

**ORDINANCE NO. 05-0261**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING EDGEWOOD MUNICIPAL CODE TITLE 6 – ANIMAL CONTROL, DESIGNATING THE CITY OF SUMNER AS THE ANIMAL CONTROL AGENCY PROVIDING SUCH SERVICES TO THE CITY OF EDGEWOOD, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Edgewood adopted Ordinance 96-0008, which adopted by reference Title 6, Animal Control, of the Pierce County Code; and

**WHEREAS**, the City Council adopted Ordinance 04-0222, which repealed and replaced Edgewood Municipal Code (EMC) Chapter 6.05, which adopted by reference Title 6, Animal Control, of the Pierce County Code; and

**WHEREAS**, the City Council wishes to contract animal control services with the City of Sumner; and

**WHEREAS**, the City Council wishes to eliminate the references to the Tacoma-Pierce County Animal Control agency as the animal control authority in the City of Edgewood and designate the City of Sumner as such.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Amendment.** EMC Title 6 is amended as follows:

**EDGEWOOD MUNICIPAL CODE  
TITLE 6  
ANIMAL CONTROL**

**CHAPTERS:**

- 6.01 ANIMAL CONTROL - GENERAL PROVISIONS AND DEFINITIONS.**
- 6.02 ANIMAL CONTROL.**
- 6.03 LICENSING OF DOGS AND CATS.**
- 6.04 POTENTIALLY DANGEROUS DOGS.**
- 6.05 RABIES CONTROL.**
- 6.06 DOG CONTROL ZONES.**
- 6.07 BABY CHICKS, RABBITS, AND DUCKLINGS.**
- 6.08 WILD ANIMALS AND REPTILES.**
- 6.09 LIVESTOCK DISTRICTS.**

*Chapter 6.01*

*ANIMAL CONTROL - GENERAL PROVISIONS AND DEFINITIONS*

**Sections:**

- 6.01.010 Definitions.**
- 6.01.020 Authorized Agents May Perform Duties.**
- 6.01.030 Authority to Pursue.**
- 6.01.040 Notice of Impounding Animal.**
- 6.01.050 Hindering an Officer.**
- 6.01.060 Interference With Impounding.**

- 6.01.070 Redemption of Dogs.**
- 6.01.075 Redemption of Livestock.**
- 6.01.080 Redemption of Animals Other Than Dogs and Livestock.**
- 6.01.085 Mandatory Spay/Neuter for Impounded Dogs and Cats - Deposit - Refund - Exception.**
- 6.01.088 Conditions of Release.**
- 6.01.090 Injured or Diseased Animals.**
- 6.01.100 Duties Upon Injury or Death to an Animal.**
- 6.01.110 Poisoning of Animals.**
- 6.01.120 Abatement of Nuisances.**
- 6.01.130 Penalty for Violation.**
- 6.01.140 Severability.**
- 6.01.150 Adoption of Certain Other Laws.**
- 6.01.160 License Fees.**

**6.01.010 Definitions.**

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

- A. "Adult" means any animal over the age of seven months.
- B. "Animal" means any nonhuman mammal, bird, reptile or amphibian excluding livestock and poultry as defined herein.
- C. "Animal Control Agency" means that animal control organization authorized by the City of Edgewood to enforce its animal control provisions.
- D. "Animal Shelter" means that animal control facility authorized by City of Sumner.
- E. "At large" means off the premises of the owner or keeper of the animal, and not under restraint by leash or chain or not otherwise controlled by a competent person.
- F. "Cat" means and includes female, spayed female, male and neutered male cats.
- G. "Competent person" means a person who is able to sufficiently care for, control, and restrain his/her animal, and who has the capacity to exercise sound judgment regarding the rights and safety of others.
- H. "Court" means District Court or the Superior Court, which courts shall have concurrent jurisdiction hereunder.
- I. "Dog" means and includes female, spayed female, male and neutered male dogs.
- J. "Humane trap" means a live animal box enclosure trap designed to capture and hold an animal without injury.
- K. "Impound" means to receive into the custody of the Animal Control Shelter, or into the custody of the Director or his pr her authorized agenda or deputy.
- L. "Juvenile" means any animal from weaning to seven months of age.
- M. "Livestock" means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, other hoof animals, or animals of the equidae family; all pigs, swine, or animals of the suidae family; llamas; and ostriches, rhea, and emu.
- N. "Misdemeanor" means a maximum penalty of one year in jail and/or \$5,000 fine, pursuant to EMC Chapter 1.10.
- O. "Police Department" means the City of Edgewood Police Department, or designee, contracted to provide such law enforcement services.
- P. "Owner" means any person, firm, or corporation owning, having an interest in, or having control or custody or possession of any animal.
- Q. "Potentially Dangerous Dog" means any dog that when unprovoked: (a) Inflicts bites on a human, domestic animal, or livestock either on public or private property, or (b) chases or approaches a person upon the streets, side-walks, or any public grounds or private property in a menacing fashion or apparent attitude of attack, or (c) any dog with a known propensity, tendency, or disposition to attack unprovoked or to cause injury or otherwise to threaten the safety of humans, domestic animal, or livestock on any public or private property.
- R. "Poultry" means domestic fowl normally raised for eggs or meat, and includes chickens,

