

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE NO. 1915**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON REPEALING ORDINANCES 206, 623, 718, 843, 883, 949, 991, 1102, 1142, 1154, 1162, 1310, 1360, AND 1520, THE SAME BEING CODIFIED IN CHAPTERS 7.04, 7.08, and 7.12 OF THE SNOHOMISH MUNICIPAL CODE AND ENACTING NEW CHAPTERS 7.04 ANIMALS, 7.08 DANGEROUS DOGS, AND 7.12 LICENSING, REGISTRATION AND IMPOUNDMENT.**

**WHEREAS**, the Snohomish City Council finds that the City should encourage, secure and enforce those animal control measures deemed desirable and necessary for the protection of human health, safety and welfare and to the greatest degree practicable to prevent injury to property and cruelty to animal life; and

**WHEREAS**, the Snohomish City Council finds that it should establish and implement a program for the licensing and regulation of dogs and cats as well as other animals, and facilities which house them, and to provide for the health, safety and welfare of the people residing in the City; and

**WHEREAS**, the Snohomish City Council finds that, for the protection of the public, dogs declared to be dangerous should be identified and regulated; and

**WHEREAS**, the Snohomish City Council finds it appropriate that the penalty provisions for violations of the animal control ordinance should increase for repeat offenders; and

**WHEREAS**, the Snohomish City Council finds it appropriate that licensed kennels should be treated the same as individual pet owners with regard to individual pet licenses and noise restrictions;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS;**

**Section 1.** Ordinances 206, 623, 718, 843, 883, 949, 991, 1102, 1142, 1154, 1162, 1310, 1360, 1520, as codified in Chapters 7.04, 7.08 and 7.12 of the Snohomish Municipal Code are hereby repealed.

**Section 2.** A new Title 7 of the Snohomish Municipal Code is hereby adopted which shall read as follows:

## **TITLE 7**

### **ANIMAL CONTROL**

#### **CHAPTER 7.04 ANIMALS**

Sections:

- 7.04.010 Title Created.
- 7.04.020 Definitions.
- 7.04.030 Fees set by resolution.
- 7.04.040 Licensing.
- 7.04.050 Exotic animals.
- 7.04.060 Livestock.
- 7.04.070 Prohibited Conduct.
- 7.04.080 Penalties.
- 7.04.090 Severability.
- 7.04.100 Third Party Liability.

#### **CHAPTER 7.08 DANGEROUS DOGS**

Sections:

- 7.08.010 Created.
- 7.08.020 Definitions.
- 7.08.030 Potentially dangerous dog or dangerous dog outside enclosure.
- 7.08.040 Dangerous dogs – Certificate of registration required. Prerequisites.
- 7.08.050 Dangerous dogs required to be microchipped.
- 7.08.060 Declaration of potentially dangerous dog or dangerous dog – procedure and notification requirements.
- 7.08.070 Appeal of Notice of Potentially Dangerous Dog or Dangerous Dog.
- 7.08.080 Dangerous Dogs – Confiscation - Offenses.
- 7.08.090 Severability.
- 7.08.100 Third Party Liability.

#### **CHAPTER 7.12 LICENSING, REGISTRATION AND IMPOUNDMENT**

Sections:

- 7.12.010 Licensing and Registration.
- 7.12.020 Kennels, Catterys, Shelters, and Boarding Facilities.
- 7.12.030 Impoundment Procedures.
- 7.12.040 Shelter operation.
- 7.12.050 Facilities, Licensing requirements, rules, and procedures.
- 7.12.060 Severability.
- 7.12.070 Third Party Liability.

## Chapter 7.04

### Animals

#### Sections:

- 7.04.010 Title Created.
- 7.04.020 Definitions.
- 7.04.030 Fees set by resolution.
- 7.04.040 Licensing.
- 7.04.050 Exotic animals.
- 7.04.060 Livestock.
- 7.04.070 Prohibited Conduct.
- 7.04.080 Penalties.
- 7.04.090 Severability.
- 7.04.100 Third Party Liability.

**7.04.010 Title Created.** This Title of the Snohomish Municipal Code shall be entitled “Animal Control” and this Chapter shall be entitled “Animals”.

**7.04.020 Definitions.** As used in this Title, the terms defined in this section shall have the defined meanings unless the context requires otherwise.

“Abatement” means the termination of any violation of this title by lawful and reasonable means as determined by the authorized City of Snohomish Animal Control Officer in order that a person or persons presumed to be the owner of an animal comply with this title.

“Adult dog or cat” means any dog or cat over the age of six months.

“Altered” means sexually neutered, medically determined to be incapable of reproduction or when the physical condition of an animal is certified by a licensed veterinarian to be such as would prohibit performance of such medical procedure to render it unproductive.

