

# **TITLE 17**

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## **Animal Control**



# **TITLE 17**

## **ANIMAL CONTROL**

**Chapters:**

- 17.01 Animal Control – General Provisions**
- 17.02 Animal Control**
- 17.03 Dog and Cat Kennels**
- 17.04 Dangerous Dogs and Potentially Dangerous Dogs**
- 17.05 Dog and Cat Licenses**
- 17.06 Problem Pet Owners**



## Chapter 17.01

## ANIMAL CONTROL – GENERAL PROVISIONS

## Sections:

- 17.01.010 Definitions.
- 17.01.020 Authorized agents may perform duties.
- 17.01.030 Authority to pursue.
- 17.01.040 Probable cause to impound animal.
- 17.01.050 Notice of impounding animal.
- 17.01.060 *Repealed.*
- 17.01.070 Interference with impounding – gross misdemeanor.
- 17.01.080 Redemption of dogs.
- 17.01.090 Redemption of livestock.
- 17.01.100 Redemption of animals other than dogs and livestock.
- 17.01.110 Mandatory spay/neuter for impounded dogs and cats - exception.
- 17.01.120 Mandatory spay/neuter for adopted dogs and cats – exception.
- 17.01.130 Conditions of release.
- 17.01.140 Injured or diseased animals.
- 17.01.150 Duties upon injury or death to an animal – misdemeanor.
- 17.01.160 Prevention of cruelty to animals – adoption by reference.
- 17.01.161 Crimes relating to animals – Adoption by reference.
- 17.01.162 Interfering with dog guide or service animal – Adoption by reference.
- 17.01.163 Interfering with search and rescue dog – Adoption by reference.
- 17.01.164 Unlawful traps – Adoption by reference.
- 17.01.165 Humane restraint standards for animals.
- 17.01.170 Poisoning animals – penalty – Adoption by reference.
- 17.01.180 *Repealed.*
- 17.01.190 Penalty for violation – Civil infraction.
- 17.01.200 Severability.

**17.01.010 Definitions.**

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

1. “Adult” means any animal over the age of 21 weeks.
2. “Animal” means any nonhuman mammal, bird, reptile, or amphibian.
3. “Altered” means an animal which has been spayed or neutered. To qualify as an altered animal, 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.
4. “Animal control” or “animal control authority” means a City department or division designated by the City Manager to implement and enforce the provisions of this title.
5. “Animal control officer” means any Tacoma police officer or an employee of the City authorized by the City and specially commissioned by the Chief of Police to enforce Tacoma Municipal Code (“TMC”) Title 17.
6. “Animal shelter” or “shelter” means a facility operated by the Humane Society or another facility that contracts with the City to provide for the care of animals impounded or detained by an animal control officer or released to an animal control officer under this title.
7. “Animal welfare facility” means any indoor or outdoor facility where pets are routinely housed or maintained by or for an animal welfare organization.
8. “Animal welfare organization” means any public or private charitable organization, whether called a kennel, cattery, shelter, society, or rescue, and includes the organization's officers, agents, and representatives when acting in the name or on behalf of the organization that controls, rescues, shelters, cares for, or disposes of pets as all or part of the purpose of the organization.
9. “At large” means off the premises of the owner or keeper of the animal, and not under restraint by leash or chain eight feet in length or shorter.
10. “Cat” a member of the species *Felis catus* and commonly known as the domestic cat..

## Tacoma Municipal Code

11. "Charitable organization" means any organization recognized as a nonprofit corporation under the provisions of Chapter 24.03 of the Revised Code of Washington ("RCW") and exempt from the Washington State business and occupation tax pursuant to RCW 82.04.3651.
12. "Commercial pet facility" means any place, premises, or entity where pets are boarded, kept, or bred for hire, or where pets are housed for resale, such as pet shops, but not including a veterinary hospital where boarding is incidental to treatment. Animal daycare operations are included in the definition of commercial pet facility.
13. "Competent person" means a person who is able to sufficiently care for, control, and restrain an animal and who has the capacity to exercise sound judgment regarding the rights and safety of others.
14. "Court" means Tacoma Municipal Court or the Superior Court of Pierce County, which courts shall have concurrent jurisdiction hereunder.
15. "Dangerous dog" means any dog that, according to the records of the appropriate authority:
- unprovoked, inflicts severe injury on or kills a human being on public or private property; or
  - unprovoked, inflicts injuries requiring a domestic animal to be euthanized or kills a domestic animal while the dog is off the owner's property; or
  - while under quarantine for rabies bites a person or domestic animal; or
  - was previously declared to be a potentially dangerous dog, the owner having received notice of such declaration, and the dog is again found to have engaged in potentially dangerous behavior; or
  - is owned or harbored primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
  - unprovoked, attacks a "dog guide" or "service animal" as defined in Chapter 70.84 RCW and inflicts injuries that render the dog guide or service animal to be permanently unable to perform its guide or service duties.
16. "Dog" means a member of the species *Canis lupus familiaris* and commonly known as the domestic dog..
17. "Gross misdemeanor" means a crime with a maximum penalty of one year in jail, a \$5,000 fine, or both such fine and imprisonment..
18. "Harboring" means knowingly providing food or shelter to an animal.
19. "Humane trap" means a live animal box enclosure trap designed to capture and hold an animal without injury.
20. "Impound" means to receive into the custody of the animal shelter or into the custody of the City animal control officer.
21. "Infraction" means a civil infraction pursuant to Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted thereto by the Tacoma Municipal Court.
22. "Livestock" means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, llamas, alpacas, other hoof animals, or animals of the equidae family; all pigs, swine, or animals of the suidae family; and ostriches, rhea, and emu.
23. "Misdemeanor" means a crime with a maximum penalty of 90 days in jail, a \$1,000 fine, or both such fine and imprisonment.
24. "Owner" means any person, firm, corporation, organization, trust, or partnership possessing, harboring, keeping, having an interest in, or having control, custody, or possession of an animal.
25. "Person" shall include any person, partnership, corporation, trust, or association of persons.
26. "Police dog." The definition of "police dog" in RCW 4.24.410, including all future amendments, additions, or deletions, is adopted by reference.
27. "Potentially dangerous dog" means any dog which:
- unprovoked, bites or injures a human or domestic animal on public or private property; or
  - unprovoked, chases or approaches a person or domestic animal upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack; or
  - has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of humans or domestic animals.
28. "Poultry" means domestic fowl normally raised for eggs or meat, and includes chickens, turkeys, ducks, and geese.

29. “Proper enclosure” means 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 animal. An animal that is securely confined indoors is also within a “proper enclosure.”

30. “Securely enclosed and locked” means a pen or structure which has secure sides and a secure top suitable to prevent the entry of young children and designed to prevent the animal from escaping. If the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot.

31. “Severe injury” means any physical injury that results in (a) broken bones, (b) muscle, ligament, or tendon tears, (c) skin lacerations or puncture wounds which require sutures or surgery, or (d) transmission of an infectious or contagious disease.

32. “Unconfined” means not securely confined indoors or in a securely enclosed and locked pen or structure upon the premises of the person owning, harboring, or having the care of the animal.

The present tense shall include the past and future tense, and the future the present. Each gender shall include all genders. The singular number shall include the plural, and the plural the singular. (Ord. 27672 Ex. A; passed Dec. 11, 2007: Ord. 27447 § 2; passed Dec. 13, 2005: Ord. 26949 § 6; passed Jul. 16, 2002)

**17.01.020 Authorized agents may perform duties.**

Wherever a power is granted to or a duty imposed upon the Tacoma Police Department, the power may be exercised or the duty may be performed by any law enforcement officer authorized by the Chief of Police or by an animal control officer. (Ord. 26949 § 6; passed Jul. 16, 2002)

**17.01.030 Authority to pursue.**

Those authorized under Section 17.01.020 may pursue animals running at large onto City-owned property, vacant property, and unenclosed private property and seize, remove, and impound the same. (Ord. 26949 § 6; passed Jul. 16, 2002)

**17.01.040 Probable cause to impound animal.**

Any law enforcement or animal control officer having probable cause to believe that any person has violated any provision of this title by reason of his or her animal’s misconduct may impound or cause to be impounded any such animal. Such impoundment shall be subject to all other sections of this title and all other municipal laws, including, but not limited to, Chapter 17.04, “Potentially Dangerous Dog,” and Chapter 5.36, “Rabies Control.”

When a law enforcement or animal control officer has probable cause to believe a dog is a dangerous dog, he or she shall impound the dog. Such dog shall be held in the shelter or a secure veterinary hospital until a hearing is held to determine the dog’s status or the deadline for requesting such a hearing has passed. When a law enforcement or animal control officer has probable cause to believe a dog is a potentially dangerous dog, he or she may impound the animal. The law enforcement or animal control officer may require that such dog be held in the shelter or a secure veterinary hospital until a hearing is held to determine the animal’s status or the deadline for requesting such a hearing has passed. (Ord. 27558 § 1; passed Dec. 5, 2006: Ord. 26949 § 6; passed Jul. 16, 2002)

**17.01.050 Notice of impounding animal.**

Upon the impoundment of any animal under the provisions of this title, the animal control officer or shelter shall notify the owner, if the owner is known, of the impounding of such animal and the terms upon which said animal can be redeemed. The notifying of any person over the age of 18 who resides at the owner’s domicile or mailing the notice to the address given to the Finance Department at the time the animal was licensed shall constitute actual notice to the owner. If the owner of said animal so impounded is unknown, then the Animal Control officer or shelter shall make a reasonable effort to locate and notify the owner of the animal. (Ord. 27558 § 2; passed Dec. 5, 2006: Ord. 27447 § 3; passed Dec. 13, 2005: Ord. 26949 § 6; passed Jul. 16, 2002)

**17.01.060 Hindering an officer – gross misdemeanor. *Repealed by Ord. 27672.***

(Ord. 27672 Ex. A; passed Dec. 11, 2007: Ord. 27447 § 4; passed Dec. 13, 2005: Ord. 26949 § 6; passed Jul. 16, 2002)

**17.01.070 Interference with impounding – gross misdemeanor.**

It is unlawful for any person to willfully prevent or hinder the impounding of any animal, or to by force or otherwise remove any animal from the animal shelter without authority of the person in charge of the animal shelter, or without payment of all lawful charges against such animal. Violation of this section is a gross misdemeanor. (Ord. 27672 Ex. A; passed Dec. 11, 2007: Ord. 26949 § 6; passed Jul. 16, 2002)

## Tacoma Municipal Code

### **17.01.080 Redemption of dogs.**

Unless otherwise specifically provided in this title, the owner of any dog impounded under this title may redeem said dog within 48 hours from time of impounding by paying the appropriate redemption fee to the shelter, if the animal is in the animal shelter; otherwise, to the City. For the first impound within a one-year period, the redemption fee is \$25; for the second impound within a one-year period, the redemption fee is \$50; for the third and subsequent impounds within a one-year period, the redemption fee is \$75. In addition to the redemption fee, the redeemer shall pay as a boarding charge for the caring and keeping of such dog the sum of \$6 per day for each day, including the first and last days that the dog is retained by the animal shelter and any licensing fees and penalties related to licensing. All fees and charges must be paid prior to redeeming the dog. A dog may not be redeemed unless it is properly licensed. If an impounded dog is not redeemed by the owner within 48 hours, then any person may purchase it within the next 48 hours by complying with the animal shelter's purchase provisions. In case such dog is not redeemed within 96 hours of impoundment, it may be humanely euthanized or otherwise disposed of within the discretion of the animal shelter. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27558 § 3; passed Dec. 5, 2006; Ord. 27447 § 5; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.01.090 Redemption of livestock.**

The owner of livestock impounded under this title may redeem said livestock within 48 hours from time of impounding by paying a redemption fee of \$35 per animal for small livestock (i.e., goats, sheep, swine, ostriches, rhea, emu, etc.) and a redemption fee of \$75 per animal for large livestock (i.e., cattle, horses, mules, llamas, etc.) to the shelter, if the animal is in the animal shelter; otherwise, to the City. In addition, the cost of a private livestock hauler, if one is used, is to be paid at the time of redemption. In addition to the redemption fee, the redeemer shall pay as a boarding charge for the caring and keeping of such animal the sum of \$6 for each day, including the first and last days that the animal is cared for at the animal shelter. The livestock may be cared for by a private boarding facility, in which case that facility's boarding fees shall be paid to the City at the time of redemption. (Ord. 27447 § 6; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.01.100 Redemption of animals other than dogs and livestock.**

The owner of any animal other than a dog or livestock impounded under the provisions of this title may redeem it within 48 hours from the time of impounding by paying a redemption fee of \$15 to the shelter, if the animal is in the animal shelter; otherwise, to the City. In addition to the redemption fee, the redeemer shall pay as a boarding charge for the caring and keeping of such animal the sum of \$4 per day for each day, including the first and last days that the animal is retained by the animal shelter. All fees and charges must be paid prior to redeeming a cat. A cat may not be redeemed unless it is properly licensed. If such animal is not redeemed by the owner within 48 hours, it may be humanely euthanized or otherwise disposed of at the discretion of the animal shelter; provided, however, at the discretion of the animal shelter, any animal so impounded less than two months of age may be humanely euthanized or otherwise disposed of at any time after impounding. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 7; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.01.110 Mandatory spay/neuter for impounded dogs and cats – exception.**

A. No unaltered dog or cat that is impounded more than once in any 12-month period may be redeemed by any person until the animal is spayed or neutered. The alteration shall be accomplished by the shelter or by any duly licensed veterinarian in Pierce County authorized by the shelter. In all cases, the veterinarian fees shall be paid at the time of redemption by the animal's owner.

B. Exceptions. The alteration shall not be required upon a showing of proof of alteration from a licensed veterinarian. The alteration shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian stating that the spay or neuter procedure would be harmful to the animal. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 8; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.01.120 Mandatory spay/neuter for adopted dogs and cats – exception.**

A. No unaltered dog or cat that is otherwise eligible to be adopted from the Humane Society may be adopted by any person unless the animal is spayed or neutered. In all cases, the veterinarian fees shall be paid by the prospective owner. Any adopted, unaltered dog or cat shall be subject to impoundment.

B. Exceptions. The alteration shall not be required upon a showing of proof of alteration from a licensed veterinarian. The alteration shall not be required if the owner or other person adopting the animal provides a written statement from a licensed veterinarian stating that the spay or neuter procedure would be harmful to the animal. (Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.01.130 Conditions of release.**

The animal control authority may refuse to release to its owner any animal that has been impounded more than once in a 12-month period unless the owner demonstrates that he or she has taken steps to reasonably ensure that the violation will not occur again. The shelter or the animal control authority may impose reasonable conditions that must be satisfied by the owner

before release of the animal, including conditions assuring that the animal will be confined. Failure to comply with the conditions of release is a violation. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 9; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

#### **17.01.140 Injured or diseased animals.**

Any animal suffering from serious injury or disease may be humanely euthanized by the shelter or City; provided, that the shelter or City shall immediately notify the owner if the owner is known. The shelter and City have no obligation to determine the owner of such animal if the animal is not wearing a license or other identification or is not microchipped. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 10; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

#### **17.01.150 Duties upon injury or death to an animal – misdemeanor.**

The operator of a vehicle involved in an accident resulting in injury or death to a cat, dog, or livestock shall immediately stop the vehicle at or as near to the scene of the accident as possible and return thereto, and shall give to the owner or other competent person having custody of the animal the name and address of the operator of the vehicle and the registration number of the vehicle involved in the accident. If the owner or other competent person is not the person at the scene of the accident, the operator shall take reasonable steps to locate the owner or custodian of the animal and shall supply the information hereinabove required. If the animal is injured to the extent that it requires immediate medical attention and there is no owner or custodian present to look after it, the operator of said vehicle shall immediately report the situation to the Tacoma Police Department. A person who violates this shall be guilty of a misdemeanor. (Ord. 27447 § 11; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

#### **17.01.160 Prevention of cruelty to animals – adoption by reference.**

RCW 16.52, "Prevention of Cruelty to Animals," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded. A complete copy of RCW 16.52, "Prevention of Cruelty to Animals," is on file with the City Clerk. (Ord. 26949 § 6; passed Jul. 16, 2002)

#### **17.01.161 Crimes relating to animals – Adoption by reference.**

Chapter 9.08 RCW, "Animals, Crimes Relating to," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded. (Ord. 27558 § 4; passed Dec. 5, 2006)

#### **17.01.162 Interfering with dog guide or service animal – Adoption by reference.**

RCW 9.91.170, "Interfering with dog guide or service animal," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded. (Ord. 27558 § 5; passed Dec. 5, 2006)

#### **17.01.163 Interfering with search and rescue dog – Adoption by reference.**

RCW 9.91.175, "Interfering with search and rescue dog," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded. (Ord. 27558 § 6; passed Dec. 5, 2006)

#### **17.01.164 Unlawful traps – Adoption by reference.**

RCW 77.15.194, "Unlawful traps – Penalty," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties. (Ord. 27558 § 7; passed Dec. 5, 2006)

#### **17.01.165 Humane restraint standards for animals.**

A. Any animal that is restrained by a chain or rope, or similar device, must be restrained in compliance with this section. Any chain, rope, or tie-out must comply with the following requirements:

1. Chain must be links of 5/16 of an inch or smaller.
2. The use of chains or choke chains as collars is prohibited. This subsection does not apply to choke chains used for training purposes when a person is present at all times and actively engaged in training the animal.
3. Any chain, rope, or other tie-out must be connected to a collar or harness on a swivel or in a manner that prevents the chain from tangling.

## **Tacoma Municipal Code**

4. The tether may be connected to the animal only by a buckle-type or snap-on collar or a body harness made of nylon or leather. Any collar or harness must fit the animal properly.
  5. Any chain, rope, or tie-out must be at least ten feet in length, and the animal must have access to water and shelter while tethered. The shelter and water vessel must be constructed or attached in such a way that the animal cannot knock over the shelter or water vessel.
  6. If there are multiple animals, each animal must be tethered, chained, or tied separately.
- B. It is a violation:**
1. To tether any animal in such a manner as to permit the animal to leave the owner's property; or
  2. To tether any animal in such a manner that the animal can become entangled with any obstruction or any other tethered animal or be able to partially or totally jump over any fence; or

3. To fail to remove waste from the tethered area on a reasonable basis to ensure a healthful environment for the animal; or
4. To tether any animal in a manner that does not comply with subsection A above or endangers the health or safety of the animal. (Ord. 27854 Ex. A; passed Dec. 1, 2009)

**17.01.170 Poisoning animals – penalty – Adoption by reference.**

RCW 16.52.190, “Poisoning Animals – Penalty,” as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.01.180 Abatement of nuisances. *Repealed by Ord. 27672.***

(Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.01.190 Penalty for violation – Civil infraction.**

Unless specifically designated in this chapter as a gross misdemeanor or misdemeanor or is specified to be enforced pursuant to other law, including, but not limited to, other chapters or titles of this Code, any violation of this chapter shall constitute a Class 1 infraction, not to exceed \$250, not including statutory assessments. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense. (Ord. 27558 § 8; passed Dec. 5, 2006; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.01.200 Severability.**

Should any part of this title be adjudged invalid for any reason, such adjudication shall not affect the validity of this title as a whole or any part thereof. (Ord. 26949 § 6; passed Jul. 16, 2002)



**Chapter 17.02**  
**ANIMAL CONTROL**

## Sections:

- 17.02.010 Animals at large on public grounds.
- 17.02.020 Animals at large on private property.
- 17.02.030 Stray dog, cat, or animal.
- 17.02.040 Confinement of female dogs and cats in heat.
- 17.02.041 Roosters prohibited.
- 17.02.050 Dogs off premises to be on leash.
- 17.02.060 Dogs chasing vehicles on public roads.
- 17.02.070 Confinement of an animal in a motor vehicle.
- 17.02.071 Removal of animals for feeding – Examination – Notice – Euthanasia – Adoption by reference.
- 17.02.080 Dogs jumping and/or threatening pedestrians.
- 17.02.090 Animals injuring humans, domestic animals, or livestock – gross misdemeanor.
- 17.02.091 Rabies notification.
- 17.02.100 Directing dog to harass or attack – gross misdemeanor.
- 17.02.110 Directing dog to harass or attack public officer – gross misdemeanor – minimum mandatory.
- 17.02.120 Use of dog in illegal activity prohibited – gross misdemeanor.
- 17.02.130 Animals injuring private or public property – infraction or misdemeanor.
- 17.02.132 Removal of animal waste.
- 17.02.140 Public disturbance noise and public nuisance noise made by an animal.
- 17.02.150 Sale or transfer of animals in public places prohibited.
- 17.02.160 Violations – Civil infraction.

**17.02.010 Animals at large on public grounds.**

A. If any animal is at large in any park, public beach, pond, fountain, or stream, or upon any public playground or school ground, or in any public building the owner or person having control or custody of the animal has violated this subsection. Any animal entering or trespassing upon such property may be seized and impounded.

B. This section does not apply:

1. to areas designated as an off-leash area by the City or by the Metropolitan Parks District;
2. if animals are allowed off-leash as part of a special events permit issued under TMC 11.15; or
3. if off-leash activity has been authorized by a public property owner on the owner's property. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.02.020 Animals at large on private property.**

If any animal enters or trespasses upon private property without the express permission of the owner or caretaker of such property the owner or person having control or custody of the animal has violated this subsection. Any such animal may be seized and impounded. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.02.030 Stray dog, cat, or animal.**

Any stray dog, cat, or animal running at large within the City may be seized and impounded. For the purposes of this section, "stray dog," "stray cat," and "stray animal" shall mean and include any dog, cat, or animal loitering in a neighborhood or any public place without an apparent owner or home. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.02.040 Confinement of female dogs and cats in heat.**

Every female dog and cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with a male of the species, except for planned breeding. It is a violation for any person having control or custody of a dog or cat in heat to allow such animal to be unconfined. Any dog or cat not so confined when in heat, whether or not such dog or cat is licensed, may be seized and impounded, and will be subject to mandatory spaying in accordance with the process set forth in Section 17.01.110 without regard to prior impoundment. (Ord. 26949 § 6; passed Jul. 16, 2002)

## Tacoma Municipal Code

### **17.02.041 Roosters prohibited.**

It is a violation for any person to own, possess, or harbor a rooster within the City limits. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

### **17.02.050 Dogs off premises to be on leash.**

If any dog is off the premises of its owner or custodian such dog, while away from such premises, must be controlled by a leash or chain not more than eight feet in length, such control to be exercised by such owner or custodian or other competent and authorized person. Failure to control a dog in this manner is a violation. Any dog found roaming, running, straying, or being away from such premises and not on a leash as herein provided is hereby declared to be a nuisance and such dog may be seized and impounded. A "custodian" for the purposes of this subsection includes any person who consents to the dog's presence on his or her property. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27144 § 1; passed Sep. 16, 2003; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.02.060 Dogs chasing vehicles on public roads.**

If any dog chases, runs after, or jumps at vehicles, including bicycles, lawfully using the public road, street, avenues, alleys, and ways the owner or person having control or custody of the animal has violated this subsection. Any such dog may be seized and impounded. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27558 § 9; passed Dec. 5, 2006; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.02.070 Confinement of an animal in a motor vehicle.**

It is a violation for an owner or person to confine any animal in a motor vehicle in such a manner that places it in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or cold. In order to protect the health and safety of such animal, an animal control officer or law enforcement officer shall have the authority to enter such motor vehicle by any reasonable means under the circumstances, if the animal is in an immediate life-threatening condition. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.02.071 Removal of animals for feeding – Examination – Notice – Euthanasia – Adoption by reference.**

RCW 16.52.085, "Removal of animals for feeding – Examination – Notice – Euthanasia," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

### **17.02.080 Dogs jumping and/or threatening pedestrians.**

If any dog chases, runs after, snarls at, growls at, jumps upon, or threatens persons upon public sidewalks, roads, streets, alleys, or public places the owner or person having control or custody of the animal has violated this subsection. Any such dog may be seized and impounded. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.02.090 Animals injuring humans, domestic animals, or livestock – gross misdemeanor.**

The owner or other person having control or custody of any animal is guilty of a gross misdemeanor if he or she has possession, custody, or control of an animal that, because of the owner's negligence, causes injury to a human, domestic animal, or livestock which is acting in a lawful manner. Any such animal may be seized and impounded.

Any penalties imposed under this section are in addition to any penalties or civil remedies imposed in relation to a declaration that a dog is dangerous or potentially dangerous. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.02.091 Rabies notification.**

When an animal control officer is notified that an animal has bitten a human and the bite penetrated the skin, the animal control authority shall notify the Health Department. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

### **17.02.100 Directing dog to harass or attack – gross misdemeanor.**

It shall be unlawful for any person having control or custody of any dog to direct, encourage, cause, allow, or otherwise aid or assist any dog to threaten, charge at, bite, harass, menace, or attack any person within the City. Any such animal may be seized and impounded. Any violation of this section is a gross misdemeanor. (Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.02.110 Directing dog to harass or attack public officer – gross misdemeanor – minimum mandatory.**

It shall be unlawful for any person having control or custody of any dog to allow, direct, encourage, cause, or otherwise aid or assist any dog to threaten, charge, intimidate, bite, harass, menace, or attack any animal control or other public officer engaged

in the conduct of his or her duties. Any such animal may be seized and impounded. Any violation of this section is a gross misdemeanor, and shall carry a minimum mandatory sentence of five days in jail and a fine of no less than \$500.

“Public officer” means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer, as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.02.120 Use of dog in illegal activity prohibited – gross misdemeanor.**

No person shall keep, maintain, control, or retain custody of any dog in conjunction with or for the purpose, whether in whole or in part, of aiding, abetting, or conducting any illegal activity or committing any crime within the City. Any such animal may be seized and impounded. Any violation of this section is a gross misdemeanor. (Ord. 26949 § 6; passed Jul. 16, 2002)

**17.02.130 Animals injuring private and public property – infraction or misdemeanor.**

A. If any animal damages or destroys any property or thing of value upon the private property of another, or upon any public property the owner or person having control or custody of the animal has violated this subsection. Any such animal may be seized and impounded. Any violation of this section is an infraction up to damage in the total amount is \$750 or less.

Damage in the total amount greater than \$750 shall be a misdemeanor. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.02.132 Removal of animal waste.**

A. It is a violation for any person to fail to immediately remove fecal matter deposited by a dog or other animal in his or her possession on public property such as park property, school grounds, public rights-of-way, or public easements or on private property that does not belong to the animal’s owner or custodian.

B. This section shall not apply to a “guide” or “service” dog, as now or hereafter defined in RCW 70.84, while the dog is in harness. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

**17.02.140 Public disturbance noise and public nuisance noise made by an animal.**

Any public disturbance noise made by an animal is unlawful and may be enforced under the provisions of TMC Sections 8.12.060 and 8.12.065 or as a civil infraction under this section.

A. When animal noise is prosecuted as a crime, the terms of TMC 8.12.060 and 8.12.065 shall govern.

B. When animal noise is treated as a civil infraction, the following is a violation:

1. Any animal which by its barking, howling, baying, squealing, crowing, crying, bleating, screeching, whining, or making any other noise, by its volume or frequency, unreasonably disturbs or interferes with the peace of any person(s) for more than 15 minutes in any one-hour period of any day, and is documented by three or more separate episodes of such noise in a sequential seven-day period. The burden is upon the owner of such animal(s) to maintain quiet.

2. Exceptions to this subsection are commercial pet facilities, animal welfare facilities, veterinary hospitals, or grooming parlors otherwise in compliance with the Tacoma Municipal Code, or those who can substantiate that such animal noise was caused by an injury or illness of the animal(s) or by willful trespass, torment, or abuse of the animal(s) on its property by others.

3. Enforcement may be undertaken only upon written receipt of a complaint made to either the animal control authority or law enforcement by a person(s) residing at or who is employed in an area affected by such public noise disturbance. Any such animal(s) shall be deemed a nuisance and may be seized and impounded if the disturbance reoccurs after the owner or custodian of such animal(s) has received two written warnings, two notices of civil infraction, or a written warning and a notice of civil infraction from either the animal control authority or law enforcement within a calendar year.

4. Animal noise violations under this chapter are a Class 1 civil infraction. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27558 § 10; passed Dec. 5, 2006; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.02.150 Sale or transfer of animals in public places prohibited.**

It is unlawful to sell, barter, or otherwise transfer for the purpose of changing ownership any dog or cat in an area open to the public unless such activity is licensed pursuant to Title 6 of this Code, and shall be enforced under the provisions of said Title 6. (Ord. 26949 § 6; passed Jul. 16, 2002)

## **Tacoma Municipal Code**

### **17.02.160 Violations – Civil infraction.**

Unless specifically designated in this chapter as a gross misdemeanor or misdemeanor or is specified to be enforced pursuant to other law including, but not limited to, other chapters or titles of this Code, any violation of this chapter is a violation and shall constitute a Class 1 infraction, not to exceed \$250, not including statutory assessments.

Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense. (Ord. 27558 § 11; passed Dec. 5, 2006; Ord. 26949 § 6; passed Jul. 16, 2002)

**Chapter 17.03**

**DOG AND CAT KENNELS**

Sections:

- 17.03.010 Kennel defined.
- 17.03.020 Prohibited places.
- 17.03.030 Violations – Civil infraction.

**17.03.010 Kennel defined**

For the purpose of this chapter, a dog or cat kennel is defined as a building, enclosure, or portion of any premises in or at which dogs or cats are boarded or kept for hire, or in or at which dogs or cats are kept or maintained by any person other than the owner thereof, or in or at which seven or more cats and/or dogs over the age of seven months are kept or maintained. (Ord. 26949 § 6; passed Jul. 16, 2002)

**17.03.020 Prohibited places.**

It shall be a violation for any person to operate or maintain a dog or cat kennel in any building or enclosure or upon any portion of any premises within the City, and the operation and maintenance of any dog or cat kennel as aforesaid is hereby declared to be a public nuisance; provided, this chapter shall not apply to those areas of the City in which such kennels are permitted under the zoning ordinances and regulations of the City. (Ord. 26949 § 6; passed Jul. 16, 2002)

**17.03.030 Violations – Civil infraction.**

Unless specifically designated in this chapter as a gross misdemeanor or misdemeanor, or is specified to be enforced pursuant to other law, including, but not limited to, other chapters or titles of this Code, any violation of this chapter is a violation and shall constitute a Class 1 infraction, not to exceed \$250, not including statutory assessments.

Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense. (Ord. 27558 § 12; passed Dec. 5, 2006; Ord. 26949 § 6; passed Jul. 16, 2002)



## Chapter 17.04

## DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS

## Sections:

- 17.04.010 *Repealed.*
- 17.04.020 *Repealed.*
- 17.04.030 Declaration of dogs as dangerous or potentially dangerous – procedure.
- 17.04.031 Hearing procedure – Dangerous Dogs.
- 17.04.032 Hearing Procedure – Potentially Dangerous Dogs.
- 17.04.033 Failure to remove dangerous dog from City of Tacoma.
- 17.04.040 Permits and fees.
- 17.04.050 Confinement of dangerous dog or potentially dangerous dogs.
- 17.04.060 Notification of status of potentially dangerous dog.
- 17.04.070 Confiscation and destruction of potentially dangerous dog
- 17.04.080 Penalty for violation as to potentially dangerous dog – misdemeanor.
- 17.04.090 Penalty for violation as to dangerous dog – gross misdemeanor.

**17.04.010 Definitions. *Repealed by Ord. 27672.***

(Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.04.020 Registration of dangerous dogs – adoption by reference. *Repealed by Ord. 27672.***

(Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.04.030 Declaration of dogs as dangerous or potentially dangerous – procedure.**

A. The City animal control supervisor shall classify potentially dangerous dogs and dangerous dogs. The City animal control supervisor may find and declare a dog dangerous if an animal control officer has probable cause to believe that the dog falls within the definitions set forth in Section 17.01.010. A above. The City animal control supervisor may find and declare a dog potentially dangerous if an animal control officer has probable cause to believe that the dog falls within the definitions set forth in Section 17.01.010 above. The finding must be based upon:

1. the written complaint of a citizen; or
2. any dog bite report filed with the shelter or City; or
3. actions of the dog witnessed by any animal control officer or law enforcement officer; or
4. other substantial evidence.

B. The declaration of dangerous dog or potentially dangerous dog shall be in writing and shall be served on the owner in one of the following methods:

1. certified and regular mail to the owner's last known address; or
2. personally.

C. The declaration shall state at least:

1. a description of the dog;
2. the name and address of the owner of the dog, if known;
3. the whereabouts of the dog, if it is not in the custody of the owner;
4. a summary of the facts upon which the declaration of dangerous or potentially dangerous dog is based, including the definition of dangerous or potentially dangerous under which the declaration is being made;
5. the availability of a hearing in case the person objects to the declaration, if a request is made within ten days of the date of personal service or mailing or first publication;
6. a summary of the restrictions placed on the dog as a result of the declaration; and
7. a summary of the potential penalties for violation of the restrictions, including the possibility of destruction of the animal and imprisonment or fining of the owner. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 12; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

## **Tacoma Municipal Code**

### **17.04.031 Hearing procedure – Dangerous Dogs.**

A. If the owner of the dog wishes to object to the declaration, he or she may request a hearing before the Hearing Examiner of the City by filing a request for hearing, along with payment of the required fee and proof of a current valid pet license for the dog, to the office of the Hearing Examiner within ten days of service of the declaration that the dog is dangerous. The appeal fee shall be \$100. No person other than the dog's owner may object to the declaration.

