

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING NEW CHAPTERS 5.24, 5.25, 6.02, 6.03, 6.07, 6.08, 6.10, 6.14, 6.16, AND 6.18, AMENDING CHAPTER 6.04, SECTIONS 1.24.040, 9.51.010, 9.56.080, AND REPEALING CHAPTER 6.01 OF THE FIFE MUNICIPAL CODE REGARDING ANIMAL CONTROL AND PET LICENSING

WHEREAS, the Pierce County Auditor's Office and Pierce County Sheriff's Office together, hereinafter referred to as County, is in the business of providing services related to the care and control of animals (code enforcement, pet licensing, shelter) for Pierce County residents; and

WHEREAS, the County has the capability to provide animal control and pet licensing to other jurisdictions (cities and towns) within the boundaries of Pierce County; and

WHEREAS, the City of Fife is in need of animal control and pet licensing services and wishes to contract for animal control and pet licensing services with the County; and

WHEREAS, the City Council by Resolution No. 1612 authorized the City Manager to execute an interlocal agreement with the County to provide animal control and pet licensing services to the City, and the County Council by Resolution No. R2014-142 authorized the County Executive to execute the interlocal agreement; and

WHEREAS, as a condition of providing animal control and pet licensing services to the City, the interlocal agreement requires the City to adopt the same animal control and pet licensing services ordinances as adopted by the County; now, therefore

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 1.24.040 of the Fife Municipal Code is hereby amended to read as follows:

1.24.040 Civil infractions – Monetary penalties – Restitution.

A. A person found to have committed a civil infraction shall be assessed a monetary penalty.

1. The maximum penalty and the default amount for a class 1 civil infraction shall be \$250.00, not including statutory assessments;
2. The maximum penalty and the default amount for a class 2 civil infraction shall be \$125.00, not including statutory assessments;

3. The maximum penalty and the default amount for a class 3 civil infraction shall be \$50.00, not including statutory assessments, provided the maximum penalty and the default amount for a class 3 civil infraction under FMC Title 6 shall be \$120.00, not including statutory assessments ; and
4. The maximum penalty and the default amount for a class 4 civil infraction shall be \$25.00, not including statutory assessments.

B. Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

C. The court may also order a person found to have committed a civil infraction to make restitution.

D. Payment of a monetary penalty, restitution, or performance of required community service shall not relieve a person of the duty to correct the violation.

Section 2. Chapter 5.24 of Fife Municipal Code, titled "Security Guards" is hereby recodified to a new Chapter 5.28 of the Fife Municipal Code.

Section 3. A new Chapter 5.24 is hereby added to the Fife Municipal Code, titled "Commercial Kennel or Cattery, Hobby Kennel, Foster Kennel, Private Kennel, Grooming Parlor, Short-Term Boarding Facility, or Pet Shop" to read as follows:

Sections:

5.24.010 Purpose.

5.24.015 Exemption.

5.24.020 Definitions.

5.24.030 License Requirement.

5.24.040 Application.

5.24.060 License.

5.24.070 Director – Power and Duties.

5.24.080 Advertising Limitations.

5.24.090 License Expiration.

5.24.100 License Renewal.

5.24.110 License Suspension and Revocation.

5.24.120 Appeal of License Suspension or Revocation.

5.24.130 Inspection.

5.24.140 Impoundment.

5.24.150 Civil Remedy.

5.24.160 Criminal Penalty.

5.24.170 Compliance.

5.24.010 Purpose.

This Chapter is necessary to the peace, health, safety, and welfare of the people in the city of Fife and has as its purpose to provide for the humane care and treatment of animals; to provide for the control and regulation of facilities and kennels; to prevent nuisances; and to prevent endangerment of the health and safety of the public.

5.24.015 Exemption.

The provisions of this Chapter shall not apply to any facility which is owned, operated, or maintained by any city, county, state, or the federal government for the purpose of maintaining or possessing dogs.

5.24.020 Definitions.

A. "Adult dog" and "Adult cat" means any dog or cat past the age of seven months.

B. "Animal" means any live vertebrate creature, domestic or wild.

C. "Animal Shelter" means any facility operated by the city of Fife or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this Chapter or of state law.

D. "Boarding Kennel or Cattery" means any premises wherein a person engages in the business of boarding cats and dogs for private pet owners, for all or part of a day, including pet sitting establishments, and short-term boarding facilities for purposes other than veterinary medical procedures and observation. Any boarding kennel or cattery engaging in the business of breeding, letting for hire, selling, bartering or giving any dogs and/or cats must be licensed as a commercial kennel or cattery.

E. "Commercial Kennel or Cattery" means any premises wherein a person(s) engages in the business of breeding and possibly boarding, letting for hire, selling, bartering, or giving away dogs and/or cats. All dogs and/or cats shall be included as part of the kennel for payment of fees.

F. "Enforcement Agency" means city of Fife, or such organization as designated by contract, including the County Auditor.

G. "Enforcement Officer" means any city of Fife employee designated to enforce the provisions of this Chapter, or the employee or agent of any other agency authorized to enforce the provisions of this chapter.

H. "Foster Shelter/Kennel/Cattery" means any premises where at least six or more adult dogs and/or cats are kept and a person(s) provides temporary housing and

care of owner released dogs/cats for the purpose of placing them into a permanent home.

1. Any person keeping more than ten dogs and/or cats must provide kennel facilities.
2. Animals kept more than 60 days will be considered owned by the person housing the animal and must be licensed under FMC 6.04.020.
3. Persons providing temporary housing must comply with FMC 5.24.030

I. "Grooming Parlor" means any place or establishment, public or private, where animals are bathed, clipped, or combed for a consideration.

J. "Hobby Kennel or Cattery" means any premise where at least 6 but less than 20 adult dogs and/or cats are kept for hunting, breeding, for exhibition, organized events, field working, or obedience trials. Any person(s) keeping more than ten dogs and/or cats must provide kennel facilities. Any person(s) or premise which exceeds the numbers or engages in practices beyond the definition herein for a hobby kennel or cattery, as determined by the enforcement agency, shall be subject to penalties and/or be required to purchase the appropriate license. Note: The occasional selling of offspring shall not be construed as a commercial venture. All dogs and cats over the age of seven months shall be included as part of the kennel for payment of fees.

K. "Humane Officer" is any person designated by the city, as an animal care and control officer, qualified to perform such duties under the laws of this State.

L. "Impounding Authority" means city of Fife or any organization appointed by the city to impound animals and handle and care for impounded animals.

M. "Licensing Officer" means:

1. The city clerk, or
2. Any officer, agency or organization appointed or empowered by the city to register and license dogs and/or cats.

N. "Person" means any individual, firm, partnership, corporation, or unincorporated association.

O. "Pet Shop" means any person or establishment that acquires animals (dogs, cats, birds, fish, rodents, reptilians, primates, insects, and any/or all others) bred by others, whether as owner, agent, or on consignment, sells or boards any species of animals and offers to sell such animals to the public.

P. "Premise" includes a private house or dwelling.

Q. "Private Kennel/Cattery" means any premise where at least 6 but less than 20 altered adult dogs and/or cats are kept as pets and not used for any other purpose than companionship for their owners. All pets are to be altered.

R. "Temporary" as used in this Chapter means less than 60 days.

S. "Short-Term Boarding Facility" means any place of business or establishment that watches or houses animals for a fee for the owner.

5.24.030 License Requirement.

A. **License Requirements – Generally.** It shall be unlawful for any person to own, maintain, or have six or more dogs and/or cats, or operate a commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop, within the city of Fife without an applicable license as provided for by this Chapter. Any person(s) who engages in more than one of the services or maintains more than one of the types of facilities cited in this Section shall pay all appropriate license fees as provided in FMC 5.24.050. Licensed veterinarians who, in addition to veterinary medical services on the premises, provide the ancillary services of boarding, grooming, and foster care for their patients, are exempt from the licensing requirements of this Chapter. A noncommercial kennel with five or fewer dogs or cats must be licensed under FMC 6.04.020 and not under this Chapter.

B. **Transfer of License.** If there is any change in ownership of any commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel/cattery grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop, the new owner may have the current permit transferred to his or her name upon the payment of \$75.00 transfer fee and upon the approval of the Licensing Officer, or the Licensing Officer's designated agent. The transfer will be deemed approved if not rejected within 30 days from the date of the application.

C. **Grounds for Denial.** A permit or license may be denied for the following causes:

1. Conviction by the applicant of cruelty to animals.
2. Withholding or falsifying any information on the application.

D. **Renewal.** Upon compliance with FMC 5.24.040 and the tender of any fees required by FMC 5.24.050, the Pierce County Auditor shall issue a renewal license, and the applicant for such license shall post such license in a conspicuous place upon the premise. A penalty fee of 100 percent of the license fee shall be assessed if the license application is not submitted by March 31. Payment of this penalty shall not preclude the imposition of penalties prescribed in FMC 5.24.160 and 5.24.170.

E. **License – Required Information.** Every license shall state on its face the name of the owner and operator of the animal facility, the address, the maximum number of animals which can be kept in the facility at any one time, and the expiration date of the license. The number of animals which can be kept in the

facility at any one time shall be determined by the city who inspected the premises, and may be modified by the city from time to time if the facility conditions change. The location of any kennel shall not be changed without prior permission of the Licensing Officer and such permission will be granted only after appropriate inspections have been conducted.

F. Records – Duty to Maintain. Every licensed person shall maintain records for three years (current year and past two years) on dogs and/or cats. Said records shall contain a list of the names and addresses of persons from whom animals are received and to whom animals are sold, traded, given away, or groomed. All animal transactions shall be listed on the records and these records shall be made available for inspection by the Licensing Officer and/or agent of the city at all reasonable times for a specific reason.

5.24.040 Application.

A. Application – Generally. Application for a permit to establish a new license under the provisions of this Chapter may be made at any time.

B. Application – Required Information. Any person applying for a license as required by this Chapter shall submit to the Licensing Officer, or the Officer's designated agent, the following information:

1. The name and address of the person(s) owning the facility;
2. The name and address of the person(s) having the supervision of the facility;
3. The address or location of the facility;
4. The maximum number of dogs and/or cats or combination thereof which such facility will contain;
5. The name and address of the person designated by the applicant as agent for the service of legal process or notice;
6. A written statement issued by the Fife community development department that such commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel/cattery, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop is in compliance with applicable zoning codes of the city;
7. A statement by the applicant giving permission for inspection of the facilities at any reasonable time;
8. A statement or permit from the Tacoma-Pierce County Health Department to insure that adequate provisions for sanitary facilities can be provided;
9. If the applicant is a pet store, a list of all species of animals; i.e., dogs, cats, birds, reptiles, primates, insects, fish, rodents, and any/or all others, that are to be sold;
10. The name and address of the licensed veterinarian who cares for the applicant's sick or injured animals.
11. Proof that the application indicates the appropriate type of kennel category (commercial kennel or cattery, boarding kennel/cattery, foster

shelter/kennel/cattery, hobby kennel/cattery, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop). Proof may be in the form of a business license, a bona fide membership in a purebred animal club, or other such evidence acceptable to the Licensing Officer.

