

TITLE 17

Animal Control

TITLE 17
ANIMAL CONTROL

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Chapter 17.01

ANIMAL CONTROL – GENERAL PROVISIONS

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17.01.010 Definitions.

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

- “Adult” means any animal over the age of 21 weeks.
- “Animal” means any nonhuman mammal, bird, reptile, or amphibian.
- “Animal control officer” means any Tacoma police officer or an employee of the City authorized by the City and specially commissioned by the Chief of Police to enforce Tacoma Municipal Code (“TMC”) Title 17.
- “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.
- “Cat” means and includes female, spayed female, male, and neutered male cats.

“Charitable organization” means any organization recognized as a nonprofit corporation under the provisions of Chapter 24.03 of the Revised Code of Washington (“RCW”) and exempt from the Washington State business and occupation tax pursuant to RCW 82.04.3651.

“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.

“Court” means Tacoma Municipal Court or the Superior Court of Pierce County, which courts shall have concurrent jurisdiction hereunder.

“Dangerous dog” - Revised Code of Washington (“RCW”) 16.08.070(2), containing the definition of “dangerous dog,” as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein. A complete copy of RCW 16.08.070(2) is on file with the City Clerk.

“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 365 days in jail and/or a \$5,000 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 shelter or into the custody of the City animal control officer.

“Infraction” means a civil infraction pursuant to Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) and any local rule adopted thereto by the Tacoma Municipal Court.

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

“Misdemeanor” means a maximum penalty of 90 days in jail and/or a \$1,000 fine.

“Owner” means any person, firm, corporation, organization, trust, or partnership possessing, harboring, keeping, having an interest in, or having control, custody, or possession of an animal.

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

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“Potentially dangerous dog” – RCW 16.08.070(1), containing the definition of “potentially dangerous dog,” as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein. A complete copy of RCW 16.08.070(1) is on file with the City Clerk.

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

“Securely enclosed and locked” means a pen or structure which has secure sides and a secure top suitable to prevent the entry of young children and designed to prevent the animal from escaping. If the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot.

“Severe injury” – RCW 16.08.070(3), containing the definition of “severe injury,” as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein. A complete copy of RCW 16.08.070(3) is on file with the City Clerk.

“Shelter” or “animal shelter” means the animal shelter operated by the Humane Society of Tacoma and Pierce County.

“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.

The present tense shall include the past and future tense, and the future the present. Each gender shall include all genders. The singular number shall include the plural, and the plural the singular. (Ord. 27447 § 2; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.020 Authorized agents may perform duties.

Wherever a power is granted to or a duty imposed upon the Tacoma Police Department, the power may be exercised or the duty may be performed by any law enforcement officer authorized by the Chief of Police or by an animal control officer. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.030 Authority to pursue.

Those authorized under Section 17.01.020 may pursue animals running at large onto City-owned property, vacant property, and unenclosed private property and seize, remove, and impound the same. (Ord. 26949 § 6; passed Jul. 16, 2002)

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, including, but not limited to, Chapter 17.04, “Potentially Dangerous Dog,” and Chapter 5.36, “Rabies Control.” (Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.050 Notice of impounding animal.

Upon the impoundment of any animal under the provisions of this title, the animal control officer or shelter shall notify the owner, if the owner is known, of the impounding of such animal and the terms upon which said animal can be redeemed. 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 the Animal Control officer or shelter shall make a reasonable effort to locate and notify the owner of the animal. (Ord. 27447 § 3; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.060 Hindering an officer – gross misdemeanor.

It shall be unlawful for any person to interfere with, hinder, delay, or impede any animal control officer who is enforcing the provisions of this title as herein provided. Violation of this section is a gross misdemeanor. (Ord. 27447 § 4; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.070 Interference with impounding – gross misdemeanor.

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. (Ord. 26949 § 6; passed Jul. 16, 2002)

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. 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. (Ord. 27447 § 5; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.090 Redemption of livestock.

