

**ORDINANCE NO. 012/2011**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 8.04 MMC ANIMAL CONTROL; UPDATING AND AMENDING THE CITY'S CODIFIED REGULATIONS GOVERNING THE KEEPING, OWNERSHIP AND TREATMENT OF ANIMALS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the City of Monroe has adopted regulations governing the ownership, keeping and treatment of animal, and has codified the same at Chapter 8.04 MMC; and

WHEREAS, the City desires to update and amend said regulations; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

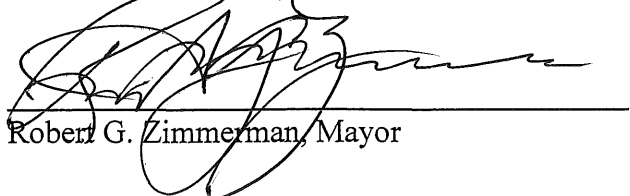
Section 1. Amendment of Chapter 8.04 MMC. Chapter 8.04 of the Monroe Municipal Code Animal Control is hereby amended to provide in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall be in full force and effect thirty (30) days from and after its final passage.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 3<sup>rd</sup> day of May, 2011.

CITY OF MONROE, WASHINGTON:



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Robert G. Zimmerman, Mayor

1<sup>st</sup> Reading: 05/03/2011  
Published: 05/10/2011  
Effective: 06/02/2011

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:

  
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J. Zachary Lell, City Attorney

## Chapter 8.04 ANIMAL CONTROL

### Sections:

- 8.04.010 Purpose.
- 8.04.020 Definitions.
- 8.04.025 Keeping Animals
  
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- 8.04.050 Licensing of animals.
- 8.04.055 Powers and duties of animal control officers.
- 8.04.060 Impoundment and disposition of impounded animals.
- 8.04.070 Disposition of fees, fines and other monies.
- 8.04.080 Biting dogs to be reported and quarantined.
- 8.04.090 Contracts with private agencies.
- 8.04.100 Enforcement procedures.
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- 8.04.120 Existing non-conforming use..

### 8.04.010 Purpose.

In order to protect the health, safety and welfare of the residents and citizens of the city and to provide for control and protection of dogs and other animals therein, the city council does enact the following provisions that may be referred to and pleaded as the “animal control ordinance.” This chapter shall not apply to dogs used by law enforcement officials for police work or service animals under the Americans With Disabilities Act or the Washington State Law Against Discrimination. (Ord. 1274, 2002; Ord. 981, 1991)

### 8.04.020 Definitions.

As used in this chapter unless the context requires otherwise:

- A. “Altered” means the dog or cat has been spayed or neutered.
- B. “Animal” means any mammal, bird, reptile or amphibian.
- C. “Animal control authority” means an entity acting alone or in concert with other local governmental units for the enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.
- D. “Animal control officer” means any individual employed, contracted with, 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 licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state, county or local

law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

- E. "Bail" means money or its equivalent deposited by the defendant to secure his appearance in court for an animal control ordinance offense.
- F. "Cat" means any mammal of the feline family.
- G. "Certificate of registration for dangerous dogs" means any document issued by the city pursuant to Chapter 16.08 RCW and this chapter.
- H. "Dangerous dog" means (1) any dog that has inflicted severe injury or death on a human without provocation, (2) one that has killed a domestic animal without provocation while off the owner's property, (3) aggressively bites, attacks, or endangers the safety of humans or (4) when previously declared a potentially dangerous dog chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack. Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

In the event of a declaration of dangerous dog as a result of 8.04.020(H)(4), an owner may have the dangerous dog declaration removed if the owner of the dog can show that since the incident or action giving rise to the declaration, the owner has enrolled in and successfully completed the American Kennel Club's Canine Good Citizen® (CGC) Program, or a comparable course or program addressing dog ownership responsibilities offered by a similarly recognized entity, which alternate course or program and/or entity shall be approved by the city. In order to be eligible for such reversal of declaration, the owner must show proof of registration for the Program or approved comparable course no more than 30 days after the declaration. The training must be successfully completed within 6 months. Pending successful completion of the course or program, all legal requirements for dangerous dogs, specifically including without limitation the requirements set forth in this chapter and in RCW 16.08.080 - .100, shall continue to apply. This provision for reversal of declaration shall not apply in instances where a dangerous dog declaration has been previously reversed because such training was given to the same owner for this or any other dog, or to any other person involving the same dog.

