



ORDINANCE NO. 27558

BY REQUEST OF DEPUTY MAYOR LONERGAN AND COUNCIL MEMBERS
ANDERSON, LADENBURG, AND TALBERT

AN ORDINANCE relating to animal control; amending Chapter 17.01 of the Tacoma Municipal Code by amending Sections 17.01.040, 17.01.050, and 17.01.080 thereof; by adding thereto four new sections, to be known and designated as Sections 17.01.161, 17.01.162, 17.01.163, and 17.01.164; by amending Section 17.01.190 thereof; amending Chapter 17.02 of the Tacoma Municipal Code by amending Sections 17.02.060, 17.02.140, and 17.02.160 thereof; amending Chapter 17.03 of the Tacoma Municipal Code by amending Section 17.03.030 thereof; amending Chapter 17.04 of the Tacoma Municipal Code by amending Section 17.04.050 thereof; and amending Chapter 17.05 of the Tacoma Municipal Code by amending Sections 17.05.010, 17.05.040, and 17.05.070 thereof.

WHEREAS responsible pet ownership, the humane treatment of pets, and effective animal control measures benefit the health, safety, and welfare of the citizens of Tacoma, and

WHEREAS the Public Safety Committee ("Committee") met on September 14, 2006, and September 28, 2006, to discuss changes to the Tacoma Municipal Code ("Code") relating to animal control and, on a "do pass" recommendation, the Committee approved amending the Code; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 17.01.040 of the Tacoma Municipal Code is hereby amended to read as follows:

17.01.040 Probable cause to impound animal. Any law enforcement or animal control officer having probable cause to believe that any person has violated any provision of this title by reason of his or her animal's misconduct may impound or cause to be impounded any such animal. Such impoundment shall be subject to all other sections of this title and all other municipal laws,



1 including, but not limited to, Chapter 17.04, "Potentially Dangerous Dog," and
2 Chapter 5.36, "Rabies Control."

3 When a law enforcement or animal control officer has probable cause to
4 believe a dog is a dangerous dog, he or she shall impound the dog. Such dog
5 shall be held in the shelter or a secure veterinary hospital until a hearing is held
6 to determine the dog's status or the deadline for requesting such a hearing has
7 passed. When a law enforcement or animal control officer has probable cause
8 to believe a dog is a potentially dangerous dog, he or she may impound the
9 animal. The law enforcement or animal control officer may require that such
10 dog be held in the shelter or a secure veterinary hospital until a hearing is held
11 to determine the animal's status or the deadline for requesting such a hearing
12 has passed.

14 Section 2. That Section 17.01.050 of the Tacoma Municipal Code is
15 hereby amended to read as follows:

17 **17.01.050 Notice of impounding animal.** Upon the impoundment of
18 any animal under the provisions of this title, the animal control officer or shelter
19 shall notify the owner, if the owner is known, of the impounding of such animal
20 and the terms upon which said animal can be redeemed. The notifying of any
21 person over the age of 18 who resides at the owner's domicile or mailing the
22 notice to the address given to the Finance Department at the time the animal
23 was licensed shall constitute actual notice to the owner. If the owner of said
24 animal so impounded is unknown, then the Animal Control officer or shelter
25 shall make a reasonable effort to locate and notify the owner of the animal.
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Section 3. That Section 17.01.080 of the Tacoma Municipal Code is hereby amended to read as follows:

17.01.080 Redemption of dogs. Unless otherwise specifically provided in this title, the owner of any dog impounded under this title may redeem said dog within 48 hours from time of impounding by paying the appropriate redemption fee to the shelter, if the animal is in the animal shelter; otherwise, to the City. For the first impound within a one-year period, the redemption fee is \$25; for the second impound within a one-year period, the redemption fee is \$50; for the third and subsequent impounds within a one-year period, the redemption fee is \$75. In addition to the redemption fee, the redeemer shall pay as a boarding charge for the caring and keeping of such dog the sum of \$6 per day for each day, including the first and last days that the dog is retained by the animal shelter and any licensing fees and penalties related to licensing. All fees and charges must be paid prior to redeeming the dog. If an impounded dog is not redeemed by the owner within 48 hours, then any person may purchase it within the next 48 hours by complying with the animal shelter's purchase provisions. In case such dog is not redeemed within 96 hours of impoundment, it may be humanely destroyed or otherwise disposed of within the discretion of the animal shelter.