The owner of livestock impounded under this title may redeem said livestock within 48 hours from time of impounding by paying a redemption fee of \$35 per animal for small livestock (i.e., goats, sheep, swine, ostriches, rhea, emu, etc.) and a redemption fee of \$75 per animal for large livestock (i.e., cattle, horses, mules, llamas, etc.) to the shelter, if the animal is in the animal shelter; otherwise, to the City. 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 as a boarding charge for the caring and keeping of such animal the sum of \$6 for each day, including the first and last days that the animal is cared for at the animal shelter. The livestock may be cared for by a private boarding facility, in which case that facility's boarding fees shall be paid to the City at the time of redemption. (Ord. 27447 § 6; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.100 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 a redemption fee of \$15 to the shelter, if the animal is in the animal shelter; otherwise, to the City. In addition to the redemption fee, the redeemer shall pay as a boarding charge for the caring and keeping of such animal the sum of \$4 per day for each day, including the first and last days that the animal is retained by the animal shelter. 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 shelter; provided, however, at the discretion of the animal shelter, any animal so impounded less than two months of age may be humanely destroyed or otherwise disposed of at any time after impounding. (Ord. 27447 § 7; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.110 Mandatory spay/neuter for impounded dogs and cats – exception.

A. No unaltered dog or cat that is impounded more than once in any 12-month period may 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.

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. (Ord. 27447 § 8; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.120 Mandatory spay/neuter for adopted dogs and cats – exception.

A. No unaltered dog or cat that is otherwise eligible to be adopted from the Humane Society may be adopted by any person unless the animal is spayed or neutered. In all cases, the veterinarian fees shall be paid by the prospective owner. Any adopted, unaltered dog or cat shall be subject to impoundment.

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 adopting the animal provides a written statement from a licensed veterinarian stating that the spay or neuter procedure would be harmful to the animal. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.130 Conditions of release.

The shelter or City is authorized to refuse to release to its owner any animal that has been impounded more than once in a 12-month period unless the owner demonstrates that he or she has taken steps to

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reasonably ensure that the violation will not occur again. The shelter or City may impose reasonable conditions that must be satisfied by the owner before release of the animal, including conditions assuring that the animal will be confined. Failure to comply with the conditions of release is a violation.

(Ord. 27447 § 9; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.140 Injured or diseased animals.

Any animal suffering from serious injury or disease may be humanely destroyed by the shelter or City; provided, that the shelter or City 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. (Ord. 27447 § 10; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.150 Duties upon injury or death to an animal - misdemeanor.

The operator of a vehicle involved in an accident resulting in injury or death to a cat, dog, 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 the animal and shall supply the information hereinabove 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 Tacoma Police Department. A person who violates this shall be guilty of a misdemeanor. (Ord. 27447 § 11; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.160 Prevention of cruelty to animals—adoption by reference.

RCW 16.52, "Prevention of Cruelty to Animals," as now enacted or hereinafter amended, is 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. A complete copy of RCW 16.52, "Prevention of Cruelty to Animals," is on file with the City Clerk. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.170 Poisoning of animals – misdemeanor.

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 domestic animal or fowl, 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 domestic animal or fowl 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 person who violates this shall be guilty of a misdemeanor. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.180 Abatement of nuisances.

Any person found to have committed an infraction or who is convicted of a misdemeanor or gross misdemeanor for violating any of the provisions of this title in the keeping or maintenance of any nuisance as herein defined shall, in addition to any fine or imprisonment imposed by the court in such action, be ordered to forthwith abate and remove the nuisance; and, if the same is not done by the offender within 24 hours, the same shall be abated and removed under the direction of any officer authorized by the order of said court, which order of abatement shall be entered upon the docket of the court and made a part of the judgment in the action. Any such person shall be liable for all costs and expenses of abating the same when the nuisance has been abated by any officer of the City or animal control agency of the City, which costs and expenses shall be taxed as part of the costs of the prosecution against the party, liable to be recovered as other costs are recovered; and, in all cases where the officer is authorized by the court, shall abate any nuisance and he or she shall keep an account of all expenses attending the abatement; and in addition to other powers herein given to collect the costs and expenses, the City may bring suit for the same in any court of competent jurisdiction against the person keeping or maintaining the nuisance so abated. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.190 Penalty for violation – civil 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 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. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.01.200 Severability.

