TOWN OF EATONVILLE

Agenda Staff Report

Agenda Item No.:	Ordinance No. 2015- 6	Meeting Date:	August 10, 2015
Subject:	An Ordinance Amending Title Six of the Eatonville Municipal Code Relating to Animals	Prepared by:	Town Attorney Gregory Jacoby
		Atty Routing No:	019-15
		Atty Review Date:	August 5, 2015

Summary: Title Six of the Eatonville Municipal Code governs the care and control of animals, including dangerous and potentially dangerous animals, within the Town. The Town has an Animal Control Committee, who has reviewed Title Six in an effort to make the title easier for residents to understand and to make it easier for the Town to enforce, when necessary. The Animal Control Committee completed their review of Title Six and have made a number of recommended amendments. The recommended amendments will promote the health and safety of the Town and its residents by clarifying Title Six and making it easier to enforce, when necessary.

Recommendation: Staff recommends adoption of Ordinance No. 2015-6 Amending Title Six of the Eatonville Municipal Code Relating to Animals.

Motion for consideration: I move to adopt Ordinance No. 2015-6 Amending Title Six of the Eatonville Municipal Code Relating to Animals

Fiscal Impact: None

Attachments: Proposed Ordinance No. 2015-6 with attached Exhibit A.

ORDINANCE NO. 2015-6

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING TITLE SIX OF THE EATONVILLE MUNICIPAL CODE RELATING TO ANIMALS

WHEREAS, Title Six of the Eatonville Municipal Code governs the care and control of animals, including dangerous and potentially dangerous animals, within the Town of Eatonville; and

WHEREAS, the Town of Eatonville has an Animal Control Committee, which has performed a review of Title Six and has recommended certain amendments; and

WHEREAS, the amendments recommended by the Animal Control Committee make Title Six of the Eatonville Municipal Code easier for residents to understand and easier for the Town to enforce, when necessary; and

WHEREAS, the Town Council finds that the changes recommended by the Animal Control Committee promote public health and safety and are in the best interests of the Town and its residents; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. Title Six (6) of the Eatonville Municipal Code relating to Animals is hereby amended to read as set forth in Exhibit A, a copy of which is attached hereto and incorporated herein by this reference.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 8/10/15
2ND READING: / /15

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this _____day of _____, 2015.

_____
Mike Schaub
Mayor

ATTEST:

_____
Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

_____
Gregory A. Jacoby
Town Attorney

EXHIBIT A

The amendment is presented in "legislative form" (*new text underlined; deleted text is in "strike out"*).

Title 6

ANIMALS

Chapters:
6.10 Short Title and Purpose
6.20 Definitions
6.30 Regulations
6.40 Administration and Enforcement

Chapter 6.10
SHORT TITLE AND PURPOSE

Sections:
6.10.010 Short title.
6.10.020 Purpose of animal control code.

6.10.010 Short title.
This title shall be known and cited as the "Animal Control Code, Town of Eatonville." (Ord. 2001-12 § 1, 2002).

6.10.020 Purpose of animal control code.
It is declared the public policy of Eatonville to secure and maintain such levels of animal control as will protect human health and safety, and to the greatest degree practicable, prevent injury to property and cruelty to animal life. To this end, it is the purpose of this title to provide a means of licensing dogs and cats, and to provide rules regulating these and all other animals so that they do not become public nuisances and are not the victims of cruelty. (Ord. 2001-12 § 1, 2002).

Chapter 6.20
DEFINITIONS

Sections:
6.20.010 Adult dog or cat.
6.20.020 Animal.
6.20.030 Animal control authority.
6.20.040 Animal control officer.
6.20.050 Animal exhibition.
6.20.060 At large.
6.20.070 Cat.
6.20.080 Confined.
6.20.090 Court.
6.20.100 Dangerous ~~dog~~Animal.
6.20.110 Dog.
6.20.120 Eatonville police department.
6.20.130 Euthanasia.
6.20.140 Exotic animal.

~~6.20.150 Guard dog.~~
6.20.160 Inhumane treatment.
6.20.170 Kennel.
6.20.180 Livestock.
6.20.185 Muzzle
6.20.190 Neutered.
6.20.200 Owner.
6.20.205 Potentially Dangerous Animal
6.20.210 Poultry.
6.20.215 Proper enclosure
6.20.220 Pound.
6.20.230 Quarantine.
6.20.240 Unvaccinated animal.
6.20.250 Vaccinated animal.
6.20.260 Vicious animal.
6.20.265 Warning sign
6.20.270 Wild animal.
6.20.280 Health officer.

6.20.010 Adult dog or cat.
"Adult dog or cat" means any dog or cat over the age of six months. (Ord. 2001-12 § 1, 2002).

6.20.020 Animal.
"Animal" means any living mammal, reptile, or bird, except man. (Ord. 2001-12 § 1, 2002).

6.20.030 Animal control authority.
"Animal control authority" means the person, association or corporation appointed or authorized (including contractual authorization) by the mayor of Eatonville and/or chief of police to carry out the duties of the animal control officer and enforcement under this chapter. (Ord. 2001-12 § 1, 2002).

6.20.040 Animal control officer.
"Animal control officer" means any individual employed, contracted or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals, and includes any state or municipal peace officer, sheriff, constable, or other employee whose duties in whole or in part include assignments which involve the seizure and taking into custody of any animal. (Ord. 2001-12 § 1, 2002).

6.20.050 Animal exhibition.
"Animal exhibition" means public display of any living animal in the promotion of entertainment, education, advancement or commercial enterprise. (Ord. 2001-12 § 1, 2002).

6.20.060 At large.
"At large" means off the premises of the animal's owner or keeper, and not under restraint by leash or chain or not otherwise controlled by a competent person. (Ord. 2001-12 § 1, 2002).

6.20.070 Cat.
"Cat" includes female, spayed female, male and neutered male cats. (Ord. 2001-12 § 1, 2002).

6.20.080 Confined.
"Confined" means securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot. (Ord. 2001-12 § 1, 2002).

6.20.090 Court.
"Court" means Eatonville municipal court, which shall have jurisdiction hereunder. (Ord. 2001-12 § 1, 2002).

6.20.100 Dangerous ~~dog~~Animal.
"Dangerous ~~dog~~animal" means:
~~A. Any dog with a record or known propensity, tendency or disposition to attack without provocation, to cause injury to or otherwise endanger the safety of humans or other domestic animals; or~~
~~B. Any dog which attacks a human being or other domestic animal without provocation; or~~
~~C. Any dog over the age of six months known by the owner to be a pit bull terrier, which is defined as any American pit bull terrier or Staffordshire pit bull terrier or American Staffordshire terrier breed of dog or mixed breed of dog which contains as an element of its breeding the breed of American pit bull terrier, Staffordshire pit bull terrier or American Staffordshire terrier as to be identifiable as partially of the breed of American pit bull terrier, Staffordshire bull terrier or American Staffordshire terrier. (Ord. 2001-12 § 1, 2002).~~ "Dangerous Animal" means any animal that:
A. inflicts severe injury on or kills a human being without provocation; or
B. inflicts severe injury on or kills an animal without provocation; or
C. has been previously found to be potentially dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or other animals.