5.24.050 Kennel, Cattery, Grooming Parlor, Short-Term Boarding Facility, and Pet Shop Fees.

The application for a commercial kennel or cattery, foster shelter/kennel/cattery, boarding kennel/cattery, hobby kennel/cattery, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop license as required by this Chapter shall be accompanied by a fee as follows:

Commercial Kennel or Cattery	\$ 250.00
Boarding Kennel or Cattery	\$ 200.00
Foster Shelter/Kennel/Cattery	\$75.00 if all altered, \$150.00 if not
Hobby Kennel/Cattery (6 to 20 dogs and/or cats) ..	\$ 150.00
Grooming Parlor	\$ 100.00
Pet Shop	\$ 200.00
Private Kennel/Cattery	\$ 150.00
Short-Term Boarding Facility	\$ 200.00

Any person who has a change in the category under which a permit was issued shall be subject to reclassification and an appropriate adjustment of the permit fee. If the license is denied, no part of the application fee shall be refunded to the applicant.

5.24.060 License.

Upon compliance with FMC 5.24.040 and the tender of any fees as required by FMC 5.24.020, the Pierce County Auditor shall issue a license for such commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel/cattery, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop.

- A. **Duty to Comply.** The licensee shall comply with all standards, rules and regulations set forth in this Chapter throughout the licensing period.

- B. **Duty to Post.** The licensee shall post such license in a conspicuous place upon the premises where such commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel/cattery, grooming parlor, private kennel/cattery or pet shop is maintained.

- C. **Duty to Offer "New or Juvenile" Dog/Cat Licenses.** The licensee shall have the free, 90 day, "New or Juvenile" dog/cat licenses to offer clients.

- D. **Distribution.** The Licensing Officer will distribute each license to the following agencies:
 - 1. Fire Department.
 - 2. Building Inspector.
 - 3. Community Development Department.

4. Tacoma-Pierce County Health Department.

5.24.070 Director – Power and Duties.

A. The city shall promulgate such standards, rules, and regulations as are necessary for the operation of this Chapter. The standards for inspections are attached hereto and made a part by reference herein. These standards, rules, and regulations shall be developed in conjunction with one representative from each group covered under this Chapter and a representative from Departments listed in PCC 5.24.060 D. These standards, rules, and regulations shall be updated at least annually and shall include but are not limited to the following:

1. Sanitation and safety regulations;
2. Minimum standards for food and water;
3. Standards for facility construction and maintenance;
4. Classification and separation of animals;
5. Requirements for veterinarian care;
6. Pet license tag requirements.

B. A copy of the standards, rules, and regulations promulgated by the city shall be furnished to each applicant for a license or license renewal.

C. Initial application for any of the licenses covered under this Chapter shall be provisional and will be issued after the applicant complies with these regulations and any rules and regulations that may subsequently be formulated. The applicant must be in total compliance with the rules and regulations at the end of six months or within a correction time schedule for compliance with this Chapter.

5.24.080 Advertising Limitations.

No hobby kennel or private kennel/cattery shall have signs, displays, or other visual representation advertising animals for sale or breeding.

5.24.090 License Expiration.

Each license issued under the authority and provisions of this Chapter shall expire on December 31 of the year of issuance.

5.24.100 License Renewal.

All license renewals shall be processed in the same manner as the original application except that a written statement from the community development department and the Tacoma-Pierce County Health Department, as required in FMC 5.24.040 B.6. and 8., will not be required. License renewals shall require the applicant to prove that the facility is still used for the same category of kennel activity (commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop). Proof may be in the form of a business license, a bona fide membership in a purebred animal club, or other such evidence acceptable to the Licensing Officer.

5.24.110 License Suspension and Revocation.

Any license issued for commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop under the provisions of this Chapter shall be subject to suspension or revocation if Pierce County determines that such commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop is being operated in violation of this Chapter, but only after a fair and impartial hearing before the Hearing Examiner.

5.24.120 Appeal of License Suspension or Revocation.

Within 30 days after the hearing, as provided in FMC 5.24.110, the Hearing Examiner shall notify the applicant or the holder of the license, in writing, of the determination and the reasons therefor. The sole method of judicial review from a decision of the Fife Hearing Examiner shall be before the Superior Court for Pierce County. Notice of appeal shall be filed with the Clerk of the Court within ten days of the action or decision by which a person is aggrieved. Any person whose license or permit is revoked shall, within 30 days thereafter, humanely dispose of all animals owned, kept, or harbored by such person, or be sold, or given away, and no part of the permit or license fee shall be refunded.

5.24.130 Inspection.

It shall be a condition of the issuance of any permit or license that the city be permitted to inspect all animals, and the premises where animals are kept, at reasonable intervals to protect the health and safety of the animals and of the community. If permission for such inspection is refused, the permit or license of the refusing owner may be revoked. An enforcement officer shall have the authority to enter the premises if a permit or license holder is keeping animals in his/her own residence.

5.24.140 Impoundment.

An enforcement officer may impound any animal that is disabled or diseased because of neglect, abuse, or improper care, or whose condition constitutes a threat or danger to the public health or safety.

5.24.150 Civil Remedy.

Whenever a violation of the provisions of this Chapter constitutes a public nuisance, the City Attorney may bring action on behalf of the city or the enforcement agency, for abatement, damages, and/or mandatory or prohibitory relief as provided for by law.

5.24.160 Criminal Penalty.

Any person convicted of a violation of this Chapter shall be deemed guilty of a misdemeanor, and in addition to any other remedies or penalties specifically provided for herein, may be punished by a fine of not more than \$250.00, or by

imprisonment not to exceed 90 days in the jail, or both such fine and imprisonment.

5.24.170 Compliance.

Compliance with the provisions of this Chapter shall not be deemed compliance with, or eliminate the necessity for compliance with other applicable provisions of the laws of the State of Washington or of the city of Fife.

Section 4. A new Chapter 5.25 is hereby added to the Fife Municipal Code, titled "Administrative Provisions Applicable for Commercial Kennel or Cattery, Hobby Kennel, Foster Kennel, Private Kennel, Grooming Parlor, Short-Term Boarding Facility, or Pet Shop Licensing" to read as follows:

Sections:

5.25.005 Applicability.

5.25.010 Definitions.

5.25.020 Licenses Required.

5.25.030 Requirements for Issuance or Renewal of License.

5.25.040 Denial of License.

5.25.050 Term of License.

5.25.060 Probationary License – Temporary License.

5.25.070 Renewal of License.

5.25.080 Display of License.

5.25.090 Suspension or Revocation of License.

5.25.120 Appeals.

5.25.140 Death or Incapacity of Licensee.

5.25.150 Limitation of Transfers and Reapplications.

5.25.170 Liability Insurance.

5.25.180 Authorization to Enter and Inspect Premises.

5.25.190 Civil Penalty.

5.25.195 Notice and Order.

5.25.200 Operating Without a License.

5.25.210 Criminal Penalties.

5.25.220 Right to Pick Up and Hold License.

5.25.230 Validity of Title 5.

5.25.240 License Fee – Nonrefundable.

5.25.005 Applicability.

Unless otherwise provided, the provisions of this Chapter shall apply to FMC Chapter 5.24 only.

5.25.010 Definitions.

As used in this Title unless the context clearly indicates otherwise:

A. "Council" means the Fife City Council.

B. "Person" means and includes, but is not limited to, natural persons of either sex, firms, corporations, partnerships or associations.

C. "Examiner" means the City of Fife Hearing Examiner.

D. "Licensing Officer" means:

1. The city clerk, or
2. Any officer, agency or organization appointed or empowered by the city to register and license dogs and/or cats.

5.25.020 Licenses Required.

Licenses required are for regulation and control. This chapter and Chapter 5.24 shall be deemed an exercise of the power of the State of Washington and of the City of Fife to license for regulation and/or control and all its provisions shall be liberally construed for the accomplishment of either or both such purposes.

5.25.030 Requirements for Issuance or Renewal of License.

No license required hereunder shall be issued except upon application therefor made in writing to the Licensing Officer by filing the same with the Licensing Officer. The Licensing Officer shall provide application forms for each license under Chapter 5.24 FMC, which shall require such information as the Licensing Officer deems appropriate, in addition to the information required by the various licensing provisions of Chapter 5.24 FMC, as now existing or hereafter amended. The applicant himself must prepare and sign the application. If the application is a partnership, a partner must sign and the names of the partners in full shall be given with their current residences. If the applicant is a corporation, an authorized officer thereof must sign and the names and current residences of all of the officers and directors or trustees of the corporation shall be given together with the location of the principal office or place of business of such corporation. All corporations must have a designated manager who meets the requirements of this Section. All corporations must designate an agent, who resides in the City of Fife, to receive service for said corporation. The Licensing Officer shall approve or deny all applications for license required hereunder. No license shall be issued pursuant to the provisions of Chapter 5.24 FMC to the following persons:

A. Any person who is not 18 years of age at the time of the application (except as may specifically otherwise be provided herein).

B. Any person who has been convicted of a felony or misdemeanor, excluding minor traffic violations, if:

1. the felony or misdemeanor for which he was convicted directly relates to the license sought, and
2. the time elapsed since the felony is less than ten years, or
3. the time elapsed since the misdemeanor is less than three years. This Section shall not preclude the fact of any prior conviction of a felony or misdemeanor from being considered.

- C. Any person who has had a license revoked within a period of one year prior to the date of making application for a license hereunder.
- D. Any person who is not qualified under any specific provision of this Title for any particular license for which application is made.
- E. Any person who at the time of application is in default in the payment of any sum due City of Fife for any license.
- F. Any person whose license is under suspension or revocation at the time of application for a license.
- G. Any partnership or corporation having as a partner, member of the board of directors, corporate officer or stockholder holding over 20 percent of the stock, anyone who does not meet the qualifications of this Section.
- H. Any person who has made a materially false statement in the application for a license. No license shall be issued unless the premises where the activity is to be conducted complies with the requirements of all governmental agencies, including, but not limited to, Federal, State, City and County resolutions relating to buildings, fire, health, sanitation, zoning, taxation, public safety, and all other requirements and conditions specifically set forth in other Sections of this Title.

The mere filing of an application for a license shall not give the applicant any right to engage in the activity covered thereby.

5.25.040 Denial of License.

If the requirements for issuance or renewal of a license are not met, the application shall be denied by the Licensing Officer. A decision regarding denial shall be in writing. The decision shall be mailed to the applicant to the address listed on the application via first class and certified mail with return receipt requested.

5.25.050 Term of License.

Any license issued pursuant to the provisions of this chapter and FMC Chapter 5.24, except a probationary license and those licenses for which a shorter term is herein specified, shall expire one year from the date of issuance unless sooner revoked in the manner provided for in this Chapter.

