

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2007-44**

**SUBJECT: Adopt PMC Chapter 6.01, Animal Control**

### CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 9/24/2007
- (X) Passed by the City Council: 10/3/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 10/17/2007
- (X) Effective: 10/22/2007  
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### DISTRIBUTED COPIES AS FOLLOWS: email all departments

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- ( ) City Council
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- ( ) Public Works:
- ( ) Public Works/Engr Section:
- ( ) Bookshelf Contracts Copy
- (1) Kitsap Humane Society – sent by kj 10/9/2007

\_\_\_\_\_  
City Clerk

10-5-2007  
Date

ORDINANCE NO. 2007-44

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON RELATING TO ANIMALS; ADDING A NEW CHAPTER 6.01 GENERAL PROVISIONS; AND ADDING NEW SECTIONS 6.01.005 DEFINITIONS, 6.01.010 PRELIMINARY ARTICLE, 6.01.020 CLASSIFICATION OF CRIMES AND PENALTIES, 6.01.030 ANIMAL CONTROL AUTHORITY – APPOINTED, 6.01.040 AUTHORIZED AGENTS MAY PERFORM, 6.01.050 POWER OF DEPUTIES AND AUTHORIZED PERSONS, 6.01.060 HINDERING AN OFFICER, 6.01.070 INTERFERENCE WITH IMPOUNDING, 6.01.080 AUTHORITY TO PURSUE, 6.01.090 POLICE DOGS EXEMPTED FROM ANIMAL CONTROL PROVISIONS, 6.01.100 INJURED OR DISEASED ANIMALS, 6.01.110 DUTIES UPON INJURY OR DEATH TO AN ANIMAL, 6.01.120 PREVENTION OF CRUELTY TO ANIMALS; ADOPTING BY REFERENCE VARIOUS SECTIONS OF TITLES 9, 16, AND 77 OF THE REVISED CODE OF WASHINGTON IN ORDER TO ESTABLISH CRIMES DESIGNATED BY THE STATE AS MISDEMEANORS AND GROSS MISDEMEANORS AS CRIMINAL OFFENSES UNDER THE CITY’S MUNICIPAL CODE; AND ADDING NEW SECTIONS 6.01.220 POLICE DOG, ACCELERANT DETECTION DOG, OR POLICE HORSE – OFFENSES AGAINST, 6.01.300 PENALTY FOR VIOLATION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Poulsbo is concerned about the safety and welfare of its citizens and animals; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO DO ORDAIN AS FOLLOWS:

**Section 1.** Adding Chapter 6.01 of the Poulsbo Municipal Code to be known as: Chapter 6.01 GENERAL PROVISIONS.

**Section 2.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.005 Definitions

For the purpose of this Title, the following words shall have the following meanings unless the context indicates otherwise:

“Abandonment” means the owner has left the animal for a period of 36 hours without making effective provisions for its proper care.

"Accelerant detection dog" means a dog used exclusively for accelerant detection by the state fire marshal or a fire department and under the control of the state fire marshal or his

or her designee or a fire department handler as defined in RCW 4.24.410 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

“Adequate food and water” means food or feed appropriate to the species for which it is intended. Both food and water must be in sufficient quantity and quality to sustain the animal, and should be in containers designed and situated to allow the animal easy access.

“Adequate shelter” means a moisture proof and wind proof structure that allows the animal to turn around freely, sit easily, stand and lie normally, and that keeps the animal clean, dry and comfortable, and by application does not cause the animal injury, disfigurement, or physical impairment.

“Adult” means any animal over the age of six months.

“Altered” means any spayed female or castrated male dog or cat.

“Animal” means any living nonhuman mammal, bird, reptile, or amphibian.

“Animal control authority” means the Kitsap Humane Society as appointed by the mayor, or the person appointed by the city council to carry out the duties of an animal control authority or animal control officer under this title, includes those appointed by the Chief of Police to enforce the animal control provisions of the City.

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

“Animal control director” means the director of the animal control authority.

“Animal shelter” means the Kitsap Humane Society, or a licensed facility used to care for homeless or unwanted animals by a governmental entity, animal welfare society or other organization devoted to the welfare, protection and humane treatment of animals.

“Animal welfare facility” means any indoor or outdoor facility where pet are routinely housed or maintained by or for an animal welfare organization.