Provocation exception: an animal is a dangerous animal when it enters onto private property without the consent of the owner or occupant and inflicts a severe injury on or kills a human or animal regardless of provocation.

If two or more animals participate in an attack that results in a severe injury or death to a human being or animal, then all such animals may be deemed to be a dangerous animal.

6.20.110 Dog.
"Dog" includes female, spayed female, male and neutered male dogs. (Ord. 2001-12 § 1, 2002).

6.20.120 Eatonville police department.
Whenever a power is granted to or a duty imposed upon the "Eatonville police department," the power may be exercised or the duty may be performed by an authorized agent of Eatonville police department, as appointed by the chief of police. (Ord. 2001-12 § 1, 2002).

6.20.130 Euthanasia.
"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness. (Ord. 2001-12 § 1, 2002).

6.20.140 Exotic animal.
"Exotic animal" means any animal not otherwise defined in any of the definitions contained in this chapter. (Ord. 2001-12 § 1, 2002).

~~**6.20.150 Guard dog.**~~
~~"Guard dog" means any member of the dog family which has been trained or represented as trained to protect persons and/or property by virtue of exhibiting hostile tendencies and aggressiveness to unauthorized persons. (Ord. 2001-12 § 1, 2002).~~

6.20.160 Inhumane treatment.
"Inhumane treatment" means any act, omission or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted. (Ord. 2001-12 § 1, 2002).

6.20.170 Kennel.
"Kennel" means any fenced lot and/or structure on which four or more dogs or cats over six months of age are kept for breeding, sale, training, boarding or sporting purposes, or are cared for or kept for any purpose whether for gain or not. (Ord. 2001-12 § 1, 2002).

6.20.180 Livestock.
"Livestock" means horses, ponies, donkeys, mules, jackasses, bovine animals, sheep, goats, swine, domestic fowl and fur bearing animals. (Ord. 2001-12 § 1, 2002).

6.20.185 Muzzle.
"Muzzle" means a muzzle made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

6.20.190 Neutered.
"Neutered" means medically determined to be incapable of reproduction. (Ord. 2001-12 § 1, 2002).

6.20.200 Owner.
"Owner" means any person, firm or corporation owning, having interest in or having control or custody or possession of any animal. (Ord. 2001-12 § 1, 2002).

6.20.205 Potentially Dangerous Animal
"Potentially Dangerous Animal" means any animal that, without provocation:
A. bites a human or animal; or
B. chases or approaches a person in a menacing fashion or apparent attitude of attack; or
C. any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals.

Provocation exception: an animal is a potentially dangerous animal when it enters onto private property without the consent of the owner or occupant and bites a human or animal or chases or approaches a person in a menacing fashion or apparent attitude of attack regardless of provocation.

If two or more animals participate in an attack that results in a bite being inflicted upon a human or animal, then all such animals may be deemed to be a potentially dangerous animal.

6.20.210 Poultry.
"Poultry" means domestic fowl normally raised for meat or eggs including: chickens, turkeys, ducks and geese. (Ord. 2001-12 § 1, 2002).

6.20.215 Proper enclosure.
"Proper Enclosure" means, while on the owner's property, the animal shall be 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 a locking door with a padlock, secure sides, a concrete floor, and a secure top attached to the sides, and shall also provide protection from the elements for the animal. The structure must comply with all applicable provisions of local Building and Zoning Codes.

6.20.220 Pound.
"Pound" means that pound authorized by the town of Eatonville. (Ord. 2001-12 § 1, 2002).

6.20.230 Quarantine.
"Quarantine" means the detention or isolation of an animal on account of suspected exposure or affliction with rabies. (Ord. 2001-12 § 1, 2002).

6.20.240 Unvaccinated animal.

"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. (Ord. 2001-12 § 1, 2002).

6.20.250 Vaccinated animal.
"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. (Ord. 2001-12 § 1, 2002).

6.20.260 Vicious animal.
"Vicious animal" means an animal that is dangerously aggressive to humans or other animals or has the propensity to do any act that might endanger the safety of any person, animal or property of another, including, but not limited to, a disposition to mischief or fierceness as might occasionally lead to attack on human beings without provocation, whether in play or outbreak of untrained nature. (Ord. 2001-12 § 1, 2002).

6.20.265 Warning sign.
"Warning Sign" means a clearly visible and conspicuously displayed sign containing words and a symbol (to inform children or others incapable of reading) warning that there is a dangerous animal on the property.

6.20.270 Wild animal.
"Wild animal" means any animal living in its natural state and native to the United States and not normally domesticated, raised or bred by humans. (Ord. 2001-12 § 1, 2002).

6.20.280 Health officer.
"Health officer" means the director of the Tacoma-Pierce County health department and his authorized representatives. (Ord. 2001-12 § 1, 2002).

Chapter 6.30
REGULATIONS

Sections:
6.30.010 Baby chicks, rabbits and ducklings.
6.30.020 Wild, exotic, and vicious animals.
6.30.030 Animals – Control.
6.30.040 Rabies control.
6.30.050 Kennels.
6.30.060 Poultry.
6.30.070 Rabbits.
6.30.080 Cruelty to animals.
6.30.090 Poisoning of animals.
6.30.100 Duties upon injury or death to an animal.
6.30.110 Abandoned animals.
~~6.30.120 Guard dogs.~~
6.30.130 Slaughtering.
6.30.140 Livestock.
6.30.150 Cleaning up after animals.
6.30.160 Mistreatment or permitting fights prohibited.
6.30.170 Abandonment prohibited.
6.30.180 Circuses and animal exhibitions.
6.30.190 Confinement in vehicle.
6.30.200 Provision of adequate food, water and shelter.
6.30.210 Care and sanitation requirements for confined and/or restrained animals.

6.30.220 Nuisances – Generally.
~~6.30.230 Vicious animals.~~
6.30.240 Dangerous ~~dogs~~and potentially dangerous animals.
6.30.250 Bite reports.

6.30.010 Baby chicks, rabbits and ducklings.

A. 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.

B. Artificial Coloring Unlawful. It shall be unlawful for any person, firm or corporation to sell or 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.

C. Commercial Sale Not Affected. This section 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. (Ord. 2001-12 § 1, 2002).

6.30.020 Wild, exotic, and vicious animals.

A. Permit Required for Keeping Wild, Exotic, or Vicious Animals. No person shall have, keep or maintain, or have in his possession or under his control, within the town which is zoned residential, any lion, tiger, bear, chimpanzee, gorilla, cougar, mountain lion, badger, wolf, coyote, fox, lynx or any poisonous reptile or serpent, or any other dangerous or carnivorous wild animal or reptile; provided, however, that in those areas zoned other than residential such animals may be permitted on the condition that a permit is obtained from the town or its duly authorized representative. Such permit shall only be granted upon a showing by the applicant that adequate safeguards have been instituted and will be maintained which will effectively control the dangerous or vicious propensities of such animal or reptile, eliminating any danger to individuals or property; and provided, that the keeping or maintaining of any such animal will in no way constitute a nuisance to the occupants of any surrounding property.

B. Allowing Wild, Exotic, or Vicious Animals to Run at Large Prohibited. No person owning or having charge, custody, control, or possession of any animal specified in this section 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 manner as to endanger any person lawfully entering such premises. The owner of an exotic animal must keep the animal, at all times, contained within a fence or cage consistent with the age, size and species of the animal, such that the animal cannot run at large.