Should any part of this title be adjudged invalid for any reason, such adjudication shall not affect the validity of this title as a whole or any part thereof. (Ord. 26949 § 6; passed Jul. 16, 2002)

Chapter 17.02

ANIMAL CONTROL

Sections:

- 17.02.010 Animals at large on public grounds.
- 17.02.020 Animals at large on private property.
- 17.02.030 Stray dog, cat, or animal.
- 17.02.040 Confinement of female dogs and cats in heat.
- 17.02.050 Dogs off premises to be on leash.
- 17.02.060 Dogs chasing vehicles on public roads.
- 17.02.070 Confinement of an animal in a motor vehicle.
- 17.02.080 Dogs jumping and/or threatening pedestrians.
- 17.02.090 Animals injuring humans, domestic animals, or livestock – gross misdemeanor.
- 17.02.100 Directing dog to harass or attack – gross misdemeanor.
- 17.02.110 Directing dog to harass or attack public officer – gross misdemeanor – minimum mandatory.
- 17.02.120 Use of dog in illegal activity prohibited – gross misdemeanor.
- 17.02.130 Animals injuring private or public property – infraction or misdemeanor.
- 17.02.140 Public disturbance noise and public nuisance noise made by an animal.
- 17.02.150 Sale or transfer of animals in public places prohibited.
- 17.02.160 Violations – civil infraction.

17.02.010 Animals at large on public grounds.

It is a violation for the owner or person having control or custody of any animal to allow such animal to be at large in any park or to enter any public beach, pond, fountain, or stream therein, or upon any public playground or school ground, or in any public building. Any animal entering or trespassing upon such property may be seized and impounded. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.020 Animals at large on private property.

It is a violation for the owner or person having control or custody of any animal to allow such animal to enter or trespass upon private property without the express permission of the owner or caretaker of such property. Any such animal may be seized and impounded. (Ord. 26949 § 6; passed Jul. 16, 2002)

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17.02.030 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 the 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. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.040 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 for 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 set forth in Section 17.01.110 without regard to prior impoundment. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.050 Dogs off premises to be on leash.

Unless in a designated off-leash area ("off-leash area" shall mean any area designated by the City or Metropolitan Parks Tacoma within which dogs, under the effective control of the owner or custodian, may be off leash), it shall be a violation for the owner or custodian of any dog to cause, permit, or allow such dog to roam, run, stray, or be away from the premises of such owner or custodian and to be on any public place or on any public property or the private property of another in the City unless such dog, while away from such premises, is controlled by a leash or chain not more than eight feet in length, such control to be exercised by such owner or custodian or other competent and authorized person. Any dog found roaming, running, straying, or being away from such premises and not on a leash as herein provided is hereby declared to be a nuisance and such dog may be seized and impounded. (Ord. 27144 § 1; passed Sep. 16, 2003; Ord. 26949 § 6; passed Jul. 16, 2002)

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 lawfully using the public road, street, avenues, alleys, and ways. Any such

dog may be seized and impounded. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.070 Confinement of an animal in a motor vehicle.

It is a violation 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. 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. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.080 Dogs jumping and/or threatening pedestrians.

It is a violation for the owner or other person having control of any dog to allow such dog to frequently or habitually snarl at, growl at, jump upon, or threaten persons upon public sidewalks, roads, streets, alleys, or public places. Any such dog may be seized and impounded. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.090 Animals injuring humans, domestic animals, or livestock – gross misdemeanor.

It is unlawful for the owner or other person having control or custody of any animal to allow such animal to cause injury to a human, domestic animal, or livestock which is acting in a lawful manner. Any such animal may be seized and impounded. Any violation of this section is a gross misdemeanor. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.100 Directing dog to harass or attack – gross misdemeanor.