5.25.060 Probationary License – Temporary License.

The Licensing Officer may, if deemed in the public interest, grant a probationary license which shall authorize limited operation on such terms and conditions as the Licensing Officer deems necessary to provide reasonable safeguards for the public against misuse of such license. Grounds for issuances of a probationary license include but are not limited to:

A. Applicant has had a business occupation license for any nature revoked within ten years prior to the date of application;

B. Applicant has been convicted of a felony within ten years prior to the date of application. Except as otherwise provided herein, the Licensing Officer may issue a temporary license to be operative pending the Police Chief's investigation, if a preliminary investigation indicates the applicant will more than likely receive a license.

5.25.070 Renewal of License.

All licenses issued pursuant to the provisions of this chapter and FMC Chapter 5.24, except as otherwise specifically provided, may be renewed at the expiration of the term thereof in the same manner as provided in FMC 5.25.030 and 5.25.040 on or before 15 days from the date of expiration of such license. Any licensee who shall fail to submit application or make payment on or prior to the expiration date of said license shall be subjected to penalty payments in the following amounts:

A. One to ten days inclusive – no penalty;

B. Eleven days to thirty days inclusive – a penalty of 10 percent of the license fee or \$2.00, whichever is greater;

C. Over thirty days – canceled. No person may continue to work subsequent to the expiration date of his license.

The Licensing Officer shall review all applications for a renewal and cause such investigation, as he deems necessary, to be conducted.

All licenses issued subsequent to the initial license period shall be deemed renewal licenses if there has been no discontinuance of the licensee's operations or activities, or unless otherwise provided.

5.25.080 Display of License.

Unless otherwise stated in the specific provisions of Chapter 5.24 FMC, all licenses issued pursuant to the provisions of this chapter and Chapter 5.24 FMC shall be posted on the device, vehicle or thing licensed or at the place where the licensed business, calling, profession, trade, occupation or activity is carried on, in such a manner as to be readily viewed by the general public.

5.25.090 Suspension or Revocation of License.

The Licensing Officer or the Examiner shall have the power and authority to suspend or revoke any license issued under the provisions of this Chapter and Chapter 5.24 FMC e when the Licensing Officer determines that there are sufficient grounds for suspending or revoking any license issued pursuant to this Chapter or Chapter 5.24 FMC. The Licensing Officer shall notify such licensee in writing by certified mail of the suspension or revocation of his license and the grounds therefor. Notice mailed to the last business address on file with the Licensing Officer shall constitute sufficient notice. In addition to grounds

specifically provided in the individual licensing Sections, any license issued pursuant to the provisions of this Title may be suspended or revoked based on one or more of the following grounds:

- A. The license was procured by fraud or false representation of fact.
- B. The licensee has violated or failed to comply with any of the provisions of this Chapter of Chapter 5.24 FMC
- C. The licensee, or any of his servants, agents, or employees while acting within the scope of their employment, has committed a felony or misdemeanor, excluding minor traffic violations.
- D. The licensee or any of his servants, agents, or employees, while acting within the scope of their employment, have violated any law or resolution relating to the sale or possession of intoxicating liquor; the use, possession or sale of narcotic or dangerous drugs or violated any law or resolution relating to public morality and decency.
- E. The conduct of the business or activity for which the license was issued has resulted in the creation of a nuisance or has caused disorderly conduct to occur on or immediately adjacent to the business premises.
- F. The check submitted with the license application has been dishonored.

The Licensing Officer and Police Chief are hereby designated as the enforcing officers of this Code. Any failure or refusal on the part of any licensee to obey any rule, regulation or request of the Licensing Officer or his agent, or Police Chief or his agent, shall be grounds for the revocation of a license.

A decision regarding suspension or revocation shall be in writing. The decision shall be mailed to the applicant/licensee to the address listed on the application via first class and certified mail with return receipt requested.

The period of revocation shall be at least one year and the licensee shall not again be licensed for a similar business during such period or for such additional period as is fixed by the Licensing Officer or Examiner. The period of suspension shall be fixed by the Licensing Officer or Examiner at not more than 365 days.

5.25.120 Appeals.

A. An applicant/licensee shall have the right to appeal the Licensing Officer's decision by submitting a written notice of appeal along with payment of a \$250.00 appeal fee to the Licensing Officer within ten calendar days of the date of the decision.

B. The appeal shall be heard within 90 calendar days by the Examiner, unless the parties agree otherwise.

- C. The timely filing of a notice of appeal and payment of the appeal fee by an applicant/ licensee shall stay the decision of the Licensing Officer until a final decision is issued by the Examiner, unless the Examiner determines that the actions of the applicant/licensee constitutes an imminent danger to public health, safety, or welfare, in which case the Examiner may order that the action not be stayed pending appeal. A stay shall automatically terminate if the check that was submitted with the written appeal is dishonored.
- C. Except as provided in this Section, the appeal shall proceed in accordance with the Hearing Examiner Code, Chapter 2.92 FMC.
- D. The burden of proof shall be upon the City to show, by a preponderance of evidence, that the requirements for issuing a license have not been fulfilled, or that the applicant is ineligible for the license, or that the standards for suspending or revoking a license have been met.
- E. The scope of evidence and the scope of review before the Examiner shall be de novo.
- F. The Examiner may affirm, modify, or overrule the decision, and may reinstate the license and may impose any terms upon the continuance of the license which may seem advisable.
- G. All decisions of the Examiner shall be rendered within 30 calendar days following the conclusion of all testimony. Copies of the decision shall be sent to the Licensing Officer and the applicant/licensee.
- H. If the applicant/licensee prevails on appeal, the appeal fee listed in this Section shall be refunded.
- J. The decision of the Examiner shall be final, unless a writ of review is filed in Superior Court within 20 calendar days from the date the decision.

5.25.140 Death or Incapacity of Licensee.

In the event of the incapacity, death, receivership, bankruptcy, or assignment for benefit of creditors of any licensee, then his guardian, executor, administrator, receiver, trustee in bankruptcy or assignee for benefit of creditors may, upon written authority from the Licensing Officer or its designated agents, continue the business of the licensee on the licensed premises for the duration of the license, unless sooner terminated.

5.25.150 Limitation of Transfers and Reapplications.

A. Except as provided herein, no individual may transfer a license issued pursuant to this Chapter.

- 1. This limitation shall not apply in any of the circumstances set forth in FMC 5.25.140.

2. In the event of the withdrawal of a partner, the license may be transferred to the remaining partner or partners.

- B. No reapplication for a license shall be made within a period of 90 days following a denial of such license.
- C. No change shall be made in the management or officers of any licensed business unless said personnel comply with FMC 5.25.030.
- D. Unless otherwise specifically provided, no licensee shall change location without reapplying for a license. No portion of any prior licensee fee shall be refundable.
- E. All corporations must have a designated manager.

5.25.170 Liability Insurance.

Unless otherwise provided, such applicant for any license under this Chapter or Chapter 5.24 FMC shall at all times maintain in full force and effect a policy of property damage and public liability insurance equal to the minimum state requirement for private vehicles on any vehicle used by said applicant, his servants, agents, or employees in the conduct of the business or thing licensed. A copy of such policy shall be filed with the Licensing Officer with written endorsements thereon showing that the Licensing Officer must be given written notice in the event of cancellation of said policy either by the company or the insured.

5.25.180 Authorization to Enter and Inspect Premises.

By making application for the privilege of having any license included in this Chapter and Chapter 5.24 FMC, each applicant authorizes the Auditor or his/her agent, the Police Chief and/or any other appropriate City agency to enter and inspect to ensure compliance with Code provisions, all licensed premises, or any premises in any way connected physically or otherwise with a licensed business, including vehicles used in connection therewith, at any time during normal business hours.

5.25.190 Civil Penalty.

In addition to, or as an alternative to any other penalty provided herein or by law, any person who engages in any activity, for which a license is required pursuant to the provisions of this Chapter and Chapter 5.24 FMC, while his or her license is suspended or revoked, or who fails to obtain a license prior to engaging in the activity for which a license is required, shall be subject to a penalty not to exceed \$1,000.00 for each day of operation without a license, and shall be subject to such further penalties as set forth herein. The penalty shall be paid within 15 days unless a timely appeal is filed.

5.25.195 Notice and Order.

The Licensing Officer or his/her agent may issue a notice and order directed to the person whom the Licensing Officer or his/her agent has determined to be in violation of any of the terms and provisions of this Chapter and Chapter 5.24 FMC. The notice and order shall contain:

- A. The street address, when available, or a description sufficient for identification of the premises upon which the violation occurred;
- B. A statement that the Licensing Officer or his/her agent has found a violation of this Title or the terms of any license with a brief and concise description of the violation;
- C. A statement of any corrective action required to be taken;
- D. If the Licensing Officer or his/her agent has decided to assess a civil penalty, the order shall so state along with the payment due date;
- E. A statement that failure to comply with the instructions outlined in the notice and order will constitute sufficient grounds for suspension or revocation of the license;
- F. A statement advising:
 - 1. that the licensee may appeal the notice and order in accordance with FMC 5.25.120, and;
 - 2. that the failure to file a timely and complete appeal will constitute a waiver of all rights to an appeal.

The notice and order, and any amended notice and order, shall be served upon the person either personally or by mailing a copy of such notice and order by regular and certified mail with return receipt requested to such person at his address as it appears on the license.

5.25.200 Operating Without a License.

Each day that any person operates any device, vehicle or thing, or engages in any business, calling, profession, trade, occupation or activity licensed herein without having a valid existing license as provided for by this Title shall constitute a separate offense and be punished as such.

5.02.210 Criminal Penalties.

Except as otherwise specifically provided, any person violating or failing to comply with any of the provisions of this Chapter and Chapter 5.24 FMC shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding \$1,000.00 or by imprisonment in the County jail for a period not exceeding 90 days or both, at the discretion of the court.

5.25.220 Right to Pick Up and Hold License.

The Licensing Officer or his agent and the Police Chief shall have the right to pick up and hold a license when a violation of this Chapter or Chapter 5.24 FMC has been committed in his presence, to be held by the Licensing Officer where said license could be used as evidence in a criminal or administrative hearing.

5.25.230 Validity.

If any phrase, phrases, Section or Sections of this Chapter and Chapter 5.24 FMC are determined to be invalid, it shall not affect the validity of the other Sections of this Chapter or Chapter 5.24 FMC

5.25.240 License Fee – Nonrefundable.

Any license fee submitted to the Licensing Officer is nonrefundable.