“Animal welfare organization” means any public or private organization registered with the Washington Secretary of State’s Office as a not-for-profit organization, whether called a kennel, cattery, shelter, society, or rescue, and includes the organization’s officers, agents, and representatives when acting in the name or on behalf of the organization that controls, rescues, shelters, cares for, or disposes of pets as all or part of the purpose of the organization.

“At large” means off the owner’s premises and/or out of physical contact of the owner and not under physical restraint adequate for its size and nature either by leash, cord, and chain or otherwise, and unless under the physical control of a competent person controlled by a leash no longer than 8 feet in length. An animal within a vehicle of its owner shall be deemed to be upon the owner’s premises.

“Cat” means and includes female, spayed female, male and neutered male cats.

“Commercial pet facility or kennel” means a any place or entity where pets are boarded or bred for the primary purpose of compensation, or where pets are housed for resale, such as pet shops, but not including a veterinary hospital where boarding is incidental to treatment.

“Competent person” means a person who is able to sufficiently care for, control, and restrain an animal and who has the capacity to exercise sound judgment regarding the rights and safety of others.

“Dog” means and includes both male and female, natural or sterilized.

“Dog guide” means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons as defined in RCW 70.84.02 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

“Euthanasia” means the humane killing of an animal.

“Feral cat” means any cat that has no apparent owner or identification and is apparently wild, untamed, unsocialized, unmanageable, and unable to be approached or handled.

“Foster home” means a temporary home with a permit approved by the animal control authority to house lost, abandoned or unwanted dogs and cats until an adoptive home is located.

"Guide Dog" means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.

“Harboring, keeping, possessing, or maintaining” means the occupant of any premises on which an animal remains or to which it customarily returns daily for food or nourishment, care, shelter, protection, refuge for a period of five days; or treating the animal as living at one’s property is presumed to be harboring, keeping, possessing the animal within the meaning of this title.

“Health Officer” means the Director of the Kitsap County Health Department and/or his authorized representatives.

“Hearing Examiner” means a person(s) employed by the Board of County Commissioners to officiate over potentially dangerous and dangerous animal appeals.

“Household pets” means small domesticated animals or fish kept for pleasure rather than utility. Pets include animals such as dogs, cats, hamsters, reptiles, insects, non-venomous snakes, fish and birds.

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

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

“Hybrid(s)” means the offspring of two animals of different species, such as the offspring resulting from breeding a domesticated dog (*canis familiaris*) with a wolf (*canis lupus*.)

“Impound” or “impoundment” means when an animal is placed under the control or custody of the animal control authority.

“Inhumane treatment” means every act, omission or neglect whereby unnecessary or unjustified physical pain or suffering is caused or permitted.

“Juvenile” means any animal seven weeks to six months of age.

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

“Licensing Official” means any employee or agent of the city designated to issue licenses, pick up, impound, sell, dispose of and do any other acts relating to the regulation of dogs in this title.

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

“Neglect” means the failure to provide proper food, potable water, adequate shelter, opportunity for exercise, or other care normal, usual, and proper for an animal’s health and well being.

“Officer” means any animal control officer, health officer, police officer, or other commissioned person designated by the City of Fircrest to issue citations, pick up, restrain, impound, quarantine, place, or dispose of animals or give notice for any other acts, duties, or functions prescribed by this chapter or other chapters relating to pet animals.

“Owner” means any person owning, keeping, having an interest in, or having control, custody or possession of an animal. Any person who harbors, keeps, possesses, or maintains a pet animal, or who encourages a pet animal to remain about their property for a

period of fourteen (14) consecutive days or more, or the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner for the purposes of this chapter.

“Person” means any person, partnership, corporation, trust or association of persons.

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

"Police dog" means a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler as defined in RCW 4.24.410 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

“Police horse” means any horse used or kept for use by a law enforcement officer in discharging any legal duty or power of his or her officer as defined in 9A.76.200 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

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

“Provocation” means teasing, taunting, striking or other like action, or the unauthorized entry onto the premises where an animal is kept.

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

“RCW” means the Revised Code of Washington.

“Search and rescue dog" means a dog that is trained for the purpose of search and rescue of persons lost or missing as defined in RCW 9.91.175 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

“Secure enclosure” means a chain link enclosure consisting of secure sides and a secure top, or if without a top, having sides which are at least eight feet high, and which a floor permanently attached to the sides, or having sides which are embedded at least one foot into the ground, and which is constructed of such material and closed in such a manner that the animal cannot exit on its own.