1 Section 4. That Chapter 17.01 of the Tacoma Municipal Code is hereby
2 amended by adding thereto a new section, to be known as Section 17.01.161,
3 to read as follows:

4 **17.01.161 Crimes relating to animals— Adoption by reference.**

5 Chapter 9.08 RCW, “Animals, Crimes Relating to,” as now enacted or
6 hereinafter amended, is hereby adopted by reference as if fully set forth herein,
7 including penalties; except that conduct constituting a felony, as determined by
8 the prosecutor, is excluded.

9 Section 5. That Chapter 17.01 of the Tacoma Municipal Code is hereby
10 amended by adding thereto a new section, to be known as Section 17.01.162,
11 to read as follows:

12 **17.01.162 Interfering with dog guide or service animal — Adoption**
13 **by reference. RCW 9.91.170, “Interfering with dog guide or service animal,” as**
14 **now enacted or hereinafter amended, is hereby adopted by reference as if fully**
15 **set forth herein, including penalties; except that conduct constituting a felony,**
16 **as determined by the prosecutor, is excluded.**

17 Section 6. That Chapter 17.01 of the Tacoma Municipal Code is hereby
18 amended by adding thereto a new section, to be known as Section 17.01.163,
19 to read as follows:

20 **17.01.163 Interfering with search and rescue dog — Adoption by**
21 **reference. RCW 9.91.175, “Interfering with search and rescue dog,” as now**
22 **enacted or hereinafter amended, is hereby adopted by reference as if fully set**
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1 forth herein, including penalties; except that conduct constituting a felony, as
2 determined by the prosecutor, is excluded.

3 Section 7. That Chapter 17.01 of the Tacoma Municipal Code is hereby
4 amended by adding thereto a new section, to be known as Section 17.01.164,
5 to read as follows:

6 **17.01.164 Unlawful traps — Adoption by reference.** RCW 77.15.194,
7 “Unlawful traps – Penalty,” as now enacted or hereinafter amended, is hereby
8 adopted by reference as if fully set forth herein, including penalties.

9 Section 8. That Section 17.01.190 of the Tacoma Municipal Code is
10 hereby amended to read as follows:

11 **17.01.190 Penalty for violation – ~~c~~Civil infraction.** Unless specifically
12 designated in this chapter as a gross misdemeanor or misdemeanor or is
13 specified to be enforced pursuant to other law, including, but not limited to,
14 other chapters or titles of this Code, any ~~first-time~~ violation of this chapter is a
15 ~~violation and~~ shall constitute a Class 1 infraction, not to exceed \$250, not
16 including statutory assessments. Such penalty is in addition to any other
17 remedies or penalties specifically provided by law. For each act herein
18 prohibited of a continuing nature, each day shall be considered a separate
19 offense. ~~3 Infraction, not to exceed \$50, not including statutory assessments.~~

20 ~~Unless specifically designated in this chapter as a gross misdemeanor or~~
21 ~~misdemeanor, including, but not limited to, other chapters or titles of this Code,~~
22 ~~any second-time violation of this chapter is a violation and shall constitute a~~
23 ~~Class 2 Infraction, not to exceed \$125, not including statutory assessments.~~
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~~Unless specifically designated in this chapter as a gross misdemeanor or
misdemeanor, including, but not limited to, other chapters or titles of this Code,
any third-time violation of this chapter is a violation and shall constitute a
Class 1 Infraction, not to exceed \$250, not including statutory assessments.~~

~~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.~~

Section 9. That Section 17.02.060 of the Tacoma Municipal Code is
hereby amended to read as follows:

17.02.060 Dogs chasing vehicles on public roads. It is a violation for
the owner or other person having control of any dog to allow such dog to chase,
run after, or jump at vehicles, including bicycles, lawfully using the public road,
street, avenues, alleys, and ways. Any such dog may be seized and
impounded.

