

ORDINANCE NO. 1322

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON AMENDING THE KALAMA MUNICIPAL CODE CHAPTER 6 ANIMALS TO CORRECT CODE REFERENCES AND UPDATE FINES AND PENALTIES

WHEREAS, City staff has discovered several code references within the Animal Municipal Code are inaccurate;

WHEREAS, the fines within the Animal code are in need of increase;

NOW THEREFORE the City Council of the City of Kalama do ordain:

Section 1. Kalama Municipal Code Section 6.04.030 Definitions is amended to read as follows:

6.04.030 Definitions.

As used in this chapter, the following terms are defined in this section:

"Abandon" means the act of leaving a pet animal without humane care in such a way that the health and safety of the animal is imperiled.

"Animal" means any nonhuman mammal, bird, reptile, or amphibian.

"Animal services" means the city department or agency designated by the city of Kalama to enforce this chapter and/or operate a shelter facility for the purpose of impounding, caring for, placing through adoption, returning to owners and euthanizing pet animals.

"Animal services director" means the director of such agency or city department as the city designates to provide animal control.

"At large" means any animal that is not in the physical presence or control of an owner or keeper or is under the following circumstances:

1. When a dog, licensed or not, is found off the premises or outside the vehicle of the owner and not under control of a person by means of a leash, carrier or demonstrated voice command; or
For the purpose of this section, the dog is presumed not to be under control and to be at large if the person purporting to exercise control is unable to immediately cause the dog to heel by giving the appropriate voice command; or
3. When an unleashed dog interferes with pedestrian or vehicular movement or causes affront or alarm to a person or if injury, damage or trespass has been caused by the dog; or
4. When a cat is on property where the property owner or tenant objects to the presence of the cat and has humanely trapped or otherwise contained the cat; or
5. When livestock is in the public way or on private property other than that of the owner/caretaker.

"Dangerous dog" means a dog that according to the records of animal services has committed serious offenses as more fully set forth in Section 6.04.140 of this chapter.

"Domestic animal" means an animal other than a pet animal which may or may not be used as a food source such as, but not limited to, a rabbit, chicken, goat, sheep, cow or horse.

"Euthanasia" means the humane killing of an animal.

"Exotic animal" means an animal not ordinarily kept as a pet, such as, but not limited to, venomous or constrictor type reptiles, primates, mammals; "Harbors, keeps, possesses, or maintains a pet animal" mean providing care, shelter, protection, refuge, food, or nourishment in such manner as to influence the behavior of the animal; or, treating the animal as living at one's premises or property.

"Humane care" means care of an animal that includes, providing necessary food, water, shelter, rest, sanitation, ventilation, space and medical attention in a way that the health and safety of the animal is not imperiled.

"Impound" means to take control of any animal pursuant to the terms of this chapter.

"Kennel" means any premises or structure used for the purposes of boarding, breeding, buying, selling, raising or letting of dogs or cats for hire, or training, but excluding animal hospitals where animals are kept only for treatment by licensed veterinarians and nonprofit animals shelters where animals are kept for care and treatment pending redemption, adoption, or euthanasia. A commercial kennel is such a facility used for breeding, buying, selling or letting of dogs or cats for hire, boarding or training dogs and operated for profit. A private kennel is such a facility used only for the breeding and selling of dogs or cats and operated for profit. A private noncommercial kennel is such a facility containing five or more adult dogs not used for commercial purposes. A private noncommercial cat kennel is such a facility containing five or more cats not used for commercial purposes that may be used to house cats in foster care under a signed agreement with an animal rescue organization. All kennels must comply with the location restrictions provided by this title and the Kalama zoning code.

"Leash" means a cord, thong or chain by which a dog is controlled by the person accompanying it.

"License" means the dog or other pet animal license issued for registration and identification.

"Livestock" means any horses, ponies, mules or donkeys, sheep, cattle, goats, swine, rabbits or poultry.

"Nuisance animal" means an animal that:

1. Damages or destroys landscaping or property of another person, including destruction of wildlife that has been purposefully attracted to the person's property; or
Soils or defecates on public or private property other than the owner's, unless such waste is immediately removed and properly disposed of by the owner of the animal; or
3. Causes unsanitary, dangerous, or offensive conditions; or
4. Is a female dog or cat in heat not confined within a structure to prevent access of male dogs or cats except for planned breeding; or
5. Chases people or vehicles, or molests or interferes with persons or other animals on public or private property other than the owner's property; or
6. Habitually or continually disturbs the peace and quiet of any individual or neighborhood by barking, whining, howling or making any other noise; or
7. Trespasses on private property and the property owner or tenant supplies a written complaint to animal services, and, in the case of a cat, physically contains the cat;
8. The possession of more than ten adult cats by any person shall be presumed a nuisance under Kalama Municipal Code Chapter 7.04 unless the person is providing foster care under a signed agreement with a nonprofit animal rescue organization.

"Officer" means any animal services officer, police officer, or other commissioned person designated by the city to issue citations, pick up, restrain, impound, place, or dispose of animals or give notice for any other acts, duties or functions prescribed by this chapter or other chapters relating to pet animals.

"Owner" means any person who harbors, keeps, possesses or maintains a pet animal, or who encourages a pet animal to remain about their premises for a period of fourteen consecutive days or more, or the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under eighteen years of age shall be deemed the owner for the purposes of this chapter.

