

ORDINANCE NO. 2007-45

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO ANIMALS; ADDING A NEW CHAPTER 6.02 ANIMAL CONTROL; AND ADDING NEW SECTIONS 6.02.010 ABANDONMENT OF ANIMAL, 6.02.010 ANIMALS GIVEN TO MINORS, 6.02.030 ANIMAL NOISE, 6.02.040 ANIMALS INJURING PRIVATE OR PUBLIC PROPERTY, 6.02.050 RUNNING AT LARGE, 6.02.060 LIMIT ON NUMBER OF DOGS AND/OR CATS ON SINGLE-FAMILY RESIDENTIAL PROPERTIES, 6.02.070 STRAY DOG, CAT, OR ANIMAL, 6.02.080 FOUND STRAY ANIMALS, 6.02.090 CONFINEMENT OR RESTRAINT OF A PET, 6.02.100 CONFINEMENT OF FEMALE DOGS AND CATS IN HEAT, 6.02.120 DIRECTING DOG TO HARASS OR ATTACK, 6.02.130 REMOVAL OF FECAL MATTER, 6.02.140 UNLAWFUL RELEASE OF PET ANIMAL, 6.02.150 USE OF DOG IN ILLEGAL ACTIVITY PROHIBITED, 6.02.160 PENALTY FOR VIOLATION; AND 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 6.02 to the Poulsbo Municipal Code to be known as: Chapter 6.02 ANIMAL CONTROL.

Section 2. A new section is added to Chapter 6.02 of the Poulsbo Municipal Code to be read as follows:

6.02.010 Abandonment of animal

A. It is unlawful for any person to abandon, with the city, any domestic or wild animal by dropping off or leaving such animal on the street, road or highway, or any other public place, or upon private property without the owner's consent. An animal is abandoned when left in any such place without any provision made for the care and feeding of such animal or for the return of such animal to its owner or keeper. Any person violating this section shall be guilty of an infraction and shall be required to reimburse the city for any reasonable and necessary costs incurred by the city or the animal control authority for the care or disposition of the abandoned animal.

B. Any animal found abandoned, and whose owner is unknown or cannot be located, may be disposed of by the animal control authority as they deem appropriate.

Section 3. A new section is added to Chapter 6.02 of the Poulsbo Municipal Code to be read as follows:

6.02.020 Animals given to minors

No person shall give away any live animal to a minor as a prize for, or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement, or offer such animal to a minor as an incentive to enter into any business agreement whereby the offer was the purpose of attracting trade.

Section 4. A new section is added to Chapter 6.02 of the Poulsbo Municipal Code to be read as follows:

6.02.030 Animal noise

It is unlawful for anyone to keep or harbor any animal which habitually howls, yelps, whines, barks or makes other oral noise in such a manner as to unreasonably disturb others. Any such animal shall be deemed a nuisance and may be seized and impounded if the disturbance reoccurs after the owner or other custodian of such animal has received two warnings from the animal control authority. Any animal found in violation of the provisions of this section constitutes a nuisance and may be issued a civil infraction ticket, and seized or impounded by the animal control authority.

Section 5. A new section is added to Chapter 6.02 of the Poulsbo Municipal Code to be read as follows:

6.02.040 Animals injuring private or public property

A. It is a violation for the owner or other person having control or custody of any animal to allow such animal to damage or destroy any property or thing of value upon the private property of another, or upon any public property in the amount of less than \$250. Any animal may be seized and impounded. Any violation of this section is an infraction, plus actual damage costs may be assessed.

B. It is unlawful for the owner or other person having control or custody of any animal to allow such animal to damage or destroy any property or thing of value upon the private property of another in the total amount of equal to or greater than \$250, upon the private property of another, or upon any public property in the amount of equal to or greater than \$250. Any such animal may be seized and impounded. Damage in the total amount equal to or greater than \$250.00 shall be a misdemeanor, plus actual damage costs may be assessed.

Section 6. A new section is added to Chapter 6.02 of the Poulsbo Municipal Code to be read as follows:

6.02.050 Running at large prohibited

No domestic, farm or exotic animal of any kind, shall be permitted to run at large during any hour of the day or night; provided, that this section does not apply to dogs which are within special areas designated by the city as a designated dog park; or designated by the chief of police as dog training areas so long as the regulations of the use of such areas are complied with and such dogs are under the custody and control of their owner or trainer; and provided further, that this section shall not prohibit a person from walking or exercising a dog when the dog is on a leash or otherwise under actual physical restraint and control by a competent person, and proper safeguards are taken to protect private and public property, and the

public, from injury or damage. Any animal found in violation of the provisions of this section constitutes a nuisance and may be issued a civil infraction ticket, and seized or impounded by the animal control authority.

Section 7. A new section is added to Chapter 6.02 of the Poulsbo Municipal Code to be read as follows:

6.02.060 Limit on number of dogs and/or cats on single-family residential properties

No more than five dogs or cats or any combination thereof may be kept on any single-family residential property in the city of Poulsbo. Also used in this section, the term “single-family residential property” includes:

- A. Any individual lot zoned by the city for single-family residential use;
- B. Two or more contiguous lots zoned for single-family residential use which are in common ownership and which are developed with one single-family dwelling unit or one single-family dwelling unit and one accessory dwelling unit.