It shall be unlawful for any person having control or custody of any dog to direct, encourage, cause, allow, or otherwise aid or assist any dog to threaten, charge at, bite, harass, menace, or attack any person within the City. Any such animal may be seized and impounded. Any violation of this section is a gross misdemeanor. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.110 Directing dog to harass or attack public officer – gross misdemeanor – minimum mandatory.

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 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, and shall carry a minimum mandatory sentence of two days in jail. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.120 Use of dog in illegal activity prohibited – gross misdemeanor.

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, of 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. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.130 Animals injuring private and public property – infraction or misdemeanor.

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. Any such animal may be seized and impounded. Any violation of this section is an infraction up to damage in the total amount of less than \$250.

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, or upon any public property. Any such animal may be seized and impounded. Damage in the total amount equal to or greater than \$250 shall be a misdemeanor. (Ord. 26949 § 6; passed Jul. 16, 2002)

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 be enforced under the provisions

of Sections 8.12.060 and 8.12.065. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.150 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 dog or cat in an area open to the public unless such activity is licensed pursuant to Title 6 of this Code, and shall be enforced under the provisions of said Title 6. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.02.160 Violations – civil 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 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. (Ord. 26949 § 6; passed Jul. 16, 2002)

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Chapter 17.03

DOG AND CAT KENNELS

Sections:

- 17.03.010 Kennel defined.
- 17.03.020 Prohibited places.
- 17.03.030 Violations – civil infraction.

17.03.010 Kennel defined

For the purpose of this chapter, a dog or cat kennel is defined as a building, enclosure, or portion of any premises in or at which dogs or cats are boarded or kept for hire, or in or at which dogs or cats are kept or maintained by any person other than the owner thereof, or in or at which seven or more cats and/or dogs over the age of seven months are kept or maintained. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.03.020 Prohibited places.

It shall be a violation for any person to operate or maintain a dog or cat kennel in any building or enclosure or upon any portion of any premises within the City, and the operation and maintenance of any dog or cat kennel as aforesaid is hereby declared to be a public nuisance; provided, this chapter shall not apply to those areas of the City in which such kennels are permitted under the zoning ordinances and regulations of the City. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.03.030 Violations – civil 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 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. (Ord. 26949 § 6; passed Jul. 16, 2002)

Chapter 17.04
DANGEROUS DOGS AND
POTENTIALLY DANGEROUS
DOGS

Sections:

- 17.04.010 Definitions.
 17.04.020 Registration of dangerous dogs – adoption by reference.
 17.04.030 Declaration of dogs as dangerous or potentially dangerous – procedure.
 17.04.040 Permits and fees.
 17.04.050 Confinement of dangerous dog or potentially dangerous dogs.
 17.04.060 Notification of status of potentially dangerous dog.
 17.04.070 Confiscation and destruction of potentially dangerous or dangerous dog.
 17.04.080 Penalty for violation as to potentially dangerous dog – misdemeanor.
 17.04.090 Penalty for violation as to dangerous dog – gross misdemeanor – adoption by reference.

17.04.010 Definitions.

Within the provisions of this chapter, the following definitions shall apply:

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

Provided, in the event that RCW 16.08.070(2), containing the definition of “dangerous dog,” is hereinafter amended, such amendment is hereby adopted by reference as if fully set forth herein. A complete copy of RCW 16.08.070(2) is on file with the City Clerk.

- B. “Potentially dangerous dog” means any dog which:

1. unprovoked, inflicts bites on a human or a domestic animal, either on public or private property;
2. unprovoked, chases or approaches a person or domestic animal upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack; or

3. is known to have a propensity, tendency, or disposition to attack unprovoked or to cause injury or otherwise threaten the safety of humans or domestic animals on any public or private property; provided, in the event that RCW 16.08.070(1), containing the definition of “potentially dangerous dog” is hereinafter amended, such amendment is hereby adopted by reference as if fully set forth herein. A complete copy of RCW 16.08.070(1) is on file with the City Clerk.