“Animal” means any live vertebrate and invertebrate creature, reptile, amphibian, or bird, except man.

“At large” means any animal off the property of its owner, unless restrained by leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a responsible person, whether or not the owner of such animal, or which enters upon the property of another person without authorization of that person, shall be deemed at large.

“Animal Control Authority” means an entity acting alone or in connection with other local governmental units for enforcement of the animal control laws of the city, county, and state, and the shelter and welfare of animals.

“Animal Control Officer” means any individual employed, contracted with, or appointed by the Animal Control Authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

“Animal Exhibition” means public display of any living animal in the promotion of entertainment, education, advertisement or any commercial enterprise.

“Kennel or Cattery”. The three types of kennel or cattery are defined as follows:

1. “Hobby kennel or cattery” means any facility or residence where more than three altered dogs or cats, or combinations thereof in excess of three dogs and three cats are kept, or harbored, for the enjoyment of the species only.
2. “Private kennel or cattery” means any facility where more than three dogs or three cats of licensable age, or a combination of each in excess of three dogs and three cats, and which cannot total more than eight (8) animals (dogs and cats) are kept or harbored, which facility provides care, training of whatever nature, or breeding services, and does not have a business license related to the animal services. In addition to the private kennel fee, each dog and cat must be licensed individually at the regular fees set forth by resolution.
3. “Commercial kennel or cattery” means any owner or broker who keeps, leases, buys, barter, or sells animals for gain; provides facilities for breeding, boarding, transporting, exhibiting, grooming, including bathing or cosmetic care, or provides guard services.

“Boarding Facility” means a place where animals are kept overnight or longer by contractual arrangements with the owner, whether for compensation or not, for any legal purpose other than medical treatment, breeding or permanent disposal.

“Dangerous dog” means any dog that according to the records of the appropriate authority has (1) inflicted severe injury on a human being without provocation on a public or private property; (2) killed a domestic animal without provocation while off the owner’s property; or (3) been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

“Dog handler” means a law enforcement officer who has successfully completed training as prescribed by the Washington State Criminal Justice Training Commission in police dog handling.

“Euthanasia” means the putting to death of an animal in a humane manner.

“Exotic, wild or dangerous animal” means any member of the animal kingdom which is not commonly domesticated or which is not common to North America; or which, irrespective of

geographic origin, is of a wild or predatory nature; or any domesticated animal which, because of its size, vicious nature or other similar characteristics, would constitute a danger to human life or property if not kept, maintained or confined in a safe and secure manner. Incorporated by reference are the State Game Department regulations, principally the following: WAC 232-23-025, 232-12-030, 232-12-040, 232-12-050, 232-12-060.

“Harboring” means allowing any animal to remain, be lodged, fed, or sheltered on the property one owns, occupies or controls for more than twenty-four hours.

“Hearing Officer/Examiner” means the individual that will hear appeals of the orders issued by the Animal Control Authority during the performance of enforcing the City of Snohomish Animal Control Code.

“Junior Dog” means a dog that is under the age of six months.

“License” means a tag that shall be purchased from the City of Snohomish that contains a license number and the year for which the tag was issued.

“Livestock” includes horses, mules, jackasses, cattle, sheep, llamas, goats, swine, and all ratites, which includes, but is not limited to, emus and ostriches.

"Microchipping" means the implantation of an identification microchip or similar electronic identification device to establish the identity of an individual animal.

“Owner” means any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.

“Police dog” means a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

“Potentially dangerous dog” means:

1. Any dog that, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise threaten the safety of humans or domestic animals; or
2. Any dog that when unprovoked inflicts bites on a human or a domestic animal either on public or private property.

“Private Kennel or cattery – non-breeding” means a private kennel or cattery as otherwise defined herein, except no animals are bred at the facility.

“Proper enclosure of a potentially dangerous or dangerous dog” means, while on the owner’s

property, a potentially dangerous or dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

“Proper shelter” means a structure with at least four walls, a roof, a floor which is raised off the ground, and a door opening properly shielded from the wind and rain, with size commensurate to the size of the inhabiting animal.

“Service dog” which includes “guide dog,” means a dog that is trained or approved by an accredited school, or state institution of higher education engaged in training dogs for the purpose of assisting or accommodating a physically disabled person related to the person’s physical disability.

“Severe injury” means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

“Sexually neutered” (including spayed) means medically determined to be incapable of reproduction or when the physical condition of an animal is certified by a licensed veterinarian to be such as would prohibit performance of such medical procedure to render it unproductive.

“Shelter” means a facility which is maintained expressly for impounded and/or stray animals and that provides the necessary associated services.

“Small livestock” includes domesticated fowl and fur-bearing animals, which are normally bred or maintained within pens, cages or hutches.

“Unaltered dog” means a dog or cat capable of reproduction.

“Valid license” means a current tag from the jurisdiction in which the animal resides.

“Vicious” means acting in an unruly manner or the propensity to do any act which might endanger the safety of any person, animal, or property of another.

**7.04.030 Fees set by resolution.** All licensing, permitting, fines and penalties shall be adopted by resolution.

**7.04.040 Licensing.** All dogs and cats within the City of Snohomish shall be licensed. Unlicensed dogs and cats shall be subject to impoundment pursuant to SMC Section 7.12.030.

Kennels, catterys, shelters and boarding facilities shall be licensed pursuant to SMC Chapter 7.12.

**7.04.050 Exotic Animals.** No person shall possess, breed, import, export, barter, buy, sell, or

attempt to buy or sell any of the following animals:

- A. All non-human primates;
- B. All wild cats of the family *Felidae* and their hybrid, except for the domestic cat *Felis catus*;
- C. All species of bear *Ursidae*;
- D. All wild carnivores of the family *Canidae* and their hybrid, except for the domestic dog *Canis familiaris*;
- E. Venomous reptiles and amphibians;
- F. All reticulated pythons, Burmese pythons and snakes which may reach ten feet or more in length; and
- G. All members of: Alligator (*Alligator*), Crocodile (*Crocodylus*) and Caiman (*Crocodylus*).

**7.04.060 Livestock.** Livestock shall be allowed pursuant to the Land Use Code, SMC Title 14.

**7.04.070 Prohibited Conduct.**

A. Offenses Relating to Safety and Sanitation. It is unlawful for any person to:

1. Allow the accumulation of animal feces in any open area, run, cage or yard wherein animals are kept and to fail to remove or dispose of feces at least once every twenty-four hours in a sanitary manner;
2. Fail to remove the fecal matter deposited by his/her animal on public or private property of another before the owner and/or animal leaves the immediate area where the fecal matter was deposited;
3. Fail to have in his/her possession the equipment necessary to remove his/her animal's fecal matter when accompanied by said animal on public property or public easement;
4. Have possession or control of any animal sick or afflicted with any infectious or contagious disease and fail to provide treatment for such disease, or suffer or permit such diseased or infected animal to run at large, or come in contact with other animals, or drink at any public or common watering trough or stream accessible to other animals; or
5. Owners of duly licensed "service dogs" are exempted from subsections (A)(2) and (3) of this section.

B. Offenses Relating to Control. It shall be unlawful for any person to:

1. Permit any animal to be at large, except domestic cats. No animal except domestic cats shall be allowed to run at large during any hour of the day or night upon any unenclosed lands, public or private, within the limits of the City, or upon any public street, avenue, alley, or other public place in the City.
2. Permit a domestic cat or dog to trespass upon the property of another in such a manner as to be a nuisance.
3. Permit an animal to be unattended on public premises, property or right-of-way except in those areas specifically designated to permit animals. Animals must be confined to such restricted areas. Exception: domestic cats, when not in conflict with subsection (2).
4. Fail to keep every female dog or cat in heat confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
5. Be in possession of property and knowingly permit frequent, continuous or repetitive barking or noise made by any animal, which originates from the property, and which unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors, except that such sounds made in animal shelters, or veterinary hospitals licensed under and in compliance with this Chapter and Land Use Code Title 14, shall be exempt from this subsection.
6. Permit any animal to damage public property or the private property of another.

C. Offenses Relating to Cruelty. It is unlawful for any person to:

1. Abandon an animal by intentionally, knowingly, recklessly or with criminal negligence leave a domesticated animal at a location without providing for the animal's continued care. It is no defense to abandonment to abandon an animal at or near an animal shelter, veterinary clinic or other place of shelter if reasonable arrangements for the care of the animal were not made by the person abandoning the animal.
2. Fail to provide an animal with sufficient good wholesome food and a constant source of clear potable water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
3. Leave an animal unattended for more than twenty-four consecutive hours.
4. Beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans. Anyone who permits such conduct on premises under his control, and any person present as a spectator at such exhibition, shall also be deemed a violator of this subsection and subject to punishment thereof.