“Service dog” means any guide or signal dog individually trained to provide assistance to an individual with a sensory, mental or physical disability or that serves public or tribal enforcement, as well as any dog enrolled in a recognized formal training program for those types of services as defined in RCW 70.84.21 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

“Small domestic animal” (mammals and fowl) includes small mammals and fowl such as rabbits, ducks, quail, geese, swans, chickens, pigeons and other similar animals.

“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.

“Wheeled vehicle” means any wheeled conveyance intended for use as a means of transport of persons or goods.

The present tense shall include the past and future tense, and the future tense shall include the present tense. Each gender shall include all genders. The singular number shall include the plural, and the plural the singular.

**Section 3.** A new section is added to Chapter 8.01 of the Poulsbo Municipal Code to read as follows:

6.01.010 Preliminary article

A. The sections of adopted RCW’s as set forth as in this Title, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor is excluded. In opting to adopt state statutes by reference in this Title, only those crimes and offenses within the jurisdiction of the city are intended to be adopted and in those sections adopted which deal with both misdemeanors and felonies, only the language applicable to misdemeanors is to be applied.

B. If any section, subsection, sentence, or provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the section, subsection, sentence, or provision to other persons or circumstances is not affected, and to this end, the sections, subsections, sentence, and provisions of this chapter are declared to be severable.

C. By adopting state statutes, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes. Whenever the word *state* shall appear in any statute adopted by reference in this chapter, the word *city* shall be substituted therefore; provided, however, the term *city* shall not be substituted for the term *state* in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

D. Whenever a state statute specifically adopted in this chapter refers to another state statute not specifically adopted in this chapter, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this chapter.

E. Any section of this chapter that is repealed or amended by ordinance shall remain in full force and effect until the effective date of the ordinance repealing or amending the section. Any state statute that is adopted by reference which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute

adopted in this chapter shall be given its full force and effect upon the effective date of its amendment or recodification.

F. Except as otherwise specifically provided herein, any person violating this Title, shall be guilty of a misdemeanor.

G. Each separate day during which any violation occurs or continues shall be deemed to constitute a separate violation thereof and a separate offense thereunder.

**Section 4.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.020 Classification of crimes and penalties

A. For the purpose of this Title, RCW 9A.04.040 Classes of Crime and RCW 9A.20.010 Classification and Designation of Crimes as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

B. For the purpose of this Title RCW 9A.20.020 Authorized Sentences for Crimes Committed Before July 1, 1984 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

C. For the purpose of this Title 9A.20.021 Maximum Sentences for Crimes Committed After July 1, 1984, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

1.) Gross Misdemeanor – maximum penalty is 365 days in jail and/or fine of \$5,000, or by both such imprisonment and fine.

2.) Misdemeanor – maximum penalty is 90 days in jail and/or a fine of \$1,000, or by both such imprisonment and fine.

D. For the purpose of this Title RCW 9A.20.303 Alternative to a Fine – Restitution as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

E. For the purpose of this Title, “infraction” means a civil infraction pursuant to Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) and any local rule adopted thereto by the Fircrest Municipal Court.

F. For the purpose of this Title, RCW 7.80.120 Monetary penalties – restitution for Civil Infractions as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

1.) Class 1, 2 and 3 civil infraction maximum penalties as set in RCW 7.80.

G. The sections of adopted RCW’s as set forth as in this Title, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor is excluded. In opting to adopt state statutes by reference in this Title, only those crimes and offenses within the jurisdiction of the city are intended to be adopted and in those sections adopted which deal with both misdemeanors and felonies, only the language applicable to misdemeanors is to be applied.

**Section 5.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.030 Animal Control Authority – appointed

A. The animal control authority shall be appointed by the city council by contract. The animal control authority for the city of Poulsbo is the Kitsap Humane Society, the Poulsbo Department or its designee, acting alone or in concert with other local governmental units for the enforcement of the animal control laws of Kitsap County and the City of Poulsbo.

B. The City grants the animal control authority the authority within RCW Chapters 16.08, 16.10 as now enacted or hereinafter amended, which are hereby adopted by reference as if fully set forth herein, and further vests in the animal control authority the primary responsibility for animal control and securing compliance with this title.