- turkeys, ducks and geese.
- S. "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.
  - T. "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.

**6.01.020 Authorized Agents May Perform Duties.**

Wherever a power is granted to or a duty imposed upon the Police Department, the power may be exercised or the duty may be performed by a deputy of the department or by an authorized agent deputized to carry out such duties.

**6.01.030 Authority to Pursue.**

Those employees or agents of the City charged with the duty of seizing animals running at large may pursue such animals onto City-owned property, vacant property, and unenclosed private property, and seize, remove, and impound the same.

**6.01.040 Notice of Impounding Animal.**

Upon the impoundment of any animal under the provisions of this Title, the animal control agency shall immediately notify the owner, if the owner is known, of the impounding of such animal, and of the terms upon which said animal can be redeemed. The impounding authority shall retain said animal for 48 hours following actual notice to the owner. The notifying of any person over the age of 18 who resides at the owner's domicile shall constitute actual notice to the owner. If the owner of said animal so impounded is unknown, then said animal control agency shall make a reasonable effort to locate and notify the owner of said animal.

**6.01.050 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.

**6.01.060 Interference With Impounding.**

It is unlawful for any person to willfully prevent or hinder the impounding of any animal, or to by force or otherwise remove any animal from the animal shelter without authority of the person in charge of the animal shelter, or without payment of all lawful charges against such animal, or to willfully resist or obstruct any officer in the performance of any official duty.

**6.01.070 Redemption of Dogs.**

The owner of any dog impounded under this Title may redeem said dog within 48 hours from time of impounding by paying to the animal control agency the appropriate redemption fee. The first time a dog is impounded within a one year period, the redemption fee is \$25.00; for the second impound within a one year period the redemption fee is \$50.00; for the third and subsequent impounds within a one year period the redemption fee is \$75.00. If a dog is wearing a current pet license at the time of the first impound, no redemption fee will be collected. In addition to the redemption fee, the redeemer shall pay, as a boarding charge for the caring and keeping of such dog, the sum of \$6.00 per day for each day, including the first and last days, that the dog is retained by the impounding authority. This boarding charge will be collected for the first time impound whether the animal is wearing a pet license or not. If an impounded dog is not redeemed by the owner within 48 hours, then any person may redeem it within the next 48 hours by complying with the above provision. In case such dog is not redeemed within 96 hours, it may be humanely destroyed or otherwise disposed of within the discretion of the animal control agency.

#### **6.01.080 Redemption of Animals Other Than Dogs.**

The owner of any animal other than a dog or livestock impounded under the provisions of this Title may redeem it within 48 hours from the time of impounding by paying to the animal control agency a redemption fee of \$15.00. 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 \$4.00 per day for each day, including the first and last days, that the animal is retained by the impounding authority. If such animal is not redeemed by the owner within 48 hours, it may be humanely destroyed or otherwise disposed of at the discretion of the animal control agency; provided, however, that any animal so impounded less than two months of age, at the discretion of the animal control agency, may be humanely destroyed or otherwise disposed of at any time after impounding.

#### **6.01.085 Mandatory Spay/Neuter for Impounded Dogs and Cats - Deposit - Refund - Exception.**

- A. **Mandatory Spay/Neuter - Deposit.** No unaltered dog or cat that is impounded more than once in any 12-month period may be redeemed by any person until the sum of \$50.00 is deposited with the City of Sumner, to cover the cost of spaying or neutering the animal, and the dog or cat has been altered.
- B. **Refund.** The alteration deposit shall be refunded upon a showing of proof of alteration from a licensed veterinarian.
- C. **Exception.** The alteration deposit shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal.

#### **6.01.088 Conditions of Release.**

The animal control agency is authorized to refuse to release to its owner any animal which has been impounded more than once in a 12-month period unless satisfied that the owner has taken steps that the violation will not occur again. The agency may impose reasonable conditions which must be satisfied by the owner before release of the animal, including conditions assuring that the animal will be confined.

#### **6.01.090 Injured or Diseased Animals.**

Any animal suffering from serious injury or disease may be humanely destroyed by the animal control agency; provided, that the animal control agency shall immediately notify the owner, if the owner is known, and if the owner is unknown, make a reasonable effort to locate and notify the owner.

#### **6.01.100 Duties Upon Injury or Death to an Animal.**

The operator of a vehicle involved in an accident resulting in injury or death to an animal or livestock, shall immediately stop the vehicle at or as near to the scene of the accident as possible, and return thereto, and shall give to the owner or other competent person having custody of the animal, the name and address of the operator of the vehicle and the registration number of the vehicle involved in the accident. If the owner or other competent person is not the person at the scene of the accident, the operator shall take reasonable steps to locate the owner or custodian of the said animal and shall supply the information herein above required. If the animal is injured to the extent that it requires immediate medical attention and there is no owner or custodian present to look after it, the operator of said vehicle shall immediately report the situation to the Police Department.

#### **6.01.110 Poisoning of Animals.**

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.

**6.01.120 Abatement of Nuisances.**

Any person convicted of a 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 the 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 of Edgewood or the animal control agency of the City of Edgewood, 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 of Edgewood may bring suit for the same in any Court of competent jurisdiction against the person keeping or maintaining the nuisance so abated.

**6.01.130 Penalty for Violation.**

A person who violates any of the provisions of this code, shall be guilty of a misdemeanor, and conviction thereof, be punished as set forth in Chapter 1.10 of the Edgewood Municipal Code.

**6.01.140 Severability.**

If any section, sentence, clause or phrase of this code 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.

**6.01.150 Adoption of Certain Other Laws**

To the extent that any provision of the Edgewood Municipal Code, or any other law, rule or regulation referenced herein is necessary or convenient to establish validity, enforceability or interpretation of the animal control code, then such provisions of the Edgewood Municipal Code, or other law, rule or regulation is hereby adopted pursuant to RCW 35A.13.180 and RCW 35A.12.140.

**6.01.160 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	\$14.00
		unaltered	\$65.00
B.	Juvenile Dogs		\$0.00
C.	Adult Cats	altered	\$10.00
		unaltered	\$65.00
D.	Juvenile Cats		\$0.00
E.	Reduced rates for senior citizens, sixty-five years of age or older:		
	(1) Dogs	altered	\$8.00
		unaltered	\$35.00
	(2) Cats	altered	\$4.00
		unaltered	\$35.00

*Chapter 6.02*  
**ANIMAL CONTROL**

**Sections:**

- 6.02.010 Animals at Large on Public Grounds.**
- 6.02.020 Animals at Large on Private Property.**
- 6.02.025 Poultry Running at Large.**
- 6.02.030 Confinement of Female Dogs and Cats in Heat.**
- 6.02.035 Livestock at Large.**
- 6.02.040 Dogs Chasing Vehicles on Public Roads.**
- 6.02.045 Confinement of an Animal in a Motor Vehicle.**
- 6.02.050 Dogs Jumping and/or Threatening Pedestrians.**
- 6.02.070 Animals Injuring Humans, Domestic Animals, or Livestock - Gross Misdemeanor.**
- 6.02.080 Animals Injuring Private and Public Property - Misdemeanor.**
- 6.02.090 Public Disturbance Noise and Public Nuisance Noise Made by an Animal.**
- 6.02.095 Sale or Transfer of Animals in Public Places Prohibited.**

**6.02.010 Animals at Large on Public Grounds.**

It is unlawful 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 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.

**6.02.020 Animals at Large on Private Property.**

It is unlawful 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.

