

# Ordinance No. 00040

[\(Council Minutes 96/01/16\)](#)

## ORDINANCE NO. 40

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating new Chapters 6.02, 6.04, 6.06 and 6.10 of the Lakewood Municipal Code relating to Animal Control

WHEREAS, with the incorporation of the City of Lakewood, a number of enforcement responsibilities will become the purview of the City; and,

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

WHEREAS, most members of society, and perhaps especially those who are responsible dog and cat owners, recognize the need for animal control regulations, as the negative consequences and impacts of uncontrolled animals can be felt by many, not only in terms the problems of dogs wandering onto the property of others, bothering children or other pets, or soiling property, but also the unfettered procreation of dogs and cats which leave society to contend with the difficult task of disposing of the unwanted issue; and,

WHEREAS, for these reasons, it is appropriate for the City of Lakewood to take steps to provide for suitable animal control regulations.

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

### SECTION 1. ANIMAL CONTROL - GENERAL PROVISIONS.

That Chapter 6.02 of the Lakewood Municipal Code, be, and the same hereby is, created to read as follows:

#### Chapter 6.02

#### ANIMAL CONTROL - GENERAL PROVISIONS

##### Sections:

6.02.010 Definitions.

6.02.020 Authorized Agents May perform Duties.

6.02.030 Authority to Pursue.

6.02.040 Notice of Impounding Animal.

6.02.050 Hindering an Animal Control Officer.

6.02.060 Interference with Impounding.

6.02.070 Redemption of Dogs.

6.02.080 Redemption of Cats or other Animals.

6.02.090 Mandatory Spay/Neuter for Impounded Dogs and Cats - Deposit - Refund - Exception.

6.02.100 Injured or Diseased Animals.

6.02.110 Duties Upon Injury or Death to an Animal.

6.02.120 Poisoning of Animals.

6.02.130 Abatement of Nuisances.

6.02.140 Penalty for Violation.

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.

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. A 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.

Q. A 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.

#### 6.02.020 Authorized Agents May Perform Duties.

Wherever a power is granted to or a duty imposed upon the City Manager or to the City's law enforcement agency, the power may be exercised or the duty may be performed by such person or persons as are authorized or delegated by City Manager or by the appropriate representative(s) of the City's law enforcement agency.

#### 6.02.030 Authority to Pursue.

Those employees or agents of the City charged with the duty of seizing dogs, cats, or other animal running at large may pursue such dogs, cats, or other animals onto City-owned property, vacant property, and unenclosed private property, and seize, remove, and impound the same.

#### 6.02.040 Notice of Impounding Animal.

Upon the impoundment of any dog, cat, or other animal under the provisions of this Title, the responsible animal control employee or agent shall immediately notify the owner, if the owner is known, of the impounding of such dog, cat, or other animal, and of the terms upon which said animal can be redeemed. The impounding authority shall retain said dog, cat, or other animal for forty-eight hours following actual notice to the owner. The notifying of any person over the age of eighteen who resides at the owner=s domicile shall constitute actual notice to the owner. If the owner of said dog, cat, or other animal so impounded is unknown, then said responsible animal control employee or agent shall make a reasonable effort to locate and notify the owner of the impounding of said dog.

#### 6.02.050 Hindering an Animal Control Officer.

It shall be unlawful for any person to interfere with, hinder, delay, or impede any responsible animal control employee, agent or law enforcement officer who is enforcing the provisions of this Title as herein provided.

#### 6.02.060 Interference with Impounding.

It is unlawful for any person to willfully prevent or hinder the impounding of any dog, cat, or other animal, or to remove, by force or otherwise, any dog, cat, or other animal from the animal shelter without authority of the person in charge of the animal shelter, or without payment of all lawful charges against such dog, cat, or other animal, or to willfully resist or obstruct any animal control employee or agent in the performance of any official animal control duty.

#### 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. 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 per day for each day, including the first and last days, that the dog is retained by the impounding authority. 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.

#### 6.02.080 Redemption of Cats or Other Animals.

The owner of any cat or other animal impounded under the provisions of this Chapter may redeem it within forty-eight hours from the time of impounding by paying to the animal control agency a redemption fee of \$15.00. In addition to the redemption fee, the redeemer shall pay, as a boarding charge for the caring and keeping of such cat or animal, the sum of \$4.00 per day for each day, including the first and last days, that the cat or other animal is retained by the impounding authority. If such cat or other animal is not redeemed by the owner within forty-eight hours, it may be humanely destroyed or otherwise disposed of at the discretion of the animal control agency; provided, however, that any cat or other animal so impounded less than two months of age, at the discretion of the animal control agency, may be humanely destroyed or otherwise disposed of at any time after impounding.

#### 6.02.085 Mandatory Spay/Neuter for Impounded Dogs and Cats - Deposit - Refund - Exception.

A. Mandatory Spay/Neuter - Deposit. No unaltered dog or cat that is impounded more than once in any twelve month period may be redeemed by any person until the sum of \$35.00 is deposited with the Tacoma-Pierce County Humane Society to cover the cost of spaying or neutering the animal.

B. Refund. The alteration deposit shall be refunded upon a showing of proof of alteration from a licensed veterinarian.

C. Exception. The alteration deposit shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal.

#### 6.02.090 Injured or Diseased Animals.

Any dog, cat, or other animal suffering from serious injury or disease may be humanely destroyed by the animal control agency; provided, that the animal control agency shall immediately notify the owner, if the owner is known, and if the owner is unknown, make a reasonable effort to locate and notify the owner.

#### 6.02.100 Duties Upon Injury or Death to an Animal.

The operator of a vehicle involved in an accident resulting in injury or death to a dog, cat, or other animal, shall immediately stop the vehicle at or as near to the scene of the accident as possible, and return thereto, and shall give to the owner or other competent person having custody of the animal, the name and address of the operator of the vehicle and the registration number of the vehicle involved in the accident. If the owner or other competent person is not the person at the scene of the accident, the operator shall take reasonable steps to locate the owner or custodian of the said animal and shall supply the information hereinabove required. If the animal is injured to the extent that it requires immediate medical attention and there is no owner or custodian present to look after it, the operator of said vehicle shall immediately report the situation to the law enforcement agency for the City of Lakewood.

#### 6.02.110 Poisoning of Animals.

No person shall place or expose or cause to be placed or exposed in any yard or lot of vacant or enclosed land, or on any exposed place or public place, or on any street, alley, or highway, or other place where the same may be taken internally by a child, person, or by any dog, cat, domestic animal, or fowl, any poisonous substance which, if taken internally may cause death or serious sickness. The provisions of this Section shall not apply to the killing by poison of any dog, cat, domestic animal, or fowl in a lawful and humane manner by its owner or by a duly authorized agent of such owner or by a person acting pursuant to instructions from a duly constituted public authority.

#### 6.02.120 Abatement of Nuisances.

Any person convicted of a misdemeanor for violating any of the provisions of this Title in the keeping of 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 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.

#### 6.02.130 Penalty for Violation.

A person who violates any of the provisions of Sections 6.02.050, 6.02.060, 6.02.110 and 6.02.120 of this Chapter shall, upon conviction thereof, be found guilty of a misdemeanor.

### SECTION 2. ANIMAL CONTROL REGULATIONS.

That Chapter 6.04 of the Lakewood Municipal Code, be, and the same hereby is, created to read as follows:

#### Chapter 6.04

#### ANIMAL CONTROL

##### Sections:

6.04.010 Animals at Large on Public Property.

6.04.020 Animals at Large on Private Property.

6.04.030 Confinement of Female Dogs and Cats in Heat.

6.04.040 Dogs Chasing Vehicles on Public Roads.

6.04.050 Dogs Jumping and/or threatening Pedestrians.

6.04.060 Penalty for Violation.

6.04.070 Animals Injuring Humans or Domestic Animals.

6.04.080 Animals Injuring Private and Public Property.

6.04.090 Disturbing Noises.

6.04.100 Sale or Transfer of Animals in Public Places Prohibited.

6.04.110 Penalty for Violation - Misdemeanor.

6.04.010 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.

6.04.020 Animals at Large on Private 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 enter or trespass upon private property without the express permission of the owner or caretaker of such property. Any such dog, cat, or other animal may be seized and impounded.

6.04.030 Confinement of Female Dogs and Cats in Heat.

Every female dog and cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with a male of the species, except for planned breeding. Any dog or cat not so confined when in heat, whether or not such dog or cat is licensed, may be seized or impounded.

6.04.040 Dogs Chasing Vehicles on Public Roads.

It is unlawful for the owner or other person having control of any dog to allow such dog to chase, run after, or jump at vehicles lawfully using the public road, street, avenues, alleys and ways. Any such dog may be seized and impounded.

6.04.050 Dogs Jumping and/or Threatening Pedestrians.

It is unlawful for the owner or other person having control of any dog to allow such dog to frequently or habitually snarl at, growl at, jump upon, or threaten persons upon the public sidewalks, roads, streets, alleys, or public places. Any such dog may be seized and impounded.

#### 6.04.060 Penalty for Violation.

A person who violates any of the provisions of Sections 6.04.010, 6.04.020, 6.04.030, 6.04.040, or 6.04.050 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.

#### 6.04.070 Animals Injuring Humans or Domestic Animals.

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 cause injury to a human or domestic animal which is acting in a lawful manner. Any such dog, cat, or other animal may be seized and impounded.

#### 6.04.080 Animals Injuring Private and Public Property.

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 damage or destroy any property or thing of value upon the private property of another, or upon any public property. Any such dog, cat, or other animal may be seized and impounded.

#### 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.

#### 6.04.100 Sale or Transfer of Animals in Public Places Prohibited.

It is unlawful to sell, barter or otherwise transfer for the purpose of changing ownership any animal in an area open to the public unless such activity is licensed pursuant to business licensing regulations of the City.

#### 6.04.110 Penalty for Violation - Misdemeanor.

A person who violates any of the provisions of Sections 6.04.070, 6.04.080, 6.04.090, 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.

### SECTION 3. LICENSING OF DOGS AND CATS.

That Chapter 6.06 of the Lakewood Municipal Code, be, and the same hereby is, created to read as follows:

## LICENSING OF DOGS AND CATS

### Sections:

6.06.010 License Required.

6.06.020 Purchase of License.

6.06.030 Fees.

6.06.040 Late Payment Penalty.

6.06.050 License Not Transferable.

6.06.060 Penalty for Violation.

6.06.070 Dogs at Large Deemed Nuisance.

6.06.080 Impounding Dogs at Large.

6.06.090 Conditions of Release.

6.06.100 Owner of Dog at Large - Penalty.

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, 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.

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. 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.

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

unaltered -- \$50.00

B. Juvenile Dogs: \$2.00



C. Adult Cats: altered -- \$ 4.00

unaltered -- \$50.00

D. Juvenile Cats: \$2.00

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

1. Dogs: altered -- \$ 4.00

unaltered -- \$28.00

2. Cats: altered -- \$ 2.00

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.

#### 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.

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.

#### 6.06.050 License Not Transferable.

Dog or cat licenses as provided for in this Chapter shall be nontransferable. A person may use a license for another dog or cat that he/she owns, if the dog or cat for which it was issued is no longer owned by such a person. It is unlawful for any person to give, sell, exchange, or otherwise transfer a dog or cat license to another person, even if it is to be used for the same dog or cat for which it was originally issued.

#### 6.06.060 Penalty for Violation.

A person who violates any of the provisions of Sections 6.06.010, 6.06.020, or 6.06.050 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.

#### 6.06.070 Dogs at Large Deemed Nuisance.

Whenever, at any place within the corporate boundaries of the City, four or more dogs are found to be roaming or running at large together, they constitute a public nuisance, which shall be terminated in the manner provided in this Chapter; provided, however, that this Section through Section 6.06.100 shall not apply to dogs belonging to one owner who are roaming or running at large on property of their owner.

#### 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.

#### 6.06.090 Conditions of Release.

The impounding agency is authorized to refuse to release any dog and/or cat to its owner unless satisfied that the animal is licensed and that the owner has taken steps to assure that the dog and/or cat will not again roam or run at large in the manner described in Section 6.06.070. In exercising the authority granted by Sections 6.06.070 through 6.06.100, the agency may impose reasonable conditions which must be satisfied by an owner as conditions precedent to the release of any dog and/or cat, including conditions assuring that dogs and/or cats will be confined and that female dogs and/or cats which have run at large while in heat will be spayed.

#### 6.06.100 Owner of Dog at Large - Penalty.

Any person who owns or is charged with the custody of any dog which roams or runs at large in the manner described in Section 6.06.070, whether or not the dog is impounded, is guilty of a misdemeanor.