Section 5. A new Chapter 6.02 is hereby added to the Fife Municipal Code, titled “Animal Control – General Provisions” to read as follows:

Sections:

6.02.010 Definitions.

6.02.020 Authorized Agents May Perform Duties.

6.02.025 Licenses Required.

6.02.030 Authority to Pursue.

6.02.040 Notice of Impounding Animal.

6.02.050 Hindering an Officer.

6.02.060 Interference With Impounding.

6.02.070 Redemption of Dogs.

6.02.075 Redemption of Livestock.

6.02.080 Redemption of Animals Other Than Dogs and Livestock.

6.02.082 Adoption Fees.

6.02.085 Mandatory Spay/Neuter for Impounded Dogs and Cats – Deposit – Refund –Exceptions.

6.02.088 Conditions of Release.

6.02.090 Injured or Diseased Animals.

6.02.100 Duties Upon Injury or Death to an Animal.

6.02.110 Improper Handling/Storage of Poisonous Substances.

6.02.140 Severability.

6.02.010 Definitions.

As used in this Title, the following terms shall have the following meanings:

"Adult" means any animal seven months of age or over.

"Adequate care" means providing the following to animals:

1. Food or feed appropriate to the species for which it is intended. Both food and water must be in sufficient quantity, quality, and form appropriate to sustain the animals and should be in containers designed and situated to allow the animal easy access; and

2. A shelter that keeps the animals in a healthful, sanitary, warm, dry, and safe condition, and allows the animal to turn around freely, sit, stand, and lie without restriction, and by application does not cause injury, disfigurement, or physical impairment to the animal.

3. Adequate veterinary medical care.

"Altered" shall mean to permanently render incapable of reproduction (i.e., spayed or neutered).

"Animal" means any nonhuman mammal, bird, reptile or amphibian including livestock and poultry as defined herein.

"Animal Control Authority" or "Animal Control Agency" means any business or agency contracted with, designated by, or appointed by the city for the purposes of aiding in the enforcement of this Title and any other law or ordinance relating to the control of animals or seizure or impoundment of animals.

"Animal Shelter" means that animal control facility authorized by the city.

"At large" means off the premises of the owner or keeper of the animal, and not under restraint by leash or chain or not otherwise controlled by a competent person.

"Cat" means and includes female, spayed female, male and neutered male cats.

"Competent adult" means a person 18 years of age or older who is able to sufficiently care for, control, and restrain his/her animal, and who has the capacity to exercise sound judgment regarding the rights and safety of others.

"City" means city of Fife.

"Court" means the Fife Municipal Court.

"Dangerous Animal" means any animal that:

A. inflicts severe injury on or kills a human being without provocation; or

B. inflicts severe injury on or kills an animal without provocation; or

C. has been previously found to be potentially dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or other animals.

Provocation exception: an animal is a dangerous animal when it enters onto private property without the consent of the owner or occupant and

inflicts a severe injury on or kills a human or animal regardless of provocation. If two or more animals participate in an attack that results in a severe injury or death to a human being or animal, then all such animals may be deemed to be a dangerous animal.

"Dog" means and includes female, spayed female, male and neutered male dogs.

"Gross Misdemeanor" means a type of crime classification that, while not a felony, is ranked as a serious misdemeanor. The maximum penalty for a gross misdemeanor is 364 days in jail and/or a \$5,000.00 fine.

"Humane trap" means a live animal box enclosure trap designed to capture and hold an animal without injury.

"Impound" means to receive into the custody of the Animal Control Authority, or designee.

"Juvenile" means any animal from weaning to seven months of age.

"Licensing Officer" means:

1. The city clerk, or
2. Any officer, agency or organization appointed or empowered by the city to register and license dogs and/or cats.

"Livestock" means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, other hoof animals, or animals of the equidae family; all pigs, swine, or animals of the suidae family; llamas; and ostriches, rhea, and emu.

"Misdemeanor" means a crime classification with a maximum penalty of 90 days in jail and/or a \$1,000.00 fine, pursuant to FMC 1.24.010.

"Muzzle" means a muzzle made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

"Owner" means any person, firm, or corporation owning, having an interest in, or having control or custody or possession of any animal.

"Potentially Dangerous Animal" means any animal that, without provocation:

- A. bites a human or animal; or
- B. chases or approaches a person in a menacing fashion or apparent attitude of attack; or

C. any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals.

Provocation exception: an animal is a potentially dangerous animal when it enters onto private property without the consent of the owner or occupant and bites a human or animal or chases or approaches a person in a menacing fashion or apparent attitude of attack regardless of provocation. If two or more animals participate in an attack that results in a bite being inflicted upon a human or animal, then all such animals may be deemed to be a potentially dangerous animal.

"Poultry" means domestic fowl normally raised for eggs or meat, and includes chickens, turkeys, ducks and geese.

"Proper Enclosure" means, while on the owner's property, the animal shall be 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 a locking door with a padlock, secure sides, a concrete floor, and a secure top attached to the sides, and shall also provide protection from the elements for the animal. The structure must comply with all applicable provisions of local Building and Zoning Codes.

"Provoke" or "Provocation" means to intentionally torment, agitate, or harass an animal prior to the attack, chase, or menacing behavior. "Provoke" or "Provocation" does not include actions taken to defend oneself, other humans, animals, or property.

"Severe injury" means any physical injury which results in broken bones or disfiguring lacerations.

"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.

"Vicious" means chasing or approaching a person or animal in a menacing or apparent attitude of attack or the known propensity to do any act which might endanger the safety of any person, animal, or property of another.

"Warning Sign" means a clearly visible and conspicuously displayed sign containing words and a symbol (to inform children or others incapable of reading) warning that there is a dangerous animal on the property.

6.02.020 Authorized Agents May Perform Duties.

Wherever a power is granted to or a duty imposed upon the Police Chief, the power may be exercised or the duty may be performed by a Deputy of the Chief or by an authorized agent of the city, deputized by the Chief. The animal control

authority is authorized to enforce the provisions of the Fife Municipal Code and the laws of the State of Washington as they pertain to animals.

6.02.025 Licenses Required.

Licenses required are for regulation and control. This entire Title shall be deemed an exercise of the power of the State of Washington and of the the city to license for regulation and/or control and all its provisions shall be liberally construed for the accomplishment of either or both such purposes.

6.02.030 Authority to Pursue.

Those employees or agents of the city charged with the duty of seizing animals running at large may pursue such 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 animal under the provisions of this Title, the animal control agency shall immediately notify the owner, if the owner is known, of the impounding of such animal, and of the terms upon which said animal can be redeemed. The impounding authority shall retain said animal for 48 hours following actual notice to the owner. The notifying of any person over the age of 18 who resides at the owner's domicile shall constitute actual notice to the owner. If the owner of said animal so impounded is unknown, then said animal control agency shall make a reasonable effort to locate and notify the owner of said animal.

6.02.050 Hindering an Officer.

It is unlawful for any person to interfere with, hinder, delay, or impede any officer who is enforcing the provisions of this Title as herein provided. A violation of this Section is a misdemeanor.

6.02.060 Interference with Impounding.

It is unlawful for any person to willfully prevent or hinder the impounding of any animal, or to by force or otherwise remove any 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 animal, or to willfully resist or obstruct any officer in the performance of any official duty. A violation of this Section is a misdemeanor.

6.02.070 Redemption of Dogs.

The owner of any dog impounded under this Title may redeem said dog within 48 hours from time of impounding by paying to the animal control agency the appropriate redemption fee and providing proof of such animal's current pet license at the time of redemption. The first time a dog is impounded within a one year period, the redemption fee is \$25.00; for the second impound within a one year period the redemption fee is \$50.00; for the third and subsequent impounds

within a one year period the redemption fee is \$75.00. If a dog is wearing a current pet license at the time of the first impound, no redemption fee will be collected. In addition to the redemption fee, the redeemer shall pay all charges associated with the care and keeping of such dog, including the first and last days the dog is retained by the impounding authority. This boarding charge will be collected for the first time impound whether the animal is wearing a pet license or not. If an impounded dog is not redeemed by the owner within 48 hours, then any person may redeem it within the next 48 hours by complying with the above provision. In case such dog is not redeemed within 96 hours, it may be humanely destroyed or otherwise disposed of within the discretion of the animal control agency.

6.02.075 Redemption of Livestock.

The owner of livestock impounded under this Title may redeem said livestock within 48 hours from time of impounding by paying to the impounding authority a redemption fee of \$35.00 per animal for small livestock (i.e., goats, sheep, swine, ostriches, rhea, emu, etc.) and a redemption fee of \$75.00 per animal for larger livestock (i.e., cattle, horses, mules, llamas, etc.). In addition, the cost of a private livestock hauler, if one is used, is to be paid at the time of redemption. In addition to the redemption fee, the redeemer shall pay all charges associated with the caring and keeping of such animal, including the first and last days that the animal is cared for by the impounding authority. The livestock may be cared for by a private boarding facility, in which case that facility's boarding fees and all associated costs shall be paid at the time of redemption.

6.02.080 Redemption of Animals Other Than Dogs and Livestock.

The owner of any animal other than a dog or livestock impounded under the provisions of this Title may redeem it within 48 hours from the time of impounding by paying to the animal control agency the appropriate redemption fee and providing proof of such animal's current pet license (if applicable) at the time of redemption. In addition to the redemption fee, the redeemer shall pay all charges for the care and keeping of such animal, equal to the current total daily rate, including the first and last days, that the animal is retained by the impounding authority. If such animal is not redeemed by the owner within 48 hours, it may be humanely destroyed or otherwise disposed of at the discretion of the animal control agency; provided, however, that any 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.

6.02.082 Adoption Fees.

The animal control authority is authorized to set and facilitate the collection of adoption fees as necessary for animals in the possession of animal control. Fees shall pay for the adoption process including assessment site visits, veterinary services, farrier services, other necessary services, and processing costs as appropriate. Fees may be collected directly by the city or by a contract vendor.

6.02.085 Mandatory Spay/Neuter for Impounded Dogs and Cats – Deposit – Refund – Exceptions.

A. **Mandatory Spay/Neuter.** Any unaltered dog or cat that is impounded more than once in any 12-month period may not be redeemed by any person until the animal is spayed or neutered. The alteration shall be accomplished by the shelter or by transport of the animal by animal control personnel to any duly licensed veterinarian in Pierce County. In all cases, the veterinarian fees shall be paid at the time of redemption by the animal's owner.

B. **Exceptions.** The alteration shall not be required upon a showing of proof of alteration from a licensed veterinarian. The alteration shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian stating that the spay or neuter procedure would be harmful to the animal.

6.02.088 Conditions of Release.

The animal control agency is authorized to refuse to release to its owner any animal which has been impounded more than once in a 12-month period unless satisfied that the owner has taken steps that the violation will not occur again. The agency may impose reasonable conditions which must be satisfied by the owner before release of the animal, including conditions assuring that the animal will be confined. Any violation of the conditions of release is unlawful and shall constitute a Class 3 Civil Infraction pursuant to Chapter 1.24 FMC.

6.02.090 Injured or Diseased Animals.

Any 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 domestic animal or livestock, 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 said animal and shall supply the information herein above 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 appropriate law enforcement agency. A violation of this Section is a misdemeanor.