Section 10. That Section 17.02.140 of the Tacoma Municipal Code is
hereby amended to read as follows:

**17.02.140 Public disturbance noise and public nuisance noise
made by an animal.** Any public disturbance noise made by an animal is
unlawful and shall may be enforced under the provisions of TMC
Sections 8.12.060 and 8.12.065 or as a civil infraction under this section.

A. When animal noise is prosecuted as a crime, the terms of
TMC 8.12.060 and 8.12.065 shall govern.



1 B. When animal noise is treated as a civil infraction, the following is a
2 violation:

3 1. Any animal which by its barking, howling, baying, squealing,
4 crowling, crying, bleating, screeching, whining, or making any other noise, by its
5 volume or frequency, unreasonably disturbs or interferes with the peace of any
6 person(s) for more than 15 minutes in any one-hour period of any day, and is
7 documented by three or more separate episodes of such noise in a sequential
8 seven-day period. The burden is upon the owner of such animal(s) to maintain
9 quiet.

10 2. Exceptions to this subsection are commercial pet facilities,
11 animal welfare facilities, veterinary hospitals, or grooming parlors otherwise in
12 compliance with the Tacoma Municipal Code, or those who can substantiate
13 that such animal noise was caused by an injury or illness of the animal(s) or by
14 willful trespass, torment, or abuse of the animal(s) on its property by others.

15 3. Enforcement may be undertaken only upon written receipt of a
16 complaint made to either the animal control authority or law enforcement by a
17 person(s) residing at or who is employed in an area affected by such public
18 noise disturbance. Any such animal(s) shall be deemed a nuisance and may
19 be seized and impounded if the disturbance reoccurs after the owner or
20 custodian of such animal(s) has received two written warnings, two notices of
21 civil infraction, or a written warning and a notice of civil infraction from either the
22 animal control authority or law enforcement within a calendar year.

23 4. Animal noise violations are a Class 1 civil infraction.
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Section 11. That Section 17.02.160 of the Tacoma Municipal Code is hereby amended to read as follows:

17.02.160 Violations – eCivil infraction. 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 ~~first-time-violation~~ of this chapter is a violation and shall constitute a Class 1 infraction, not to exceed \$250, not including statutory assessments. ~~3 Infraction, not to exceed \$50, not including statutory assessments.~~

~~Unless specifically designated in this chapter as a gross misdemeanor or misdemeanor, including, but not limited to, other chapters or titles of this Code, any second-time violation of this chapter is a violation and shall constitute a Class 2 Infraction, not to exceed \$125, not including statutory assessments.~~

~~Unless specifically designated in this chapter as a gross misdemeanor or misdemeanor, including, but not limited to, other chapters or titles of this Code, any third-time violation of this chapter is a violation and shall constitute a Class 1 Infraction, not to exceed \$250, not including statutory assessments.~~

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.



1 Section 12. That Section 17.03.030 of the Tacoma Municipal Code is
2 hereby amended to read as follows:

3 **17.03.030 Violations – civil infraction.** Unless specifically
4 designated in this chapter as a gross misdemeanor or misdemeanor, or is
5 specified to be enforced pursuant to other law, including, but not limited to,
6 other chapters or titles of this Code, any ~~first-time~~ violation of this chapter is a
7 violation and shall constitute a ~~Class 3 Infraction, not to exceed \$50, not~~
8 ~~including statutory assessments.~~

9 ~~Unless specifically designated in this chapter as a gross misdemeanor or~~
10 ~~misdemeanor, including, but not limited to, other chapters or titles of this Code,~~
11 ~~any second-time violation of this chapter is a violation and shall constitute a~~
12 ~~Class 2 Infraction, not to exceed \$125, not including statutory assessments.~~