5. Give away any live animal as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such animals as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.
6. As the operator of a motor vehicle, which strikes a domestic animal, fail to stop at once and render such assistance as may be possible and fail to immediately report such injury or death to the animal's owner. In the event that the owner cannot be ascertained and located, such operator shall at once report the accident to the Snohomish Police Department.
7. Lay out or expose any kind of poison for animals or leave exposed any poisoned food, drink, or any substance or fluid whatsoever, whereon or wherein there is or shall be deposited or mingled any kind of poison, or poisonous or deadly substance or fluid whatsoever, on the premises of another, or in any unenclosed place, or to aid or abet any person in so doing. This does not apply to homeowner or home occupant use of household products or chemicals, including lawn and garden chemicals and fertilizers, in accordance with the manufacturer's recommendations for the use of the product or chemical. This also does not apply to State-licensed pest control operators performing within the scope of employment.
8. Permit an animal exhibition or circus to perform in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.
9. Confine, without adequate ventilation, any animal in any box, container or vehicle.
10. Confine an animal within or on a motor vehicle at any location under such conditions as may endanger the health or well being of the animal, including but not limited to extreme temperatures, lack of food, water or attention, or confinement with a dangerous animal. Any animal control or police officer is authorized to remove any animal from a motor vehicle, at any location, when he/she reasonably believes it is confined in such conditions as described above. Any animal so removed shall be delivered to the animal control shelter after the removing officer leaves written notice of such removal and delivery, including the officer's name, in a conspicuous location on or within the vehicle.
11. Tease, tantalize or provoke any animal with the intent to cause fear or anger.
12. Tether or confine any animal in such a manner or such a place as to cause injury or pain or to endanger an animal; or to keep an animal in quarters that are injurious to the animal due to inadequate protection from heat or cold, or that are of insufficient size to permit the animal to move about freely.
13. Tether or confine an animal in such a manner that it can become entangled so that it cannot move freely, cannot reach shelter or water, or such that it can become entangled

with another animal. The area where the animal is tethered or confined must be free of extraneous material that may cause it injury (such as, but not limited to, glass, sharp metal, nails, etc.). Tether must be a minimum length of three times the length of the animal as measured from the tip of its nose to the base of its tail.

14. Transport an animal in or on a vehicle in such a manner that it can exit the vehicle while the vehicle is in motion. The animal must be contained or secured in a manner so as to prevent the possibility of an inadvertent exit by the animal from the vehicle. It is further unlawful for any person to transport any living animal on the running board; fenders; hood; unrestrained in a convertible, in an unenclosed bed of a pickup or flatbed truck, or other outside part of any vehicle, unless suitable harness, cage or enclosure is provided and so attached as to protect the animal from falling or being thrown therefrom.
15. To possess cockspurs, slashers, gaffs, or other tools, equipment, devices or training facilities for the purpose of training and/or engaging an animal in combat with another animal.
16. Set out any leg hold traps in the City unless approved by animal control.

**7.04.080 Penalties.** Any person, firm or corporation convicted of a violation of this Chapter except sections 7.04.070 C 1, 7.04.070 C2, 7.04.070 C4 or 7.04.070 C16, shall be guilty of a civil infraction and punished by a fine of not to exceed one hundred dollars. Any person, firm or corporation convicted of a violation of sections 7.04.070 C1, 7.04.070 C2, 7.04.070 C4 or 7.04.070 C16 of this Chapter shall be guilty of a misdemeanor and punished by a fine not to exceed \$500 and or imprisonment not to exceed 90 days. Each day of operation in violation hereof shall constitute a separate offense.

**7.04.090 Severability.** Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Snohomish hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

**7.04.100 Third Party Liability.** It is expressly the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.

## Chapter 7.08

### DANGEROUS DOGS

Sections:

- 7.08.010 Created.
- 7.08.020 Definitions.
- 7.08.030 Potentially dangerous dog or dangerous dog outside enclosure.
- 7.08.040 Dangerous dogs – Certificate of registration required. Prerequisites.
- 7.08.050 Dangerous dogs required to be microchipped.
- 7.08.060 Declaration of potentially dangerous dog or dangerous dog – Procedure and Notification Requirements.
- 7.08.070 Appeal of Notice of Potentially Dangerous Dog or Dangerous Dog.
- 7.08.080 Dangerous Dogs – Confiscation.

**7.08.010 Created.** The Chapter is created to provide for the regulation of Dangerous Dogs and Potentially Dangerous Dogs and provide policy, power and authority within the City of Snohomish as set out in this Chapter.

**7.08.020 Definitions.** Terms used in this chapter are defined pursuant to SMC Section 7.04.020.

**7.08.030 Potentially dangerous dog or dangerous dog outside enclosure.** It is unlawful for an owner of a potentially dangerous dog or dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal. Provided, however, that a dog declared to be potentially dangerous due to attacking another animal only, and not a human, shall not be required to be muzzled when outside the proper enclosure. And provided further, that a dog declared to be potentially dangerous under SMC Section 7.04.020 shall not be required to be muzzled when outside the proper enclosure.

**7.08.040 Dangerous Dogs – Certificate of registration required - Prerequisites.**

- A. It is unlawful for an owner to have a dangerous dog in the City of Snohomish without a certificate of registration issued under this section. This section shall not apply to police dogs.
- B. The City of Snohomish shall issue a certificate of registration to the owner of a dangerous dog upon payment of a one hundred dollar (\$100.00) registration fee if the owner presents to the City of Snohomish sufficient evidence of:
  - 1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and
  - 2. Either:

- a. A surety bond issued by a surety insurer qualified under RCW 48.28 in a form acceptable to the City of Snohomish and the City Attorney in the sum of at least fifty thousand dollars, payable to any person injured by the dangerous dog; or
  - b. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.
- C. The term for a certificate of registration is one year from the date of issuance or until the dog is moved to another address outside the corporate limits of the City of Snohomish, whichever is less. The owner of a dangerous dog must renew the certificate of registration annually, unless the dog is moved to another address outside the corporate limits of the City of Snohomish.

**7.08.050 Dangerous dogs required to be microchipped.** Any dog which is declared to be a dangerous dog pursuant to this Chapter or RCW Chapter 16.08 shall be required to be microchipped by a veterinarian of the owner's choice, at the owner's expense. This shall be in addition to the normal requirements for licensing as defined within this title. This must be accomplished within thirty (30) days after receipt of the dangerous dog declaration issued by the Animal Control Officer or the Hearing Examiner, in the event of an appeal, pursuant to SMC 7.08.060.

**7.08.060 Declaration of potentially dangerous or dangerous dog – Procedure and Notification Requirements.**

- A. The Animal Control Officer shall identify and classify potentially dangerous dogs and dangerous dogs. The Animal Control Officer may find and declare a dog potentially dangerous or dangerous if the Animal Control Officer has probable cause to believe that the dog falls within the definitions set forth in SMC 7.04.020. Probable cause may be based upon:
  - 1. The written complaint of a citizen who is willing to testify that he or she witnessed the dog acting in a manner which causes it to fall within the definition of potentially dangerous dog or dangerous dog.
  - 2. Dog bite reports filed with the Animal Control Officer.
  - 3. Actions of the dog witnessed by any Animal Control or Law Enforcement Officer.
  - 4. Other substantial evidence.
- B. Upon determining that probable cause exists to believe that a dog is potentially dangerous or dangerous, the Animal Control Officer may issue a written notice to the owner of the dog. The notice shall contain the following:

1. The name and address of the owner of the dog;
2. A brief description of the dog;
3. A brief statement of why the dog has been found to be a potentially dangerous dog or dangerous dog;
4. The specific provision or provisions of SMC 7.08.060(A) under which the Animal Control Officer has found the dog to be a potentially dangerous dog or dangerous dog;
5. The requirements for restraint of the dog, if applicable, as determined by the Animal Control Officer, and when these requirements must be complied with;
6. The criminal penalty for violation of the requirements for restraint imposed by the Animal Control Officer, including a statement that, if the requirements are not timely met, the Animal Control Officer shall have the authority to issue a criminal citation or report such noncompliance to the City Attorney's Office, which shall have the authority to initiate a criminal action, all as set out in 7.08.080 hereof; and
7. A statement advising:
  - a. That the notice may be appealed to the City of Snohomish Hearing Examiner.
  - b. That the failure to file a timely and complete notice of appeal will constitute a waiver of all rights to an appeal under this chapter.

C. The notice shall be served on the owner in one of the following methods:

1. First class mail to the owner's last known address; or
2. Personally. If the notice of hearing is personally served, proof of personal service of notice of hearing shall be made by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

D. If the owner cannot be located as provided in paragraph (C) (1) or (2) of this subsection, notification shall be attempted by publication in a newspaper of general circulation.

**7.08.070 Appeal of Notice of Potentially Dangerous Dog or Dangerous Dog.**

A. Any owner of a dog which has been declared potentially dangerous or dangerous by the Animal Control Agency may appeal the notice by filing a written notice of appeal at the City of Snohomish, within fourteen (14) days from the date of the notice. Said written notice of appeal shall be on a form provided for that purpose by the Animal Control Agency or other written notice, but must contain the following items:

1. A caption reading: “Appeal of \_\_\_\_\_,” giving the name of the appellant.
  2. A brief statement of the finding being appealed, together with any material facts claimed to support the contentions of the appellant.
  3. A brief statement of the relief sought, and the reasons why the finding should be reversed, modified or otherwise set aside.
  4. The current address of the appellant.
  5. A verification, by declaration under penalty of perjury, made by the appellant as to the truth of the matters stated in the appeal.
- B. Failure to file a timely and complete notice of appeal constitutes a waiver of all rights to an appeal under this chapter.
- C. Upon receipt of a timely filed and completed notice of appeal, a notice of hearing shall be sent to the appellant, setting the date, time and place of the appeal hearing.
- D. The hearing shall be set no less than 10 nor more than 30 business days following receipt of a timely filed and complete notice of appeal. The filing of a notice of appeal shall not stay the requirements for restraint of the dog provided to the owner pursuant to SMC Section 7.08.060 (B)(5).
- E. The hearing shall be before the City of Snohomish Hearing Examiner who is authorized by this chapter and section to conduct such hearing.
- F. At the hearing, the owner of the dog found to be a potentially dangerous dog or dangerous dog shall be permitted to present evidence in support of their position at the hearing. A representative or representatives of the City also shall be permitted to present evidence in support of declaring the dog a dangerous or potentially dangerous dog.
- G. Hearing
1. Dogs shall not be declared potentially dangerous or dangerous by the Hearing Examiner upon proof that they are animals as defined by Section 7.04.020. If a threat, injury, or damage sustained by a person forms part of the proof that the dog is dangerous, it shall be an affirmative defense to be proved by the owner that the dog’s threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime. Upon proof of such affirmative defense no declaration that the dog is dangerous shall be made.

2. At the hearing, the burden shall be on the owner of the dog, by a preponderance of the evidence, that one or more of the circumstances set forth in subsection (G)(1) of this section exist.
3. The affirmative defense set out in Subsection (G)(1) of this section shall not apply in actions to declare the dog to be potentially dangerous dog.

#### H. Hearing Examiner/Official Decision:

1. At the conclusion of the hearing, the Hearing Examiner/Official shall issue written findings, conclusions and a decision.
2. At the conclusion of a hearing to determine whether a dog is to be declared dangerous, the decision of the Hearing Examiner/Official may be:
  - a. The dog in question is declared to be a dangerous dog;
  - b. The dog in question is declared to be a potentially dangerous dog;
  - c. The dog in question is declared to be a potentially dangerous dog, with additions, deletions and/or modifications made to the restrictions initially proposed to be placed on the dog by the Animal Control Officer; or
  - d. The dog in question is declared to be neither dangerous nor potentially dangerous.
3. At the conclusion of a hearing to determine whether a dog is to be declared potentially dangerous, the decision of the Hearing Examiner may be:
  - a. The dog in question is declared to be a potentially dangerous dog;
  - b. The dog in question is declared to be a potentially dangerous dog, with additions, deletions and/or modifications made to the restrictions initially proposed to be placed on the dog by the City of Snohomish Animal Control; or
  - c. The dog in question is declared to not be a potentially dangerous dog.
4. The decision of the Hearing Examiner/Official shall be final.
  - a. The Hearing Examiner's decision shall be final and conclusive with right of appeal to the Superior Court of Snohomish County.
  - b. Notice of the appeal and any other pleadings required to be filed with the court shall be served as required by law.

- c. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The city, upon appeal to the Superior Court and payment by the appellant of the costs thereof, will prepare the record and transcribe the tape thereof and will deliver the same to the Court. Any appeal will be conducted on the record before the hearing examiner as if an appeal from a court of limited jurisdiction in accordance with the Rules of Appeal from Limited Jurisdictions (RALJ).

### **7.08.080 Dangerous Dogs – Confiscation - Offenses.**

- A. Grounds for confiscation: Any dangerous dog shall be immediately confiscated by the Animal Control Officer if:
  1. The dog is not validly registered under this chapter or RCW 16.08.080;
  2. The owner does not secure the liability insurance coverage required under this Chapter or RCW 16.08.080;
  3. The dog is not maintained in the proper enclosure; or
  4. The dog is outside of the dwelling of the owner, or outside of the proper enclosure, and not under physical restraint of a responsible person.
- B. The owner of a dangerous dog shall be guilty of a gross misdemeanor in any of the following circumstances:
  1. The owner does not validly register and/or maintain a valid registration for the dangerous dog;
  2. The owner does not secure and/or maintain liability insurance required by this Chapter or RCW 16.08.080;
  3. The owner does not maintain the dog in a proper enclosure; or
  4. The owner or a responsible person does not physically restrain the dangerous dog while the dog is outside the dwelling of the owner, or the dog is outside the proper enclosure required by this Chapter or RCW 16.08.
- C. If a dangerous dog of an owner with a prior conviction under this chapter or RCW 16.08.100, attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. The matter shall be referred to the County Prosecutor for prosecution. In addition, the dangerous dog shall be immediately confiscated by an Animal Control Authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

- D. The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall be guilty of a class C felony punishable in accordance with RCW 9A.20.021. The matter shall be referred to the County Prosecutor for prosecution. In addition, the dog shall be immediately confiscated by an Animal Control Authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- E. The owner of any dog that has been confiscated, quarantined, and/or destroyed shall be responsible for all of the associated costs. The same may be assessed as restitution in any misdemeanor or felony prosecution. The City in addition shall have the right to pursue an action in a court with jurisdiction to collect the associated costs. In any such action the City shall be entitled to recover its costs and reasonable attorneys fees.