**6.02.025 Poultry Running at Large.**

It shall be unlawful for any person owning or having the charge and control of any chickens, geese, ducks, or other domestic fowl to allow such poultry to enter or trespass upon private property without the express permission of the owner or caretaker of such property. Any such fowl may be seized and impounded.

**6.02.030 Confinement of Female Dogs and Cats in Heat.**

Every female dog and cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with a male of the species, except for planned breeding. It is unlawful for any person having control or custody of a dog or cat in heat to 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 Section 6.01.085.

**6.02.035 Livestock at Large.**

It is unlawful for the owner or person having control or custody of any livestock to allow such livestock to enter or trespass upon private or public property without the express permission of the owner or caretaker of such property. Any such livestock may be seized and impounded.

**6.02.040 Dogs Chasing Vehicles on Public Roads.**

It is unlawful 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.

**6.02.045 Confinement of an Animal in a Motor Vehicle.**

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

**6.02.050 Dogs Jumping and/or Threatening Pedestrians.**

It is unlawful 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 the public sidewalks, roads, streets, alleys, or public places. Any such dog may be seized and impounded.

**6.02.070 Animals Injuring Humans, Domestic Animals, or Livestock.**

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.

**6.02.080 Animals Injuring Private and Public Property.**

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, or upon any public property. Any such animal may be seized and impounded.

**6.02.090 Public Disturbance Noise and Public Nuisance Noise Made by an Animal.**

Any Public Disturbance Noise and Public Nuisance Noise is unlawful and shall be enforced under the provisions of EMC Title 8.

**6.02.095 Sale or Transfer of Animals in Public Places Prohibited.**

It is unlawful to sell, barter or otherwise transfer for the purpose of changing ownership any animal in an area open to the public unless such activity is licensed pursuant to EMC Title 5.

*Chapter 6.03*  
**LICENSING OF DOGS AND CATS**

**Sections:**

- 6.03.010 License Required.**
- 6.03.020 Purchase of License.**
- 6.03.040 Late Payment Penalty.**
- 6.03.050 License Not Transferable.**

**6.03.010 License Required.**

It is unlawful for any person to own, keep, or have control of a dog or cat over the age of eight weeks, whether confined or not, in the incorporated areas of the City of Edgewood without having a current license tag attached to the collar or harness which is worn by the dog or cat. Any dog or cat which is off the premises of its owner must have a current license, regardless of its age. If any dog or cat which is required to be licensed is found without a current license, it may be seized and impounded by the animal control agency or the Police Department. Provided, such seizure and impoundment will not preclude the issuance of a civil infraction. Hunting dogs, during a controlled hunt, need not wear a license tag. No more than five dogs and/or cats may be individually licensed by a residence in the City of Edgewood. Dogs and cats are exempt from the above licensing provisions when they are in the custody of a recognized animal rescue group. In order to qualify as a recognized group, proof of registration with the Internal Revenue Service pursuant to IRC 501(c)(3) must be submitted to the City of Sumner by the group.

**6.03.020 Purchase of License.**

All dog or cat licenses shall be obtained by paying the required license fee in the amounts and within the time limits as provided in this code to the City of Sumner. 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. There is no prorating of any license fee. Renewal licenses will retain the original expiration period whether renewed prior to, on, or after their respective renewal month. The applicant shall be furnished with such license and a metal tag; or in the case of a kennel license, the year of issuance and the words "City of Edgewood". The tag shall be attached to a collar or harness which will be worn by the dog or cat at all times. The shape of the tag shall not be the same two consecutive years.

**6.03.040 Late Payment Penalty.**

- A. Any person who fails to obtain a license within 30 days after the license expiration date but before 60 days of the expiration date shall pay a penalty of \$10.00 per license. Any person who fails to obtain a license within 60 days of the license expiration date shall pay a penalty of \$20.00 per license.
- B. No late payment penalty shall be charged on new license applications if:
  - 1. The owner submits proof of purchase or acquisition of the animal within the preceding 30 days; or
  - 2. The owner has moved into the City within the preceding 30 days; or
  - 3. The animal is currently or has been within the preceding 30 days, under the age which requires a license; or
  - 4. The owner purchases the license(s) voluntarily, prior to in person or field contact by animal control personnel; or
  - 5. The owner submits other proof deemed acceptable in the animal control authority's administrative policy.