### SECTION 4. POTENTIALLY DANGEROUS DOGS.

That Chapter 6.10 of the Lakewood Municipal Code, be, and the same hereby is, created to read as follows:

Chapter 6.10

POTENTIALLY DANGEROUS DOGS

Sections:

6.10.010 Declaration of Dogs as Potentially Dangerous - Procedure.

6.10.020 Permits and Fees.

6.10.030 Confinement of Potentially Dangerous Dogs.

6.10.040 Notification of Status or Potentially Dangerous Dog.

6.10.050 Penalty for Violation.

6.10.010 Declaration of Dogs as Potentially Dangerous - Procedure.

A. The animal control agency shall classify potentially dangerous dogs. The agency may find and declare an animal potentially dangerous if an animal control officer has probable cause to believe that the animal falls within the definitions set forth in Section 6.02.010, paragraph O. The finding must be based upon:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of Section 6.02.010, paragraph O.; or
2. Dog bite reports filed with the animal control agency; or
3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
4. Other substantial evidence.

B. The declaration of potentially dangerous dog shall be in writing and shall be served on the owner in one of the following methods:

1. Certified mail to the owner=s last known address; or
2. Personally; or
3. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.

C. The declaration shall state at least:

1. The description of the animal.
2. The name and address of the owner of the animal, if known.
3. The whereabouts of the animal if it is not in the custody of the owner.
4. The facts upon which the declaration of potentially dangerous dog is based.
5. The availability of a hearing in case the person objects to the declaration, if a request is made within ten days.
6. The restrictions placed on the animal as a result of the declaration of potentially dangerous dog.
7. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment of fining of the owner.

D. If the owner of the animal wishes to object to the declaration of potentially dangerous dog:

1. The owner may request a hearing before the City Manager or a representative of the animal control agency designated by the City Manager by submitting a written request and payment of a \$25.00 administrative review fee to said City Manager or the City Manager=s designee within ten days of receipt of the declaration, or within ten days of the publication of the declaration pursuant to Section 6.10.010, paragraph B.

2. If the City Manager or the City Manager=s designee finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.

3. If the City Manager or the City Manager=s designee finds sufficient evidence to support declaration, the owner may appeal such decision pursuant to and in conformity with the City code requirements for appeals before the City's Hearing Examiner; provided that the appeal and the payment of an appeal fee of \$75.00 must be submitted to the animal control agency within ten (10) working days after the City Manager or the City Manager=s designee finds sufficient evidence to support the declaration.

4. An appeal of the Hearing Examiner=s decision must be filed in Superior Court within thirty (30) days of the date of the Hearing Examiner=s written decision.

5. During the entire appeal process, it shall be unlawful for the owner appealing the declaration of potentially dangerous dogs to allow or permit such dog to:

a. Be unconfined on the premises of the owner; or

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

#### 6.10.020 Permits and Fees.

Following a declaration of potentially dangerous dog and the exhaustion of the appeal therefrom, the owner of a potentially dangerous dog shall obtain a permit for such dog from the animal control agency, and shall be required to pay the fee for such permit in the amount of \$250.00. In addition, the owner of a potentially dangerous dog shall pay an annual renewal fee for such permit in the amount of \$50.00.

Should the owner of a potentially dangerous dog fail to obtain a permit for such dog from the animal control agency or to appeal the declaration of potentially dangerous dog, the animal control agency is authorized to seize and impound such dog an, after notification to the owner, hold the dog for a period of no more than five (5) days before destruction of such dog by the animal control agency.

#### 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.

#### 6.10.040 Notification of Status of Potentially Dangerous Dog.

The owner of a dog that has been classified as a potentially dangerous dog shall immediately notify the animal control agency when such dog:

A. Is loose or unconfined; or

B. Has bitten or otherwise injured a human being or attached another animal; or

C. Is sold or given away or dies; or

D. Is moved to another address.

Prior to a potentially dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control agency. The owner shall comply with all of the requirements of this Chapter.

#### 6.10.050 Penalty for Violation.

Any person who violates a provision of this Chapter shall, upon conviction thereof, be found guilty of a misdemeanor. In addition, any person found guilty of violating this Chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog. Provided, that any potentially dangerous dog which is in violation of the restrictions contained in Section 6.10.020 of this Code or restrictions imposed as part of a declaration as a potentially dangerous dog, shall be seized and impounded. Furthermore, any potentially dangerous dog which attacks a human being or domestic animal may be ordered destroyed when, in the Court=s judgment, such potentially dangerous dog represents a continuing threat of serious harm to human beings or domestic animals.

#### SECTION 5. GENERAL SEVERABILITY.

That if any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of such code, ordinance or regulation or the application thereof to other person 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 and on February 28, 1996.

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

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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