within the discretion of the animal control agency. (Ord. 40 ' 1 (part),1996.)

' 1 (part),1996.)

Page - 6

2. That Section 6.04.090 of the Lakewood Municipal Code is amended to read as follows:

6.04.090 Disturbing Noises.

It is unlawful for the owner or other person having control or custody of any dog, cat, or other animal to allow such dog, cat, or other animal to habitually howl, yelp, bark, or make other noises which unreasonably disturb another person. Any such dog, cat, or other animal may be seized and impounded. Prior to seizure and impound, the following must occur: A. The owner or other person responsible for the animal shall be notified that other persons are complaining about the noises and/or are being unreasonably disturbed; and
B. An animal control officer shall make reasonable efforts to notify the owner or other person responsible for the animal, in person, by telephone or through the mail, that a noise nuisance complaint has been received, and shall discuss possible corrective measures.

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3. That Section 6.040110 of the Lakewood Municipal Code is amended to read as follows:

6.04.110 Penalty for Violation - Misdemeanor.

A person who violates any of the provisions of Sections 6.04.025, 6.04.045, 6.04.055, 6.04.070, 6.04.080, 6.04.090, 6.04.092, or 6.04.100, shall upon conviction thereof, be found guilty of a misdemeanor. For each act herein prohibited in Section 6.04.090, of a continuing nature, each day shall be considered a separate offense. (Ord. 40 ' 2 (part),1996.)

4. That Section 6.06.010 of the Lakewood Municipal Code is amended to read as follows:

6.06.010 Licenses Required.

It is unlawful for any person to own, keep, or have control of a ~~juvenile or adult~~ dog or cat over the age of 8 weeks, whether confined or not, within the corporate boundaries of the City without having a current license tag attached to the collar or harness which is worn by the dog or cat. Any dog or cat which is off the premises of its owner must have a current license, regardless of its age. If any dog and/or cat which is required to be licensed is found without a current license, it may be seized and impounded by the animal control agency or the law enforcement agency of the City. Additionally, such seizure and impoundment will not preclude the issuance of a criminal complaint. Hunting dogs, during a controlled hunt, need not wear a license tag. (Ord. 40 ' 3 (part),1996.)

5. That Section 6.06.020 of the Lakewood Municipal Code is amended to read as follows:

6.06.020 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 City or to such other agency as the City authorizes to issue licenses and collect license fees. The license shall remain in force ~~until December 31st of the year of issuance~~ for a period of twelve months from the date of issuance, expiring on the last day of the twelfth month. There is no prorating of any license fee. Renewal licenses shall retain the original expiration period whether renewed prior to, on or after their respective expiration periods. The applicant shall be furnished with such license and metal tag. The tag shall be attached to a collar or harness which will be worn by the dog or cat at all times. The shape of the tag shall not be the same two consecutive years. (Ord. 40 ' 3 (part),1996.)

6. That Section 6.06.030 of the Lakewood Municipal Code is amended to read as follows:

6.06.030 Fees.

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

A. Adult Dogs: altered -- -- \$ 7.00

A. Adult Dogs: altered fee after 1/1/98 \$ 8.50

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unaltered -- -- \$50.00

B. Juvenile Dogs: -- -- \$ 2.00

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C. Adult Cats: altered -- -- \$ 4.00

C. Adult Cats: altered fee after 1/1/98 \$ 5.00

Adult Cats: altered fee after 1/1/98 \$ 5.00
unaltered -- -- \$50.00

D. Juvenile Cats: -- -- \$ 2.00

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E. Reduced rates for senior citizens, sixty-five years of age or older:

1. Dogs: altered -- -- \$ 4.00

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Dogs: altered fee after 1/1/98 \$ 5.00

unaltered -- -- \$28.00

2. Cats: altered -- -- \$ 2.00

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Cats: altered fee after 1/1/98 \$ 2.50

unaltered -- -- \$28.00

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. (Ord. 40 ' 3 (part),1996.)

7. That Section 6.06.040 of the Lakewood Municipal Code is amended to read as follows:

6.06.040 Late Payment Penalty.

A. ~~Any person who fails to obtain a license by March 31 of each year shall be charged a penalty fee in the sum of ten dollars 30 days after the license expiration date but before a point in time 60 days after the license expiration date shall pay a late payment penalty of ten dollars (\$10.00) per license, in addition to the license fee. Any person who fails to obtain a license on or after a point in time 60 days after the license expiration date shall pay a late payment penalty of twenty dollars (\$20.00) per license, in addition to the license fee.~~

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 thirty (30) days; or
2. The owner has moved into the City within the preceding thirty (30) days; or
3. The animal is currently or has been within the preceding thirty (30) days, under the age 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. 40 ' 3 (part),1996.)

8. That Section 6.06.060 of the Lakewood Municipal Code is amended to read as follows:

6.06.060 Penalty for Violation.

A person who violates any of the provisions of Sections 6.06.010, 6.06.020, or ~~6.06.030~~ ~~6.06.050~~ of this Chapter shall, upon conviction thereof, be found guilty of a misdemeanor with a maximum penalty limited to a fine in an amount not to exceed \$250.00; Provided, that if the person presents evidence of a valid license to the Court, ~~the fine will be reduced by the cost of the license excluding any late penalty fees~~ the charge shall be dismissed upon payment of court costs in the amount of \$25.00. (Ord. 40

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9. That Section 6.06.080 of the Lakewood Municipal Code is amended to read as follows:

6.06.080 Impounding Dogs at Large.

The employees or agency authorized by the City to enforce animal control laws shall impound dogs constituting the public nuisance described by Section 6.06.070. Upon impounding the dogs, the employees or agency shall ascertain whether any of them are licensed, and if so, shall as soon as practicable notify the person to whom the licenses were issued that the dog or dogs have been impounded and can be redeemed. Any dog impounded pursuant to Sections 6.06.070 through 6.06.100 shall be held forty-eight hours. If not redeemed by its owner within that time, it shall be held an additional forty-eight hours, during which time any person may redeem it. In case any such dog is not redeemed within ninety-six hours, it shall be humanely destroyed or otherwise disposed of by the impounding agency. ~~The fee for redeeming dogs and/or cats impounded pursuant to Sections 6.06.070 through 6.06.100 shall be ten dollars. In addition to the redemption of fees, the redeemer shall pay three dollars for each day, including the first and last days, the dog and/or cat is retained by the impounding agency.~~ (Ord. 40 ' 3 (part),1996.)

10. That Section 6.10.030 of the Lakewood Municipal Code is amended to read as follows:

6.10.030 Confinement of Potentially Dangerous Dogs.

Following a declaration of potentially dangerous dog and the exhaustion of the appeal therefrom, it shall be unlawful for the person owning or harboring or having care of such potentially dangerous dog to allow and/or permit such dog to:

A. Be unconfined on the premises of such person; or

B. Go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.

C. Potentially dangerous dogs must be tattooed or have a microchip implanted for permanent identification. This information must be on record at the offices of The Humane Society for Tacoma and Pierce County.
D. The residence or property where a potentially dangerous dog is confined must have a warning sign conspicuously posted and visible from all streets and public rights-of-way adjacent thereto, clearly stating "Warning, Potentially Dangerous Dog," with letter size not smaller than two and one-half inches in height.

The residence or property where a potentially dangerous dog is confined must have a warning sign conspicuously posted and visible from all streets and public rights-of-way adjacent thereto, clearly stating "Warning, Potentially Dangerous Dog," with letter size not smaller than two and one-half inches in height.(Ord. 40 ' 4 (part),1996.)

11. That a new Section 5.52.105 of the Lakewood Municipal Code is created to read as follows:

5.52.105 Kennel License and Business License - Exemption.

Any person, company, firm or organization required to obtain a license pursuant to the provisions of this 5.52.105 Kennel License and Business License - Exemption.

Any person, company, firm or organization required to obtain a license pursuant to the provisions of this Chapter must also obtain and have in full force and effect a general business license issued by the City. At the time that such person, company, firm or organization applies for an initial license under this Chapter or a renewal thereof, the person, company, firm or organization must show satisfactory proof that the person, company, firm or organization has a valid general business license issued by the City. It is provided, however, if an organization that is required to obtain a license under this Chapter is exempt from taxation under 26 USC 501(C)(3) or (4), such organization is not required to obtain a general business license. Such organization must be able to show satisfactory proof of such status to the City at the time of applying for an initial license under this Chapter or a renewal thereof.

