

ORDINANCE NO. 138

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING BY REFERENCE PIERCE COUNTY CODE CHAPTER 5.24 (COMMERCIAL KENNEL/CATTERY, HOBBY KENNEL, FOSTER KENNEL, PRIVATE KENNEL, GROOMING PARLOR OR PET SHOP) EXCEPTING ONLY SECTION 5.24.160 AS REGULATIONS OF THE CITY OF UNIVERSITY PLACE

WHEREAS, the City Council finds it is in the interest of the peace, health, safety, and welfare of the people of University Place; and desires to provide for the control and regulation of facilities and kennels in the City; NOW, THEREFORE,

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

Section 1. Adopting Chapter 5.24 of Pierce County Code, Excepting only Section 5.24.160, by Reference.

Pierce County Code Chapter 5.24 Commercial Kennel or Cattery, Hobby Kennel, Foster Kennel, Private Kennel, Grooming Parlor, or Pet Shop is hereby adopted by reference as a regulation of the City of University Place (excepting only Section 5.24.160). One copy of Pierce County Code 5.24 shall be available in the office of the City Clerk for use and examination by the public.

Section 2. Amending and Clarifying Governmental References.

Any allusions in Pierce County Code Chapter 5.24, as adopted by reference by the City, shall be construed as follows: A reference to "Pierce County" shall mean the "City of University Place;" any reference to the "Pierce County Council" shall mean the "City of University Place City Council;" any allusion to "fees" shall mean the City's fee resolution; any allusion to the "Pierce County Hearings Examiner" shall mean the "City of University Place Hearings Examiner;" any allusion to the "Pierce County Prosecutor" shall mean the "City of University Place City Attorney;" any allusion to "Enforcement Officer" or the "Pierce County Sheriff" shall mean "City of University Place law enforcement personnel" or "City Code Enforcement Officer;" and any allusion to "Pierce County departments and staff" shall mean the "City of University Place City Manager or his designee."

Section 3. Penalty. Any person convicted of a violation of Chapter 5.24 shall be deemed guilty of a misdemeanor, and in addition to any other remedies or penalties specifically provided for herein, may be punished by a fine of not more than \$1,000.00, or by imprisonment not to exceed ninety (90) days in the County Jail, or both such fine and imprisonment.


Section 4. Severability.

If any section, sentence, clause or phrase of this ordinance shall 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 5. Publication and Effective Date.

A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON MARCH 10, 1997.




Linda Bird, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Published: 3/12/97
Effective Date: 3/17/97

Chapter 5.24

COMMERCIAL KENNEL OR CATTERY, HOBBY KENNEL, FOSTER KENNEL,
PRIVATE KENNEL, GROOMING PARLOR, OR PET SHOP

Sections:

- 5.24.010 Purpose.
- 5.24.015 Exemption.
- 5.24.020 Definitions.
- 5.24.030 License Requirement.
- 5.24.040 Application.
- 5.24.050 Fees.
- 5.24.060 License.
- 5.24.070 Director - Power & Duties.
- 5.24.080 Advertising Limitations.
- 5.24.090 License Expiration.
- 5.24.100 License Renewal.
- 5.24.110 License Suspension and Revocation.
- 5.24.120 Appeal of License Suspension or Revocation.
- 5.24.130 Inspection.
- 5.24.140 Impoundment.
- 5.24.150 Civil Remedy.
- 5.24.160 Criminal Penalty.
- 5.24.170 Compliance.

5.24.010 Purpose.

This Chapter is necessary to the peace, health, safety, and welfare of the people in Pierce County and has as its purpose to provide for the humane care and treatment of animals; to provide for the control and regulation of facilities and kennels; to prevent nuisances; and to prevent endangerment of the health and safety of the public. (Ord. 89-142 § 2 (part), 1989)

5.24.015 Exemption.

The provisions of this Chapter shall not apply to any facility which is owned, operated, or maintained by any city, county, state, or the federal government for the purpose of maintaining or possessing dogs. (Ord. 95-151S § 1 (part), 1996)

5.24.020 Definitions.

- A. "Adult dog" and "Adult cat" means any dog or cat past the age of seven months.
- B. "Animal" means any live vertebrate creature, domestic or wild.
- C. "Animal Shelter" means any facility operated by the Humane Society for Tacoma and Pierce County or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this Chapter or of state law.
- D. "Commercial Kennel or Cattery" means any premises wherein a person(s) engages in the business of boarding, breeding, letting for hire, selling, bartering, or giving away dogs and/or cats. All dogs and/or cats over the age of seven months shall be included as part of the kennel for payment of fees.

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- E. "Enforcement Agency" means the Pierce County Sheriff's Office, the Humane Society for Tacoma and Pierce County, or such organization as designated by ordinance of the Pierce County Council.
- F. "Enforcement Officer" means any Pierce County Sheriff or deputized employee of the Humane Society for Tacoma and Pierce County designated to enforce the provisions of this title.
- G. "Foster Shelter/Kennel/Cattery" means any premises where at least six or more adult dogs and/or cats are kept and a person(s) provides temporary housing and care of owner released dogs/cats for the purpose of placing them into a permanent home.
1. Any person keeping more than ten dogs and/or cats must provide kennel facilities.
 2. Kennel facilities are kennels, animal runs, enclosures, and/or any other building used for the keeping or housing of such dogs/cats. Kennel facilities shall not be closer than seventy feet to any boundary property line of the premises, nor closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises.
 3. Animals kept more than sixty days will be considered owned by the person housing the animal and must be licensed under PCC 6.04.020.
 4. Persons providing temporary housing must comply with PCC 5.24.030 F.
- H. "Grooming Parlor" means any place or establishment, public or private, where animals are bathed, clipped, or combed for a consideration.
- I. "Hobby Kennel or Cattery" means any premise where at least six but less than twenty adult dogs and/or cats are kept for hunting, breeding, for exhibition, organized events, field working, or obedience trials. Any person(s) keeping more than ten dogs and/or cats must provide kennel facilities. Any person(s) or premise which exceeds the numbers or engages in practices beyond the definition herein for a hobby kennel or cattery, as determined by the enforcement agency, shall be subject to penalties and/or be required to purchase the appropriate license. Note: The occasional selling of offspring shall not be construed as a commercial venture.
- All dogs and cats over the age of seven months shall be included as part of the kennel for payment of fees.
- J. "Humane Officer" is any person designated by the Pierce County Council or the Humane Society for Tacoma and Pierce County as a law enforcement officer, qualified to perform such duties under the laws of this State.
- K. "Impounding Authority" means the Humane Society for Tacoma and Pierce County or any organization appointed by the Pierce County Council to impound animals and handle and care for impounded animals.

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- L. "Jurisdictional Licensing Agent" means:
1. The Humane Society for Tacoma and Pierce County, or
 2. Any agency or organization appointed or empowered by the Pierce County Council to register and license dogs and/or cats.
- M. "Person" means any individual, firm, partnership, corporation, or unincorporated association.
- N. "Pet Shop" means any person or establishment that acquires animals (dogs, cats, birds, fish, rodents, reptilians, primates, insects, and any/or all others) bred by others, whether as owner, agent, or on consignment, sells or boards any species of animals and offers to sell such animals to the public.
- O. "Premise" includes a private house or dwelling.
- P. "Private Kennel/Cattery" means any premise where at least six but less than twenty altered adult dogs and/or cats are kept as pets and not used for any other purpose than companionship for their owners. All pets are to be altered.
- Q. "Temporary" as used in this Chapter means less than sixty days.

(Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.030 License Requirement.

- A. **License Requirements-Generally.** It shall be unlawful for any person to own, maintain, or have six or more dogs and/or cats, or operate a commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, or pet shop, within the unincorporated areas of Pierce County without an applicable license as provided for by this Chapter.

The Humane Society for Tacoma and Pierce County is designated by the Pierce County Council as the animal control authority and is exempt from the licensing requirements of this Chapter.

A noncommercial kennel with five or fewer dogs or cats must be licensed under PCC 6.04.020 and not under this Chapter.

- B. **Transfer of License.** If there is any change in ownership of any commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop, the new owner may have the current permit transferred to his or her name upon the payment of \$75.00 transfer fee and upon the approval of the Humane Society for Tacoma and Pierce County. The transfer will be deemed approved if not rejected within thirty days from the date of the application.
- C. **Grounds for Denial.** A permit or license may be denied for the following causes:
1. Conviction by the applicant of cruelty to animals.
 2. Withholding or falsifying any information on the application.

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- D. Renewal.** Upon compliance with Section 5.24.040 and the tender of any fees required by Section 5.24.050, the Humane Society for Tacoma and Pierce County shall issue a renewal license, and the applicant for such license shall post such license in a conspicuous place upon the premise. A penalty fee of 100 percent of the license fee shall be assessed if the license application is not submitted by March 31. Payment of this penalty shall not preclude the imposition of penalties prescribed in Sections 5.24.160 and 5.24.170.
- E. License - Required Information.** Every license shall state on its face the name of the owner and operator of the animal facility, the address, the maximum number of animals which can be kept in the facility at any one time, and the expiration date of the license. The number of animals which can be kept in the facility at any one time shall be determined by the Director or agent of the Humane Society for Tacoma and Pierce County who inspected the premises, and may be modified by the Director from time to time if the facility conditions change. The location of any kennel shall not be changed without prior permission of the Director and such permission will be granted only after appropriate inspections have been conducted.
- F. Records - Duty to Maintain.** Every licensed person shall maintain records for three years (current year and past two years) on dogs and/or cats. Said records shall contain a list of the names and addresses of persons from whom animals are received and to whom animals are sold, traded, given away, or groomed. All animal transactions shall be listed on the records and these records shall be made available for inspection by the Director and/or agent of the Humane Society for Tacoma and Pierce County at all reasonable times for a specific reason.

(Ord. 95-151S § 1 (part), 1996; Ord. 92-26 § 1, 1992; Ord. 89-142 § 2 (part), 1989)

5.24.040 Application.

- A. Application-Generally.** Application for a permit to establish a new license under the provisions of this Chapter may be made at any time.
- B. Application-Required Information.** Any person applying for a license as required by this Chapter shall submit to the Humane Society for Tacoma and Pierce County the following information:
1. The name and address of the person(s) owning the facility;
 2. The name and address of the person(s) having the supervision of the facility;
 3. The address or location of the facility;
 4. The maximum number of dogs and/or cats or combination thereof which such facility will contain;
 5. The name and address of the person designated by the applicant as agent for the service of legal process or notice;
 6. A written statement issued by the Pierce County

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Planning Department that such commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, or pet shop is in compliance with applicable zoning codes of Pierce County;

7. A statement by the applicant giving permission for inspection of the facilities at any reasonable time;
8. A statement or permit from the Tacoma-Pierce County Health Department to insure that adequate provisions for sanitary facilities can be provided;
9. If the applicant is a pet store, a list of all species of animals; i.e., dogs, cats, birds, reptiles, primates, insects, fish, rodents, and any/or all others, that are to be sold;
10. The name and address of the licensed veterinarian who cares for the applicant's sick or injured animals.

(Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.050 Fees.

The application for a commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop license as required by this Chapter shall be accompanied by a fee as follows:

Commercial Kennel or Cattery	\$75.00 for the first 50 dogs, plus \$1.00 for each dog and/or cat over 50
Foster Shelter/Kennel/Cattery	\$75.00
Hobby Kennel (6 to 20 dogs and/or cats)	\$75.00
Any Commercial Kennel, Cattery, or Pet Shop with Grooming	\$50.00 additional
Grooming Parlor	\$75.00
Pet Shop	\$175.00
Private Kennel/Cattery	\$75.00

Any person who has a change in the category under which a permit was issued shall be subject to reclassification and an appropriate adjustment of the permit fee.

If the license is denied, no part of the application fee shall be refunded to the applicant.

(Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.060 License.

Upon compliance with Section 5.24.040 and the tender of any fees as required by Section 5.24.050, the Humane Society for Tacoma and Pierce County shall issue a license for such commercial kennel or cattery, foster shelter/kennel/cattery,

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hobby kennel, grooming parlor, private kennel/cattery or pet shop.

- A. **Duty to Comply.** The licensee shall comply with all standards, rules and regulations set forth in this Chapter throughout the licensing period.
- B. **Duty to Post.** The licensee shall post such license in a conspicuous place upon the premises where such commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop is maintained.
- C. **Distribution.** The Humane Society for Tacoma and Pierce County will distribute each license to the following agencies:
 1. Office of Fire Prevention and Arson Control.
 2. Pierce County Building Inspection Department.
 3. Pierce County Planning and Land Services Department.
 4. The Humane Society for Tacoma and Pierce County.
 5. Tacoma-Pierce County Health Department.

(Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.070 Director - Power & Duties.

- A. The Humane Society for Tacoma and Pierce County shall promulgate such standards, rules, and regulations as are necessary for the operation of this Chapter. These standards, rules, and regulations shall be developed in conjunction with one representative from each group covered under this Chapter and a representative from Departments listed in Section 5.24.060 C. These standards, rules, and regulations shall be updated at least annually and shall include but are not limited to the following:
 1. Sanitation and safety regulations;
 2. Minimum standards for food and water;
 3. Standards for facility construction and maintenance;
 4. Classification and separation of animals;
 5. Requirements for veterinarian care;
 6. Pet license tag requirements.
- B. A copy of the standards, rules, and regulations promulgated by the Director shall be furnished to each applicant for a license or license renewal.
- C. Initial application for any of the licenses covered under this Chapter shall be provisional and will be issued after the applicant complies with these regulations and any rules and regulations that may subsequently be formulated. The applicant must be in total compliance with the rules and regulations at the end of six months or within a correction time schedule for compliance with this Chapter.

(Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.080 Advertising Limitations.

No hobby kennel or private kennel/cattery shall have signs, displays, or other visual representation advertising animals for sale or breeding. (Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

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5.24.090 License Expiration.

Each license issued under the authority and provisions of this Chapter shall expire on December 31 of the year of issuance. (Ord. 89-142 § 2 (part), 1989)

5.24.100 License Renewal.

All license renewals shall be processed in the same manner as the original application except that a written statement from the Pierce County Planning and Land Services Department and the Tacoma-Pierce County Health Department, as required in Sections 5.24.040 B.6. and 8. will not be required. (Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.110 License Suspension and Revocation.

Any license issued for commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop under the provisions of this Chapter shall be subject to suspension or revocation if the Humane Society for Tacoma and Pierce County determines that such commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop is being operated in violation of this Chapter, but only after a fair and impartial hearing before the Hearing Examiner. (Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.120 Appeal of License Suspension or Revocation.

Within thirty days after the hearing, as provided in Section 5.24.110, the Hearing Examiner shall notify the applicant or the holder of the license, in writing, of the determination and the reasons therefor. The sole method of judicial review from a decision of the Pierce County Hearing Examiner shall be before the Superior Court for Pierce County. Notice of appeal shall be filed with the Clerk of the Court within ten days of the action or decision by which a person is aggrieved.

Any person whose license or permit is revoked shall, within thirty days thereafter, humanely dispose of all animals owned, kept, or harbored by such person, or be sold, or given away, and no part of the permit or license fee shall be refunded. (Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.130 Inspection.

It shall be a condition of the issuance of any permit or license that the licensing authority be permitted to inspect all animals, and the premises where animals are kept, at reasonable intervals to protect the health and safety of the animals and of the community. If permission for such inspection is refused, the permit or license of the refusing owner may be revoked.

An enforcement officer shall have the authority to enter the premises if a permit or license holder is keeping animals in his/her own residence. (Ord. 89-142 § 2 (part), 1989)

5.24.140 Impoundment.

An enforcement officer may impound any animal that is disabled or diseased because of neglect, abuse, or improper care, or whose condition constitutes a threat or danger to the public health or safety. (Ord. 89-142 § 2 (part), 1989)

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5.24.150 Civil Remedy.

Whenever a violation of the provisions of this Chapter constitutes a public nuisance, the Prosecuting Attorney may bring action on behalf of the County or the enforcement agency, for abatement, damages, and/or mandatory or prohibitory relief as provided for by law. (RCW 7.48.010;200). (Ord. 89-142 § 2 (part), 1989)

5.24.160 Criminal Penalty.

Any person convicted of a violation of this Chapter shall be deemed guilty of a misdemeanor, and in addition to any other remedies or penalties specifically provided for herein, may be punished by a fine of not more than \$250.00, or by imprisonment not to exceed ninety days in the County Jail, or both such fine and imprisonment. (Ord. 89-142 § 2 (part), 1989)

5.24.170 Compliance.

Compliance with the provisions of this Chapter shall not be deemed compliance with, or eliminate the necessity for compliance with other applicable provisions of the laws of the State of Washington or of Pierce County. (Ord. 89-142 § 2 (part), 1989)