6.02.110 Improper Handling/Storage of Poisonous Substances.

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 animal, 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 animal 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. A violation of this Section is a misdemeanor.

6.02.140 Severability.

If any provision of this Title or its application to any person or circumstances are held to be invalid, the remainder of this Title or the application of the provisions to other persons or circumstances shall not be affected.

Section 6. A new Chapter 6.03 is hereby added to the Fife Municipal Code, titled “Animal Control – Violations, Penalties” to read as follows:

Sections:

6.03.005 Exclusions.

6.03.010 Infractions.

6.03.020 Misdemeanors.

6.03.030 Gross Misdemeanors.

6.03.040 Penalties.

6.03.005 Exclusions.

Nothing in this Chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof, or to the use of animals in the normal and usual course of rodeo events.

6.03.010 Infractions.

The following are declared to be Class 3 Civil Infractions:

A. **Animals at Large.** It is unlawful for the owner or person having control or custody of any animal to cause or permit such animal to leave the premises where the owner resides, unless the animal is under physical restraint adequate to the size and nature of the animal. Exceptions to this restriction are pets engaged in formal training, hunt or competition, or animals lawfully within a designated off-leash park, or service dogs engaged in activity for which they are trained or in service. Any such animal may be seized and impounded. A violation of this subsection is a Class 3 Civil Infraction.

B. **Agitating an Animal.** It is unlawful to intentionally agitate, harass, or provoke an animal. A violation of this subsection is a Class 3 Civil Infraction.

C. Animal Bites. It is unlawful to own an animal that bites a person while such person is on public property or lawfully on private property. A violation of this subsection is a Class 3 Civil Infraction.

D. Animals Chasing Livestock. It is unlawful for the owner or person having control or custody of any animal to cause or permit such animal to chase another owner's livestock when not engaged in the specific work of herding said livestock as approved and permitted by the owner of the livestock. A violation of this subsection is a Class 3 Civil Infraction.

E. Animals Chasing Vehicles on Public Roads. It is unlawful for the owner or person having control or custody of any animal to cause or permit such animal to chase, run after, or jump at vehicles lawfully using the public road, street, avenues, alleys, and ways. Any such animal may be seized and impounded. A violation of this subsection is a Class 3 Civil Infraction.

F. Animals Jumping and/or Threatening Pedestrians. It is unlawful for the owner or person having control or custody of any animal to cause or permit such animal 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 animal may be seized and impounded. A violation of this subsection is a Class 3 Civil Infraction.

G. 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. It is unlawful for any person having control or custody of a dog or cat in heat to cause or permit such animal to be unconfined. Any dog or cat not so confined when in heat, whether or not such dog or cat is licensed, may be seized and impounded, and will be subject to mandatory spaying in accordance with the process in PCC 6.02.085. A violation of this subsection is a Class 3 Civil Infraction.

H. Failure to License. A violation of Chapter 6.04 FMC is a Class 3 Civil Infraction.

I. Damaging Property. It is unlawful for the owner or person having control of any animal to cause or permit their animal to leave the premises of the owner and thereafter cause damage to anything of value which does not exceed \$250.00, including another pet or livestock. A violation of this subsection is a Class 3 Civil Infraction.

J. Failure to Provide Adequate Care. It is unlawful for any owner or person having control or custody of any animal to fail to provide adequate care as defined in FMC 6.02.010 under circumstances not amounting to animal cruelty as defined in RCW 16.52.205 or 16.52.207. A violation of this subsection is a Class 3 Civil

Infraction. (Circumstances that amount to animal cruelty as defined in RCW 16.52.205 and 16.52.207 are addressed pursuant to those provisions.)

K. Confinement of an Animal in a Motor Vehicle. It is unlawful for an owner or person to confine any animal in a motor vehicle in such a manner that places it in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of such animal, an animal control officer or law enforcement officer who has probable cause to believe that this Section is being violated shall have the authority to enter such motor vehicle by any reasonable means under the circumstances, after making a reasonable effort to locate the owner. A violation of this subsection is a Class 3 Civil Infraction.

L. Public Disturbance Noise and Public Nuisance Noise Made by an Animal. Any Public Disturbance Noise made by an animal and Public Nuisance Noise made by an animal is unlawful and shall be enforced under the provisions of Chapter 9.56 FMC. Violations and penalties are defined in Chapter 9.56 FMC.

M. 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 Chapter 5.24 FMC. A violation of this subsection is a Class 3 Civil Infraction.

N. Failure to Provide Humane Restraint. Any animal, excluding livestock and poultry, that is restrained by a tether must be restrained in compliance with this Section. All tethers must meet the following requirements:

1. Chains must be adequate to restrain the animal, but appropriate size and weight for the animal.
2. The use of chains, pinch/prong collars, or choke chains as collars is prohibited. This subsection does not apply to pinch/prong collars or choke chains used for training purposes when a person is present at all times and is actively engaged in training the animal.
3. A tether must be connected to a collar or harness on a swivel or in a manner that prevents entanglement.
4. The tether must not cause injury, disfigurement or physical impairment to the animal.
5. A tether must allow access to food, water and shelter while restrained.
6. A tether must not allow the animal to leave the owner's property.
7. If there are multiple animals, each animal must be restrained with a separate tether in a manner that prevents entanglement. A violation of this subsection is a Class 3 Civil Infraction.

O. Operating a Facility without a License (First Offense). It is unlawful for any person to own, maintain, or have six or more dogs and/or cats, or operate a commercial kennel or cattery, boarding kennel/cattery, short-term boarding

facility, or pet shop, within the city without an applicable license as provided for and defined by Chapter 5.24 FMC. The first violation of this subsection is a Class 3 civil infraction.

6.03.020 Misdemeanors.

The following are declared to be misdemeanors:

A. Abandonment of Animal. It is unlawful for the owner or person having control or custody of any animal to place such animal under circumstances which manifest or constitute a willful intent to abandon it, or to abandon an animal by leaving it on the street, road, or highway, or in any public place or on private property without the property owner's permission. A violation of this subsection is a misdemeanor.

B. Animals Injuring Private and Public Property. It is unlawful for the owner or person having control of any animal to cause or permit their animal to leave the premises of the owner and thereafter cause damage to anything of value which exceeds \$250.00, including another pet or livestock. Any such animal may be seized and impounded. A violation of this subsection is a misdemeanor.

C. Duties Upon Injury or Death to an Animal. A violation of FMC 6.02.100 is a misdemeanor.

D. Hindering an Officer. A violation of FMC 6.02.050 is a misdemeanor.

E. Interference with Impounding. A violation of FMC 6.02.060 is a misdemeanor.

F. Improper Handling/Storage of Poisonous Substances. A violation of FMC 6.02.110 is a misdemeanor.

G. Selling Ill or Injured Animals. It is unlawful for any person to sell an animal knowing it to be ill or injured. A violation of this subsection is a misdemeanor.

H. Refusal to Quarantine. It is unlawful for any person to refuse to quarantine or permit the quarantine of an animal when and as required by FMC 6.08.040. A violation of this Section is a misdemeanor.

I. Operating a Facility without a License (Second or Subsequent Offense). It is unlawful for any person to own, maintain, or have six or more dogs and/or cats, or operate a commercial kennel or cattery, boarding kennel/cattery, short-term boarding facility, or pet shop, within the city without an applicable license as provided for and defined by Chapter 5.24 FMC. The first violation of this subsection is a Class 3 civil infraction. A second or subsequent violation of this subsection is a misdemeanor.

J. Potentially Dangerous Wild Animals. A violation of Chapter 6.16 FMC is a misdemeanor.

6.03.030 Gross Misdemeanors.

The following are declared to be gross misdemeanors:

A. Animals Injuring Humans or Animals. It is unlawful for the owner or person having control or custody of any animal to cause or permit such animal to cause injury to a human or animal which is acting in a lawful manner. Any such animal may be seized and impounded. A violation of this subsection is a gross misdemeanor.

B. Habitual Violator. Any owner receiving two or more convictions, singularly or in combination, of crimes relating to animals within a ten-year period, or any combination of two findings of potentially dangerous and/or dangerous animals within ten years, or any four infractions, singularly or in combination, pursuant to Chapter 6.03 FMC found to be committed by the district court within a 5-year period may be designated as a "habitual violator" by the animal control authority and shall be prohibited from owning animals for a period of not less than ten years. A violation of this prohibition is a gross misdemeanor.

C. Penalty for Failure to Control or Comply with Restrictions. A violation of any of the provisions of Chapter 6.07 FMC is a gross misdemeanor.

D. Use of an Animal in Illegal Activity. No person shall keep, maintain, control, or retain custody of any animal in conjunction with or for the purpose, whether in whole or in part, of aiding, abetting, or conducting any illegal activity or committing any crime within the city. Any such animal may be seized and impounded. A violation of this subsection is a gross misdemeanor.

E. Possession of a Dangerous or Potentially Dangerous Animal where Prohibited. It is unlawful to bring an animal into the city that has been declared to be dangerous or vicious by any other agency, animal control authority, Hearing Examiner, municipality or court. The owner of such animal shall be guilty of a gross misdemeanor under circumstances evidencing that the animal was intentionally brought into the city by the owner or at the request or acquiescence of the owner.

F. Relocation of Dangerous or Potentially Dangerous Animal without Proper Notice. When an animal has been declared dangerous or potentially dangerous by an animal control authority, the owner of the animal shall be guilty of a gross misdemeanor if such animal is thereafter found to have been moved to a location other than as registered with the animal control authority without notice as indicated in FMC 6.07.050.

G. Animals Declared Potentially Dangerous in Other Jurisdictions. When an animal has been declared potentially dangerous by any other agency, animal

control authority, Hearing Examiner, municipality or court, the owner of such animal shall obtain a permit in accordance with FMC 6.07.040 within 30 days of the declaration or, if an appeal has been filed, a final decision in the other jurisdiction. During the entire appeal process, the owner shall not allow or permit the animal to go beyond the premises of the owner unless such animal is securely leashed and under the control of a competent adult and humanely muzzled or otherwise securely restrained. Failure to comply with this subsection shall be a gross misdemeanor.

6.03.040 Penalties.

Unless specifically designated in this Chapter as a misdemeanor or gross misdemeanor, any violation of this Chapter is unlawful and shall constitute a Class 3 Civil Infraction pursuant to Chapter 1.24 FMC. Such penalty is in addition to any other remedies or penalties specifically provided in this Title. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

Section 7. Chapter 6.04 of the Fife Municipal Code, titled “General Regulations” is hereby deleted in its entirety and replaced with a new Chapter 6.04 of the Fife Municipal Code, titled “Licensing of Dogs and Cats” to read as follows:

Sections:

6.04.010 License Required.

6.04.020 Purchase of License.

6.04.030 Fees.

6.04.040 Late Payment Penalty.

6.04.050 License Not Transferable.

6.04.060 License Violation – Civil Infraction.

6.04.010 License Required.

A. Any adult dog or cat which is off the premises of its owner must be licensed and have a current license tag attached to the collar or harness which is worn by the dog or cat. If any dog and/or cat which is required to be licensed is found without a current license tag, it may be seized and impounded by the animal control agency or the Fife police chief, provided, such seizure and impoundment will not preclude the issuance of a civil infraction. Hunting dogs, during a controlled hunt, need not wear a license tag.

