

ORDINANCE NO. 178

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON AMENDING SECTIONS 1 AND 2 OF ORDINANCE NO. 42, WHICH ADOPTED BY REFERENCE IN ITS ENTIRETY TITLE 6 ANIMAL CONTROL OF THE PIERCE COUNTY CODE, BY REVISING CHAPTERS 6.02, 6.03, 6.04, AND 6.07 OF THE CODES ADOPTED BY REFERENCE TO PROVIDE ADDITIONAL PROVISIONS RELATING TO ANIMAL LICENSING, ANIMALS AT LARGE, DANGEROUS ANIMALS, HABITUALLY NOISY ANIMALS, ETC., AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE

WHEREAS the City Council has determined that Chapter 6.02, Chapter 6.03, Chapter 6.04 and Chapter 6.07 of the Pierce County Code concerning animal control regulations, which were adopted by reference by the City of University Place in Ordinance No. 42, should be amended to add provisions recommended by the Humane Society and to update the fee schedules; and

WHEREAS the City Council has determined that the remaining chapters of the Pierce County Code concerning animal control regulations, also adopted by reference by the City of University Place in Ordinance No. 42, need not be changed at this time; and

WHEREAS it is in the best interest of the public health, safety and welfare to enact reasonable animal control regulations; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Amending Section 1 of Ordinance No. 42. Section 1 of Ordinance No. 42 is amended as follows: The City adopts by reference Title 6 of the Pierce County Code except as Title 6 is amended by the attached Exhibit A which is attached and incorporated by this reference, as now in effect and as may be subsequently amended, as the Interim Animal Control Regulations for the City, except that any reference to unincorporated Pierce County shall refer to the City of University Place.


Section 2. Amending Section 2 of Ordinance No. 42. Section 2 of Ordinance No. 42 is amended as follows: One copy of Title 6 of the Pierce County Code as amended by this ordinance, shall be available in the office of the City Clerk for use and examination by the public

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be in full force and effect five days after publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, THIS 15th DAY OF DECEMBER, 1997.

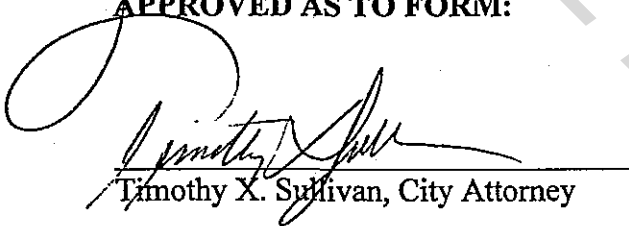


Linda Bird, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Effective Date: December 22, 1997
Publication Date: December 17, 1997

EXHIBIT A TO ORDINANCE NO. 178

1. Section 6.02.070 of the Pierce County Code, adopted by reference in Ordinance 42, is amended to read as follows:

6.02.070 Redemption of Dogs.

The owner of any dog impounded under this Chapter may redeem said dog within forty-eight hours from time of impounding by paying to the animal control agency a redemption fee of \$25.00 for the first time impounded within any one year period. A redemption fee of \$50.00 for the second impound within any one year period, and a redemption fee of \$75.00 for the third or subsequent impound within any one year period shall be collected. If a dog is wearing a current pet license at the time of the first such impound, no redemption fee shall be collected. In addition to the redemption fee, the redeemer shall pay, as a boarding charge for the caring and keeping of such dog, the sum of ~~\$5.00~~ \$6.00 per day for each day, including the first and last days, that the dog is retained by the impounding authority. This boarding charge will be collected for all dogs retained by the impounding authority, including dogs wearing a current pet license at the time of their first impound within any one year period. If such dog is not redeemed by the owner within forty-eight hours, then any person may redeem it within the next forty-eight hours by complying with the above provision, and in case such dog is not redeemed at the end of such time, it may be humanely destroyed or otherwise disposed of within the discretion of the animal control agency.

2. A new Section 6.03.035 is added to Title 6 of the Pierce County Code, adopted by reference in Ordinance No. 42, to read as follows:

6.03.035 Livestock at Large.

No person owning or in control of any livestock is to allow such livestock to enter or trespass upon private property without the express permission of the owner or caretaker of such property. No person owning or in control of any livestock is to allow such livestock to enter or trespass upon public property, with the exception of public streets and rights of way, without the express permission of the owner.

