

Ordinance No. 00313

[Council meeting minutes of July 21 2003](#)

ORDINANCE NO. 313

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapters 6.02 and 6.06 of the Lakewood Municipal Code, and creating a new Section 6.06.025, relating to animal licensing fee waivers

WHEREAS, the current provisions of the Lakewood Municipal Code include Title 6, providing for the regulation, control and licensing of animals within the City; and,

WHEREAS, at the time of the incorporation of the City of Lakewood, ordinances were adopted regarding a number of enforcement responsibilities that became the purview of the City; and,

WHEREAS, included in that scope of enforcement responsibility was animal control; and,

WHEREAS, the original purpose of animal control regulations focused specifically upon limiting the negative impacts of uncontrolled animals, as well as registering and licensing animals so as to allow the return of lost or stray pets; and,

WHEREAS, in Revised Code of Washington section 49.60.380 a state law was enacted that specifically exempted blind, hearing impaired and physically disabled persons from paying licensing fees for dog guides or service animals; and,

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

Section 1. That Section 6.02.010 of the Lakewood Municipal Code be, and the same hereby is amended to read as follows:

06.02.010 - Definitions

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

- A. "Adult" means any animal over the age of seven months.
- B. "Animal" 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. "Animal Control Agency" means that animal control organization authorized by the City of Lakewood to enforce its animal control provisions.

D. "Animal Control Officer" means any individual employed, contracted or appointed by the City of Lakewood for the purpose of enforcing this title or any other state or local codes or regulations relating to animal control, animal licensing, and/or animal impounding.

EE. "Animal Shelter" means the animal control facility authorized by Pierce County or such other shelter as may be authorized by the City.

FF. "At 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.

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

HG. "Competent 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.

IH. "Court" 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.

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

K. "Dog Guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.

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

MK. "Impound" means to receive into the custody of the animal shelter, or into the custody of authorized agent or representative.

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

OM. "Misdemeanor" means a criminal offense with a maximum penalty of 90 days in jail or a fine of \$1,000.00 or both.

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

QO. "Potentially 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.

RP. "Securely 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.

S. "Service Animal" means an animal of any type that has been trained at a recognized school or training facility for the purpose of

assist or accommodate a disabled person's sensory, mental or physical disability.

UQ. "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.

UR. "Infraction" means a civil (non-criminal) violation with penalties as defined in Section 1.48.010 of the City Code. (Ord. 205 ? 1, 1999; Ord. 40 ? 1 (part),1996.)

Section 2. That Section 6.06.020 of the Lakewood Municipal Code be, and the same hereby is amended to read as follows:

06.06.020 - Purchase of License

Except as waived in section 6.06.025, Aall 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. 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. 270 ? 2 (part), 2001; Ord. 149 ? 5, 1997; Ord. 40 ? 3 (part),1996.)

Section 3. That a new Section 6.06.025 of the Lakewood Municipal Code be adopted, and the same hereby is to read as follows:

6.06.025 ? Service Animal, Dog Guide License Fee Waiver

Dog guides and service animals, as defined in section 6.02.010, must be licensed as required in section 6.06.010 but shall be exempt from payment of fees for such a license. An animal control officer may review a license fee waiver under this section by reasonable inquiry and investigation. It is unlawful to falsely claim or misrepresent facts in order to obtain a fee waiver under this section.

Section 4. That Section 6.06.060 of the Lakewood Municipal Code be, and the same hereby is amended to read as follows:

6.06.060 ? Penalty for Violation

Violation of any of the provisions of section 6.06.010, 6.06.020, 6.06.025 or 6.06.030 of this Chapter shall 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. 205 ? 5, 1999; Ord. 149 ? 8, 1997; Ord. 40 ? 3(part), 1996.)

Section 5. Severability. 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 6. Effective Date. 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 21st day of July, 2003.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney