

Ordinance No. 00319

[Council meeting minutes of Nov 3 2003](#)

ORDINANCE NO. 319

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending sections 6.02.010, 6.04.010 and 6.04.060 and 6.04.110 of the Lakewood Municipal Code, relating to animal control and penalties for violation.

WHEREAS, in order to address animal control issues in the City of Lakewood, the City has established animal control regulations, adopted by ordinance and codified in Chapter 6.02, 6.04, 6.06, 6.10 and 6.14 (Title 6) of the Lakewood Municipal Code; and,

WHEREAS, urbanized, heavily populated areas require animal control regulations to prevent the negative consequences and impacts of uncontrolled animals resulting from domestic animals running at large on public property and property of others or being a threat to children and other pets, and/or soiling property; and,

WHEREAS, enforcement is needed to provide for a safe environment for all users of public property and to provide for penalties to animal owners who allow their animals to be at large on any public property; and,

WHEREAS, it is appropriate for the City of Lakewood to take steps to assure that reasonable standards and enforcement are in place to provide protection and safety to the myriad of users of public property.

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.

- E. "Animal Shelter" means the animal control facility authorized by Pierce County or such other shelter as may be authorized by the City.
- F. "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.
- G. "Cat" means and includes female, spayed female, male and neutered male cats.
- H. "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.
- I. "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.
- J. "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.
- L. "Humane trap" means a live animal box enclosure trap designed to capture and hold an animal without injury.
- M. "Impound" means to receive into the custody of the animal shelter, or into the custody of authorized agent or representative.
- N. "Juvenile" means any animal from weaning to seven months of age.
- O. "Misdemeanor" means a criminal offense with a maximum penalty of 90 days in jail or a fine of \$1,000.00 or both.
- P. "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.
- Q. "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.
- R. "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 assisting or accommodating a disabled person's sensory, mental or physical disability.
- T. "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.
- U. "Infraction" means a civil (non-criminal) violation with penalties as defined in Section 1.48.010 of the City Code.
(Ord. 313 § 1, 2003; Ord. 205 § 1, 1999; Ord. 40 § 1 (part), 1996.)

Section 2. That Section 6.04.010 of the Lakewood Municipal Code be, and the same hereby is amended to read as follows:

06.04.010 - Animals at Large on Public Property

It is unlawful for the owner or person having control or custody of any dog, cat, or other animal to allow such dog, cat, or other animal to be at large on any public street, sidewalk or right-of-way, or in any park, or to enter any public beach, pond, fountain, or stream therein, or upon any public playground or school ground or in any public building. Any dog, cat or other animal, entering or trespassing upon such property may be seized and impounded. This section shall not apply to any area of the City designated as an off leash area. (Ord. 40 ? 2 (part), 1996.)

Section 3. That Section 6.04.060 of the Lakewood Municipal Code be, and the same hereby is amended to read as follows:

06.04.060 - Penalty for Violation

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, 6.04.050, 6.04.090, ~~6.04.092~~, or 6.04.100 of this Chapter shall constitute a civil infraction punishable by a fine in an amount not to exceed ~~\$250.00~~\$75.00 for the first offense, a fine in an amount not to exceed \$125.00 for the second offense and a fine in an amount not to exceed \$250.00 for the third and all subsequent offenses. Each day during which a violation of any of the above sections occurs constitutes a separate infraction. (Ord.205 ? 3, 1999; Ord. 40 ? 2 (part), 1996.)

Section 4. That Section 6.04.110 of the Lakewood Municipal Code be, and the same hereby is amended to read as follows:

06.04.110 ? Penalty for Violation - Misdemeanor

A person who violates any of the provisions of Section 6.04.055, 6.04.070, 6.04.092 shall, upon conviction thereof, be found guilty of a misdemeanor. (Ord. 205 ? 4, 1999; Ord. 149 ? 3, 1997; Ord 40 ? 2 (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 3rd day of November, 2003.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney