

CITY OF KENNEWICK
ORDINANCE NO. 5836

AN ORDINANCE RELATING TO ANIMAL CONTROL AND AMENDING
SECTION 8.02.010 OF THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 8.02.010 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

8.02.010: - Definition of Terms.

As used in this Chapter, unless the context indicates otherwise:

- (1) *Abandon* means the knowing or reckless desertion of an animal by its owner or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal's adequate care. An animal left without adequate care for three or more days shall be prima facie evidence that the animal has been abandoned.
- (2) *Animal* includes, but is not limited to, dogs and cats.
- (3) *Animal Control Officer* or *Chief Animal Control Officer* refers to that person employed by or under contract to the City to enforce the provisions of this Title.
- (4) *At Heel* means during such times as the dog is positioned and controlled in such a manner so as to remain within a distance of two feet from its owner or other competent person having charge of such dog.
- (5) *At Large* means off the premises of the owner or upon the public streets, alleys, public grounds, school grounds or parks within the City. A dog shall not be deemed at large if:
 - (a) It is attached to a leash or chain of sufficient strength to restrain the dog and not more than eight feet in length, when said leash or chain is held by a person competent to restrain and control the dog off the owner's premises;
 - (b) It is properly restrained within a motor vehicle or housed in a veterinary hospital;
 - (c) It is accompanied by and "at heel" beside the owner or a competent responsible person;
 - (d) The dog or dogs are left unattended on the owner's premises, and it or they shall be so confined, tied or restrained as to be unable to range beyond the owner's premises.
- (6) *Bobcat* means a lynx rufus, member of the Class mammalia, Order carnivora, Family felide.
- (7) *Cat* means and includes female, neutered female, male and neutered male cats.
- (8) *Commercial Kennel* means any lot, premises, building or structure where six or more dogs or six or more cats over six months of age are kept.

- (9) *Competent Person* means any person who, by reason of age and physical ability and training, is capable of maintaining control of an animal to the extent required by this Chapter.
- (10) *Dangerous Animal* means any dog or animal that:
 - (a) Has inflicted severe injury on a human being without provocation;
 - (b) Has killed a domestic animal or livestock without provocation;
 - (c) Has been previously found to be potentially dangerous, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
 - (d) Is a Bobcat as defined in this Chapter, or any hybrid or cross-breed of a Bobcat.
- (11) *Dog* means and includes female, neutered female, male and neutered male dogs.
- (12) *Domestic Animal* means a tame animal living in the home or on the property, living with or used by people for companionship, work, a food source, or otherwise, not defined as a "wild animal."
- (13) *Health Officer* includes any person designated as such by the Benton-Franklin district health office, or any other person designated as such by the City Council.
- (14) *Livestock* means animals, including fowl, kept or raised on a farm, ranch, or other spread of land which are raised for home use, profit, or hobby.
- (15) *Owner* means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal for three consecutive days or more. An animal is deemed to be harbored if it is fed or sheltered for three consecutive days or more and knowingly permitted to remain on the premises occupied by that person.
- (16) *Person* includes any person, firm, organization, partnership, corporation, trust or association of persons.
- (17) *Poundmaster* refers to that person employed by or under contract with the City to care for and dispose of strays or other animals confined under City ordinance.
- (18) *Potentially Dangerous Animal* means any animal or dog that when unprovoked: (a) inflicts injury on a human or a domestic animal or livestock on public or private property; or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds, or upon private property other than that of the animal's owner, in a menacing fashion or apparent attitude of attack; or (c) has a known propensity, tendency, or disposition to attack, or to cause injury or otherwise to threaten the safety of humans or domestic animals.
- (19) *Proper Enclosure* means secure confinement indoors or in an outside securely enclosed and locked pen or structure, resistant to tunneling, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have secure sides and a secure top, and shall also be constructed to protect the animal from injury and illness and to provide protection from the elements.
- (20) *Severe Injury* means any physical injury that results in death, broken bones or disfiguring lacerations requiring one or more sutures or cosmetic surgery.

(21) *Veterinary Hospital* means a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injuries of animals.

Whenever a type or breed of animal is described in this Chapter, it includes any hybrid, cross breed or mixed breed of such animal to any degree that the type or breed can be identified by either the animal's appearance, behavior or pedigree.

Whenever a power is granted to, or a duty is imposed upon the Poundmaster or Chief Animal Control Officer or other public officer, the power may be exercised or the duty performed by an agent of the officer or by any person duly authorized unless this Chapter expressly provides otherwise.

All other words and phrases used in this Chapter will have their commonly accepted meanings.

(Ord. 5836 Sec. 1, 2019; Ord. 5432 Sec. 1, 2012; Ord. 5397 Sec. 1, 2011; Ord. 5334 Sec. 1, 2011; Ord. 5207 Sec. 1, 2007; Ord. 3778 Sec. 1(part), 1998; Ord. 3343 Sec. 1, 1991; Ord. 3105 Sec. 1, 1987; Ord. 2022 Sec. 1.01(part), 1976)

Section 2. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 5th day of November, 2019, and signed in authentication of its passage this 5th day of November, 2019.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5836 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 6th day of November, 2019.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION_____