Section 8. A new section is added to Chapter 6.02 of the Poulsbo Municipal Code to be read as follows:

6.02.070 Stray dog, cat, or animal

Any stray dog, cat or animal running at large within the city is hereby declared to be a nuisance, and any such stray dog, cat, or animal may be seized and impounded. For purposes of this section, “stray dog,” “stray cat,” and “stray animal” shall mean and include any dog, cat or animal loitering in a neighborhood or any public place without an apparent owner or home.

Section 9. A new section is added to Chapter 6.02 of the Poulsbo Municipal Code to be read as follows:

6.02.080 Found stray animals

A. It shall be the duty of a person who takes possession of a stray animal, not owned by the person or not placed into the person’s possession by the person having lawful custody and control thereof, to notify the animal control authority or police at once, and to release the animal to the animal control authority upon demand and without charge.

B. If the animal control authority is unable to locate the animal’s lawful owner, then the person who found the animal shall be given the opportunity to adopt the animal, if requested, before the animal may be adopted by another person or euthanized by the animal control authority.

Section 10. A new section is added to Chapter 6.02 of the Poulsbo Municipal Code to be read as follows:

6.02.090 Confinement or restraint of a pet animal

A pet animal shall not be trapped in any manner that subjects the animal to injury inherent to a mechanism of the trap. A humane box trap may be set on a complainant’s property for

the purpose of trapping nuisance pet animals. Animals which are caught in such a trap must be returned to their owners or taken to the animal control authority. Injurious confinement or restraint of a pet animal is a misdemeanor.

Section 11. A new section is added to Chapter 6.02 of the Poulsbo Municipal Code to be read as follows:

6.02.100 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 a violation of any person having control or custody of a dog or cat in heat to allow 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 this title without regard to prior impoundment.

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

6.02.120 Directing dog to harass or attack

It shall be unlawful for any person having control or custody of any dog to allow, direct, encourage, cause, or otherwise aid or assist any dog to threaten, charge, intimidate, bite, harass, menace, or attack any person or other animal within the city, or any animal control or other public officer engaged in the conduct of his or her duties. Any such animal may be seized and impounded. Any violation of this section is a gross misdemeanor.

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

6.02.130 Removal of fecal matter

It is unlawful for an owner or handler of any animal to:

1. Fail to remove fecal matter deposited by the animal on any common thoroughfare, passageway, by-path, public playgrounds, lawn areas and sidewalks, parks or any place where people congregate or walk, or other public property whatsoever, or upon any private property without the permission of the owner of said property before the owner of the animal leaves the immediate area where the fecal matter was deposited; or
2. For the owner or handler of any animal to fail to have in their possession the equipment necessary to remove their animal's fecal matter when accompanied by said animal on public property, or public easement or private property of another as set for in subsection (1) of this section.
3. Fecal matter shall be placed in a sealed, leak-proof container
4. The provision of this section shall not apply to blind persons who may use dogs as guides
5. Any violation of this section is declared to be a nuisance and a civil infraction.

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

6.02.140 Unlawful release of pet animal

No person other than the owner, or person authorized by the owner, of the animal shall release any animal from any confinement, vehicle or restraint unless such release is necessary for the immediate health and safety of the animal; provided, this section shall not apply to peace officers and animal control officers. Unlawful release of a pet animal is a misdemeanor.

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

6.02.150 Use of dog in illegal activity prohibited

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

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

6.02.160 Penalty for violation

A. Unless specifically designated in this chapter 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 \$250.00, 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.

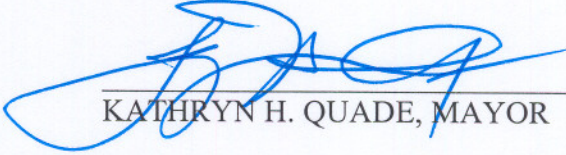
D. If a time pay agreement is requested a fee of not to exceed \$10 per charge or \$25 per payment plan may be imposed.

Section 17. 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.

Section 18. 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. 2007-45

SUMMARY OF ORDINANCE NO. 2007-45

of the City of Poulsbo, Washington

On the 3rd day of October, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-45. 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 6.02 ANIMAL CONTROL; AND ADDING NEW SECTIONS 6.02.010 ABANDONMENT OF ANIMAL, 6.02.010 ANIMALS GIVEN TO MINORS, 6.02.030 ANIMAL NOISE, 6.02.040 ANIMALS INJURING PRIVATE OR PUBLIC PROPERTY, 6.02.050 RUNNING AT LARGE, 6.02.060 LIMIT ON NUMBER OF DOGS AND/OR CATS ON SINGLE-FAMILY RESIDENTIAL PROPERTIES, 6.02.070 STRAY DOG, CAT, OR ANIMAL, 6.02.080 FOUND STRAY ANIMALS, 6.02.090 CONFINEMENT OR RESTRAINT OF A PET, 6.02.100 CONFINEMENT OF FEMALE DOGS AND CATS IN HEAT, 6.02.120 DIRECTING DOG TO HARASS OR ATTACK, 6.02.130 REMOVAL OF FECAL MATTER, 6.02.140 UNLAWFUL RELEASE OF PET ANIMAL, 6.02.150 USE OF DOG IN ILLEGAL ACTIVITY PROHIBITED, 6.02.160 PENALTY FOR VIOLATION; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 4th day of October, 2007.

Karol Jones
CITY CLERK KAROL JONES, CMC