B. No more than five dogs and/or cats may be individually licensed at a residence in the city. Dogs and cats are exempt from the above licensing provisions when they are in the custody of a recognized animal rescue group. In order to qualify as a recognized group, proof of registration with the Internal Revenue Service pursuant to IRC 501(c)(3) must be submitted to the city of Fife licensing authority by the group.

6.04.020 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 Licensing Officer, or to the Officer's designated licensing agent. The license shall remain in force for a period of 12 months from the date of issuance. There is no prorating of any license fee. The applicant shall be furnished with such license and a metal tag with the words "City of Fife". The tag shall be attached to a collar or harness which will be worn by the dog or cat at all times.

6.04.030 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	\$ 20.00
unaltered	\$ 55.00

B. Adult Cats:

altered	\$ 12.00
unaltered	\$ 55.00

C. "Temporary Tag" dogs/cats (30 days)..... \$ 0.00

D. "Juvenile" dogs (up to 6 months old) \$ 10.00

E. "Juvenile" cats (up to 6 months old)\$ 6.00

F. Duplicate License Tag for a dog or cat \$ 5.00

G. Reduced rates for senior citizens, 62 years of age or older, and individuals with a permanent disability:

1. Dogs:

altered	\$ 10.00
unaltered	\$ 30.00

2. Cats:

altered	\$ 5.00
unaltered	\$ 30.00

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.

Individuals with a permanent disability, residing in the city, qualify for the reduced fee specified in G. above, provided that the dogs and cats are not used for a commercial purpose. To qualify for this reduced fee, individuals with a permanent disability must provide proof of permanent disability to the Licensing Officer, or the Licensing Officer's designated licensing agent, in the form of a U.S. Department of Veterans Affairs Identification Card or documentation

showing at least 30 percent permanent disability, a Washington Department of Licensing parking placard issued for permanent disability under RCW 46.16.381, or any other means that the licensing agency, Licensing Officer, or the Licensing Officer's designated licensing agent deems an appropriate proof of permanent disability.

The Licensing Officer is authorized to establish agents for the purpose of selling pet licenses on its behalf. The agents shall be allowed to collect a service charge of \$4.00 for each new pet license or renewal transaction. This service fee may be negotiated at a different rate if included in a contract for shelter and adoption services.

6.04.040 Late Payment Penalty.

A. Any person who fails to obtain a license within 30 days after the license expiration date but before 60 days of the expiration date shall pay a penalty of \$10.00 per license. Any person who fails to obtain a license within 60 days of the license expiration date shall pay a penalty of \$20.00 per license.

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 30 days; or
2. The owner has moved into the city within the preceding 30 days; or
3. The animal is currently or has been within the preceding 30 days, under the age which 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.

6.04.050 License Not Transferable.

Dog or cat licenses as provided for in this Chapter shall be nontransferable. A person may not 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 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. Dog or cat license fees are nonrefundable.

6.04.060 License Violation – Civil Infraction.

Any violation of FMC 6.04.010, 6.04.020, or 6.04.050 is unlawful and shall constitute a Class 3 civil infraction pursuant to Chapter 1.24 FMC. Provided, that if the person presents evidence of a valid license to the Fife Municipal Court, the citation shall be dismissed without cost, except that the court may assess court administration costs of \$25.00 at the time of dismissal.

Section 8. A new Chapter 6.07 is hereby added to the Fife Municipal Code, titled “Dangerous and Potentially Dangerous Animals” to read as follows:

Sections:

6.07.010 Declaration of Animals as Potentially Dangerous or Potentially Dangerous –Procedure.

6.07.020 Appeal of Declaration.

6.07.030 Permits, Fees, and Conditions for Dangerous Animals.

6.07.040 Permits, Fees, and Conditions for Potentially Dangerous Animals.

6.07.050 Notification of Status of a Dangerous or Potentially Dangerous Animal.

6.07.060 Impoundment of Dangerous or Potentially Dangerous Animals.

6.07.070 Criminal Penalty for Failure to Control or Comply with Restrictions

6.07.080 Duty to Comply.

6.07.010 Declaration of Animals as Dangerous or Potentially Dangerous – Procedure.

A. The animal control authority may declare an animal as dangerous or potentially dangerous if the animal control officer has a reasonable belief that the animal's conduct falls within the definition of a dangerous animal or potentially dangerous animal as set forth in FMC 6.02.010 and the exclusions contained in this Section do not apply. The finding must be based upon:

1. The written or verbal complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definitions of a dangerous or potentially dangerous animal; or
2. Animal bite reports filed with the animal control authority; or
3. Actions of the animal witnessed by any animal control officer or law enforcement officer; or
4. Other substantial evidence.

B. **Exclusions.** An animal shall not be declared dangerous or potentially dangerous if the threat, injury, or bite alleged to have been committed by the animal was sustained by a person who was at the time committing a willful trespass upon the premises occupied by the owner of the animal, or who was abusing or assaulting the animal, or who was committing or attempting to commit a crime. This exclusion does not apply to actions taken in defense of oneself, other humans, animals, or property.

C. The declaration of a dangerous or potentially dangerous animal shall be in writing and shall be served on the owner by one of the following methods:

1. Regular and certified mail to the owner's last known address. Service shall be deemed complete upon the third day following the day upon which the notice was placed in the mail. If the third day falls upon a Saturday, Sunday, or legal holiday, then service shall be deemed complete on the next business day; or
2. Personally; or

3. By posting the declaration in a conspicuous location at the owner's residence.

D. 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. A brief statement of facts upon which the declaration is based.
4. A reference to the Code Section that contains a definition of a dangerous or potentially dangerous animal and to this Chapter.
5. The availability of an appeal in case the person objects to the declaration, if a request is made within ten calendar days.

6.07.020 Appeal of Declaration.

A. The owner of the animal may contest a declaration of dangerous or potentially dangerous animal by submitting a written appeal.

1. The owner must submit the written appeal at the Auditor's office within ten calendar days of service of the declaration.
2. Except as provided by this Chapter, the appeal shall proceed in accordance with the Fife Hearing Examiner Code, Chapter 2.92 FMC.
3. Notice of the public hearing shall be mailed to the owner's address as listed on the written appeal.
4. At the public hearing, the scope of evidence and the scope of review shall be de novo.
5. The burden shall be on the animal control authority to prove, by a preponderance of evidence, that the animal is a dangerous animal or potentially dangerous animal as defined in FMC 6.02.010 and that the exclusions contained in FMC 6.07.010 do not apply.
6. The Examiner shall render a decision on the appeal within 30 calendar days following the conclusion of all testimony and hearings and closing of the record unless a longer period of time is agreed to by the parties.

B. The decision of the Examiner shall be considered final and conclusive unless a writ of review is filed in Superior Court within 20 calendar days of the decision.

1. If a writ is issued, the petitioner shall be responsible for paying the cost of preparing the administrative record and the transcript of proceedings and shall serve copies of both upon the Prosecuting Attorney's office. The prevailing party shall be entitled to recovery of these costs.

C. During the entire appeal process, the owner shall keep the animal indoors or securely confined on the property where the owner resides. Secure confinement may be accomplished by erecting an escape proof fence, keeping the animal in a proper enclosure as described in FMC 6.02.010, humanely tethering the animal as described in FMC 6.03.010 N., or by other means approved by the animal control authority. It is unlawful for the owner appealing a declaration to allow or permit the animal to go beyond the premises of the owner unless such animal is securely leashed, under the control of a competent adult, and humanely muzzled or

otherwise securely restrained. Upon noncompliance with this subsection, the animal control authority is authorized to impound the animal subject to the procedures set forth in FMC 6.07.060.

6.07.030 Permits, Fees, and Conditions for Dangerous Animals.

A. Following the declaration of a dangerous animal and the exhaustion of the appeal therefrom, the owner of a dangerous animal shall obtain a permit for such animal from the animal control authority and shall be required to pay the fee for such permit in the amount of \$500.00 to the Licensing Officer or the Licensing Officer's designee. In addition, the owner of a dangerous animal shall pay an annual renewal fee for such permit in the amount of \$500.00 to the Licensing Officer or the Licensing Officer's designee. A permit will be issued to the owner of a dangerous animal upon payment of the permit fees if the owner is able to pass an inspection within the prescribed timeframe by meeting the following inspection criteria:

1. A proper enclosure of the animal with a posted warning sign as defined in FMC 6.02.010,
2. Proof that the animal has been microchipped and microchip number is provided.
3. Two current, color, digital photographs in electronic format of the animal (minimum 3" x 5" in size), for identification purposes;
4. Proof of current rabies vaccination;
5. Proof the animal has been spayed or neutered;
6. Proof of a policy of liability insurance (such as homeowner's insurance) issued by an insurer qualified under Title 48 RCW in the amount of at least \$500,000.00, insuring the owner for any personal injuries inflicted by the dangerous animal, or proof of a surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least \$500,000.00 and payable to any person injured by the dangerous animals;
7. Proof that the owner has obtained a muzzle as defined in FMC 6.02.010. The muzzle must be available at time of inspection; and
8. Proof that the owner has obtained a brightly colored collar with current license tag. The collar must be made available at the time of inspection.

B. Following a declaration of dangerous animal and the exhaustion of any appeals therefrom, it shall be unlawful for the person owning or harboring or having care of a dangerous animal to allow and/or permit such animal to:

1. Remain outside of a proper enclosure while on the premises of such person; or
2. Go beyond the premises of such person unless such animal is securely leashed and humanely muzzled or otherwise securely restrained. The animal must wear a brightly colored collar with current license tag at all times.

C. Where an animal is found to be a dangerous because the animal killed a human being, after the exhaustion of appeal therefrom, the dangerous animal shall be surrendered to the animal control authority and be humanely euthanized.

6.07.040 Permits, Fees, and Conditions for Potentially Dangerous Animals.

A. Following the declaration of a potentially dangerous animal and the exhaustion of the appeal therefrom, the owner of a potentially dangerous animal shall obtain a permit for such animal from the animal control authority and shall be required to pay the fee for such permit in the amount of \$250.00 to the Licensing Officer or the Licensing Officer's designee. In addition, the owner of a potentially dangerous animal shall pay an annual renewal fee for such permit in the amount of \$250.00 to the Licensing Officer or the Licensing Officer's designee. A permit will be issued to the owner of a potentially dangerous animal upon payment of the permit fees if the owner provides the following:

1. Proof that the animal has been microchipped and microchip number is provided.
2. Two current, color, digital photographs in electronic format of the animal (minimum 3" x 5" in size), for identification purposes;
3. Proof of current rabies vaccination;
4. Proof the animal has been spayed or neutered; and
5. Proof that the owner has obtained a brightly colored collar with current license tag. The animal must wear the collar with current license tag at all times.