12. That a new Section 6.04.025 of the Lakewood Municipal Code is created to read as follows:

6.04.025 Livestock at Large.

No person owning or in control of any livestock is to allow such livestock to enter or trespass upon private property without the express permission of the owner or caretaker of such property. Any such livestock may be seized and impounded.

13. That a new Section 6.04.045 of the Lakewood Municipal Code is created to read as follows:

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6.04.045 Confinement of Animal in a Motor Vehicle.

No owner or person shall 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 or person in control of the motor vehicle.

14. That a new Section 6.04.055 of the Lakewood Municipal Code is created to read as follows:

14. That a new Section 6.04.055 of the Lakewood Municipal Code is created to read as follows:

6.04.055 Dog bite.

It shall be unlawful for any person to keep or harbor any dog which bites any person while not on the property of the dog's owner, and where the bite was not provoked by the person so bit. Such dog may be seized and impounded for the protection of the public. The Municipal Court or other court of competent jurisdiction may order the dog destroyed if the court finds that such dog represents a continuing threat of serious harm to any persons.

15. That a new Section 6.04.091 of the Lakewood Municipal Code is created to read as follows:

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6.04.091 Noise Nuisance - Notice.

A. If the noise nuisance complaint (per Section 6.04.090 of the City Code) is not corrected within a reasonable time period, an animal control officer may declare there to be an animal noise nuisance, and the animal control officer shall cause the animal owner or other person responsible for the animal to be served with a written Notice of Animal Noise Nuisance. The Notice of Animal Noise Nuisance shall include the following:

1. The description of the animal(s) involved.
2. The name(s) and address(es) of the owner(s) or other person(s) responsible for the animal(s).
3. The facts and circumstances upon which the declaration of animal noise nuisance is based.
4. The availability of a hearing, including the process set forth hereinbelow.
5. Any restrictions on the animal(s).

B. If the owner(s) or other person(s) responsible for the animal(s) wish to object to the declaration of animal noise nuisance, the owner(s) or other person(s) responsible for the animal(s) shall comply with the following:

1. The owner(s) or other person(s) responsible for the animal(s) shall, within fourteen (14) calendar days after receipt of the written Notice of Animal Noise Nuisance, request a hearing before the Director of the animal control agency or designee and pay a hearing fee of \$25.00.

2. At such hearing, the other person(s) responsible for the animal(s) shall have the opportunity to present evidence, facts and argument to refute the evidence, facts and argument submitted in support of the declaration of animal noise nuisance.

C. If the Director of the animal control agency or designee determines that there are insufficient facts to support the declaration of animal noise nuisance, the declaration of animal noise nuisance shall be rescinded and any restrictions shall be removed.

D. If the Director of the animal control agency or designee determines that there are sufficient facts to support the declaration of animal noise nuisance, the owner(s) or other person(s) responsible for the animal(s) may appeal the decision to the Hearing Examiner of the City of Lakewood by filing a Notice of Appeal within fourteen (14) calendar days after receipt of the decision of the Director of the animal control agency or designee, and payment of an appeal fee in the amount of \$75.00 therewith.

E. During the pendency of any such hearings or appeals, any restrictions included in the Notice of Animal Noise Nuisance, including confinement, shall remain in effect.

16. That a new Section 6.04.092 of the Lakewood Municipal Code is created to read as follows:

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6.04.092 Confinement - restriction of a noise nuisance animal - violation.

Following the exhaustion of hearings and appeals, the animal(s) involved in the noise nuisance case shall be confined as stated in the Notice of Animal Noise Nuisance, or as directed/ordered in the decision of the Director of the animal control agency or designee, or the Hearing Examiner of the City of Lakewood, which may include the requirement that the animal(s) involved in the noise nuisance case shall be removed from the City of Lakewood. Any person who fails to comply with the requirements and/or restrictions provided in any such hearings and appeals shall constitute a violation of this Chapter, punishable as provided in Section 6.04.110 of the City Code.

17. That if any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

18. That this Ordinance shall be in full force in effect five (5) days after publication of the Ordinance Summary, as provided by law.

ADOPTED by the City Council this 15th day of December, 1997.

CITY OF LAKEWOOD

Attest: Bill Harrison, Mayor

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

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