**Section 6.** A new Section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.040 Authorized agents may perform

Wherever a power is granted to or a duty imposed upon the Poulsbo Police Department, the power may be exercised or the duty performed by any law enforcement officer authorized by the Police Chief or by any animal control officer.

**Section 7.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.050 Power of deputies and authorized persons.

The Animal Control Director, his/her designees, and other officers as are hereby authorized and delegated the responsibility for enforcement of laws set forth in this code and in PMC Title 6 and RCW 16.52 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including the issuance of misdemeanor citations and notices of infractions.

**Section 8.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.060 Hindering an officer

It shall be 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.

**Section 9.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.070 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 animal control officer in the performance of any official duty. Violation of this section is a gross misdemeanor.

**Section 10.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.080 Authority to pursue

Those employees of 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.

**Section 11.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.090 Police dogs exempted from animal control provisions

Any dog while being used by any police officer in the discharge of law enforcement activities shall be exempted from the provisions of PMC Title 6 relating to animal control.

**Section 12.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.100 Injured or diseased animals

Any animal suffering from serious injury or disease may be humanely destroyed by the animal control agency; provided, 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.

**Section 13.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.110 Duties upon injury or death to an animal

A person who strikes a domestic animal, domestic livestock, or deer, while operating a motor vehicle shall stop at once, render reasonable assistance and immediately report the injury or death to the animal's owner. If the animal's owner cannot be ascertained and located, the person shall at once report the accident to the animal control authority or the Poulsbo Police Department. This section shall not be construed to require the person striking the animal with a motor vehicle to be financially responsible for any injury or death of the animal.

**Section 14.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.120 Prevention of cruelty to animals

It is unlawful for a person to:

- A. Willfully and inhumanely injure or kill any animal by any means;
- B. Negligently or intentionally cause or fail to alleviate any pain, suffering or injury of any animal

C. Willfully and maliciously lay out, leave or expose any poison intended for humans, animals or fowl, on any premises, or aid and abet any person in so doing. The provisions of this section shall not apply to euthanizing by poison an animal in a lawful and humane manner by the animal's owner, or by a duly authorized servant or agent of the owner, or by a person acting pursuant to instructions from a duly constituted public authority; or to the reasonable use of rodent or pest poison, insecticides, fungicides, or slug bait for their intended purposes as set forth in RCW 16.52.190 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

D. Abandon any domestic animal by leaving the animal on the street, road or highway, or in any other public place, or on the private property of another;

E. Confine an animal within a motor vehicle under conditions that may endanger the health of well being of the animals, including but not limited to extreme temperatures, or lack of food, water or attention. Any animal control or police officer is authorized to remove an animal from a motor vehicle, at any location, when the officer reasonably believes the animal is confined in violation of this subsection. An animal so removed shall be delivered to the animal control shelter of the animal control authority. The removing officer shall leave written notice of the removal and delivery, including the officer's name, in a conspicuous, secure location on or within the vehicle.

F. Violations of this section shall be a misdemeanor. For each violation of this section of a continuing nature, each of the violation may be considered a separate offense.

**Section 15.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.130 Animals, crimes relating to – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9.08 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

**RCW**

- 9.08.030 False certificate of registration of animal
- 9.08.065 Definitions
- 9.08.070 Pet animal – taking, concealing, injuring, killing, etc – penalty
- 9.08.072 Transferring stolen pet animal to a research institution – penalty
- 9.08.074 Transferring stolen pet animal to a person who has previously sold a stolen pet animal to a research institution – penalty
- 9.08.076 Transferring stolen pet animal to a research institution by a U.S.D.A licensed dealer – penalty
- 9.08.078 Illegal sale, receipt, or transfer of pet animals – separate offenses

**Section 16.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to be read as follows:

6.01.140 Malicious mischief – injury to property – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9.61 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 9.61.190 Carrier or racing pigeons – injury to
- 9.61.200 Carrier or racing pigeons – removal or alteration of identification

**Section 17.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to be read as follows:

6.01.150 Miscellaneous crimes – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9.91 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 9.91.170 Interfering with dog guide or service animal
- 9.91.175 Interfering with search and rescue dog  
as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties.