C. “Proper enclosure” means, while on the owner’s property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

D. “Securely enclosed and locked” means a pen or structure which has secure sides and a secure top. If the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot.

E. “Severe injury” means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery; provided, in the event that RCW 16.08.070(3), containing the definition of “severe injury” is hereinafter amended, such amendment is hereby adopted by reference as if fully set forth herein. A complete copy of RCW 16.08.070(3) is on file with the City Clerk.

F. “Unconfined” means not securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping from the premises of the person owning, harboring, or having the care of the animal.

G. “Owner” means any person, firm, corporation, organization, trust, or partnership possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

H. “Police dogs,” as defined by RCW 4.24.410, shall not be considered to be either a “potentially dangerous dog” or a “dangerous dog.” (Ord. 26949 § 6; passed Jul. 16, 2002)

17.04.020 Registration of dangerous dogs – adoption by reference.

RCW 16.08.070 through RCW 16.08.100, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except as otherwise specifically set forth in this chapter, and except that conduct constituting a

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felony, as determined by the prosecutor, is excluded. A complete copy of RCW 16.08.070 through RCW 16.08.100, is on file with the City Clerk. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.04.030 Declaration of dogs as dangerous or potentially dangerous – procedure.

A. The City animal control supervisor shall classify potentially dangerous dogs and dangerous dogs. The City animal control supervisor may find and declare a dog dangerous if an animal control officer has probable cause to believe that the dog falls within the definitions set forth in Section 17.04.010.A above. The City animal control supervisor may find and declare a dog potentially dangerous if an animal control officer has probable cause to believe that the dog falls within the definitions set forth in Section 17.04.010.B above. The finding must be based upon:

1. the written complaint of a citizen; or
2. any dog bite report filed with the shelter or City; or
3. actions of the dog witnessed by any animal control officer or law enforcement officer; or
4. other substantial evidence.

B. The declaration of dangerous dog or potentially dangerous dog shall be in writing and shall be served on the owner in one of the following methods:

1. certified and regular mail to the owner's last known address;
2. personally; or
3. if the owner cannot be located by one of the first two methods within seven days, by publication in a newspaper of general circulation for three successive days.

C. The declaration shall state at least:

1. a description of the dog;
2. the name and address of the owner of the dog, if known;
3. the whereabouts of the dog, if it is not in the custody of the owner;
4. a summary of the facts upon which the declaration of dangerous or potentially dangerous dog is based;
5. the availability of a hearing in case the person objects to the declaration, if a request is made within ten days of the date of personal service or mailing or first publication;

6. a summary of the restrictions placed on the dog as a result of the declaration; and

7. a summary of the potential penalties for violation of the restrictions, including the possibility of destruction of the animal and imprisonment or fining of the owner.

D. If the owner of the dog wishes to object to the declaration:

1. The owner may request a hearing before the Chief of Police or his designee by submitting a written request and payment of a \$25 administrative review fee to the Finance Department of the City within ten days of the date of personal service or mailing or first publication pursuant to Section 17.04.030.B.

2. If the Chief of Police or his designee finds that there is insufficient evidence to support the declaration, it shall be rescinded and the restrictions imposed thereby annulled.

3. If the Chief of Police or his designee finds sufficient evidence to support the declaration, the owner may appeal such decision to the Hearing Examiner of the City by filing a request for hearing along with payment of a fee of \$75 to the office of the Hearing Examiner within ten days of service, as set forth in 17.04.030.B, of the decision of the Chief of Police or his designee. Furthermore, if the Hearing Examiner finds sufficient evidence to support the declaration, any dangerous or potentially dangerous dog which attacks a human being or domestic animal may be ordered destroyed if no appeal is timely filed when, in the Hearing Examiner's judgment, such dog represents a continuing threat or serious harm to human beings or domestic animals.