B. The animal control authority may impose any or all of the following restrictions upon the owner of a potentially dangerous animal:

1. **Training.** The animal control authority may require the owner of a potentially dangerous animal and the animal to attend, complete, and pay all costs associated with an obedience training class. The animal control authority shall pre-approve any choice of class by the owner of the animal, and proof of satisfactory completion of such training shall be provided to the animal control authority, even if similar training has been completed by the animal in the past.
2. **Restraint.** The animal control authority may require the owner of the potentially dangerous animal to muzzle the animal whenever the animal goes beyond the owner's property.
3. **Confinement.** The animal control authority may require that the owner of a potentially dangerous animal keep the animal within a proper enclosure as defined in FMC 6.02.010 while on the owner's property.
4. **Warning.** The animal control authority may require that the owner of a potentially dangerous animal post a warning sign as described in FMC 6.02.010.
5. **Liability Insurance.** The animal control authority may require that the owner of a potentially dangerous animal purchase a policy of liability insurance (such as homeowner's insurance) issued by an insurer qualified under Title 48 RCW in an amount of up to \$250,000.00, insuring the

owner for any personal injuries inflicted by the potentially dangerous animal.

C. The animal control authority may inspect the owner's premises to verify compliance with this Section.

D. Petition to Vacate the Declaration. Where an owner has obtained a potentially dangerous animal permit and has been in compliance with the requirements of this Section for three consecutive years, the owner may submit a written petition to vacate the potentially dangerous animal declaration and to lift the associated ownership requirements.

1. The petition shall be submitted to the animal control authority.
2. The animal control authority will forward the petition, along with any comments, objections, and recommendations, to the Examiner.
3. The animal control authority may request that a public hearing be scheduled to hear the petition.
4. The Examiner may, in his discretion, grant the petition where the petitioner demonstrates, by a preponderance of evidence, that the animal no longer poses a substantial danger. Among the factors that the Examiner may consider is the age of the animal, the animal and owner's successful completion of an obedience training class, evidence of aggressive behavior or lack thereof, and any other relevant evidence.
5. The Examiner shall issue a decision granting or denying the petition.

6.07.050 Notification of Status of a Dangerous or Potentially Dangerous Animal.

A. The owner of an animal that has been classified as a dangerous or potentially dangerous animal shall immediately notify the animal control authority when such animal:

1. is loose or unconfined; or
2. has bitten or otherwise injured a human being or attacked another animal.

B. At least 48 hours prior to a dangerous or potentially dangerous animal being sold, given away, or moved to another location, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority. The owner shall provide a copy of the declaration the new owner.

C. When an animal classified as dangerous or potentially dangerous dies, the owner of said animal shall submit proof (vet records, etc.) to the Licensing Officer or the Licensing Officer's designee within ten calendar days.

6.07.060 Impoundment of Dangerous or Potentially Dangerous Animals.

Should the owner of a dangerous or potentially dangerous animal violate the conditions or restrictions of owning or possessing a dangerous or potentially

dangerous animal such animal may be seized and impounded upon issuance of a warrant.

A. The owner may prevent the animal's destruction by, within two business days, submitting a petition for the animal's immediate return.

1. The owner shall submit the written petition to the animal control authority and the petition will be forwarded to the Examiner.

2. Except as provided in this Chapter, the petition shall proceed in accordance with the Fife Hearing Examiner Code, Chapter 2.92 FMC, as an appeal of an administrative official's decision.

3. Notice of the hearing shall be mailed to the owner at the address listed on the notice of appeal.

4. At the public hearing, the burden shall be on the animal control authority to prove, by a preponderance of evidence, that the owner failed to comply with the conditions or restrictions of owning and possessing a dangerous or potentially dangerous animal.

5. The Examiner shall decide if the animal should be returned to the owner, subject to conditions that will bring the owner into compliance with this Chapter, or be humanely euthanized.

6. In cases where a declaration of dangerous or potentially dangerous animal has been issued, but an appeal of the declaration is pending, the Examiner shall decide if the animal should be returned to the owner or remain in impound pending a decision on the appeal. If the Examiner decides to release the animal back to the owner, he may impose additional ownership conditions as necessary to protect the public while the appeal is pending.

7 If the Examiner allows the release of the animal, the owner shall pay all redemption, boarding, and veterinary fees and costs prior to release, except in cases where the animal control authority failed to meet its burden of proof.

B. If a decision to euthanize the animal is rendered by the Examiner, the owner may prevent the animal's destruction by, within seven calendar days:

1. Petitioning the District Court for the animal's immediate return, subject to court imposed conditions, and

2. Posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of 30 calendar days from the seizure date.

3. A copy of the petition shall be served upon the animal control authority and the Prosecuting Attorney's Office the same day that the petition is filed in Fife Municipal Court.

4. The burden shall be on the animal owner to prove that the decision of the Examiner was arbitrary and capricious.

5. If the Municipal Court finds that the Examiner's decision was arbitrary and capricious, the bond or security shall be refunded to the poster and the animal shall be released to the owner.

6.07.070 Criminal Penalties for Failure to Control or Comply with Restrictions.

A. Any person who knowingly violates any provision of Chapter 6.07 FMC shall be guilty of a gross misdemeanor.

B. Any person found guilty of violating this Chapter shall pay restitution to the animal control authority for all expenses incurred in the enforcement of this Chapter, including boarding/shelter, food, and veterinary expenses.

C. Furthermore, any dangerous or potentially dangerous animal which attacks a human being or animal may be ordered destroyed when, in the court's judgment, such dangerous or potentially dangerous animal represents a continuing threat of serious harm to human beings or animals.

6.07.080 Duty to Comply

It is the duty of every animal owner to keep his or her animals under proper supervision and control at all times. Where an animal is declared dangerous or potentially dangerous, the duty is upon the animal owner to comply with all provisions of this Chapter. When an animal owner breaches these duties, the responsibility for any resulting injury or damage shall be on the animal owner and not the County.

Section 9. A new Chapter 6.08 is hereby added to the Fife Municipal Code, titled "Rabies Control" to read as follows:

Sections:

6.08.010 Definitions.

6.08.020 Duty of Owner, Custodian and Health Officer.

6.08.030 Quarantine – Notice to Owner.

6.08.040 Quarantine – Duties of Owner.

6.08.050 Handling of an Animal Bitten by Rabid Animal.

6.08.060 Publication of Notice of Outbreak of Rabies.

6.08.070 Procedures.

6.08.080 Violation – Penalty.

6.08.090 Severability.

6.08.010 Definitions.

Unless specifically indicated otherwise, the following definitions shall apply throughout this Chapter:

A. "Animal shelter" means the facilities for the temporary containment of animals, operated by the city or its authorized agents. B. "Health Officer" means the Director of the Tacoma-Pierce County Health Department and/or his authorized representatives.

B. "Quarantine" means the detention or isolation of an animal on account of suspected exposure or affliction with rabies.

C. "Unvaccinated animal" means an animal which has either never been vaccinated against rabies or whose vaccination has expired according to the current Compendium of Animal Rabies Vaccines published by the National Association of State Public Health Veterinarians, Inc., and which has been bitten by a known rabid animal.

D. "Vaccinated animal" means an animal which has been vaccinated in accordance with the Compendium of Animal Rabies Vaccines published by the National Association of State Public Health Veterinarians, Inc., and which has been bitten by a known rabid animal.

6.08.020 Duty of Owner, Custodian and Health Officer.

A. It shall be the duty of the owner and/or custodian of any dog or cat within the city to quarantine any dog or cat within the city which he has grounds to suspect of being infected with the disease of rabies or hydrophobia.

B. If the Health Officer:

1. Has grounds to suspect that any dog or cat running at large in the city is infected with rabies or hydrophobia; and
2. Has notice that said dog or cat's owner or custodian cannot be determined; and
3. Is able to locate and confine said animal; the Health Officer shall quarantine the animal as provided in this Chapter.

C. The biting of a human being by a dog or cat causing penetration of the skin by the animal's teeth is specifically declared a ground for suspecting that such animal is so infected.

6.08.030 Quarantine – Notice to Owner.

The Health Officer may initiate a quarantine by delivering to the owner or custodian of such suspected animal, by either certified mail or by hand delivering to a responsible person present on the premises, a written notice of such quarantine which shall prescribe the duration of the quarantine period; provided, that the period of the quarantine shall not exceed ten days, unless it is determined that the animal is infected with rabies. The delivery of the notice of quarantine to a responsible person present upon the premises where such animal is kept shall be considered service of a notice upon the owner or custodian. Any such animals so quarantined shall be impounded in a shelter or a local veterinary clinic's kennel. At the discretion of the Health Officer, the animal may be quarantined upon the premises of the owner or any other person so long as the requirements of the quarantine are strictly fulfilled.

6.08.040 Quarantine – Duties of Owner.

A. During the period of any quarantine, the owner or custodian of a quarantined animal shall not allow the animal to come in contact with any other animal or person or permit such animal to run at large outside of the premises where

quarantined or upon the premises itself, unless the premises is enclosed by a secure fence from which the animal cannot escape. When the fence encloses the access to the premises, the animal must be restricted to leave free access to those persons lawfully entering the premises.

B. The owner or custodian shall not remove or cause the animal to be removed from the premises without the prior consent of the Health Officer. These restrictions shall continue until the animal is released from quarantine. If any animal is found running at large after the commencement of the quarantine period or is removed from the premises where quarantined, it shall be impounded and unless claimed and redeemed by its owner or custodian within two days after the expiration of the quarantine period, may be destroyed by the proper authorities.

C. Upon redemption of a dog, cat or other animal released from quarantine, the owner or custodian shall pay the same impound fee and board fee for any dog, cat or other animal quarantined, as provided for in FMC 6.02.070; provided, however, if the animal is surrendered by the owner or custodian, the service fee shall be waived.

6.08.050 Handling of an Animal Bitten by Rabid Animal.

When an animal is known to have been bitten by a rabid animal, the following procedures shall be followed:

A. Unvaccinated Animal. An unvaccinated animal shall be immediately destroyed; provided, that upon the election of the owner, the animal may be kept, at its owner's expense, in strict isolation in a kennel under veterinary supervision for a minimum period of six months following the bite.

B. Vaccinated Animal. A vaccinated animal shall be handled as follows:

1. The animal shall be immediately revaccinated with an approved rabies vaccine and confined under the supervision of a veterinarian for a period of thirty days following revaccination; or
2. If the animal is not immediately revaccinated, it shall be confined in strict isolation in a kennel for six months under the supervision of a veterinarian; or
3. The animal shall be destroyed if the owner or custodian does not comply with subsections 1. or 2. above.

6.08.060 Publication of Notice of Outbreak of Rabies.

Upon any outbreak of rabies or when rabies has been diagnosed within the city, and when in the judgment of the Health Officer there is imminent danger of the spread of the disease, the Health Officer shall publish a notice to that effect in the official newspaper of the city for three successive days. For a period of six weeks following the final publication of the notice, the owner or custodian of a dog shall keep the dog securely confined at all times by leash or in a tight enclosure from which the dog cannot escape. During said period any dog found running at large in the city shall be impounded and unless claimed and redeemed by its owner

within two days following such impounding, may be destroyed by the proper authorities. Any person charged with the enforcement of this Chapter may destroy any dog found running at large within the city when, after reasonable effort, he is unable to impound the dog or after reasonable investigation, is unable to locate the owner or custodian thereof. The Health Officer shall have authority to extend the six-week time period for additional six-week periods by notice given in the manner provided above until, in his judgment, the imminent danger of the spread of the disease is no longer present.

6.08.070 Procedures.

The Health Officer is authorized and directed to develop a quarantine program for dogs, cats, and other household pets and otherwise to develop procedures for the enforcement of this Chapter.

6.08.080 Violation – Penalty.

Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be penalized by a fine.

6.08.090 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected.

Section 10. A new Chapter 6.10 is hereby added to the Fife Municipal Code, titled “Dog Control Zones” to read as follows:

6.10.010 Dog Control Zone Established.

6.10.020 Dogs Off Premises.

6.10.030 Violation – Civil Infraction.

6.10.010 Dog Control Zone Established.

The city of Fife is hereby established as a Dog Control Zone.

6.10.020 Dogs Off Premises.

Within a Dog Control Zone, any person owning or having charge, care, custody, or control of any dog shall keep such dog exclusively upon his own premises, except that the dog may be off the premises if it is under control of its owner or a competent person by a leash.

6.10.030 Violation – Civil Infraction.

Any violation of this Chapter is unlawful and shall constitute a Class 3 Civil Infraction pursuant to Chapter 1.24 FMC. Such penalty is in addition to any other remedies or penalties specifically provided in this Title.

Section 11. A new Chapter 6.14 is hereby added to the Fife Municipal Code, titled “Baby Chicks, Rabbits, and Ducklings” to read as follows:

- 6.14.020 Artificial Coloring Unlawful.**
- 6.14.030 Commercial Sale Not Affected.**
- 6.14.040 Violation – Civil Infraction.**

6.14.020 Artificial Coloring Unlawful.

It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter, give away, or display living baby chicks, rabbits, ducklings or other fowl, which have been dyed, colored or otherwise treated so as to impart to them an artificial color.

6.14.030 Commercial Sale Not Affected.

This Chapter shall not be construed to prohibit the sale or display of natural baby chicks, rabbits, ducklings or other fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them for commercial purposes.

6.14.040 Violation – Civil Infraction.

Any violation of this Chapter is unlawful and shall constitute a Class 3 Civil Infraction pursuant to Chapter 1.24 FMC. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

Section 12. A new Chapter 6.16 is hereby added to the Fife Municipal Code, titled “Potentially Dangerous Wild Animals” to read as follows:

Sections:

- 6.16.010 Animal Defined.**
- 6.16.020 Potentially Dangerous Wild Animals.**
- 6.16.025 Duty to Advise Purchaser/Recipient.**
- 6.16.030 Allowing Wild or Vicious Animals to Run at Large Prohibited.**
- 6.16.040 Exceptions for Circuses, Zoos, and Transportation of Wild Animals.**
- 6.16.050 Violations – Penalty – Continuing Offenses.**

6.16.010 Animal Defined.

For purposes of this Chapter, "animal" means all reptiles, birds, invertebrates, mammals, amphibians, and fishes.

6.16.020 Potentially Dangerous Wild Animals.

Persons residing in the city of Fife may keep potentially dangerous wild animals other than those defined in and prohibited by RCW 16.30.010 if they obtain a permit as defined in FMC 6.07.040 from the Licensing Officer or the Licensing Officer's designated agent. Such permits may be granted only upon a showing by the applicant that adequate safeguards have been instituted and will be maintained which effectively control any dangerous or vicious propensities of such animal,

and eliminate any danger to individuals and property, and that the keeping and maintaining of such animal will be in the best interests of the animal and will in no way constitute a nuisance to the occupant of any surrounding property. It shall be the duty of the animal owner to comply with this Section and to maintain proper supervision and control over his or her animals at all times. When a potentially dangerous wild animal causes injury or damage, the responsibility shall be upon the animal owner and not the County.

6.16.025 Duty to Advise Purchaser/Recipient.

Any person offering for sale or gift any animal in the city which falls within FMC 6.16.020 shall have the duty to advise the purchaser or recipient of the wild nature of the animal and its vicious, venomous/poisonous, or dangerous propensities and of the fact that possession of such animal is regulated or prohibited by the Fife Municipal Code.

6.16.030 Allowing Wild or Vicious Animals to Run at Large Prohibited.

No person owning or having charge, custody, control, or possession of any animal specified in FMC 6.16.020 shall permit or allow the same to run at large upon any highway, street, lane, alley, court, or any other place, public or private, or within the premises of such person in such a manner as to endanger any person lawfully entering such premises.

6.16.040 Exception for Circuses, Zoos, and Transportation of Wild Animals.

A. FMC 6.16.020 shall not apply to any person who has custody of any animal described in that Section in connection with the operation of any zoo or circus or any program of medical or scientific research, provided, such person has taken adequate measures to safeguard persons and property.

B. FMC 6.16.020 shall not apply to any person keeping, maintaining or having in his possession or under his control any animal defined in that Section when such person is transporting such animal through the city, provided, he has taken adequate safeguards to protect the public, and has notified the Police Chief of his proposed route of transportation and of the time that such trip is to take place.

6.16.050 Violations – Penalty – Continuing Offenses.

A violation of this Chapter is a misdemeanor.

Section 13. A new Chapter 6.18 is hereby added to the Fife Municipal Code, titled “Livestock Districts” to read as follows:

Sections:

6.18.010 Stock Restricted Area.

6.18.020 Violations.

6.18.010 Stock Restricted Area.

All areas of the city of Fife are restricted areas where livestock may not run at large.

6.18.020 Violations.

The owner or other person having control or custody of any livestock at large is in violation of FMC 6.03.010(A).

Section 14. Section 9.51.010 of the Fife Municipal Code is hereby amended to read as follows:

9.51.010 Statutes incorporated by reference.

The following statutes regarding animals as currently enacted or as hereafter amended or recodified from time to time, are incorporated by reference:

RCW 9.08.030	False certificate of registration of animals – False representation as to breed.
RCW 16.52.011	Definitions – Principles of liability.
RCW 16.52.015	Enforcement – Law enforcement agencies and animal care and control agencies.
RCW 16.52.080	Transporting or confining in unsafe manner – Penalty..
RCW 16.52.090	Docking horses – Misdemeanor.
RCW 16.52.095	Cutting ears – Misdemeanor.
RCW 16.52.110	Old or diseased animals at large.
RCW 16.52.165	Punishment – Conviction of misdemeanor.
RCW 16.52.190	Poisoning animals – Penalty.
RCW 16.52.193	Poisoning animals – Strychnine sales – Records – Report on suspected purchases.
RCW 16.52.200	Sentences – Forfeiture of animals – Liability for costs – Civil penalty – Education, counseling.
RCW 16.52.207	Animal cruelty in the second degree.
RCW 16.52.300	Dogs or cats used as bait – Seizure – Limitation.
RCW 16.52.305	Unlawful use of hook – Gross misdemeanor.
RCW 16.52.310	Dog breeding – Limit on the number of dogs – Required conditions – Penalty – Limitation of section – Definitions.

Section 15. Section 9.51.010 of the Fife Municipal Code is hereby amended to read as follows:

9.56.080 Public Disturbance Noises

A. General Prohibition. In addition to sounds that exceed the maximum permissible sound levels described in this chapter, it is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

B. Definition. "Public disturbance noise" means any noise, sound or signal which unreasonably disturbs the comfort, peace, or repose of another person or persons, without regard to sound level measurement. The following sounds are declared to be public disturbance noises for the purposes of this section:

1. Frequent, repetitive, or continuous noise made by any animal which unreasonably disturbs or interferes with the peace, comfort, and repose of property owners or possessors, except that such sounds made by animal shelters or commercial kennels, veterinary hospitals, pet shops, or pet kennels licensed under FMC Chapter 5.24 are exempt from this subsection. Notwithstanding any other provision of this Chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this subsection, the animal shall be impounded subject to redemption in the manner provided by Sections 6.02.070 and/or 6.02.080 of the Pierce County Code adopted by reference in FMC 6.02.010.

2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle except as a warning of danger or as specifically permitted or required by law.

3. The creation of frequent, repetitive, or continuous sounds in connection with the starting, operation, repair, maintenance, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine in any residential district so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property.

4. Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property.

5. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, or yard or parking lot adjacent thereto, which unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as sounds from audio equipment, musical instruments, televisions, band sessions, or social gatherings.

6. Sound from motor vehicle sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself.

7. Sound from audio equipment, such as loud speakers, amplification equipment, tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source and not operated upon the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, and if operated on the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, than so as to be audible greater than 50 feet from the boundary of the property.

For the purposes hereof, any sound, music or other noise emanating from fixed or portable audio equipment of or in a business shall be presumed to be with the knowledge, permission or consent of the owner or legal occupant of the property, which presumption may be rebutted by reasonable evidence to the contrary.

8. Any other frequent, repetitive, or continuous noise, sound or signal within a residential district which unreasonably disturbs or interferes with the comfort, peace and repose of owners or possessors of real property.

C. Exemptions. This section shall not apply to the following:

1. Authorized community events at parks, schools or other public property, such as parades, sporting events, or park concerts.

2. Sounds originating from residential property between the hours of 7:00 a.m. and 10:00 p.m., relating to temporary projects for the maintenance or repair of homes, grounds, or appurtenances, including but not limited to sounds of lawn mowers, hand power tools, chain saws, snow removal equipment and composters.

3. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering, between 7:00 a.m. and 10:00 p.m.

4. Public construction projects, emergency construction or repair by public utility agencies, emergency vehicle operation or actions by emergency service providers or any other emergency repair and construction to prevent further damage to persons or property during floods or windstorms or other property or life-threatening emergencies which may occur.

Section 16. Repealer. Chapter 6.01 of the Fife Municipal Code is hereby repealed.

Section 17. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 18. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

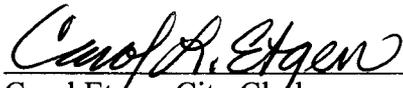
Introduced the 27th day of January, 2015.

Passed by the City Council on the 10th day of Feb 2015.



Subir Mukerjee, City Manager

ATTEST:



Carol Etgen, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney

amtdl c/attys

Published: Feb 12, 2015

Effective Date: Feb 17, 2015