**6.03.050 License Not Transferable.**

Dog or cat licenses as provided for in this Chapter shall be nontransferable. A person may use a license for another dog or cat that he or she owns, if the dog or cat for which it was issued is no longer owned by such person. It is unlawful for any person to give, sell, exchange, or otherwise transfer a dog or cat license to another person, even if it is to be used for the same dog or cat for which it was originally issued.

*Chapter 6.04*  
**POTENTIALLY DANGEROUS DOGS**

**Sections:**

- 6.04.010 Declaration of Dogs as Potentially Dangerous - Procedure.**
- 6.04.020 Permits and Fees.**
- 6.04.030 Confinement and Identification of Potentially Dangerous Dogs.**
- 6.04.035 Notification of Status of Potentially Dangerous Dog.**
- 6.04.040 Penalty for Violation.**

**6.04.010 Declaration of Dogs as Potentially Dangerous - Procedure.**

- A. The animal control agency shall classify potentially dangerous dogs. The agency may find and declare an animal potentially dangerous if an animal control officer has probable cause to believe that the animal falls within the definitions set forth in Section 6.01.010 Q. The finding must be based upon:
  - 1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of Section 6.01.010 Q.; or
  - 2. Dog bite reports filed with the animal control agency; 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 potentially dangerous dog shall be in writing and shall be served on the owner in one of the following methods:
  - 1. Certified mail to the owner's last known address; or
  - 2. Personally; or
  - 3. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
- C. The declaration shall state at least:
  - 1. The description of the animal.
  - 2. The name and address of the owner of the animal, if known.
  - 3. The whereabouts of the animal if it is not in the custody of the owner.
  - 4. The facts upon which the declaration of 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.
  - 6. The restrictions placed on the animal as a result of the declaration of potentially dangerous dog.
  - 7. The 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 animal wishes to object to the declaration of potentially dangerous dog:
  - 1. The owner may request a hearing before the director of the animal control agency or the director's designee by submitting a written request and payment of a \$25.00 administrative review fee to said director or the director's designee within ten days of receipt of the declaration, or within ten days of the publication of the declaration pursuant to Section 6.04.010 B.
  - 2. If the director or the director's designee finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.
  - 3. If the director or the director's designee finds sufficient evidence to support declaration, the owner may appeal such decision pursuant to Edgewood Municipal Code Chapter 2.40.
  - 4. During the entire appeal process, it shall be unlawful for the owner appealing the declaration of potentially dangerous dogs to allow or permit such dog to:
    - a. Be unconfined on the premises of the owner; or
    - b. Go beyond the premises of the owner unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.

**6.04.020 Permits and Fees.**

Following a declaration of potentially dangerous dog and the exhaustion of the appeal therefrom, the owner of a potentially dangerous dog shall obtain a permit for such dog from the animal control agency, and shall be required to pay the fee for such permit in the amount of \$250.00. In addition, the owner of a potentially dangerous dog shall pay an annual renewal fee for such permit in the amount of \$50.00.

Should the owner of a potentially dangerous dog fail to obtain a permit for such dog from the animal control agency or to appeal the declaration of potentially dangerous dog, the animal control agency is authorized to seize and impound such dog and, after notification to the owner, hold the dog for a period of no more than five days before destruction of such dog by the animal control agency.

**6.04.030 Confinement and Identification of Potentially Dangerous Dogs.**

- A. Following a declaration of potentially dangerous dog and the exhaustion of the appeal therefrom, it shall be unlawful for the person owning or harboring or having care of such potentially dangerous dog to allow and/or permit such dog to:
  - 1. Be unconfined on the premises of such person; or
  - 2. Go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.
- B. Potentially dangerous dog(s) must be tattooed or have a microchip implanted for identification. Identification information must be on record at the City of Sumner.

**6.04.035 Notification of Status of Potentially Dangerous Dog.**

The owner of a dog that has been classified as a potentially dangerous dog shall immediately notify the animal control agency when such dog:

- A. Is loose or unconfined; or
- B. Has bitten or otherwise injured a human being or attacked another animal or livestock; or
- C. Is sold or given away or dies; or
- D. Is moved to another address.

Prior to a potentially dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control agency. The new owner shall comply with all of the requirements of this Chapter.