Appeals of the Hearing Examiner's decision must be taken in the Superior Court of Pierce County within 21 days of the date of the written decision.

Furthermore, if the court finds sufficient evidence to support the declaration, any dangerous or potentially dangerous dog which attacks a human being or domestic animal may be ordered destroyed when, in the court's judgment, such dangerous or potentially dangerous dog represents a continuing threat or serious harm to human beings or domestic animals.

4. From the date of initial declaration by the City animal control supervisor, unless and until said declaration shall be rescinded and the restrictions imposed thereby annulled, it shall be unlawful for the owner to allow or permit such dog to:

- a. be unconfined on the premises of such person; or

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

c. Any dangerous dog shall be subject to any additional restrictions contained in RCW 16.08, as now exists or as may be amended hereafter.

E. Any dangerous dog or potentially dangerous dog shall be confiscated by the City if the dog is not confined as set forth herein. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter. (Ord. 27447 § 12; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.04.040 Permits and fees.

A. Within ten days following a declaration of dangerous dog or potentially dangerous dog, and the exhaustion of any appeal therefrom, the owner of a dangerous dog or potentially dangerous dog shall obtain a permit for such dog from the Finance Department of the City and shall be required to pay a fee for such permit in the amount of \$250, have the dog implanted with a microchip, and provide the microchip number to the Finance Department of the City.

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

C. The owner of a dangerous dog or potentially dangerous dog shall pay an annual renewal fee for such permit in the amount of \$50.

D. Should the owner of a dangerous or potentially dangerous dog fail to comply with Sections 17.04.040.A through 17.04.040.C herein, the City is authorized to seize and impound any such dog and destroy said dog pursuant to the procedures set forth in Section 17.04.060. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter. (Ord. 27447 § 13; passed Dec. 13, 2005; Ord. 26996 § 1; passed Oct. 15, 2002; Ord. 26949 § 6; passed Jul. 16, 2002)

17.04.050 Confinement of dangerous dog or potentially dangerous dogs.

Following a declaration and the exhaustion of any appeal therefrom, it shall be unlawful for the person owning, harboring, or having care of such dangerous or potentially dangerous dog to allow or permit such dog to:

A. be unconfined on the premises of such person; or
 B. go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.

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

Any dangerous dog or potentially dangerous dog shall be immediately confiscated by the Agency if the dog is not confined as set forth herein. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.04.060 Notification of status of potentially dangerous dog.

The owner shall immediately notify the Finance Department of the City, followed by written notice, when a dog which has been classified as dangerous or potentially dangerous:

- A. is loose or unconfined; provided that, the owner shall first call 911;
- B. has bitten a human being or attacked another animal; provided, the owner shall first call 911;
- C. is sold or given away, or dies; or
- D. is moved to another address.

Prior to a potentially dangerous dog's being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Finance Department of the City. The new owner shall comply with all of the requirements of this chapter.

Should the owner of a dangerous or potentially dangerous dog fail to provide such notification, the City is authorized to seize and impound any such dog and destroy said dog pursuant to the procedures set forth in Section 17.04.060. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter. (Ord. 27447 § 14; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.04.070 Confiscation and destruction of potentially dangerous or dangerous dog.

Any dangerous dog or potentially dangerous dog shall be immediately confiscated by the City if:

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- A. the dog is not validly registered under this chapter or RCW 16.08;
- B. the owner does not maintain liability insurance coverage as required for dangerous dogs in RCW 16.08.080;
- C. the dog is unconfined;
- D. the dog is outside of the dwelling of the owner and not under adequate physical restraint of a responsible person; or
- E. the owner fails to comply with any of the provisions of this chapter.