3. A new section 6.03.045 is added to Title 6 of the Pierce County Code, adopted by reference by Ordinance No. 42, to read as follows:

6.03.045 Confinement of an Animal in a Motor Vehicle.

No owner or person shall confine any animal in a motor vehicle in such a manner that places the animal in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or cold, without proper

ventilation or other protection from the extreme temperature.. An animal control officer or law enforcement officer who reasonably believes that an animal is in imminent danger due to exposure to extreme temperatures may take reasonable steps to protect the animal including impounding the animal by removing the animal from the vehicle.

4. Section 6.03.090 of the Pierce County Code, adopted by reference in Ordinance No. 42, is amended to read as follows:

6.03.090 Habitually noisy animal – civil violation.

It is unlawful for the owner or other person having control or custody of any animal to allow such animal to habitually howl, yelp, bark, or make other noises which unreasonably disturb another person. Allowing an animal to habitually howl, yelp, bark or make other noises which unreasonably disturb another person shall carry a minimum penalty of \$100.00 and a maximum penalty of \$250.00. In addition to any such fine, the hearing examiner may declare the animal a nuisance, order that it be confined or impounded, declare the necessary measures which the owner must comply with to confine the animal, and impose on the owner or custodian of the animal all expenses of impoundment, including shelter, food, and veterinary expenses.

Upon receipt of a complaint of a noisy animal, the animal control officer shall notify the owner or custodian in writing of the nature of the complaint. If there is a second complaint within a three -month period, the animal control officer shall issue a Notice of Civil Violation. The notice shall be served on the owner or custodian in person or by certified mail. The notice shall state:

1. The description of the animal or animals.
2. The name and address of the animal's owner or custodian.
3. The number of complaints received within a three-month period.
4. The date and time of each such complaint.
5. The substance of each complaint.
6. The range of penalties which may be imposed.
7. The date, time and place of the hearing before the University Place Hearing Examiner.

At the hearing the City shall have the burden of proving by a preponderance of the evidence that the animal or animals habitually howl, yelp, bark, or make other noises which unreasonably disturb another person. The decision of the Hearing Examiner may be appealed to Superior Court within fourteen (14) days after it is issued.

5. A new Section 6.04.055 is added to Title 6 of the Pierce County Code, adopted by reference by Ordinance No. 42, to read as follows:

6.04.055 Dog Bite.

It shall be unlawful for any person to keep or harbor any dog which, unprovoked, bites a human being while off the dog owner's property, and the dog may be seized and impounded for the protection of the public. The court may order the dog to be destroyed, if in the court's judgment such dog represents a continuing threat or serious harm to human beings.

6. Section 6.04.010 of the Pierce County Code, adopted by reference in Ordinance No. 42, is amended to read as follows:

6.04.010 Licenses Required.

It is unlawful for any person to own, keep, or have control of a ~~juvenile or adult~~ dog or cat over the age of eight weeks, whether confined or not, within the corporate boundaries of the City of University Place without having a current license tag attached to the collar or harness which is worn by the dog or cat. Any dog or cat which is off the premises of its owner must have a current license, regardless of its age. If any dog and/or cat which is required to be licensed is found without a current license, it may be seized and impounded by the animal control agency or the law enforcement agency of the City of University Place. Additionally, such seizure and impoundment will not preclude the issuance of a criminal complaint. Hunting dogs, during a controlled hunt, need not wear a license tag.

7. Section 6.04.020 of the Pierce County Code, adopted by reference in Ordinance No. 42, is amended to read as follows:

6.04.020 Purchase of License.

All dog or cat licenses shall be obtained by paying the required license fee in the amounts and within the time limits as provided in this Chapter, to the City of University Place or to such other agency as the City authorizes to issue licenses and collect license fees. The license shall remain in force until December 31st of the year of issuance for a period of twelve months from the date of issuance, expiring on the last day of the twelfth month. There is no prorating of any license fee. Renewal licenses will retain the original expiration period whether renewed prior to, on or after their respective renewal month. The applicant shall be furnished with such license and a metal tag. The tag shall be attached to a collar or harness which will be worn by the dog or cat at all times. The shape of the tag shall not be the same two consecutive years.