13 ~~Unless specifically designated in this chapter as a gross misdemeanor or~~
14 ~~misdemeanor, including, but not limited to, other chapters or titles of this Code,~~
15 ~~any third-time violation of this chapter is a violation and shall constitute a~~
16 ~~Class 1 infraction, not to exceed \$250, not including statutory assessments.~~

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

20 Section 13. That Section 17.04.050 of the Tacoma Municipal Code is
21 hereby amended to read as follows:

22 **17.04.050 Confinement of dangerous dog or potentially dangerous**
23 **dogs.** Following a declaration, ~~and the exhaustion of any appeal therefrom, it~~
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1 shall be unlawful for the person owning, harboring, or having care of such
2 dangerous or potentially dangerous dog to allow or permit such dog to:

3 A. be unconfined on the premises of such person; or

4 B. go beyond the premises of such person unless such dog is securely
5 leashed and humanely muzzled or otherwise securely restrained.

6 C. Any dangerous dog is also subject to any additional conditions of
7 confinement set forth in ~~RCW chapter~~ 16.08 RCW as now exists or as may be
8 amended hereafter, including, but not limited to, posting of warning signs and
9 maintenance of liability insurance coverage.

10 Any dangerous dog or potentially dangerous dog shall be immediately
11 confiscated by the Agency if the dog is not confined as set forth herein. The
12 owner is subject to boarding charges as set forth in Section 17.01.080, in
13 addition to all penalties set forth in this chapter.

14 Section 14. That Section 17.05.010 of the Tacoma Municipal Code is
15 hereby amended to read as follows:

16 **17.05.010 License required.** It is a violation for any person to own,
17 keep, or have control of a dog or cat over the age of eight weeks in the City,
18 whether confined or not, without having a current license tag attached to the
19 collar or harness which is worn by the dog or cat a collar or harness which shall
20 be worn by the cat or dog at all times; provided, that cats need not display a
21 license identification tag if the cat is licensed and has been implanted with
22 microchip identification and the microchip number is registered with the Finance
23 Department of the City, and such microchip is acceptable to and readable by
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1 the animal control officer. After the effective date of this chapter, absent proof
2 of prior ownership, no more than six dogs and cats may be individually licensed
3 by a resident in the City.

4 Section 15. That Section 17.05.040 of the Tacoma Municipal Code is
5 hereby amended to read as follows:

6 **17.05.040 License fees.** The license fees for the ownership, keeping,
7 or having control of dogs or cats in the City shall be as follows:

8 A. Adult Dogs:

9 altered: \$20.00
10 unaltered: \$55.00

11 B. Adult Cats:

12 altered: \$12.00
13 unaltered: \$55.00

14 C. Reduced rates for senior citizens, 65 years of age or older, and
15 individuals with a permanent disability:

16 1. Dogs:

17 altered: \$10.00
18 unaltered: \$30.00

19 2. Cats:

20 altered: \$ 5.00
21 unaltered: \$30.00

22 Individuals with a permanent disability residing within the city limits of
23 Tacoma qualify for the reduced fee specified in C above, provided that the dogs
24 and cats are not used for a commercial purpose. To qualify for this reduced
25 fee, individuals with a permanent disability must provide proof of permanent
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1 disability to the Humane Society in the form of a U.S. Department of Veterans
2 Affairs Identification Card or documentation showing at least 30 percent
3 permanent disability, a Washington Department of Licensing parking placard
4 issued for permanent disability under RCW 46.16.381, or any other means that
5 the ~~Humane Society~~ Finance Department deems an appropriate proof of
6 permanent disability.

7 D. Temporary Licenses. No-cost, 13-week temporary licenses are
8 hereby authorized for previously unlicensed dogs and cats above the age of
9 eight weeks. The license shall be effective for 91 days after issuance, at which
10 time the animal must be licensed in accordance with subsections A, B, and C
11 above. If the animal is not so licensed, the owner is in violation of
12 Section 17.05.010 and subject to all penalties provided in this chapter.