**6.04.040 Penalty for Violation.**

Any person who violates a provision of this Chapter shall, upon conviction thereof, be found guilty of a misdemeanor. In addition, any person found guilty of violating this Chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog. Provided, that any potentially dangerous dog which is in violation of the restrictions contained herein or restrictions imposed as part of a declaration as a potentially dangerous dog, shall be seized and impounded. Furthermore, any potentially dangerous dog which attacks a human being, domestic animal, or livestock may be ordered destroyed when, in the court's judgment, such potentially dangerous dog represents a continuing threat of serious harm to human beings or domestic animals.

*Chapter 6.05*  
**RABIES CONTROL**

**Sections:**

- 6.05.010 Definitions.**
- 6.05.020 Duty of Owner, Custodian and Health Officer.**
- 6.05.030 Quarantine - Notice to Owner.**
- 6.05.040 Quarantine - Duties of Owner.**
- 6.05.050 Handling of an Animal Bitten by Rabid Animal.**
- 6.05.060 Publication of Notice of Outbreak of Rabies.**
- 6.05.070 Procedures.**

**6.05.010 Definitions.**

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

- A. "Animal shelter" means the facilities for the temporary containment of animals, operated by the City of Sumner.
- B. "Health Officer" means the Director of the Tacoma-Pierce County Health Department or his authorized representatives.
- C. "Quarantine" means the detention or isolation of an animal on account of suspected exposure or affliction with rabies.
- D. "Unvaccinated animal" means an animal which has either never been vaccinated against rabies or whose vaccination has expired according to the current Compendium of Animal Rabies Vaccines published by the National Association of State Public Health Veterinarians, Inc., and which has been bitten by a known rabid animal.
- E. "Vaccinated animal" means an animal which has been vaccinated in accordance with the Compendium of Animal Rabies Vaccines published by the National Association of State Public Health Veterinarians, Inc., and which has been bitten by a known rabid animal.

**6.05.020 Duty of Owner, Custodian and Health Officer.**

- A. It shall be the duty of the owner and/or custodian of any dog or cat within the City of Edgewood to quarantine any dog or cat within the City of Edgewood which he has grounds to suspect of being infected with the disease of rabies or hydrophobia.
- B. If the Health Officer:
  - 1. Has grounds to suspect that any dog or cat running at large in the City of Edgewood is infected with rabies or hydrophobia; and
  - 2. Has notice that said dog or cat's owner or custodian cannot be determined; and
  - 3. Is able to locate and confine said animal; the Health Officer shall quarantine the animal as provided in this Chapter.
- C. The biting of a human being by a dog or cat causing penetration of the skin by the animal's teeth is specifically declared a ground for suspecting that such animal is so infected.

**6.05.030 Quarantine - Notice to Owner.**

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

#### **6.05.040 Quarantine - Duties of Owner.**

- A. During the period of any quarantine, the owner or custodian of a quarantined animal shall not allow the animal to come in contact with any other animal or person or permit such animal to run at large outside of the premises where quarantined or upon the premises itself, unless the premises is enclosed by a secure fence from which the animal cannot escape. When the fence encloses the access to the premises, the animal must be restricted to leave free access to those persons lawfully entering the premises.
- B. The owner or custodian shall not remove or cause the animal to be removed from the premises without the prior consent of the Health Officer. These restrictions shall continue until the animal is released from quarantine. If any animal is found running at large after the commencement of the quarantine period or is removed from the premises where quarantined, it shall be impounded and unless claimed and redeemed by its owner or custodian within two days after the expiration of the quarantine period, may be destroyed by the proper authorities.
- C. Upon redemption of a dog, cat or other animal released from quarantine from the Animal Shelter the owner or custodian shall pay the same impound fee and board fee for any dog, cat or other animal quarantined in the Animal Shelter, as provided for in Section 6.01.070; provided, however, if the animal is brought to the Animal Shelter by the owner or custodian, the service fee shall be waived.

#### **6.05.050 Handling of an Animal Bitten by Rabid Animal.**

When an animal has been bitten by a rabid animal, the following procedures shall be followed:

- A. Unvaccinated Animal. An unvaccinated animal shall be immediately destroyed; provided, that upon the election of the owner, the animal may be kept, at its owner's expense, in strict isolation in a kennel under veterinary supervision for a minimum period of six months following the bite.
- B. Vaccinated Animal. A vaccinated animal shall be handled as follows:
  1. The animal shall be immediately revaccinated with an approved rabies vaccine and confined under the supervision of a veterinarian for a period of thirty days following revaccination; or
  2. If the animal is not immediately revaccinated, it shall be confined in strict isolation in a kennel for six months under the supervision of a veterinarian; or
  3. The animal shall be destroyed if the owner or custodian does not comply with subsections 1. or 2. above.

#### **6.05.060 Publication of Notice of Outbreak of Rabies.**

Upon any outbreak of rabies or when rabies has been diagnosed within the City of Edgewood, and when in the judgment of the Health Officer there is imminent danger of the spread of the disease, the Health Officer shall publish a notice to that effect in the official newspaper of the City of Edgewood for three successive days. For a period of six weeks following the final publication of the notice, the owner or custodian of a dog shall keep the dog securely confined at all times by leash or in a tight enclosure from which the dog cannot escape. During said period any dog found running at large in the City of Edgewood shall be impounded and unless claimed and redeemed by its owner within two days following such impounding, may be destroyed by the proper authorities. Any person charged with the enforcement of this Chapter may destroy any dog found running at large within the City of Edgewood when, after reasonable effort, he is unable to impound the dog or after reasonable investigation, is unable to locate the owner or custodian thereof. The Health Officer shall have authority to extend the six-week time period for additional six-week periods by notice given in the manner provided above until, in his judgment, the imminent danger of the spread of the disease is no longer present.

#### **6.05.070 Procedures.**

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

*Chapter 6.06*  
**DOG CONTROL ZONES**

**Sections:**

**6.06.010 Dog Control Zone Established.**

**6.06.020 Dogs Off Premises.**

**6.06.010 Dog Control Zone Established.**

Incorporated City of Edgewood is hereby established as a Dog Control Zone.

**6.06.020 Dogs Off Premises.**

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

*Chapter 6.07*  
**BABY CHICKS, RABBITS, AND DUCKLINGS**

**Sections:**

- 6.07.010 Unlawful to Sell or Give Away in Quantity Under Six.**
- 6.07.015 Exception - Sale or Gift for Educational Purposes.**
- 6.07.020 Artificial Coloring Unlawful.**
- 6.07.030 Commercial Sale Not Affected.**
- 6.07.040 Violation - Civil Infraction.**

**6.07.010 Unlawful to Sell or Give Away in Quantity Under Six.**

It shall be unlawful for any person, firm or corporation to sell or offer for sale, barter or give away living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than six.

**6.07.015 Exception - Sale or Gift for Educational Purposes.**

Section 6.07.010 shall not apply to the sale, offer for sale, barter or gift of living baby chicks, rabbits, ducklings, or other fowl when such transaction is for organized institutional and/or educational purposes.

**6.07.020 Artificial Coloring Unlawful.**

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

**6.07.030 Commercial Sale Not Affected.**

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

**6.07.040 Violation - Civil Infraction.**

Any person, firm or corporation violating any provisions of this Chapter shall, upon conviction thereof, be subjected to a fine not exceeding the sum of \$250 or imprisonment for a period not exceeding ninety days, or both such fine and imprisonment at the discretion of the Court.

*Chapter 6.08*  
**WILD ANIMALS AND REPTILES**

**Sections:**

- 6.08.010 Animal Defined.**
- 6.08.020 Vicious, Venomous/Poisonous or Dangerous Wild Animals.**
- 6.08.025 Duty to Advise Purchaser/Recipient.**
- 6.08.030 Allowing Wild or Vicious Animals to Run at Large Prohibited.**
- 6.08.040 Exceptions for Circuses, Zoos, and Transportation of Wild Animals.**
- 6.08.050 Violations - Penalty - Continuing Offenses.**

**Cross-reference: RCW 9.08**

**6.08.010 Animal Defined.**

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

**6.08.020 Vicious, Venomous/Poisonous or Dangerous Wild Animals.**

No person shall have, keep, maintain, or have in his or her possession or control, within the incorporated area of the City of Edgewood, any lion, tiger, bear, chimpanzee, gorilla, cougar, mountain lion, badger, wolf, coyote, fox, lynx, or any other vicious or venomous/poisonous wild animal; provided, persons residing in the incorporated area of the City of Edgewood may keep potentially dangerous wild animals other than a lion, tiger, bear, chimpanzee, gorilla, cougar, mountain lion, badger, wolf, coyote, fox, lynx, or other vicious or venomous/poisonous wild animal, if they obtain a permit from the City of Sumner.

Such permits shall be granted only upon a showing by the applicant that adequate safeguards have been instituted and will be maintained which effectively control any dangerous or vicious propensities of such animal, and eliminate any danger to individuals and property, and that the keeping and maintaining of such animal will be in the best interests of the animal and will in no way constitute a nuisance to the occupant of any surrounding property.

Nothing in this Section shall be construed to exonerate anyone from liability that may occur from the keeping of such wild animal whether under permit or not.

**6.08.025 Duty to Advise Purchaser/Recipient.**

Any person offering for sale or gift any animal in incorporated the City of Edgewood which falls within Section 6.08.020 shall have the duty to advise the purchaser or recipient of the wild nature of the animal and its vicious, venomous/poisonous, or dangerous propensities and of the fact that possession of such animal is regulated or prohibited by the Edgewood Municipal Code.

**6.08.030 Allowing Wild or Vicious Animals to Run at Large Prohibited.**

No person owning or having charge, custody, control, or possession of any animal specified in Section 6.08.020 shall permit or allow the same to run at large upon any highway, street, lane, alley, court, or any other place, public or private, or within the premises of such person in such a manner as to endanger any person lawfully entering such premises.

**6.08.040 Exception for Circuses, Zoos, and Transportation of Wild Animals.**

- A. Section 6.08.020 shall not apply to any person who has custody of any animal described in that Section in connection with the operation of any zoo or circus or any program of medical or scientific research, provided, such person has taken adequate measures to safeguard persons and property.
- B. Section 6.08.020 shall not apply to any person keeping, maintaining or having in his possession or under his control any animal defined in that Section when such person is transporting such animal through the City of Edgewood, provided, he has taken adequate safeguards to protect the public, and has notified the Police Department of his proposed route of transportation and of the time that such trip is to take place.

**6.08.050 Violations - Penalty - Continuing Offenses.**

Any person, firm, or corporation violating any of the provisions of this Chapter shall, upon conviction thereof, be subjected to a fine not exceeding the sum of \$250.00 or imprisonment for a period not exceeding 90 days, or both such fine and imprisonment at the discretion of the Court.

*Chapter 6.09*  
**LIVESTOCK DISTRICTS**

**Sections:**

**6.09.010 Stock Restricted Area.**

**6.09.010 Stock Restricted Area.**

All areas of incorporated the City of Edgewood are restricted areas where livestock may not run at large.

**Section 2. Declaration of Emergency - Effective Date.** The City Council hereby finds and declares that an emergency exists necessitating this ordinance to become effective immediately in order to preserve the public health, safety and welfare of Edgewood citizens and the community. This ordinance shall therefore become effective January 1, 2006. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

**Presented to Council for its First Reading on December 13, 2005.**  
**ADOPTED BY THE CITY COUNCIL ON THE 13<sup>th</sup> DAY OF DECEMBER, 2006**

\_\_\_\_\_  
Mayor Bill Evans

**ATTEST/AUTHENTICATED:**

\_\_\_\_\_  
Terri Berry, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**Date of Publication:** December 22, 2005

**Effective Date:** January 1, 2006

**CITY OF EDGEWOOD**  
**2221 Meridian Avenue East, Edgewood, WA 98371**  
**Ph: (253) 952-3299 Fax: (253) 952-3537**

**LEGAL NOTICE**

December 14, 2005

**NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL**

The following is a summary of an Ordinance passed by the City of Edgewood City Council on the 13<sup>th</sup> day of December, 2005, and shall take effect and be in full force on the 1<sup>st</sup> day of January, 2006.

**ORDINANCE NO. 05-0261**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING EDGEWOOD MUNICIPAL CODE TITLE 6 – ANIMAL CONTROL, DESIGNATING THE CITY OF SUMNER AS THE ANIMAL CONTROL AGENCY PROVIDING SUCH SERVICES TO THE CITY OF EDGEWOOD, AND DECLARING AN EMERGENCY.**

The full text of the Ordinance is available at the City Clerk's office, Edgewood City Hall, 2221 Meridian Avenue East, Edgewood, WA 98371 (253) 952-3299.

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Terri Berry, City Clerk

Published in the Pierce County Herald on December 22, 2005.