Any dangerous dog or potentially dangerous dog confiscated pursuant to this chapter shall be returned to the owner upon the owner's compliance with this chapter. However, if the owner does not comply with the provisions of this chapter within 72 hours following confiscation of said dog, said dog shall be destroyed in an expeditious and humane manner, except as otherwise specifically provided in this chapter. The time period set forth herein shall take precedence over the time period set forth in RCW 16.08.100. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter. (Ord. 27447 § 15; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.04.080 Penalty for violation as to potentially dangerous dog – misdemeanor.

Any violation of this chapter as to a potentially dangerous dog is a misdemeanor. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.04.090 Penalty for violation as to dangerous dog – gross misdemeanor – adoption by reference.

RCW 16.08.070 through RCW 16.08.100, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties. Pursuant to RCW 16.08.080, any violation of this chapter is a gross misdemeanor, except that conduct constituting a felony, as determined by the prosecutor, is excluded. A complete copy of RCW 16.08.070 through RCW 16.08.100 is on file with the City Clerk. (Ord. 26949 § 6; passed Jul. 16, 2002)

Chapter 17.05

DOG AND CAT LICENSES

Sections:

- 17.05.010 License required.
- 17.05.020 Purchase of license.
- 17.05.030 License records.
- 17.05.040 License fees.
- 17.05.050 Impounding unlicensed dogs and/or cats.
- 17.05.060 License not transferable.
- 17.05.070 Penalty – civil infraction.

17.05.010 License required

It is a violation for any person to own, keep, or have control of a dog or cat over the age of eight weeks in the City, whether confined or not, without having a current license tag attached to the collar or harness which is worn by the dog or cat. After the effective date of this chapter, absent proof of prior ownership, no more than six dogs and cats may be individually licensed by a resident in the City. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.05.020 Purchase of license.

All dog and cat licenses shall be obtained by paying the required license fees, in the amounts and within the time limits as provided in this chapter, to the shelter or Finance Department of the City. The license shall remain in force for a period of 12 months from the date of issuance, expiring on the last day of the 12th month. The applicant shall be furnished with such license and a permanent metal tag. The tag shall be attached to a collar or harness which shall be worn by the cat or dog at all times; provided, that cats need not display a license identification tag if the cat is licensed and has been implanted with microchip identification and the microchip number is registered with the Finance Department of the City, and such microchip is acceptable to and readable by the animal control officer. Renewal licenses will retain the original expiration period whether renewed prior to, on, or after their respective renewal month. (Ord. 27447 § 16; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.05.030 License records.

The City shall keep a record of the names of persons to whom licenses are issued, the number and date of the license, and the amount paid for the same. (Ord. 27447 § 17; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.05.040 License fees.

The license fees for the ownership, keeping, or having control of dogs 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. Reduced rates for senior citizens, 65 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

Individuals with a permanent disability residing within the city limits of Tacoma qualify for the reduced fee specified in C 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 Humane Society 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 Humane Society deems an appropriate proof of permanent disability.

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

E. 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 charitable organization status must be submitted to the Finance Department of the City by the group.

F. 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.

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

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

I. 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;
2. the owner has moved into the City within the preceding 30 days;
3. the animal is currently or has been within the preceding 30 days under the age which requires a license;
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.

J. The fee for a replacement tag shall be \$5.00. (Ord. 27447 § 18; passed Dec. 13, 2005; Ord. 27210 § 1; passed Mar. 23, 2004; Ord. 27202 § 1; passed Feb. 17, 2004; Ord. 26949 § 6; passed Jul. 16, 2002)

17.05.050 Impounding unlicensed dogs and/or cats.

Whenever an unlicensed dog or cat is found within the City, it may be taken up and impounded and an infraction may be issued to the owner of such dog or cat or the person having the custody and control of such dog or cat. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter. (Ord. 27447 § 19; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

17.05.060 License not transferable.

A person may use a license for another dog or cat owned by that person if the dog or cat for which it

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was issued is no longer owned by such person. It is a violation 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. (Ord. 26949 § 6; passed Jul. 16, 2002)

17.05.070 Penalty—civil infraction.

Any violation of Section 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. (Ord. 26949 § 6; passed Jul. 16, 2002)