**7.08.090 Severability.** Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Snohomish hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

**7.08.100 Third Party Liability.** It is expressly the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.

## Chapter 7.12

### LICENSING, REGISTRATION AND IMPOUNDMENT

- 7.12.010 Registration and Licensing.
- 7.12.020 Kennels, Catterys, Shelters, and Boarding Facilities.
- 7.12.030 Impoundment Procedures, Release and Disposal.
- 7.12.040 Shelter Operation.
- 7.12.050 Facilities-Licensing Requirements, Rules and Procedures.
- 7.12.060 Severability.
- 7.12.070 Third Party Liability.

**7.12.010 Registration and Licensing.** Fees for licensing, permitting and registration of animals shall be set by resolution.

- A. All adult dogs and cats, harbored, kept or maintained within the City shall be licensed and registered annually, or within thirty days of being moved into the City, whichever occurs later. Licenses shall be issued upon payment of the appropriate fee as set by resolution and upon proof of current vaccination for rabies from a licensed veterinarian.
- B. All allowed Exotic Animals harbored, kept or maintained within the City shall be registered.
- C. Licenses.
  - 1. License tags shall be securely displayed at all times, except when the animal is displayed in any official exhibition. An identification tag, with registration number, shall be supplied by the City of Snohomish.
  - 2. Licenses are not transferable to another animal. License information may be transferred to a new owner upon payment of a registration fee as set by resolution.
  - 3. With the exception of lifetime licenses, all licenses provided for in this section shall expire on April 30<sup>th</sup> of each year.
  - 4. Owners of animals displaying current licensing from jurisdictions outside the City shall purchase a new license for the license replacement fee set by resolution, provided the animal remains in possession of the owner to whom such license was duly issued.
  - 5. License fees for animals owned by persons aged sixty-five or older and for owners of registered service dogs shall be specified by resolution.
  - 6. Any dog which is declared to be a “dangerous dog” as defined by SMC Section 7.04.020 shall be required to be microchipped by a veterinarian of the owner’s choice, at the owner’s expense pursuant to this title and also be licensed.

**7.12.020 Kennels, Catterys, Shelters, and Boarding Facilities.**

- A. Facilities housing at any time more than three each adult dogs or cats, or a combination thereof in excess of three dogs and three cats or when the keeping of such animals produces more than one litter each year from all such animals housed; or an animal kennel or cattery, hobby kennel, or commercial kennel or cattery; or the keeping of any livestock or exotic, wild or dangerous animal; or the offering of any service for gain in connection with such facility, shall obtain a license in accordance with procedures, standards and limitations provided in this chapter. No such facility may lawfully operate except upon application and payment of prescribed fees for such license. Issuance of such license shall not constitute approval of the land use, nor evidence compliance with zoning regulations that may apply to the proposed facility operation.
- B. Kennels, commercial or private, must construct all animal runs, buildings, structures or enclosures devoted primarily to the housing of animals at least thirty (30) feet from all external property lines.
- C. Exceptions of subsection (A) of this section shall be as follows:
  - 1. Licensed veterinary hospitals and clinics are not required to obtain a facilities license. Any personal pets kept at the facility must be licensed pursuant to this chapter.
  - 2. Visiting animal exhibitions in the City limits for fifteen (15) days or less must conform to facility standards, but are exempt from normal license fees.
  - 3. Approved shelter facilities maintained for the care and keeping of impounded or stray animals.
- D. Facilities housing less than three small livestock or issue from such livestock under twelve (12) weeks of age are not required to obtain a facility license specifically related to those animals.

**7.12.030 Impoundment procedures-Release and Disposal.**

- A. Any animal may be impounded and held at the shelter when it is the subject of a violation of this chapter, when an animal requires protective custody and care for mistreatment or neglect by its lawful owner, or when otherwise ordered impounded by a court.
- B. An animal is deemed to be impounded from the time the Animal Control Officer or his/her designee, including the Snohomish Police personnel and contracted agents (such as their on-call veterinarian hospitals), takes physical custody of such animal.
- C. An Animal Control Officer or police officer may enter the private unenclosed property of another, with or without warrant, when in hot pursuit, to take possession of any animal

observed at large.

1. Any person who finds and harbors a dog or cat, which is not lawfully their property and/or without knowing the animal owner's identity, shall notify the animal control shelter and furnish a description of the animal. The finder may surrender the animal to the animal control shelter or retain its possession, subject to the discretion of the manager of animal control.
2. Records of reported findings shall be retained by the shelter manager and made available for public inspection.
3. If, within thirty days of the finding report made to animal control, no person makes claim upon the finder for return of the animal, the finder who chooses to retain possession of the animal shall obtain a license as required in this chapter, and thus shall become the legal owner.
4. Animals held for periods prescribed in this section, and not redeemed by the owner, shall become the property of the City.

D. Impoundment is subject to the following holding period and notice requirements:

1. Any animal wearing a current license tag from a jurisdiction within the state shall be held for one hundred forty-four hours (six days) from time of impoundment. The impounding officer shall make reasonable effort by telephone to give notice of impoundment to the owner and if unsuccessful, shall mail written notice to the last know address of the owner advising of the impoundment and the date by which redemption must be made.
2. Any animal not wearing a current license shall be held for seventy-two hours (three days) from time of impoundment before any disposition may be made of such animal.
3. Litters of kittens and puppies, brought in as abandoned, may be disposed of immediately upon custody, at the discretion of the shelter manager.
4. Animals delivered for impoundment by a police officer who removed such animal from possession of a person in custody of the police officer shall be held for the period prescribed in section (1) of this subsection.

E. Release from Impoundment and Disposition of Animals.

1. Any impounded animal shall be released to the owner upon payment of impoundment, care and license fees unless in the discretion of the manager or his/her designee there is an ongoing investigation of a violation of this chapter or state law. The manager or his/her designee may release the animal to the owner's authorized representative. Full identification of the owner and their authorized representative must be provided to animal control prior to release.

2. Notwithstanding the provisions of subsection (E) (1), no impounded animal shall be released to the owner until the owner establishes that any penalties, fines, or forfeitures owed by the owner for violation of this chapter have been satisfied.
3. Any animal held for the prescribed period and not redeemed by its owner, and which is neither dangerous nor unhealthy, may be released for adoption, subject to the following conditions:
  - a. The adoptive owner agrees to furnish proper care to the animal in accordance with this chapter;
  - b. Payment of required fees, including any medical care costs incurred during impoundment;
  - c. In case of an unaltered animal, a spay/neuter deposit shall be made for dogs and cats only, refundable upon display of evidence that such animal has been rendered sexually unproductive within the allotted time period; and
  - d. In the case of animals under six months of age, the execution of a written agreement by the adoptive owner to render any adopted dog or cat sexually unproductive within sixty days of adoption, or upon the animal attaining sexual maturity (six months), whichever event last occurs. Failure to perform the terms of the agreement shall be a violation, and shall be a forfeiture of the spay/neuter deposit and the manager may require return of the adopted animal to the shelter.
4. The owner of any animal retained at the shelter pending legal action pertaining to violations of this chapter and/or other judicial actions or hearings, pertaining to his/her ownership/responsibilities regarding the animal, shall upon conviction be liable for all fees prescribed by the fee schedule.
5. The shelter manager shall dispose of animals held for the prescribed period without redemption or adoption only by means of euthanasia; provided, however, that irrespective of any prescribed holding period, the manager, upon advice of a licensed veterinarian, may immediately dispose of any sick or injured impounded animal by euthanasia.
6. The decision of whether to release an animal to an individual for the purposes of adoption shall be discretionary with the manager or his/her designee. In making the determination the shelter manager or his/her designee shall base his/her decision on what is in the best interest of the animal and what is in the best interest of public safety. Factors which shall be considered include, but are not limited to, the age of the individual requesting adoption, the premises where the animal will be kept, and the condition, size and/or temperament of the animal.

#### **7.12.040 Shelter Operation.**

- A. The shelter manager shall operate, maintain or provide an adequate facility to receive and care for any animal delivered to his/her custody for disposition under the provisions of this chapter, which facility shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals.
- B. The City may contract for impoundment and shelter services from another licensed agency that is equipped to provide said services. Said contract shall be submitted to the City Council for approval. Said contractor, regardless of location, shall be provided with a copy of this Title and any amendments thereto.

**7.12.050 Facilities-Licensing Requirements, Rules and Procedures.**

- A. Applications for a facilities license shall be made upon forms furnished by Animal Control agency, including all information required therein, and shall be accompanied by payment of the required fee as set by resolution.
- B. An initial facility license shall expire one year from the date of application. Applications for renewal must be made within the month prior to the expiration of the facility license. All renewals will refer back to the original date of expiration.
- C. Facilities shall be located and conform to regulations established in SMC Title 14, Land Use.
- D. Facilities including all animal runs, buildings, and structures devoted primarily to housing animals must be located at least thirty (30) feet from all external property lines.

**7.12.060 Severability.** Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Snohomish hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

**7.12.070 Third Party Liability.** It is expressly the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this 3<sup>rd</sup> day of August 1999.

CITY OF SNOHOMISH

By \_\_\_\_\_  
Jeff Soth, Mayor

ATTEST:

By \_\_\_\_\_  
Molly Linville, City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_  
Grant Weed, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_