C. Exception for Circuses, Zoos, and Transportation of Wild Animals. This section shall not apply to any person keeping or maintaining or having in his possession or under his control any animal defined in that section when such person is transporting such animal or reptile through the town; 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; nor shall this section apply to any person who has custody of such animals or reptiles in connection with the operation of any zoo or circus or in connection with any program of medical or scientific research; provided, such person has taken adequate measures to safeguard persons and property.

D. No person shall own any wild animal unless he has obtained a permit from the State Game Department and/or Federal Fish and Wildlife Service. (Ord. 2001-12 § 1, 2002).

6.30.030 Animals – Control.

A. Animals Running at Large on Public Grounds. It is unlawful for the owner or person having control of any animal except a cat to suffer or permit under any circumstances the same, whether licensed or not, to run at large unleashed on any public property or on any private property without the permission of the property owner. Any animal so straying upon any public or private property may be declared to be a nuisance and may be immediately seized and impounded; provided, that this section shall not prohibit a person from walking or exercising a dog in a public park or on a public beach, upon any streets or alleys of Eatonville when such dog is on a leash and proper safeguards are taken to protect the public and property from injury or damage from the animal.

B. The animal control officer or any other law enforcement officer may, in fresh pursuit, pursue any sick, dangerous or vicious animal running at large onto private property in an attempt to take up and impound said animal.

C. Confinement of Dogs or Cats in Heat. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that the female dog or cat cannot come into contact with another animal except for planned breeding.

D. Animals Creating Nuisance.

1. It is unlawful for an owner to keep or harbor any dog or cat or other animal which, by frequent or habitual howling, yelping, barking or the making of other noises, annoys or disturbs a neighborhood. Any such dog or cat may be deemed a nuisance and may be seized and impounded.

2. Any dog or cat who prowls through or tips over any garbage can or other closed refuse container, any dog or cat who attracts any other animal, or any dog or cat who enters upon public or private property so as to damage or destroy any property or thing of value, any dog or cat who snarls and growls at or snaps or jumps upon or threatens persons lawfully upon the public sidewalks, streets, alleys or public places, or causes the persons to fear for their personal safety, may also be declared to be a public nuisance. Such dog or cat may be impounded at the owner's expense, whether licensed or not. (Ord. 2001-12 § 1, 2002).

6.30.040 Rabies control.

A. Duty of Owner, Custodian and Health Officer.

1. It is the duty of the owner and/or custodian of any dog or cat within Eatonville to quarantine any dog or cat which the owner/custodian has grounds to suspect of being infected with the disease of rabies or hydrophobia.

2. If the police department:

a. Has grounds to suspect that any dog or cat running at large in the town is infected with rabies or hydrophobia; and

b. Has notice that the dog or cat's owner or custodian cannot be determined; and

c. Is able to locate and confine the animal; the police department shall quarantine the animal as provided in this chapter. The biting of a human being by a dog or cat causing penetration of the skin by the animal's teeth is specifically declared grounds for suspecting that such animal is so infected.

B. Quarantine – Notice to Owner. The police department may initiate a quarantine by delivering to the owner 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 10 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 town-approved shelter or Pierce County animal shelter or a local veterinary clinic's kennel; provided further, that in the discretion of the police department, the animal may be quarantined upon the premises of the owner of any other person so long as the requirements of the quarantine are strictly fulfilled.

C. Quarantine – Duties of Owner. 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 are 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. The owner or custodian shall not remove or cause the animal to be removed from the premises without the proper consent of the police department. 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 three working days after the expiration of the quarantine period, may be destroyed by the proper authorities.

D. Handling of an Animal Bitten by Rabid Animal. When an animal is known to have been bitten by a rabid animal, the following procedures shall be followed:

1. Unvaccinated Animal. An unvaccinated animal shall be immediately destroyed, unless health department regulations provide otherwise; 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. The head/brain of a dog that has bitten someone must be reserved in order to test for rabies.

2. Vaccinated Animal. A vaccinated animal shall be handled as follows:

a. The animal shall be immediately revaccinated with an approved rabies vaccine and confined under the supervision of a veterinarian for a period of 30 days following revaccination; or

b. 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

c. The animal shall be destroyed if the owner or custodian does not comply with subsections (D)(2)(a) or (b) of this section.

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

F. Procedure. The police department 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. (Ord. 2001-12 § 1, 2002).

6.30.050 Kennels.

A. It is unlawful to own, maintain or operate a kennel in the town without having a current kennel license and current individual kennel license tags for each dog/cat therein. Kennels shall only be licensed in properly zoned areas per the Eatonville zoning code.

B. Kennel Inspection – Conditions Required.

Upon proper filing of an application for an animal kennel license the police department or an authorized agent shall inspect the premises of the proposed kennel. No license shall be granted unless the inspection discloses that the following conditions are all met:

1. Proposed kennel facilities must comply with the International Building Code or as specified in this code;

2. Space must be available for protecting all animals from the weather at all times, and for isolating sick or diseased animals from healthy animals;

3. Walls and ceilings of structures in which dogs will be housed must be constructed in such a way as to permit them to be maintained in a sanitary condition;

4. Floors of such structures must be constructed of material which is tight and which permits floors to be maintained in a sanitary condition;

5. Roaming areas must be fenced, graded and drained in such a way as to prevent accumulation of waste or pools of water;

6. Feeding troughs or bins must be so constructed as to permit sanitation.

C. Granting or Denial of License. Following inspection, the application for a kennel license shall be granted or denied. Any interested person may appeal the decision to grant or deny a license to the town council by filing a written notice of appeal within 10 days of the date of written notice of the decision. Following a hearing, the council shall affirm or reverse the decision, or shall remand the matter with instructions to conduct further inspections.

D. Number of Animals Kept in Kennel – License Transfer. Every license shall state on its face the owner and operator of the kennel, the kennel address, and the maximum number of animals which can be kept in the kennel at any one time. This number shall be determined by the inspector or agent who inspected the premises, and can be modified by the inspector or agent from time to time if kennel conditions or facilities change. No license shall be transferred from one licensee to another, nor shall the location of any kennel be changed, without prior permission of the police department or authorized agent. Such change or transfer shall be granted only after appropriate inspections have been conducted.

E. Kennel License Suspension or Revocation – Standards of Operation. Following a hearing, of which the licensee shall have been given not less than 10 days' notice, and at which he may appear and present evidence, the town council may temporarily suspend or permanently revoke a kennel license for failure to meet any of the following standards of operation:

1. Every kennel operator shall maintain a register, on which shall be fully and currently listed the names and addresses of persons from whom animals are received and to whom animals are sold, traded or given, which register shall be made available for inspection by town officials and their agents at all reasonable times.
2. Animals must not be overcrowded, nor may more animals be kept at any kennel than are permitted by that kennel's license.
3. Animals shall not be exposed to harsh weather or temperatures; nor left without care or control for more than 24 consecutive hours; nor teased, abused or tormented in any way; nor quartered in such proximity as to cause injury, fear or torment; nor exposed to any equipment or material capable of causing injury.
4. Confined or restrained animals shall be given proper exercise.
5. No animal unfit because of exhaustion, illness or lameness shall be sold, rented or worked by any kennel operator.
6. No animal whose appearance is contrary to public decency shall be displayed by any kennel operator.
7. No animal in the custody of a kennel operator shall be allowed to menace the health, peace or safety of the community.
8. Food for animals shall be stored in rodent-proof containers; shall be fed by means of troughs or bins rather than scattering on the ground or floor of kennel premises; and shall, when unconsumed and perishable, be collected after each feeding and placed, pending disposal, in containers which are fly-proof and watertight.
9. Manure must be collected daily, stored in watertight and fly-proof pit or chamber, and disposed of either by burial or by some method equally effective in preventing odor or fly problems. Manure may not be burned.
10. Ill and diseased animals shall be promptly isolated from healthy animals, to assure nontransmission of the illness or disease. Facilities, utensils and equipment exposed to an ill or diseased animal shall not be reused until thoroughly and effectively sanitized.
11. Carcasses of such animals shall not be buried within the town limits, but shall be disposed of outside of the town limits, consistent with state law and county regulations. (Ord. 2001-12 § 1, 2002).

6.30.060 Poultry.

A. Running at Large Prohibited.

1. It is unlawful to permit any chickens, ducks, geese, turkeys, or other domestic or wild fowls to run at large within corporate limits.
2. Poultry shall be deemed running at large within the meaning of this section when off the owner's premises and not within his immediate control.

B. Zoning Compliance Required.

1. It is unlawful to raise, care for, breed, maintain or induce the propagation of pigeons or other similar birds or poultry primarily for resale or profit within residential or commercial zones.
2. It is unlawful to raise, care for, breed, maintain, or induce the propagation of more than five pairs of pigeons or similar birds or poultry for any purpose whatsoever within residential or commercial zones.

3. Any building, loft, or other structure used in part or whole for any of the purposes set forth in this section is hereby denominated an accessory building as such is defined in the Eatonville zoning ordinance, and shall conform to the size and setback limitations as prescribed therefor. (Ord. 2001- 12 § 1, 2002).

6.30.070 Rabbits.

A. Running at Large Prohibited.

1. It is unlawful to permit rabbits to run at large within corporate limits.
2. Rabbits shall be deemed running at large within the meaning of this section when off the owner's premises and not within his immediate control.

B. Zoning Compliance Required.

1. It is unlawful to raise, care for, breed, maintain or induce the propagation of rabbits primarily for resale or profit within residential or commercial zones.
2. It is unlawful to raise, care for, breed, maintain, or induce the propagation of more than five pairs of rabbits or similar animals for any purpose whatsoever within residential or commercial zones.
3. Any building, loft, or other structure used in part or whole for any of the purposes set forth in this section is hereby denominated an accessory building as such is defined in the Eatonville zoning ordinance, and shall conform to the size and setback limitations as prescribed therefor. (Ord. 2001- 12 § 1, 2002).

6.30.080 Cruelty to animals.

It shall be unlawful for any person to deprive any animal of necessary sustenance or cruelly beat, torment, torture or cause any animal to suffer inhumanely, or to kill any animal in an inhumane manner. Any person violating this chapter shall be guilty of a misdemeanor and subject to the general penalty ordinance of the town. (Ord. 2001-12 § 1, 2002).

6.30.090 Poisoning of animals.

No person shall intentionally place or expose or cause to be placed or exposed in any yard or lot of vacant or enclosed land, or on any gallery, fence, doorstep or porch, or in any outhouse or in 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; provided, that the provisions of this section shall not apply to the killing by poison of any domestic animal or domestic bird in a lawful or humane manner by the owner thereof or by a duly authorized servant or agent of such owner or by person acting pursuant to instructions from a duly constituted public authority. (Ord. 2001-12 § 1, 2002).

6.30.100 Duties upon injury or death to an animal.

The operator of a vehicle involved in an accident resulting in injury or death to a domestic or other animal 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 required in this section. 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 the vehicle shall immediately notify the police department. (Ord. 2001-12 § 1, 2002).

6.30.110 Abandoned animals.

Any person who shall impound or confine or cause to be impounded or confined any domestic animal shall supply the same during such confinement with a sufficient quantity of good and wholesome food and water. In case any domestic animal shall be impounded or confined as aforesaid and shall continue to be without necessary food and water for more than 32 consecutive hours, it shall be lawful for any person, from time to time, as it shall be deemed necessary to enter into and open any pound or place of confinement in which any domestic animal shall be confined, and supply it with necessary food and water

so long as it is confined. Such person shall not be liable to action for such entry, and the reasonable cost of such food and water may be collected by him from the owner/custodian of such animal, and the animal shall be subject to attachment therefor and shall not be exempt from levy and sale upon execution issued upon a judgment therefor. If an investigating officer finds it extremely difficult to supply such animals with food and water, the officer may remove the animals to protective custody for that purpose. (Ord. 2001-12 § 1, 2002).

~~**6.30.120 Guard dogs.**~~

~~Guard dogs shall be kept contained within a building or on a leash under the control of a person, or enclosed within a minimum six-foot-high solid or chain-link fence that is sufficient height to prevent the dog from reaching persons off the property. The owner shall restrain the guard dog in such a manner that the dog is unable to reach those persons using the normal ingress and egress to and from the property. The owner shall post signs in two conspicuous places on the property warning that a guard dog is on the premises. The owner must indicate at the time of obtaining a dog license that the dog is a guard dog. (Ord. 2001-12 § 1, 2002).~~

6.30.130 Slaughtering.

No person shall kill or slaughter, within the city, any animal or animals, the flesh of which is intended to be sold or offered for sale or consumption. (Ord. 2001-12 § 1, 2002).

6.30.140 Livestock.

A. Required Open Space and Minimum Dimensional Requirements for Pasturing. There shall be not less than 10,000 square feet of open space for maintaining and pasturing the first livestock animal on any parcel of property, and an additional 5,000 square feet shall be required for each additional livestock animal. In addition, the following minimum dimensional requirements for open space and pasturing purposes shall be provided:

1. The pasture area shall have a minimum width of 80 feet;
2. The stable housing the livestock animals shall be set back at least 30 feet from any side, rear and front property lines;
3. In the event any livestock animal gives birth, thereby exceeding the number of livestock animals allowed by the minimum set forth in this subsection, the owner of said livestock animal and/or the occupier of the premises shall conform to the number of livestock animals for the dimensional requirements within one year of the birth of the animal.

B. Fencing. The owner and/or tenant and/or other occupier of the premises upon which any livestock animal is maintained for more than seven consecutive days within the city limits shall provide adequate fencing in a good state of repair to guarantee the confinement of said animal within the fence, which fence shall completely enclose an area adhering to the minimal dimensional requirements.

C. Waste Disposal. The owner of each livestock animal and the owner and/or occupier of the premises upon which said animal is maintained within the city limits shall guarantee and, at all times, maintain the premises upon which the livestock animal is maintained in a sanitary and neat condition, including, but not limited to, disposal of manure or other waste material from said animal. An unreasonable accumulation of flies or other insects or pests within the property on which said animal is maintained, and/or noxious or offensive odors, or the unreasonable accumulation of flies, insects or other pests transcending into neighboring or vicinal real property, shall be presumed to be inadequate sanitary conditions. (Ord. 2001-12 § 1, 2002).

6.30.150 Cleaning up after animals.

Every person who owns or who has under his control or care any animal shall be responsible for picking up and immediately removing any offal or manure left by any such animal upon any public place or private property not owned by him or her. Any person who fails to pick up and remove immediately any offal or manure left by an animal under his control shall be subject to a class "A" civil infraction. (Ord. 2001-12 § 1, 2002).

6.30.160 Mistreatment or permitting fights prohibited.

No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans. Anyone who permits such conduct on premises under his control, and any person present as a spectator at such exhibition shall also be deemed a violator of this subsection and subject to punishment therefor. (Ord. 2001-12 § 1, 2002).

6.30.170 Abandonment prohibited.
No animal shall be abandoned nor left unattended for more than 24 consecutive hours without adequate care. (Ord. 2001-12 § 1, 2002).

6.30.180 Circuses and animal exhibitions.
No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemicals, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering. (Ord. 2001-12 § 1, 2002).

6.30.190 Confinement in vehicle.
No person shall confine an animal within or on a motor vehicle at any location under such conditions that may endanger the health or well-being of the animal, including but not limited to extreme temperatures, lack of food, water or attention, or confinement with a dangerous animal. Any animal control or police officer is authorized to remove any animal from a motor vehicle, at any location, when he/she reasonably believes it is confined in such conditions as described in this section. Any animal so removed shall be delivered to the animal control shelter after the removing officer leaves written notice of such removal and delivery, including the officer's name, in a conspicuous, secure location on or within the vehicle. (Ord. 2001-12 § 1, 2002).

6.30.200 Provision of adequate food, water and shelter.
Every animal shall be provided with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care, when needed to prevent suffering, and humane care and treatment. (Ord. 2001-12 § 1, 2002).

6.30.210 Care and sanitation requirements for confined and/or restrained animals.
A. Any person who confines any animals shall supply the same during such confinement with clean, adequate shelter from the weather and a sufficient daily quantity of food and water.
B. Whoever keeps, uses, restrains or maintains within the city any pen, stable, lot, place or premises in which any animal or fowl may be confined, in such manner as to be nauseous, foul or offensive, or which for any cause becomes an annoyance to any person, family or community, is deemed to be maintaining a nuisance and is subject to the penalties prescribed in EMC 6.04.330. (Ord. 2001-12 § 1, 2002).
C. Any animal, excluding livestock and poultry, that is restrained by a tether must be restrained in compliance with the following requirements:
1. Chains must be adequate to restrain the animal, but appropriate size and weight for the animal.
2. The use of chains, pinch/prong collars, or choke chains as collars is prohibited. This subsection does not apply to pinch/prong collars or choke chains used for training purposes when a person is present at all times and is actively engaged in training the animal.
3. A tether must be connected to a collar or harness on a swivel or in a manner that prevents entanglement.
4. The tether must not cause injury, disfigurement or physical impairment to the animal.
5. A tether must allow access to food, water and shelter while restrained.
6. A tether must not allow the animal to leave the owner's property.
7. If there are multiple animals, each animal must be restrained with a separate tether in a manner that prevents entanglement.

6.30.220 Nuisances – Generally.
A. Every owner of an animal shall exercise proper care and control of his animal to prevent animals from becoming a public nuisance. Excessive or untimely barking, whining, screeching, howling, caterwauling,

crowing, braying or other like sounds which extend beyond the boundary of the owner's property, or molesting passersby, chasing vehicles, attacking other domestic animals, depositing excretory matter on property other than that of the owners, damaging property and running at large, shall be deemed a nuisance.

B. It shall be unlawful for an animal, which has the propensity to bite or attack human beings, to run loose on or within the owner's premises in such a manner as to endanger the safety of any person lawfully entering such premises. Failure to properly restrain such animal as stated in this title shall constitute a misdemeanor and shall also constitute a nuisance. (Ord. 2001-12 § 1, 2002).

~~**6.30.230 Vicious animals.**~~

~~A. It is unlawful for any person having care, custody or control of any animal which is known to be vicious, or which, in the exercise of reasonable care, should be known to be vicious, to fail to restrain such animal in such a manner that the animal is unable to reach those persons utilizing the normal ingresses and egresses to and from the premises where such an animal is maintained, or to fail to post signs in two conspicuous places upon the premises, warning those persons who may come upon or near the premises, of the existence of the vicious animal. A fence surrounding the animal of sufficient height to prevent the animal from reaching persons off the property shall be required at all times.~~

~~B. Any animal which is known to be vicious, or which, in the exercise of reasonable care, should be known to be vicious, which is not restrained in the manner provided for in this section, is declared to be a public nuisance and may be impounded and destroyed by the city as provided in this chapter. (Ord. 2001-12 § 1, 2002).~~

6.30.240 Dangerous ~~dogs~~and potentially dangerous animals.

~~A. It is unlawful for an owner to have a dangerous dog in Eatonville without a certificate of registration issued under this section. This section shall not apply to police dogs as defined in RCW 4.24.410.~~

~~B. The owner of a dangerous dog as defined in this chapter shall not remove, permit or, by action or inaction, allow such dog to go beyond the premises of such owner unless the dog is securely leashed and muzzled or otherwise securely restrained and muzzled.~~

~~C. The owner of any dangerous animal shall comply with the following:~~

~~1. Construct a proper enclosure to confine a dangerous dog and post the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously~~

~~display a sign with a warning symbol that informs children of the presence of a dangerous dog, and comply with EMC 6.30.020;~~

~~2. Obtain and provide proof to the animal control authority of a surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least $50,000, payable to any person injured by the vicious dog;~~

~~D. The failure of an owner of a dangerous animal to comply with the provision of this section shall be guilty of a gross misdemeanor and, in addition, shall be subject to any other provision allowed by law or as allowed under RCW 16.08.100 and as amended. The animal shall further be declared a nuisance and subject to the provisions of Chapter 6.40 EMC. (Ord. 2001-12 § 1, 2002).~~

A. Declaration of Animals as Dangerous or Potentially Dangerous – Procedure.

1. The animal control authority may declare an animal as dangerous animal or potentially dangerous animal if the animal control officer has a reasonable belief that the animal's conduct falls within the definition of a dangerous animal or potentially dangerous animal as set forth in EMC 6.20 and the exclusions contained in this Section do not apply. The finding must be based upon:

a. The written or verbal complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definitions of a dangerous animal or potentially dangerous animal; or

b. Animal bite reports filed with the animal control authority; or

c. Actions of the animal witnessed by any animal control officer or law enforcement officer which causes it to fall within the definitions of a dangerous animal or potentially dangerous animal; or

d. Other substantial evidence.

2. Exclusions.
An animal shall not be declared to be a dangerous animal or potentially dangerous animal if the threat, injury, or bite alleged to have been committed by the animal was sustained by a person who was at the time committing a willful trespass upon the premises occupied by the owner of the animal, or who was abusing or assaulting the animal, or who was committing or attempting to commit a crime. This exclusion does not apply to actions taken in defense of oneself, other humans, animals, or property.

3. The declaration of a dangerous or potentially dangerous animal shall be in writing and shall be served on the owner by one of the following methods:

a. Regular and certified mail to the owner's last known address. Service shall be deemed complete upon the third day following the day upon which the notice was placed in the mail. If the third day falls upon a Saturday, Sunday, or legal holiday, then service shall be deemed complete on the next business day; or

b. Personally; or

c. By posting the declaration in a conspicuous location at the owner's residence and mailing the notice by regular mail to the owner's last known mailing address.

4. The declaration shall state at least:

a. The description of the animal.

b. The name and address of the owner of the animal, if known.

c. A brief statement of facts upon which the declaration is based.

d. A reference to the Code Section that contains a definition of a dangerous animal or potentially dangerous animal, and to this Section.

e. The availability of an appeal for an owner who objects to the declaration, including the time for filing an appeal of ten calendar days.

B. Appeal of Declaration.

1. The owner of the animal may contest a declaration of a dangerous animal or potentially dangerous animal by submitting a written appeal.

a. The owner shall submit the written appeal to the Eatonville Animal Control office within ten calendar days of service of the declaration. The written appeal shall include a mailing address where the owner agrees to accept further notices regarding the appeal from the Eatonville Animal Control office.

b. Within seven days of receipt of a written appeal, the Eatonville Animal Control office shall schedule an appeal hearing before the Mayor of the Town of Eatonville, who shall hear appeals.

c. Notice of the appeal hearing shall be mailed to the owner's address as listed on the written appeal.

d. At the appeal hearing, the scope of evidence and the scope of review shall be de novo.

e. The burden shall be on the animal control authority to prove, by a preponderance of evidence, that the animal is a dangerous animal or potentially dangerous animal as defined in EMC 6.20 and that the exclusions contained in EMC 6.30.240.A. do not apply.

f. The Mayor shall render a decision on the appeal within 30 calendar days following the conclusion of all testimony and hearings and closing of the record unless a longer period of time is agreed to by the parties.

2. The decision of the Mayor shall be considered final and conclusive unless a writ of review is filed in the Pierce County Superior Court within 20 calendar days of the decision.

a. If a writ is issued, the petitioner shall be responsible for paying the cost of preparing the administrative record and the transcript of proceedings and shall serve copies of both upon the Eatonville Town Administrator's office. The prevailing party shall be entitled to recovery of these costs.

3. During the entire appeal process, the owner shall keep the animal indoors or securely confined on the property where the owner resides. Secure confinement may be accomplished by erecting an escape proof

fence, keeping the animal in a proper enclosure as described in EMC 6.20.215, humanely tethering the animal as described in EMC 6.30.210, or by other means approved by the animal control authority. It is unlawful for the owner appealing a declaration to allow or permit the animal to go beyond the premises of the owner unless such animal is securely leashed, under the control of a competent adult, and humanely muzzled or otherwise securely restrained. Upon noncompliance with this subsection, the animal control authority is authorized to impound the animal subject to the procedures set forth in EMC 6.30.240.F.

C. Permits, Fees, and Conditions for Dangerous Animals.

1. Following the declaration of a dangerous animal and the exhaustion of any appeals therefrom, the owner of a dangerous animal shall obtain a permit for such animal from the animal control authority and shall be required to pay the fee for such permit in the amount of $500.00 to the Eatonville Animal Control. In addition, the owner of a dangerous animal shall pay an annual renewal fee for such permit in the amount of $500.00 to the Eatonville Animal Control. A permit will be issued to the owner of a dangerous animal upon payment of the permit fees if the owner is able to pass an inspection within the prescribed timeframe by meeting the following inspection criteria:

a. A proper enclosure of the dangerous animal with a posted warning sign as defined in EMC 6.20.265;

b. Proof that the dangerous animal has been microchipped and microchip number is provided;

c. Two current, color, digital photographs in electronic format of the dangerous animal (minimum 3" x 5" in size), for identification purposes;

d. Proof of current rabies vaccination for the dangerous animal;

e. Proof the dangerous animal has been spayed or neutered;

f. Proof of a policy of liability insurance (such as homeowner's insurance) issued by an insurer qualified under Title 48 RCW in a minimum amount of $500,000.00, insuring the owner for any personal injuries inflicted by the dangerous animal, or proof of a surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control authority in a minimum amount of $500,000.00 and payable to any person injured by the dangerous animal;

g. Proof that the owner has obtained a muzzle for the dangerous animal as defined in EMC 6.20.185. The muzzle must be available at time of inspection; and

h. Proof that the owner has obtained a brightly colored collar for the dangerous animal with current license tag. The collar must be made available at the time of inspection.

2. Following a declaration of dangerous animal and the exhaustion of any appeals therefrom, it shall be unlawful for the person owning or harboring or having care of a dangerous animal to allow and/or permit such animal to:

a. Remain outside of a proper enclosure while on the premises of such person; or

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

The animal must wear a brightly colored collar with current license tag at all times.

3. Where an animal is found to be a dangerous because the animal killed a human being, after the exhaustion of appeal therefrom, the dangerous animal shall be surrendered to the animal control authority and be humanely euthanized.

D. Permits, Fees, and Conditions for Potentially Dangerous Animals.

1. Following the declaration of a potentially dangerous animal and the exhaustion of any appeals therefrom, the owner of a potentially dangerous animal shall obtain a permit for such animal from the animal control authority and shall be required to pay the fee for such permit in the amount of $250.00 to the Eatonville Animal Control. In addition, the owner of a potentially dangerous animal shall pay an annual renewal fee for such permit in the amount of $250.00 to the Eatonville Animal Control. A permit will be issued to the owner of a potentially dangerous animal upon payment of the permit fees if the owner provides the following:

a. Proof that the potentially dangerous animal has been microchipped and microchip number is provided;

b Two current, color, digital photographs in electronic format of the potentially dangerous animal (minimum 3" x 5" in size), for identification purposes;
c. Proof of current rabies vaccination for the potentially dangerous animal;
d. Proof the potentially dangerous animal has been spayed or neutered; and
e. Proof that the owner has obtained a brightly colored collar for the potentially dangerous animal with current license tag. The collar must be made available at the time of inspection.

2. The animal control authority may impose any or all of the following restrictions upon the owner of a potentially dangerous animal:

a. Training. The animal control authority may require the owner of a potentially dangerous animal and the potentially dangerous animal to attend, complete, and pay all costs associated with an obedience training class. The animal control authority shall pre-approve any choice of class by the owner of the potentially dangerous animal, and proof of satisfactory completion of such training shall be provided to the animal control authority, even if similar training has been completed by the potentially dangerous animal in the past.
b. Restraint. The animal control authority may require the owner of the potentially dangerous animal to muzzle the potentially dangerous animal whenever the potentially dangerous animal goes beyond the owner's property.
c. Confinement. The animal control authority may require that the owner of a potentially dangerous animal keep the potentially dangerous animal within a proper enclosure as defined in EMC 6.20.215 while on the owner's property.
d. Warning. The animal control authority may require that the owner of a potentially dangerous animal post a warning sign as described in EMC 6.20.265.
e. Liability Insurance. The animal control authority may require that the owner of a potentially dangerous animal purchase a policy of liability insurance (such as homeowner's insurance) issued by an insurer qualified under Title 48 RCW in a minimum amount of $250,000.00, insuring the owner for any personal injuries inflicted by the potentially dangerous animal.

3. The animal control authority may inspect the owner's premises to verify compliance with this Section.

4. Petition to Vacate the Declaration. Where an owner has obtained a potentially dangerous animal permit and has been in compliance with the requirements of this Section for three consecutive years, the owner may submit a written petition to vacate the potentially dangerous animal declaration and to lift the associated ownership requirements.

a. The petition shall be submitted to the animal control authority.
b. The animal control authority will forward the petition, along with any comments, objections, and recommendations, to the Mayor.
c. The animal control authority may request that a public hearing be scheduled to hear the petition.
d. The Mayor may, in his/her discretion, grant the petition where the petitioner demonstrates, by a preponderance of evidence, that the animal no longer poses a substantial danger. Among the factors that the Mayor may consider is the age of the potentially dangerous animal, the potentially dangerous animal and owner's successful completion of an obedience training class, evidence of aggressive behavior or lack thereof, and any other relevant evidence.
e. The Mayor shall issue a decision granting or denying the petition within 30 days of the hearing.

E. Notification of Status of a Dangerous Animal or Potentially Dangerous Animal.

1. The owner of an animal that has been classified as a dangerous animal or potentially dangerous animal shall immediately notify the animal control authority when such animal:

a. is loose or unconfined; or
b. has bitten or otherwise injured a human being or attacked another animal.

2. At least 48 hours prior to a dangerous animal or potentially dangerous animal being sold, given away, or moved to another location, the owner shall provide the name, address, and telephone number of the

new owner, or the address of the new location, to the animal control authority. The owner shall provide a copy of the declaration to any new owner.

3. When an animal classified as a dangerous animal or potentially dangerous dies, the owner of said animal shall submit proof (vet records, etc.) to the Eatonville Animal Control within ten calendar days.

F. Impoundment of Dangerous Animals or Potentially Dangerous Animals.
Should the owner of a dangerous animal or potentially dangerous animal violate the conditions or restrictions of owning or possessing a dangerous animal or potentially dangerous animal such animal may be seized and impounded upon issuance of a warrant.
1. The owner may prevent the animal's destruction by, within two business days, submitting a petition for the animal's immediate return.

a. The owner shall submit the written petition to the animal control authority and the petition will be forwarded to the Mayor.
b. Within seven days of receipt of a written appeal, the Eatonville Animal Control office shall schedule an appeal hearing before the Mayor of the Town of Eatonville, who shall hear appeals.
c. Notice of the hearing shall be mailed to the owner at the address listed on the notice of appeal.
d. At the appeal hearing, the burden shall be on the animal control authority to prove, by a preponderance of the evidence, that the owner failed to comply with the conditions or restrictions of owning and possessing a dangerous or potentially dangerous animal.
e. The Mayor shall decide if the animal should be returned to the owner, subject to conditions that will bring the owner into compliance with this Section, or be humanely euthanized.
f. In cases where a declaration of dangerous animal or potentially dangerous animal has been issued, but an appeal of the declaration is pending, the Mayor shall decide if the animal should be returned to the owner or remain in impound pending a decision on the appeal. If the Mayor decides to release the animal back to the owner, he may impose additional ownership conditions as necessary to protect the public while the appeal is pending.
g. If the Mayor allows the release of the animal, the owner shall pay all redemption, boarding, and veterinary fees and costs prior to release, except in cases where the animal control authority failed to meet its burden of proof.

2. If a decision to euthanize the animal is rendered by the Mayor, the owner may prevent the animal's destruction by, within seven calendar days:

a. Petition the Pierce County District Court for the animal's immediate return, subject to court imposed conditions;
b. Post a bond or security in an amount sufficient to provide for the animal's care for a minimum of 30 calendar days from the seizure date; and
c. Serve a copy of the petition upon the animal control authority and the Town Administrator's Office the same day that the petition is filed in District Court.

3. The burden shall be on the animal owner to prove that the decision of the Mayor was arbitrary and capricious.
4. In the event the District Court finds that the Mayor's decision was arbitrary and capricious, the bond or security shall be refunded to the poster and the animal shall be released to the owner.

G. Criminal Penalties for Failure to Control or Comply with Restrictions.

1. Any person who knowingly violates any provision of EMC 6.30.240 shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or be imprisoned in the county jail for a period not to exceed 90 days or by both such fine and imprisonment. For each violation of this chapter of a continuing nature, each day of violation may be considered a separate offense.

2. Any person found guilty of violating this Section shall pay restitution to the animal control authority for all expenses incurred in the enforcement of this Section, including boarding/shelter, food, and veterinary expenses.

3. Furthermore, any dangerous animal or potentially dangerous animal which attacks a human being or animal may be ordered destroyed when, in the court's judgment, such dangerous or potentially dangerous animal represents a continuing threat of serious harm to human beings or animals.

H. Duty to Comply
It is the duty of every animal owner to keep his or her animals under proper supervision and control at all times. Where an animal is declared dangerous or potentially dangerous, the duty is upon the animal owner to comply with all provisions of this Section. When an animal owner breaches these duties, the responsibility for any resulting injury or damage shall be on the animal owner and not the Town.

I. Possession of a Dangerous Animal or Potentially Dangerous Animal where Prohibited.
It is unlawful to bring an animal into the Town of Eatonville that has been declared to be dangerous or vicious by any other agency, animal control authority, hearing examiner, municipality or court. The owner of such animal shall be guilty of a gross misdemeanor under circumstances evidencing that the animal was intentionally brought into the Town of Eatonville by the owner or at the request or acquiescence of the owner.

J. Relocation of Dangerous Animals or Potentially Dangerous Animal without Proper Notice.
When an animal has been declared a dangerous animal or potentially dangerous animal by an animal control authority, the owner of the animal shall be guilty of a gross misdemeanor if such animal is thereafter found to have been moved to a location other than as registered with the animal control authority without prior notice as indicated in EMC 6.30.240.E.

K. Animals Declared Potentially Dangerous in Other Jurisdictions.
When an animal has been declared potentially dangerous by any other agency, animal control authority, Hearing Examiner, municipality or court, the owner of such animal shall obtain a permit in accordance with EMC 6.30.240.D within 30 days of the declaration or, if an appeal has been filed, a final decision in the other jurisdiction. During the entire appeal process, the owner shall not allow or permit the animal to go beyond the premises of the owner unless such animal is securely leashed and under the control of a competent adult and humanely muzzled or otherwise securely restrained. Failure to comply with this subsection shall be a gross misdemeanor.

6.30.250 Bite reports.
Every animal, which bites a person or domestic animal, shall be promptly reported to the animal control authority and shall thereupon be securely quarantined at the direction of the animal control authority for a period of 10 days. At the discretion of the animal control authority, such quarantine may be on the premises of the owner, at the shelter designated as the city's animal shelter, or, at the owner's option and expense, in a veterinary hospital of the owner's choice. In the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city animal shelter or veterinary hospital. (Ord. 2001-12 § 1, 2002).

Chapter 6.40
ADMINISTRATION AND ENFORCEMENT

Sections:
6.40.010 Impounding animals.
6.40.020 Interference with impounding animals.
6.40.030 Impounding animals – Right of entry.
6.40.040 Notice of impounding animals.
6.40.050 Redemption of impounded animal.

6.40.060 Injured or diseased animals.
6.40.070 Dogs and cats – Licenses – Fees.
6.40.080 Kennel licensing.
6.40.090 Kennel license suspension or revocation.
6.40.100 Nuisances – Abatement procedure.
6.40.110 Liability for injury by dogs.
6.40.120 Violation – Misdemeanor, infraction, penalty.

6.40.010 Impounding animals.
All impounding of animals as provided for in this chapter shall be done by the police department or authorized agent of the town. Animals shall be impounded in that pound authorized by the town.

6.40.020 Interference with impounding animals.
It shall be unlawful for any person to interfere with, hinder, delay or impede any officer in the enforcement of the provisions of this title as herein provided.

6.40.030 Impounding animals – Right of entry.
The animal control officer or any other law enforcement officer may, in fresh pursuit, pursue any sick, dangerous or vicious animal running at large onto private property in an attempt to take up and impound said animal.

6.40.040 Notice of impounding animals.
Upon any dog, cat or other animal being impounded under the provisions of this chapter, the impounding authority shall immediately notify the owner, if the owner is known, of the impounding of such dog, cat or other animal, and the terms upon which the animal can be redeemed; if the owner of the dog, cat or other animal so impounded is unknown, then the impounding authority should make all reasonable effort to locate and notify the owner of the impounding of the animal.

6.40.050 Redemption of impounded animal.
Any person owning, keeping or having control of any animal which has been impounded may redeem the same within three working days by paying any unpaid license fee for such animal and paying the town the impounding fee which presently is the sum of $15.00 per cat and $25.00 per dog or other animal. If such animal is not redeemed by the owner within three working days, then it may be redeemed by any individual who complies with the above provisions, and in case such animal is not redeemed, it may be humanely destroyed or otherwise disposed of within the discretion of the impounding authorities. In addition to the fee, the redeemer may pay the sum of $5.00 per day for each day the animal is held, as a boarding charge for caring for or keeping such animal. In addition to the above fees, the person redeeming the animal must post with the clerk of the court the scheduled bail as set by the court for the offense. The owner of any animal euthanized by the town shall be responsible for the cost incurred by the town to destroy the animal.

6.40.060 Injured or diseased animals.
Any dog, cat or other animal suffering from serious injury or disease may be euthanized by the impounding authority; provided, that the impounding authority shall immediately notify the owner, if the owner is known, and if the owner be unknown, make reasonable efforts to locate and notify the owner.

6.40.070 Dogs and cats – Licenses – Fees.
A. License Required. It is unlawful for any person to own, keep or have control of a dog or cat over the age of six months whether confined or not in the town without having a current license tag. All dogs must have a current license tag attached to the collar which is worn by the animal.

B. Fees. The fee per dog or cat for each licensing period shall be as set by resolution. A separate licensing period shall commence every January 1st and terminate every December 31st; provided, the licensing period for any dog or cat attaining the age of six months during any calendar year shall

commence on the date the dog or cat becomes six months of age and shall terminate December 31st of the same year.

C. License Not Transferable. Dog and cat licenses as provided for in this section shall be nontransferable.

6.40.080 Kennel licensing.

Application for kennel licenses shall be made to the town clerk and shall be approved by the chief of police prior to issue. Each license application shall reflect the types of animals and the estimated maximum number of animals which shall be kept at the kennel, and shall state the name, address and telephone number of a responsible person or person who will have access to the animals and can be reached in an emergency. Each application shall be accompanied by a license fee as set forth by resolution. Licenses shall expire December 31st of the year in which issued, and shall be renewed upon payment of the license fee for the new annual period. Upon receiving a license, the kennel operator shall purchase a metal license tag for each dog or cat which will be kept in the kennel. It shall be unlawful to allow dogs in kennels to run at large unless such tags are attached to their collar/harness. Following inspection, the application for a kennel license shall be granted or denied. Any interested person may appeal the decision to grant or deny a license to the town council by filing a written notice of appeal within 10 days of the date of written notice of the decision. Following a hearing, the council shall affirm or reverse the decision, or shall remand the matter with instructions to conduct further inspections. Every license shall state on its face the owner and operator of the kennel, the kennel address, and the maximum number of animals which can be kept in the kennel at any one time. This number shall be determined by the inspector or agent who inspected the premises, and can be modified by the inspector or agent from time to time if kennel conditions or facilities change. No license shall be transferred from one licensee to another, nor shall the location of any kennel be changed, without prior permission of the police department or authorized agent. Such change or transfer shall be granted only after appropriate inspections have been conducted.

6.40.090 Kennel license suspension or revocation.

Following a hearing, of which the licensee shall have been given not less than 10 days' notice, and at which he may appear and present evidence, the town council may temporarily suspend or permanently revoke a kennel license for failure to meet any of the required standards of operation.

6.40.100 Nuisances – Abatement procedure.

A. Violations of the provisions of subsection B of this section are determined to be detrimental to the public health, safety and welfare and are declared to be public nuisances. The animal control authority shall serve upon the owner of such animal a notice that the authority believes that the owner is in violation of town ordinance and will seek a court order requiring the owner to abate the nuisance. Failure to abate such nuisance if such nuisance is found to exist by a court of law shall be deemed a violation of this chapter and, in addition to the penalties provided for violation of this chapter; the animal may be impounded. Service of a notice of abatement shall not be a precondition of other enforcement action if another action is available with this chapter.

B. Violations to Be Abated.

1. Any public nuisance relating to animal control known at common law or by state statute;

2. Any domesticated animal which chases, runs after or jumps at vehicles using the public streets or alleys;

3. Any domesticated animal which habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, or other public ways;

4. Any animal which exhibits vicious propensities and which constitutes a danger to the safety of persons or property off of his premises or lawfully on his premises;

5. A vicious animal or animal with vicious propensities which runs at large at any time, or such an animal off the owner's premises not securely leashed, on a line, or confined and in the control of a person of suitable age and discretion to control or restrain such animal;

6. Any domesticated animal which howls, yelps, whines, barks, or makes other oral noises in such a manner as to disturb any person or neighborhood to an unreasonable degree;

7. Animals kept, harbored or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian;

8. Animals running in packs or groups of two or more; and

9. Any animal, which is found to violate any provision of this chapter three or more times within a one-year period.

6.40.110 Liability for injury by dogs.

The owner or keeper of an animal shall be liable to the person injured or property owner injured by such dog arising as a result of the action of the animal and shall pay medical expenses as well as other costs, damages, fees and assessments as are allowed by law.

6.40.120 Violation – Misdemeanor, infraction, penalty.

A. Except as provided in EMC 6.40.070 and in subsection C of this section, any person violating any of the provisions of this chapter shall be subject to the general penalty ordinance, EMC 1.12.010; provided, that any person who shall violate the provisions of EMC 6.30.030(A), Animals Running at Large on Public Grounds, where the animal has not caused damage to either person or property, then the offending party, in lieu of a court appearance, is authorized to post and forfeit the following bail amounts:

1. First offense in same calendar year: $65.00;

2. Second offense in same calendar year: $100.00;

3. Third offense and any additional offense in the same calendar year: $250.00 (each infraction).

B. In addition to the bail that is posted, the person committing the infraction must pay to the town the cost of redeeming their dog or cat as set forth in this title.

C. Any person who shall violate provisions of EMC 6.40.070(A) shall be subject to a notice of infraction, with bail amount of $250.00.