14 E. Dogs and cats are exempt from the above licensing provisions when
15 they are in the custody of a recognized animal rescue group. In order to qualify
16 as a recognized group, proof of charitable organization status must be
17 submitted to the Finance Department of the City by the group.

19 F. In order to receive the fee advantage for altered dogs and cats, an
20 individual must provide either proof of alteration from a licensed veterinarian or
21 a written statement from a licensed veterinarian that the spay/neuter procedure
22 would be harmful to the animal.

23 G. An adult dog or cat is one that is more than 21 weeks old.

24 H. In addition to the infraction penalty set forth in Section 17.05.070,
25 any person who fails to obtain a license 30 days after the license expiration
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1 date but before 60 days of the expiration date shall pay a penalty of \$10 per
2 license. Any person who fails to obtain a license after 60 days of the license
3 expiration shall pay a penalty of \$20 per license.

4 I. No late payment penalty shall be charged on new license applications
5 if:

6 1. the owner submits proof of purchase or acquisition of the
7 animal within the preceding 30 days;

8 2. the owner has moved into the City within the preceding
9 30 days;

10 3. the animal is currently or has been within the preceding
11 30 days under the age which requires a license;

12 4. the owner purchases the license(s) voluntarily, prior to
13 in-person or field contact by animal control personnel; or

14 5. the owner submits other proof deemed acceptable in the
15 animal control authority's administrative policy.

16 J. The fee for a replacement tag shall be \$5.00.

17 K. No person having defective eyesight shall be required to pay any
18 license fee for any dog specially trained and principally used for the purpose of
19 leading such person. However, such person is required to keep his or her dog
20 licensed and must comply with all other provisions of this title.

21 L. No person having a handicap shall be required to pay any license fee
22 for any dog specially trained and principally used for the purpose of helping
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such person. However, such person is required to keep his or her dog licensed and must comply with all other provisions of this title.

Section 16. That Section 17.05.070 of the Tacoma Municipal Code is hereby amended to read as follows:

17.05.070 Penalty—~~c~~Civil infraction. Any violation of Section 17.01.010 or 17.05.060 of this chapter is a violation and shall constitute a Class 3 Infraction, not to exceed \$50, not including statutory assessments.

~~Any violation of Section 17.05.010 is a violation and shall constitute a Class 2 Infraction, not to exceed \$125, not including statutory assessments.~~

~~Any second time or subsequent violation of this chapter is a violation and shall constitute a Class 1 Infraction, not to exceed \$250, not including statutory assessments.~~

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.

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:



Assistant City Attorney



REQUEST FOR ORDINANCE RECEIVED RESOLUTION

CITY CLERK USE

Request #:	11150
Ordinance #:	27558
Resolution #:	

2006 OCT 25 AM 9:41

1. DATE: October 16, 2006

CITY CLERK'S OFFICE

2. REQUESTING DEPARTMENT/DIVISION/PROGRAM Animal Control	3. CONTACT PERSON (for questions): Jon Walker PERSON PRESENTING (if different):	PHONE/EXTENSION 5908
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4. PREPARATION OF Ordinance IS REQUESTED FOR THE CITY COUNCIL MEETING OF TUESDAY November 13 2006. 28 ju

5. SUMMARY TITLE/RECOMMENDATION: (A concise sentence, as it will appear on the Council agenda.)
Amending "Animal Control" -- Title 17 of the Tacoma Municipal Code.

6. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)
Enacts uniform civil infraction penalties for violations, enacts civil infraction option for barking/animal noise violations, removes conflicts with state law, and clarifies animal control procedures.

7. FINANCIAL IMPACT:

- A. NO
- B. YES OVER \$100,000, Fiscal Note Attached
- C. YES, UNDER \$100,000, Provide funding source information below

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted? Yes No Where? Cost Center:
Acct #:

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:
Source Documents/Backup Material Location of Document

9. ATTORNEY CONTACT: (Enter name of attorney with whom you've been working.)
Jon Walker, x5908

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10. Department Director/Utility Division Approval	Finance Director Approval	City Manager/Director Utilities Approval