**Section 18.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to be read as follows:

6.01.160 Animal violations– statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 16.30 and 16.36 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 16.30.030 Potentially dangerous wild animal violation
- 16.36.116 Transport Undocumented Animals

**Section 19.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to be read as follows:

6.01.170 Prevention of cruelty of animals – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 16.52 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 16.52.011 Definitions
- 16.52.015 Enforcement – law enforcement and animal control agencies

- 16.52.020 Humane societies – enforcement authority
- 16.52.025 Humane societies – animal control officers
- 16.52.080 Transporting or confining in unsafe manner – penalty
- 16.52.085 Removal of animal for feeding – examination – notice – euthanasia
- 16.52.090 Docking horses – misdemeanor
- 16.52.095 Cutting ears – misdemeanor
- 16.52.100 Confinement without food and water – intervention by others
- 16.52.110 Old or diseased animals at large
- 16.52.117 Animal fighting – prohibited behavior
- 16.52.165 Punishment – conviction of misdemeanor
- 16.52.180 Limitations on application of chapter
- 16.52.185 Exclusions from chapter
- 16.52.190 Poisoning animals – penalty
- 16.52.193 Poisoning animal – strychnine sales – records – report on suspected purchases
- 16.52.200 Sentences – forfeiture of animals – liability for costs – civil penalty
- 16.52.207 Animal cruelty in the second degree
- 16.52.210 Destruction of animal by law enforcement officer – immunity from liability
- 16.52.220 Transfers of mammals for research – certification requirements – pet animals
- 16.52.225 Nonambulatory livestock – transporting or accepting delivery – gross misdemeanor – definition
- 16.52.230 Remedies not impaired
- 16.52.300 Dogs or cats used as bait – seizure – limitation
- 16.52.305 Unlawful use of hook – gross misdemeanor

**Section 20.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to be read as follows:

6.01.180 Identification of livestock – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 16.57 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

**RCW**

- 16.57.260.1 Livestock remove w/out inspection 1<sup>st</sup> offense
- 16.57.260.2 Livestock remove without inspection 2<sup>nd</sup> offense
- 16.57.260.3 Livestock remove without inspection 3<sup>rd</sup> offense
- 16.57.267.1 Livestock fail present for inspection 1<sup>st</sup> offense
- 16.57.267.2 Livestock fail present for inspection 2<sup>nd</sup> offense
- 16.57.267.3 Livestock fail present for inspection 3<sup>rd</sup> offense
- 16.57.270.1 Livestock refuse assist ownership/ID 1<sup>st</sup> offense
- 16.57.270.2 Livestock refuse assist ownership/ID 2<sup>nd</sup> offense
- 16.57.270.3 Livestock refuse assist ownership/ID 3<sup>rd</sup> offense
- 16.57.350.1 Livestock ID interfere with 1<sup>st</sup> offense
- 16.57.350.2 Livestock ID interfere with 2<sup>nd</sup> offense
- 16.57.350.3 Livestock ID interfere with 3<sup>rd</sup> offense
- 16.57.050 Livestock use unrecorded brand

- 16.57.243 Livestock move cattle without proof of ownership
- 16.57.275 Livestock transport carcass without proof of ownership
- 16.57.277 Livestock fail attach custom slaughter tag
- 16.57.410 Livestock act as registered agency without permit

**Section 21.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to be read as follows:

6.01.190 Control of pet animals infected with diseases communicable to humans – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 16.70 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 16.70.010 Purpose
- 16.70.020 Definitions
- 16.70.030 Emergency action authorized – scope – animals as nuisance
- 16.70.040 Rules – scope
- 16.70.050 Violations – penalty
- 16.70.060 Concurrent powers – cooperation between officials

**Section 22.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to be read as follows:

6.01.200 Fish and wildlife - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 77.08, 77.12, 77.15, and 77.32 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 77.08.010 through 77.08.045 Definitions
- 77.12.150 Game seasons – opening and closing – special hunt

**Section 23.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to be read as follows:

6.01.210 Fish and wildlife enforcement code and licenses- statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 77.15, and 77.32 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 77.15.370 Unlawful recreational fishing in the first degree
- 77.15.380 Unlawful recreational fishing in the second degree
- 77.15.390 Seaweed – unlawful taking – penalty