- I. "Dog" means any mammal of the canine family.
- J. "Dog running at large" means any dog off or outside the premises of the owner not restrained by a rope, line, leash, chain or other similar means or not under the immediate control, restraint or command of an owner thereof, except as permitted under MMC

- 9.28.065. If a dog is not restrained by a tether of some kind, is not at heel, or is not a working dog in the field, that dog shall be deemed “at large,” unless the dog is at an off-leash area for dogs.
- K. “Domestic fowl” means female birds of the species *Gallus gallus domesticus* commonly known as chickens.
- L. “Exotic animal” means any animal which, when in its wild state, or due to its size, habits, natural propensities, training or instinct, presents a danger or potential danger to human beings and is capable of inflicting serious physical harm upon human beings, and includes inherently dangerous mammals and reptiles as follows:
- a. Inherently dangerous mammal” means any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and which includes:
    - i. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and domestic dog, but not including domestic dogs (*Canis familiaris*). Common names include wolf, coyote, jackal, hyena, fox, and all their hybrids;
    - ii. Felidae, including any member of the cat family weighing over fifteen pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*);
    - iii. Ursidae, including any member of the bear family, or any hybrids thereof.
  - b. Inherently dangerous reptile” means any live member of the class reptilia which:
    - i. Is venomous, including but not necessarily limited to, all members of the following families: Helodermae (Beaded Lizards including Gila Monster, Mexican Beaded Lizard); Viperidae (Vipers and Adders); Crotalidae (Pit Vipers); Atracaspidae (Mole Vipers); Hydrophilidae (Sea Snakes); and Elapidae (Cobras); or
    - ii. Is a “rear fanged” snake of the family Colubridae (rear fanged snakes) that are known to be dangerous to humans, including, but not necessarily limited to, all members of the following families: *Dispholidus typus* (Boom-slang Snake); *Thebitornis kirtlandii* (Twig Snake); and *Rhabdophis* ssp. (Speckled Belly Keelback and Red Necked Keelback); or
    - iii. Is a member of the order Crocodilia (crocodiles, alligators, and caiman) over two feet in length.
- M. “Farm animals” mean Cows, horses, sheep, and other similar animals. Swine and goats are not included.

- N. "Habitual" means the repeated behavior of a dog to have been documented on more than three occasions within a six-month period
- O. "Kennel, Commercial" means a place, other than the residence of the owner of the animals, where five or more dogs or cats, with permanent canine teeth or which are six months old or older, or any combination of dogs and cats, are cared for and boarded overnight, whether for compensation or not.
- P. "Kennel, Personal" means a residence where five or more dogs or cats, with permanent canine teeth or which are six months old or older, or any combination of dogs and cats, are cared for and boarded overnight for more than thirty (30) days in any consecutive twelve (12) month period.
- Q. "License" means that license required to be issued annually for each individual dog and cat pursuant to the provisions of this chapter.
- R. "Miniature goats" mean the types of goats commonly known as Pygmy, Dwarf, and Miniature Goats.
- S. "Miniature potbelly pigs" shall mean that type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*).
- T. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.
- U. "Potentially dangerous dog" means any dog which inflicts minor bites on a human or bites a domestic animal, or chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack.
- V. "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.
- W. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.
- X. "Small animals" means dogs, cats, rabbits, and other similar animals which are customarily kept outdoors all or part of the time. The following animals are not subject to these regulations as small animals or domestic fowl:
- a. Hamsters, gerbils, mice, and other similar animals which are customarily kept within a dwelling unit, unless such animals are kept outdoors.
  - b. Reptiles, including snakes, lizards, and turtles, which are customarily kept within a dwelling unit, unless such animals are kept outdoors.
  - c. Birds, such as parakeets and parrots which are kept within a dwelling unit.

- d. Fish
  - e. Miniature potbelly pigs, provided that no swine that is greater than twenty-two (22) inches in height at the shoulder or more than one hundred fifty (150) pounds in weight may be kept in the city.
  - f. Miniature goats, provided they are dehorned and the males are neutered.
  - g. Small animals less than 6 months old.
- Y. "Veterinarian" means a practicing veterinarian licensed pursuant to the laws of the state to perform any of the acts set forth in RCW 18.92.010.
- Z. "Veterinary hospital" means any business established, maintained and operated by a veterinarian which is operated for the diagnosis and treatment of diseases or injuries of animals. (Ord. 002/2011 § 1; Ord. 005/2009 § 1; Ord. 025/2007 § 3; Ord. 1274, 2002; Ord. 981, 1991)

#### 8.04.025 Keeping Animals

- a. Small Animals
  - i. Up to four (4) small animals may be kept accessory to each business establishment or dwelling unit on a lot. In no case may more than one of the four (4) be a miniature potbelly pig.
  - ii. Up to six (6) small animals are permitted on lots of at least fifteen thousand (15,000) square feet.
  - iii. One additional small animal is permitted for each five thousand (5,000) square feet of lot area in excess of fifteen thousand (15,000) square feet.
  - iv. Structures housing small animals must be located at least 10 feet away from any structure that includes a dwelling unit on an adjacent lot.
- b. Domestic Fowl
  - i. Up to eight domestic fowl may be kept on any lot in addition to the small animals permitted in subsection 2a.
  - ii. One additional fowl is permitted for every 1,000 square feet of lot area over 10,000 square feet.
  - iii. Structures housing domestic fowl must be located at least 10 feet from any structure that includes a dwelling unit on an adjacent lot.
- c. Farm Animals
  - i. Farm animals are only allowed on lots of at least 20,000 square feet.
  - ii. One farm animal for every 10,000 square feet of lot area is permitted.
  - iii. Farm animals and structures housing them must be kept at least 50 feet away from any structure that includes a dwelling unit on an adjacent lot.
- d. Beekeeping
  - i. Beekeeping is permitted when registered with the State Department of Agriculture.
  - ii. No more than four hives, each with only one swarm, are allowed on lots of not less than 10,000 square feet
  - iii. Hives shall not be located within 25 feet of any lot lines except when situated 8 feet or more above the grade immediately adjacent to the grade

of the lot on which the hives are located or when situated less than 8 feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any lot line within 25 feet of a hive and extending at least 20 feet beyond the hive in both directions.

8.04.040 Prohibited activities.

It is unlawful:

- A. To interfere with, hinder, or molest an animal control officer while in the exercise of his duties;
- B. For an owner to fail to prevent an animal from running at large, except as permitted under MMC 9.28.065;
- C. Reserved.
- D. For an owner to fail to prevent a domesticated animal from being a public nuisance by:
  - 1. Molesting passersby,
  - 2. Habitually chasing vehicles or persons,
  - 3. Traveling upon public grounds,
  - 4. Damaging or destroying property of persons other than the owner of the domesticated animal,
  - 5. Scattering garbage and tipping over garbage cans,
  - 6. Habitually running at large, except as permitted under MMC 9.28.065,
  - 7. Disturbing the peace by causing, permitting or otherwise failing to prevent an animal to audibly bark, bay, cry, howl or make any other noise continuously for a period of ten minutes or more or intermittently for one half-hour or more at any time of day or night or more to the reasonable disturbance of any person.
- E. To keep, harbor or maintain any domesticated animal known to be infected with a contagious disease endangering the health of man or beast, unless under the treatment of a veterinarian;
- F. To be the owner of a dog or cat not vaccinated with a modified live virus type vaccine for rabies within the past two years which has been alleged to have bitten a person or other animal or to fail to safely quarantine any animal alleged to have bitten a person or other animal by:



1. Securing said animal on the owner's premises with the approval and under the supervision of the city animal control officer and not allowing said animal to be at large or to come in contact with any other person or animals, or
2. Placing said animal in a veterinary hospital, or
3. Impounding said animal, or
4. Refusing to allow the animal control officer to impound said animal when said officer has probable cause to believe that such person has failed to comply with the quarantine requirements of subsections (F)(1), (F)(2) or (F)(3) of this section;

G. To be the owner of any animal for which he has failed to secure a license if such license was required under MMC 8.04.050;

H. To be the owner of any animal for which he has failed to display a license upon such animal when it is off the owner's property, if such license was required under MMC 8.04.050;

I. To knowingly or negligently commit acts of cruelty to animals.

1. General acts of cruelty include, but are not limited to, the following:
  - a. To subject any animal under a person's ownership, custody or control to cruel neglect, or
  - b. To kill without legal privilege any animal under the ownership, custody or control of another person.
2. Specific acts of cruelty to animals include but are not limited to the following:
  - b. For any person owning, having charge or custody of any animal, except in the case of any emergency, to deprive any such animal of necessary and adequate food and drink, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or
  - c. Abandons the animal, within the meaning of RCW 16.52.011.
3. In accordance with RCW 16.52.085, if a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has committed animal cruelty, the officer may authorize, with a warrant, the seizure and removal of the animal to a suitable place for feeding and care. An animal may be seized and removed without a warrant only if the animal is in an immediate life-threatening condition.

4. Upon conviction for animal cruelty, the defendant shall in addition to all other applicable penalties and remedies, make restitution to the City of Monroe for all veterinary and kennel expenses incurred by the city.

5. Any animal seized and removed from an owner pursuant to this section shall not thereafter be released to the owner during investigation of or prosecution for animal cruelty. Upon conviction for animal cruelty the owner shall forfeit any interest in the seized and removed animal.

J. To fail to make appearance in court pursuant to a uniform animal control citation or complaint and the provisions of this chapter or failure to appear pursuant to an order of the court in such matter under this chapter;

K. It shall be unlawful for the owner or person having charge of any animal to permit, either willfully or by failure to exercise due care, such animal to commit a public nuisance by defecating in any area of the city other than the premises of the owner or person having charge or control of the animal, unless said owner or person having charge takes immediate steps to remove and properly dispose of said feces;

L. It shall be unlawful for the owner or person having charge of an animal to tether or confine said animal in such a manner or in such a place as to cause injury or pain to an animal, or to endanger an animal, or that is injurious to the animal due to inadequate protection from heat or cold, or that is of insufficient size to permit the animal to move about freely;

M. The owner leaving an animal unattended in a motor vehicle shall:

1. Ensure the animal is restrained in a manner that prevents contact between the animal and any member of the public;
2. Ensure the animal has suitable ventilation; and
3. Not leave an animal unattended in a motor vehicle if the weather conditions are not suitable for containment of an animal;

N. The owner of an animal shall ensure dogs shall be under control at all times.

1. Except as provided in subsection (N)(2) of this section, it is unlawful for the owner or custodian of any dog to cause, permit, or allow such dog to roam, run, stray or be away from the premises of such owner or custodian and to be on any public place, any public property or the private property of another unless such dog be controlled by a leash, such control to be exercised by such owner or custodian or other competent and authorized person. This section shall not apply to dogs owned by the city or other law enforcement agencies and maintained as police K-9 units while under the custody and control of the trainer or handler.

2. Dogs may be off-leash in park areas designated for that purpose by the parks director as authorized by MMC 9.28.065. (Ord. 002/2011 § 3; Ord. 005/2009 § 3; Ord. 025/2007 § 4; Ord. 1274, 2002; Ord. 981, 1991)

O. It is unlawful for any person to bring into the city, or to possess or maintain within the city, any exotic animal as defined in Section 8.04.020.

The prohibition on exotic animals shall not apply to uninterrupted transport of wild or exotic animals through the city by motor vehicle or circuses and zoos, 4-H exhibitions and educational displays staying within the city for a limited time of no more than fourteen days; provided that proper safeguards are taken to protect the public and the animal control authority is notified of their arrival, all locations used to keep the animals, and duration of stay; and a state registered wildlife rehabilitation center sanctioned by the Washington State Wildlife Department.

P. It is unlawful to keep, harbor or maintain swine within the city limits of the City of Monroe; provided, however, it will be lawful to keep one pot-bellied pig as defined in section 8.04.020 within the city limits.

Q. It is unlawful to keep, harbor or maintain male domestic fowl (*Gallus gallus domesticus*) commonly known as rooster within the city limits of the City of Monroe

R. It is unlawful to keep, harbor or maintain wild or domestic turkeys (genus *Meleagris*) within the city of Monroe.

#### 8.04.050 Licensing of animals.

A. Any person owning a dog or cat which has permanent teeth or which is more than six months of age shall procure a license for each such animal each calendar year or any part thereof. Such license shall be procured within thirty days after the date an animal of six months of age or with permanent teeth is brought by the owner into the city, or within thirty days after any dog or cat reaches six months of age or has permanent teeth; thereafter each such animal shall be licensed on a calendar basis from year to year. The animal licenses shall include information as to sex, breed, and name and address of the owner; provided, however, that this section shall not apply to nonresident animals kept within the city in excess of thirty days, duly licensed by the jurisdiction which the owner resides in, if such animals are kept at all times under restraint by the owner.

B. A dog or cat license fee as established by the city council by periodic resolution shall be charged for each animal. This fee is due and payable on application for an animal license. The license fee shall not be prorated for any part of any calendar year. Any dog used by a blind person is exempt from the license fee while so owned and used, but is not exempt from being licensed or from any required rabies inoculation.

C. Any kennel which possesses and controls, owns, boards, keeps or has custody of dogs or cats with permanent teeth or which are more than six months of age shall pay an annual license fee as established by the city council by periodic resolution. Such fee shall be in lieu of all individual animal license fees imposed on such animals owned, kept or boarded at such kennel. Those portions of this section pertaining to the licensing of individual dogs and cats shall not apply to dogs and cats with permanent teeth or which are more than six months of age which are the personal property of another person and duly licensed by the jurisdiction wherein such person resides, but are boarded or otherwise similarly kept by such kennel or pet shop within the city.

D. It shall be the duty of the owner of any dog or cat with permanent teeth or which is more than six months of age kept in the city to have that animal inoculated against rabies with a modified live virus type vaccine and no license shall be issued for any animal unless the applicant exhibits a certificate of such inoculation by a veterinarian, or in the case of animals owned by a kennel or pet shop, a statement of such inoculation signed and sworn to by the owner of that kennel or pet shop. Certificate of inoculation or sworn statement must demonstrate that such vaccination is valid for immunity against rabies for the entire period for which the license is issued. However, if a veterinarian certifies to some physical condition of a dog or cat that would prevent such inoculation for any period, no inoculation shall be required for the dog or cat, and the license may be issued for that animal.

E. Any owner failing to procure or pay for a license as required by this chapter in any year shall pay a delinquent penalty for such failure in the sum as regulated on the fee schedule for each animal provided. In the case of a kennel or pet shop, the owner of either of which is subject to subsection (C) of this section, the failure of procuring a valid license as required by that section shall subject the pet shop or kennel to a delinquent license penalty of a fee as regulated on the fee schedule for each month of delinquency. In every case, such penalties shall be in addition to the regular license fee and shall be paid at the time of the issuance of the license or licenses.

F. If a license tag is lost, an owner may secure a duplicate license tag, or in the case of a kennel or pet shop, a license certificate from the animal control authority on satisfactory proof of loss and payment for the sum as regulated on the fee schedule.

G. Upon issuance of a license, the animal control authority shall issue to the owner a metallic or durable plastic license tag prepared with holes in the top of such tag and stamped with an identifying number, the name "city of Monroe, Washington" and year of issuance of the license. Such tag shall be securely fastened to the animal's collar or harness by the owner, and shall be worn at all times when the animal is not on the premises of the owner. The animal control officer shall maintain a record of the identifying numbers which shall be available to the public at all reasonable times.

H. Licenses from other jurisdictions shall be valid in the city until June 1st, the next licensing period, if such license required inoculation against rabies until that date.

I. An owner of a dangerous dog shall obtain a certificate of registration from the animal control authority for each such dog so classified. To obtain a certificate of registration, the following conditions shall apply:

1. A proper enclosure to confine a dangerous dog and the posting of 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;
2. 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 two hundred fifty thousand dollars, payable to any person injured by the dangerous dog;
3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least two hundred fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.
4. Proof that the dangerous dog has been permanently identified through the implantation of a microchip by a licensed veterinarian or licensed animal shelter, including the identifying number of the microchip.

J. An owner of a cat shall obtain the appropriate license for the cat:

1. A cat having outdoor access or allowed to roam unattended is required to be spayed or neutered.
2. A cat that remains indoors or is on a tether or restrained by other means (for example, invisible fencing) while outside the owner's dwelling may remain unaltered.
3. The owner is required to display the cat license tag, indicating if the cat is altered or unaltered. (Ord. 1274, 2002; Ord. 981, 1991)

#### 8.04.055 Powers and duties of animal control officers.

Powers and duties of the animal control officers shall be as follows:

A. To have police power in the enforcement of all provisions of this chapter relating to the licensing and impounding of animals and the citation of persons in lieu of arrest for violation of this chapter as prescribed in MMC 8.04.100;

B. To establish a place where all animals subject to impoundment may be kept and held safely and provided with proper and sufficient food, water and shelter;

C. To impound and keep safely any animal that is found doing any of the acts set forth in MMC 8.04.040, or any animal which is apparently abandoned;

D. To issue uniform animal control ordinance citations pursuant to MMC 8.04.100, and citations for complaints within the city, appear as witnesses and to perform all other acts necessary for the enforcement of this chapter;

E. To receive and collect any costs and charges hereinafter provided by this chapter;

F. To investigate incidents or information about dogs that may qualify as dangerous or potentially dangerous. After providing an opportunity for the owner of the dog to be heard as required by RCW 16.08.080, the animal control officer may issue an order declaring the dog to be dangerous or potentially dangerous.

The animal control officer will notify the animal owner of the appeal process in accordance with RCW 16.08.080. The appeal body shall be the Monroe hearings examiner;

G. To issue a certificate of registration to the owner of a dangerous dog if the owner presents to the animal control officer sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of 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;
2. 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 two hundred fifty thousand dollars, payable to any person injured by the dangerous dog; or
3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least two hundred fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog. (Ord. 002/2011 § 2; Ord. 005/2009 § 2; Ord. 1274, 2002; Ord. 981, 1991)

#### 8.04.060 Impoundment and disposition of impounded animals.

A. Whenever any dog or cat is found performing any of the activities enumerated in MMC 8.04.040 or has bitten any person or animal, an animal control officer, any police officer, any owner or any private person may impound it by immediately delivering such animal to the place designated for such impoundment.

B. Any impounded animal which by reason of injury, disease or other cause is suffering great pain or is dangerous to keep impounded may be destroyed forthwith. The animal control officer may request a veterinarian to certify to this fact in writing before such immediate destruction is undertaken.

C. The animal control officer shall keep any animal impounded or delivered to the animal control officer for disposal or as otherwise provided in this chapter for the period of time hereinafter specified and shall dispose of animals in accordance with the following provisions:

1. Redemption, Destruction or Sale of Unlicensed Dogs and Cats. Unless an unlicensed animal is redeemed by its owner within three days after impoundment in a manner consistent with subsection (D) of this section, the animal may be destroyed or sold in a manner consistent with subsection (D) of this section. If such animal has been impounded because of the biting of a person or other animal and does not have a vaccination which is valid for immunity against rabies at such time, such animal shall be kept as necessary to observe said animal for the required ten-day quarantine period commencing after the biting of a person or other animal;

2. Redemption, Destruction or Sale of Licensed Dogs and Cats. Unless an animal which evidences a license by this city of some other authorized jurisdiction is redeemed within three days after notice of impoundment is mailed, such animal may be destroyed or sold consistent in the manner prescribed by subsection (D) of this section. Within two days after impoundment, notice of such impoundment may be given by deposit in the United States mail of a certified and postage prepaid letter addressed to the person who purchased the license for the animal at his address shown on the license application.

D. A dog or cat may be redeemed by other than the owner or sold only if the following qualifications are met:

1. That the animal is in good health, or that adequate provisions for medical care of the animal will be taken;
2. That the animal is not dangerous or vicious;
3. That the purchaser pays the basic impoundment fee as regulated in the fee schedule;
4. That the redeemer or purchaser pays all boarding charges and other fees prior to the release of the animal;
5. That the animal be immunized against rabies within thirty days after redemption or sale;

6. That the animal be licensed within thirty days after redemption or sale if the owner will live within the city.

E. Disposition of seized and removed animals – Bond requirements. Any owner whose domestic animal is seized and removed pursuant to MMC 8.04.040 (I) (Animal cruelty) or MMC 8.04.060 (J) (Dangerous dogs) shall, upon a finding of probable cause by the Evergreen District Court, be required to post a bond/security; or by petitioning the court for the animal's immediate return subject to court-imposed conditions; within five days of such probable cause finding in an amount sufficient to provide for the animal's care for a minimum of 60 days from the seizure date. Failure to post such bond or security shall authorize the City of Monroe or its agent to euthanize the animal or find a responsible person to adopt the animal. The City of Monroe may euthanize severely injured, diseased, or suffering animals at any time.

F. Impounding Sick or Injured Animals. When in the judgment of a licensed veterinarian or the animal control authority, an impounded animal should be destroyed for humane reasons, because it is severely injured, diseased or suffering, such animal may not be redeemed. The animal control authority or its agents shall not be held liable for the destruction of said animal.

G. Hindrance to Impounding. No person shall willfully:

1. Prevent or hinder the impounding of any animal found in violation of this chapter;
2. Remove the animal from the designated shelter without the authority of the chief of police, the animal control authority or the officer in charge of the designated shelter;

H. A dog or cat may be redeemed by other than the owner or sold only if the following qualifications are met:

1. That the animal is in good health, or that adequate provisions for medical care of the animal will be taken;
2. That the animal is not dangerous or vicious;
3. That the purchaser pays the basic impoundment fee as regulated in the fee schedule;
4. That the redeemer or purchaser pays all boarding charges and other fees prior to the release of the animal;
5. That the animal be immunized against rabies within thirty days after redemption or sale;
6. That the animal be licensed within thirty days after redemption or sale if the owner will live within the city.

I. Any animal impounded by the animal control authority may be returned to an owner supplying proof of ownership. If the animal is licensed, a current license shall be prima facie proof of ownership. If the animal is unlicensed, the owner must purchase a license and pay all



fees and penalties consistent therewith. Relinquishment of the animal by its owner does not constitute a waiver of the fees or costs incurred under this section or fines otherwise imposed. The city may collect the penalties, fees and expenses by use of appropriate legal remedies.

J. The fee resolution of charges shall be imposed for release of an impounded dog or cat redeemed by its owner. In addition to the basic impoundment charge, the total additional boarding charges and other costs incurred by the city for the animal shall be levied on an owner redeeming an animal after the day of impoundment.

K. Any dangerous dog, declared dangerous by Monroe or any other municipality, shall be immediately confiscated by an animal control authority if:

1. The dog is not validly registered under MMC 8.04.040; or
2. The owner does not secure the liability insurance coverage required under MMC 8.04.050; or
3. The dog is not maintained in the proper enclosure; or
4. The dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person.

Violation of this subsection (K) constitutes a gross misdemeanor subject to a fine of not more than five thousand dollars plus costs, penalties, assessments and/or jail for up to three hundred sixty-five days. The animal control authority shall destroy the confiscated dangerous dog in an expeditious and humane manner if any deficiencies required by this subsection are not corrected within twenty days of notification. (Ord. 002/2011 § 4; Ord. 005/2009 § 4; Ord. 022/2004; Ord. 1274, 2002; Ord. 981, 1991)

8.04.070 Fees, fines and other monies.

A. All monies obtained from the collection of license fees, impoundment charges, penalties for delinquent licenses and lost license charges as well as proceeds from the sale of animals and all other monies and fees paid to the animal control authority or the city clerk hereunder shall be applied to the current expense fund of the city. (Ord. 1274, 2002; Ord. 981, 1991)

B. Animal relinquishment fee:

1. Residents of the City of Monroe will pay all animal shelter charges to relinquish ownership of unwanted dogs or cats owned by them to any animal shelter providing that service pursuant to a contract with the City. Residents may deliver stray dogs or cats without payment of a fee to any animal shelter providing that service pursuant to a contract with the City.

2. The owner relinquish fee shall be paid directly to the animal shelter by the person relinquishing the animal at the time of release.

8.04.080 Biting dogs to be reported and quarantined.

A. Any owner of a dog, any person who is bitten by a dog, and any doctor, veterinarian or hospital which has information that a person has been bitten by a dog shall immediately report such bite, giving the name and address of the bitten person if known to him, and shall abide by the quarantine instructions given in this chapter.

B. All dogs alleged to have bitten a person shall be quarantined as herein provided for a period of ten days, commencing from the date of the alleged bite, unless the owner of the dog alleged to have bitten the person produces a valid certificate of inoculation by a modified live virus type vaccine against rabies dated less than two years prior to the time said alleged bite occurred, and such dog does not exhibit aberrant behavior. (Ord. 1274, 2002; Ord. 981, 1991)

C. Any dog which is declared to be a "dangerous dog" shall be required to be micro chipped by a veterinarian of the owner's choice, at the owner's expense. This must be accomplished within fifteen days after receipt of the "dangerous dog" declaration issued by the animal control authority.

8.04.090 Contracts with private agencies.

The city council is authorized to contract for animal control services with any person, corporation or governmental agency in a cooperative effort to enforce the ordinance codified in this chapter or similar ordinances or portion thereof in other jurisdictions or within the city. (Ord. 1274, 2002; Ord. 981, 1991)

8.04.100 Enforcement procedures.

A. Requirements of Uniform Animal Control Citation Form and Content. A uniform animal control citation conforming to the requirements of the Revised Code of Washington, Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 2.1(b).

B. Commencement of Action for Animal Control Ordinance Violations.

1. An animal control officer may issue an animal control citation under the following circumstances:

a. To an owner of a dog or animal for violation of this chapter committed in his presence and when committed in any location within the incorporated area of the city.

b. To the owner of a dog or animal at a place outside the incorporated area of the city if:

i. The violation was committed in his presence at a location within the incorporated area, or the offense occurs outside the incorporated area of the city

and in his presence even though the violation may originate outside the incorporated area of Monroe, Washington, and

ii. The animal control officer immediately proceeds to ascertain the person who committed or allowed the violation to occur, and

iii. The animal control officer cites the person immediately upon ascertaining the person's identity; provided, however, that alternative means of service as provided in subsection (C) of this section may be used to perfect service.

C. If two or more dogs jointly engage in any conduct meeting the definition of dangerous/potentially dangerous dog, then regardless of the degree of participation by the individual dog, all dogs shall be deemed dangerous/potentially dangerous dogs.

D. Service of Citation. If a citation is commenced as described in subsection (B)(1)(b)(i) or (B)(1)(b)(ii) of this section, an animal control officer, peace officer or city attorney respectively shall serve the summons portion of such citation in one of the following manners:

1. Personal service upon the defendant or service to any member of his family over fourteen years of age who is competent and resides at that abode;
2. If after reasonable and due diligence the defendant cannot be personally served, then the summons portion of said citation may be made by registered mail, return receipt requested, mailed to such person at his last known address, with postage prepaid thereon.

E. Minimum Requirements for Summons. A summons for an animal control ordinance violation is sufficient if it contains the following: The name of the court, name of the person cited (defendant), date on which the citation was issued, the date of birth of the defendant, the defendant's last known address of record, the place in which the person cited is to appear in court, a brief description or law designation of the offense so as to be readily understood by a person reading same, and the time and place in which the violation is alleged to have occurred.

F. Appearance by a Defendant. The defendant shall appear in court at the time mentioned in the summons if charged with any violations under this chapter, unless he shall appear prior to such time and deliver to the court the summons, together with check or money order in the amount of the bail set forth on the summons; provided, however, that appearance in the court shall be mandatory in the instance of the following offenses:

1. Owning a dangerous dog;
2. Owning a vicious dog;
3. Owning a dog or cat infected with a contagious disease that runs at large or is exposed in a public place whereby the health of man or beast may be affected;

4. Owning a dog or cat not vaccinated for rabies within the past two years which has been alleged to have bitten a person and which has not been properly and adequately quarantined;
5. Committing acts of cruelty or neglect to an animal. (Ord. 002/2011 § 5; Ord. 005/2009 § 5; Ord. 022/2004; Ord. 1274, 2002; Ord. 981, 1991)

8.04.110 Violation – Penalties.

- A. A violation of any of MMC 8.04.040(B), (D) through (H) and (K) through (N) shall constitute an infraction subject to the penalties set by resolution adopted by the city council. In the absence of a penalty set by resolution, the default civil penalty shall be one hundred dollars. In the case of any ambiguity the lesser amount shall apply.
- B. Upon conviction of any person for any violation of the provisions of this chapter not listed in subsection (A) of this section, or if a person has committed more than two infractions under subsection (A) of this section, that person shall be guilty of a gross misdemeanor and be punished by a fine of not more than five thousand dollars plus costs, penalties, assessments and/or jail for up to three hundred sixty-five days. Any conflicting state criminal penalties shall supersede the criminal penalties set by this chapter.
- C. Each day any person shall be in violation of this chapter shall be deemed a separate offense.
- D. If a dangerous dog of an owner with a prior conviction under this chapter, to the extent the conviction implements Chapter 16.08 RCW, attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- E. The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether the dog has been previously declared potentially dangerous or dangerous, shall be guilty of a class C felony, punishable in accordance with RCW 9A.20.021. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- F. Chapter 16.08 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein. Chapter 16.08 RCW supersedes this chapter if a conflict occurs between Chapter 16.08 RCW and this chapter to the extent that the city is precluded by state law from having conflicting provisions. (Ord. 002/2011 § 6; Ord. 005/2009 § 6; Ord. 1274, 2002; Ord. 981, 1991)

8.04.120 Existing non-conforming use

It is further provided that any animal that is properly maintained on a parcel of property that is annexed into the city of Monroe shall be deemed to be a nonconforming use so long as it is compatible with the existing land use while the property was outside the city of Monroe. Other than the licensing of dogs and dangerous dogs, the provisions of this chapter shall not apply until such time as the pre-existing use of the land becomes a conforming use.