"Pet animal" means any species of wild or domestic animal sold or retained for the purpose of being kept for pleasure, companionship or utilitarian purposes and not kept as a food source.

"Potentially dangerous dog" means a dog that according to the records of animal services has committed serious offenses as more fully set forth in Section 6.04.070 140 of this chapter.

"Restrained" means secured by a leash and under physical control of a person with the strength and judgment to handle the animal, or tethered to a stationary object which keeps the animal confined to the pet owner's property.

"Severe injury" means any physical injury that results in broken bones or lacerations requiring sutures or cosmetic surgery.

"Sterilized" means the animal is surgically rendered incapable of reproduction by means of castration or an ovario hysterectomy.

Section 2. Kalama Municipal Code Section 6.04.050 Regulations and violations relating to animals is amended to read as follows:

6.04.050 Regulations and violations relating to animals.

Any person who harbors, keeps, maintains or has temporary custody of a pet animal shall be responsible for the behavior of such animal whether the person knowingly permits the behavior or not. Such person shall violate the terms of this chapter if:

- A. Dog at Large. Such person's dog is at large as defined in Section 6.04.030 of this chapter; provided, however, this section shall not prohibit the owner and pet animal from participating in an organized show or training, exercise or hunting session in locations designated and authorized for that purpose.
- B. Nuisance Animal. Such person's animal constitutes a nuisance animal as defined in Section 6.04.030. Nuisance animal is a class 4 infraction.
- C. Pet Animal on Public Property. Such person's pet animal is on public property such as a public park, beach or school ground and not on a leash held by a person who is able to maintain physical control, or proper safeguards have not been taken to protect the public and property from injury or damage from said animal, or is in violation of additional specific restrictions which have been posted. Such restrictions shall not apply to guide dogs for the visually impaired or service animals for the physically handicapped, or public property specifically designated by the city of Kalama as not requiring a leash. Pet animals on public property is a class 4 infraction.
- D. Injury to a Person or Animal. Such person's pet animal causes injury to a person or domestic or pet animal (see also potentially dangerous dog or dangerous dog, Section 6.04.070 140 of this chapter). Injury to a person or animal is a misdemeanor.
- E. Failure to Remove Fecal Material. Such person: (1) fails to possess and use the equipment or material necessary to remove animal fecal matter when accompanying an animal in public parks; or (2) fails to remove animal fecal matter when accompanying an animal off the owner's property. Failure to comply constitutes a class 4 infraction.
- F. Failure to Sterilize an Adopted Pet Animal. Such person, when adopting a pet animal from the animal services shelter, fails to have the pet sterilized within the time period specified in the written agreement, unless specifically recommended by a veterinarian in writing, or in cases of verifiable placement within a governmental law enforcement agency. Failure to sterilize an adopted pet animal is a class 4 infraction.
- G. Failure to Provide Humane Care. Such person fails to provide a pet animal with humane care as defined in Section 6.04.030 of this chapter. Failure to provide humane care is a misdemeanor.

- H. Failure to Meet Terms of Quarantine. Such person fails to accept or to meet the terms of the quarantine notice served pursuant to Cowlitz County health department regulation after an animal has bitten a human. Failure to meet terms of quarantine is a misdemeanor.

Section 3. Kalama Municipal Code Section 6.04.150 Animal Violations is amended to read as follows:

6.04.150 Animal violations.

A. <u>Section 6.04.040(A)</u>	Failure to license; (IN)	\$101.00 207.00
B. <u>Section 6.04.040(H)</u>	Tag removal unlawful; (CN)	MISD
C. <u>Section 6.04.040(J)</u>	Failure to register exotic animals; (CN)	MISD
D. <u>Section 6.04.050(A)</u>	Dog at large; (IN)	101.00 207.00
E. <u>Section 6.04.050(B)</u>	Nuisance pet animal; (IN)	101.00 207.00
F. <u>Section 6.04.050(C)</u>	Pet animal on public property; (IN)	101.00
G. <u>Section 6.04.050(D)</u>	Injury to a person or animal; (CN)	MISD
H. <u>Section 6.04.050(E)</u>	Failure to remove fecal material; (IN)	101.00
I. <u>Section 6.04.050(F)</u>	Failure to sterilize an adopted pet animal; (IN)	101.00
J. <u>Section 6.04.050(G)</u>	Failure to provide humane care; (CN)	MISD
K. <u>Section 6.04.050(H)</u>	Failure to meet terms of quarantine; (CN)	MISD
L. <u>Section 6.04.060</u>	Cruelty to animals; (CN)	MISD
M. <u>Section 6.04.070</u>	Confinement or restraint of a pet animal; (CN)	MISD
N. <u>Section 6.04.080</u>	Livestock running at large	MISD

O. <u>Section 6.04.090</u>	Kennel zoning regulations	MISD
P. <u>Section 6.04.100</u>	Beekeeping	MISD
Q. <u>Section 6.04.110</u>	Venomous and constrictor reptiles; (CN)	MISD
R. <u>Section 6.04.020</u>	Unlawful release of pet animal; (CN)	MISD
S. <u>Section 6.04.140(H)</u>	Violation of dangerous dog regulations; (CN)	MISD

Criminal Citations shall be heard and determined according to RCW Chapter 7.80, as amended, and any applicable court rules.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 5. This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 2nd Day of October, 2013

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Passed:

Published:

Effective: