

Ordinance No. 00205

[\(Council Minutes 99/06/21\)](#)

ORDINANCE NO. 205

AN ORDINANCE of the City Council of the City of Lakewood, Washington amending Sections 6.02.010, 6.02.120, 6.04.060, 6.04.110 and 6.06.060 of the Lakewood Municipal Code, 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, among the animal control regulations in place in the City of Lakewood, some of the regulations could be more effectively enforced if they were enforceable as infractions rather than as criminal misdemeanors, with the fines collected accordingly; and,

WHEREAS, the rationale for converting certain violations to infractions also reflects the facts that these cases do not involve a large penalty or jail time so that the penalties that are actually imposed for these violations are more consistent with the penalty amounts for infractions; and,

WHEREAS, this conversion of certain violations to infractions also helps to distinguish them from the more serious violations such as dangerous dog and dangerous animal violations, which violations would still be misdemeanors.

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

SECTION ONE: That Section 6.02.010 of the Lakewood Municipal Code is amended to read as follows:

6.02.010 Definitions.

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

A. AAdult@ means any animal over the age of seven months.

B. AAnimal@ means and includes female, spayed female, male and neutered male animals, excepting any goat, horse, mule, cattle, swine, ass, or other livestock, and excepting any dog or cat.

C. AAnimal Control Agency@ means that animal control organization authorized by the City of Lakewood to enforce its animal control provisions.

D. AAnimal Shelter@ means the animal control facility authorized by Pierce County or such other shelter as may be authorized by the City.

Page - 4

E. AAt large@ means off the premises of the owner or keeper of the dog, cat, or animal, and not under restraint by leash or chain or not otherwise controlled by a competent person.

F. ACat@ means and includes female, spayed female, male and neutered male cats.

G. ACompetent person" means a person who is able to sufficiently care for, control, and restrain his/her dog, cat, or other animal, and who has the capacity to exercise sound judgment regarding the rights and safety of others.

H. ACourt@ means the court which has jurisdiction over the animal control matters involved, and could refer to either a court of limited jurisdiction of the Pierce County Superior Court unless a specific court is indicated.

I. ADog@ means and includes female, spayed female, male and neutered male dogs.

J. AHumane trap@ means a live animal box enclosure trap designed to capture and hold an animal without injury.

K. Almpound@ means to receive into the custody of the animal shelter, or into the custody of authorized agent or representative.

L. AJuvenile@ means any animal from weaning to seven months of age.

M. AMisdemeanor@ means a criminal offense with a maximum penalty of 90 days in jail or a fine of \$1,000.00 or both.

N. AOwner@ means any person, firm, or corporation owning, having an interest in, or having control or custody or possession of any dog, cat, or animal.

O. APotentially Dangerous Dog@ means any dog that when unprovoked: (a) Inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds or private property in a menacing fashion or apparent attitude of attack, or (c) any dog with a known propensity, tendency, or disposition to attack unprovoked or to cause injury or otherwise to threaten the safety of humans or domestic animal on any public or private property.

P. ASecurely enclosed and locked@ means a pen or structure which has secure sides and a secure top. If the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot.

Q. AUnconfined@ 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.

R. AInfraction@ means a civil (non-criminal) violation with penalties as defined in Section 1.48.010 of the City Code.

AInfraction@ means a civil (non-criminal) violation with penalties as defined in Section 1.48.010 of the City Code.

(Ord. 40 ' 1 (part),1996.)