- 77.15.400 Unlawful hunting of wild birds – penalty
- 77.15.430 Unlawful hunting of wild animals – penalty
- 77.15.480 Certain devices declared public nuisances
- 77.15.600 Engaging in commercial wildlife activity without a license – penalty
- 77.15.610 Unlawful use of a commercial wildlife license – penalty
- 77.15.620 Engaging in fish dealing activity – unlicensed – penalty
- 77.15.630 Fish buying and dealing licenses – unlawful use – penalty
- 77.15.640 Wholesale fish buying and dealing – rules – violations – penalty
- 77.32.010 Recreational license required – activities – permit for parking

**Section 24.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to be read as follows:

6.01.220 Police dog, accelerant detection dog, or police horse – offenses against

No person shall willfully or maliciously torment, beat, kick, or strike, any dog or horse owned or being used by the police or fire department in the performance of its official duties. No person shall willfully hinder, delay, obstruct, or restrain by holding a collar or harness, or in any way interfere with the duties of any dog or horse used by a law or fire enforcement officer in discharging or attempting to discharge his official duties. Any person violating the provisions of this section shall be guilty of a misdemeanor.

**Section 25.** A new section is added to Chapter 6.01 of the Poulsbo Municipal Code to read as follows:

6.01.300 Penalty for violation

A. Unless specifically designated in this title as a gross misdemeanor or misdemeanor or is specified to be enforced pursuant to other law, including, but not limited to, other chapters or titles of this Code, any violation of this chapter is a civil infraction and the penalty amount is \$250, not including statutory assessments

B. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

C. Any person who fails to respond or appear on any violation of any provision of the Poulsbo Municipal Code set forth in this title shall be assessed a failure to respond or appear fee in the amount set forth in RCW 46.63.110(3), as the same now exists or as may be hereafter amended, which statute is incorporated herein by this reference as if fully set forth.

D. If a time pay agreement is requested a fee of not to exceed \$10 per charge or \$25 per payment plan may be imposed.

**Section 26. Severability**

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**SUMMARY OF ORDINANCE NO. 2007-44**

of the City of Poulsbo, Washington

On the 3<sup>rd</sup> day of October, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-44. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON RELATING TO ANIMALS; ADDING A NEW CHAPTER 6.01 GENERAL PROVISIONS; AND ADDING NEW SECTIONS 6.01.005 DEFINITIONS, 6.01.010 PRELIMINARY ARTICLE, 6.01.020 CLASSIFICATION OF CRIMES AND PENALTIES, 6.01.030 ANIMAL CONTROL AUTHORITY – APPOINTED, 6.01.040 AUTHORIZED AGENTS MAY PERFORM, 6.01.050 POWER OF DEPUTIES AND AUTHORIZED PERSONS, 6.01.060 HINDERING AN OFFICER, 6.01.070 INTERFERENCE WITH IMPOUNDING, 6.01.080 AUTHORITY TO PURSUE, 6.01.090 POLICE DOGS EXEMPTED FROM ANIMAL CONTROL PROVISIONS, 6.01.100 INJURED OR DISEASED ANIMALS, 6.01.110 DUTIES UPON INJURY OR DEATH TO AN ANIMAL, 6.01.120 PREVENTION OF CRUELTY TO ANIMALS; ADOPTING BY REFERENCE VARIOUS SECTIONS OF TITLES 9, 16, AND 77 OF THE REVISED CODE OF WASHINGTON IN ORDER TO ESTABLISH CRIMES DESIGNATED BY THE STATE AS MISDEMEANORS AND GROSS MISDEMEANORS AS CRIMINAL OFFENSES UNDER THE CITY'S MUNICIPAL CODE; AND ADDING NEW SECTIONS 6.01.220 POLICE DOG, ACCELERANT DETECTION DOG, OR POLICE HORSE – OFFENSES AGAINST, 6.01.300 PENALTY FOR VIOLATION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 4<sup>th</sup> day of October, 2007.

Karol Jones  
CITY CLERK KAROL JONES, CMC

**Section 27.** Effective Date: This ordinance shall take effect and be in full force five (5) days after the publication of the attached summary, which is hereby approved.

APPROVED:

  
KATHRYN H. QUADE, MAYOR

ATTEST/AUTHENTICATED:

Karol Jones  
CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY James E. Haney  
JAMES E. HANEY

FILED WITH THE CITY CLERK: 9/24/2007  
PASSED BY THE CITY COUNCIL: 10/3/2007  
PUBLISHED: 10/20/2007  
EFFECTIVE DATE: 10/25/2007  
ORDINANCE NO. 2007-44