8. Section 6.04.030 of the Pierce County Code, adopted by reference by Ordinance No. 42, is amended to read as follows:

6.04.030 License Fees.

The license fees for the ownership, keeping, or having control of dogs and/or cats in the City shall be as follows:

A.	Adult Dogs:	altered	--	--	\$ 7.00
A.	Adult Dogs:	altered fee after 1/1/98			\$10.00
		unaltered	--	--	\$50.00
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B.	Juvenile Dogs:		--	--	\$ 2.00
B.	Juvenile Dogs:	fee after 1/1/98	--	--	\$ 3.00
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C.	Adult Cats:	altered	--	--	\$ 4.00
C.	Adult Cats:	altered fee after 1/1/98			\$ 6.00
		unaltered	--	--	\$50.00
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D.	Juvenile Cats:		--	--	\$ 2.00
D.	Juvenile Cats:	fee after 1/1/98	--	--	\$ 3.00
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E.	Reduced rates for senior citizens, sixty-five years of age or older:				
1.	Dogs:	altered	--	--	\$ 4.00
1.	Dogs:	altered fee after 1/1/98			\$ 6.00
		unaltered	--	--	\$28.00
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2.	Cats:	altered	--	--	\$ 2.00
2.	Cats:	altered fee after 1/1/98			\$ 3.00
		unaltered	--	--	\$28.00

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

9. Section 6.04.040 of the Pierce County Code, adopted by reference by Ordinance No. 42, is amended to read as follows:

6.04.040 Late Payment Penalty.

A. Any person who fails to obtain a license by March 31 of each year shall be charged a penalty fee in the sum of ten dollars 30 days after the license expiration date but before 60 days of the expiration date shall pay a penalty of ten dollars (\$10.00) per license. Any person who fails to obtain a license after 60 days of the license expiration date shall pay a penalty of \$20.00 per license.

10. Section 6.04.060 of the Pierce County Code, adopted by reference by Ordinance No. 42, is amended to read as follows:

6.04.060 Penalty for Violation.

A person who violates any of the provisions of Sections 6.04.010, 6.04.020, or 6.04.030 of this Chapter shall, upon conviction thereof, be found guilty of a misdemeanor with a maximum penalty limited to a fine in an amount not to exceed \$250.00.

11. Section 6.04.080 of the Pierce County Code, adopted by reference by Ordinance No. 42, is amended to read as follows:

6.04.080 Impounding Dogs at Large.

The agency authorized by the City of University Place to enforce animal control laws shall impound dogs constituting the public nuisance described by Section 6.04.070. Upon impounding the dogs, the agency shall ascertain whether any of them are licensed, and if so, shall as soon as practicable notify the person to whom the licenses were issued that the dog or dogs have been impounded and can be redeemed. Any dog impounded pursuant to Sections 6.04.070 through 6.04.100 shall be held forty-eight hours, during which time any person may redeem it. In case any such dog is not redeemed within ninety-six hours, it shall be humanely destroyed or otherwise disposed of by the impounding agency. The fee for redeeming dogs and/or cats impounded pursuant to Sections 6.04.070 through 6.04.100 shall be as set forth in Section 6.02.070 ~~ten dollars. In addition to the redemption of fees, the redeemer shall pay three dollars for each day, including the first and last days, the dog and/or cat is retained by the impounding agency.~~

12. Section 6.07.030 of the Pierce County Code, adopted by reference by Ordinance No. 42, is amended to read as follows:

6.07.030 Confinement of Potentially Dangerous Dogs.

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

- A. Be unconfined on the premises of such person; or
- B. Go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.
- C. Potentially dangerous dogs must be tattooed or have a microchip implanted for permanent identification. This information must be on record at the offices of The Humane Society for Tacoma and Pierce County.
- D. The residence or property where a potentially dangerous dog is confined must have a warning sign conspicuously posted and visible from all streets and public rights-of-way adjacent thereto, clearly stating "Warning, Potentially Dangerous Dog," with letter size not smaller than two and one-half inches in height.