SECTION TWO: That Section 6.02.120 of the Lakewood Municipal Code is amended to read as follows:

6.02.120 Abatement of Nuisances.

Any person convicted of a misdemeanor or infraction for violating any of the provisions of this Title in the keeping or maintenance of any nuisance as herein defined shall, in addition to any fine or imprisonment imposed by the Court in such action, be ordered to forthwith abate and remove the nuisance; and if the same is not done by the offender within twenty-four hours, the same shall be abated and removed under the direction of the officer authorized by the order of said Court, which order of abatement shall be entered upon the docket of the Court and made a part of the judgment in the action. Any such person shall be liable for all costs and expenses of abating the same when the nuisance has been abated by any officer or authorized representative of the City or the animal control agency, which costs and expenses shall be taxed as part of the costs of the prosecution against the party, liable to be recovered as other costs are recovered; and in all cases where the officer or representative is authorized by the Court, shall abate any nuisance and he/she shall keep an account of all expenses attending the abatement; and in addition to the other powers herein given to collect the costs and expenses, the City may bring suit for the same in any Court of competent jurisdiction against the person keeping or maintaining the nuisance so abated. (Ord. 40 ' 1 (part),1996.)

SECTION THREE: That Section 6.040.060 of the Lakewood Municipal Code is amended to read as follows:

6.04.060 Penalty for Violation.

A person who violates Violation of any of the provisions of Sections 6.04.010, 6.04.020, 6.04.025, 6.04.030, 6.04.040, 6.04.045, or 6.04.050, 6.04.090, 6.04.092, or 6.04.100 of this Chapter shall, ~~upon conviction thereof, be found guilty of a misdemeanor with a maximum penalty limited to a fine~~ constitute a civil infraction punishable by a fine in an amount not to exceed \$250.00. Each day during which a violation of any of the above sections occurs constitutes a separate infraction. (Ord. 40 ' 2 (part),1996.)

Violation of any of the provisions of Sections 6.04.010, 6.04.020, 6.04.025, 6.04.030, 6.04.040, 6.04.045, or 6.04.050, 6.04.090, 6.04.092, or 6.04.100 of this Chapter shall, upon conviction thereof, be found guilty of a misdemeanor with a maximum penalty limited to a fine constitute a civil infraction punishable by a fine in an amount not to exceed \$250.00. Each day during which a violation of any of the above sections occurs constitutes a separate infraction. (Ord. 40 ' 2 (part),1996.)

SECTION FOUR: That Section 6.04.110 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. 149 ' 3, 1997; Ord. 40 ' 2 (part),1996.)

SECTION FIVE: 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 Violation of any of the provisions of Sections 6.06.010, 6.06.020, or 6.06.030 of this Chapter shall, ~~upon conviction thereof, be found guilty of a misdemeanor with a maximum penalty limited to a fine~~ constitute a civil infraction punishable by 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 charge shall be dismissed upon payment of court costs in the amount of \$25.00. (Ord. 149 ' 8, 1997; Ord. 40 ' 3 (part),1996.)

~~Violation of~~ any of the provisions of Sections 6.06.010, 6.06.020, or 6.06.030 of this Chapter shall, ~~upon conviction thereof, be found guilty of a misdemeanor with a maximum penalty limited to a fine~~ constitute a civil infraction punishable by 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 charge shall be dismissed upon payment of court costs in the amount of \$25.00. (Ord. 149 ' 8, 1997; Ord. 40 ' 3 (part),1996.)

SECTION SIX: 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.

SECTION SEVEN: 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 21st day of June, 1999.

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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SECTION THREE: That Section 6.040.060 of the Lakewood Municipal Code is amended to read as follows:

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SECTION FIVE: 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 Violation of any of the provisions of Sections 6.06.010, 6.06.020, or 6.06.030 of this Chapter shall, ~~upon conviction thereof, be found guilty of a misdemeanor with a maximum penalty limited to a fine~~ constitute a civil infraction punishable by 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 charge shall be dismissed upon payment of court costs in the amount of \$25.00. (Ord. 149 ' 8, 1997; Ord. 40 ' 3 (part),1996.)

Violation of any of the provisions of Sections 6.06.010, 6.06.020, or 6.06.030 of this Chapter shall, ~~upon conviction thereof, be found guilty of a misdemeanor with a maximum penalty limited to a fine~~ constitute a civil infraction punishable by 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 charge shall be dismissed upon payment of court costs in the amount of \$25.00. (Ord. 149 ' 8, 1997; Ord. 40 ' 3 (part),1996.)

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