B. Hearings shall be conducted in accordance with TMC 1.23 of the municipal code and the Hearing Examiner's Rules of Procedure. The animal control authority shall bear the burden of proving that the dog is dangerous by a preponderance of the evidence.

C. Any dog declared to be dangerous must, after the exhaustion of any appeal, be humanely euthanized. Upon application of the owner, however, a dangerous dog may be either (1) sent at the owner's expense to a secure animal shelter and maintained at all times in compliance with RCW Chapter 16.08; or (2) removed from the City and maintained at all times in compliance with RCW Chapter 16.08 at the owner's expense. The owner is responsible for paying all fees owed to the City for the care of the animal. The owner shall bear the burden to establish that an animal shelter is available that meets the criteria for a secure animal shelter, that the shelter will accept the animal, and that the owner is willing and able to pay all expenses for transporting the animal.

D. If the Hearing Examiner finds a dog to be dangerous, the Hearing Examiner shall enter an order so stating and shall direct that the dog be humanely euthanized. The Hearing Examiner will consider directing that a dog be sent to a secure animal shelter or removed from the City and maintained at all times in compliance with Chapter 16.08 RCW only upon request of the owner.

1. The owner shall bear the burden to establish (1) that an animal shelter is available that meets the criteria for a secure animal shelter, that the shelter will accept the dog, and that the owner is willing and able to pay all expenses for transporting the dog and maintaining the dog; or (2) that the dog can be maintained at all times in compliance with Chapter 16.08 RCW in a location outside the City and that the owner is willing and able to pay all expenses for transporting the dog and maintaining the dog.

2. To meet his or her burden, the owner must provide the Hearing Examiner with (1) proof that all conditions required Chapter 16.08 RCW and all other conditions required by state or local law for maintaining a dangerous animal have been met; (2) written proof that the animal control authority in the jurisdiction to which the animal is being moved has been informed of the relocation; (3) written proof that the animal control authority in the jurisdiction to which the animal is being moved has consented to the relocation; (4) written agreement by the dog's owner to indemnify and hold the City harmless from any and all future liability including any and all claims, demands, damages, liabilities, causes, suits or action of any kind or nature whatsoever relative to past or future care and custody of the animal and to the dog's future behavior. If any of the above requirements are not met, the dog shall not be released and shall be humanely euthanized. The dog's owner is responsible for all boarding fees between the issuance of the Hearing Examiner's Order declaring the dog to be dangerous and the time it is determined that the dog will or will not be released to a secure animal shelter or location out of the City.

E. A conviction for possessing a dangerous dog may not be appealed under this section. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

### **17.04.032 Hearing Procedure – Potentially Dangerous Dogs.**

A. If the owner of the dog wishes to object to the declaration, he or she may request a hearing before the Hearing Examiner of the City by filing a request for hearing, along with payment of the required fee and proof of a current valid pet license for the dog, to the office of the Hearing Examiner within ten days of service of the declaration that the dog is dangerous. The appeal fee shall be \$100. No person other than the dog's owner may object to the declaration.

B. Hearings shall be conducted in accordance with TMC 1.23 and the Hearing Examiner's Rules of Procedure. The animal control authority shall bear the burden of proving that the dog is potentially dangerous by a preponderance of the evidence.

C. If the Hearing Examiner finds the dog is potentially dangerous, he or she may, in addition to the requirements of this chapter, impose any additional conditions of confinement set forth in RCW 16.08, as now exists or as may be amended hereafter, including, but not limited to, posting of warning signs and maintenance of liability insurance coverage. The Hearing Examiner shall order that a potentially dangerous dog be spayed or neutered. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27672 Ex. A; passed Dec. 11, 2007)

### **17.04.033 Failure to remove dangerous dog from City of Tacoma.**

In any case where the Hearing Examiner orders that a dangerous dog not be humanely euthanized, but be removed from the City, the order shall require that the removal be direct between the animal shelter and where the dog will be permanently housed. Any person that brings a dog into the City after a declaration of dangerousness, allows a dog to remain in the City

after a declaration of dangerousness, or possesses a dog after a declaration of dangerousness, except pending appeal, shall be guilty of a gross misdemeanor. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

#### **17.04.040 Permits and fees.**

A. Within ten days following a declaration of potentially dangerous dog, and the exhaustion of any appeal therefrom, the owner of a potentially dangerous dog shall obtain a permit for such dog from the Finance Department of the City and shall be required to pay a fee for such permit in the amount of \$250, have the dog implanted with a microchip, and provide the microchip number to the Finance Department of the City.

B. Any potentially dangerous dog is also subject to any additional conditions of confinement set forth in RCW 16.08, as now exists or as may be amended hereafter, including, but not limited to, posting of warning signs and maintenance of liability insurance coverage.

C. The owner of a potentially dangerous dog shall pay an annual renewal fee for such permit in the amount of \$50.

D. The owner of a potentially dangerous dog shall allow an annual inspection of a proper enclosure that holds the dog. If the proper enclosure is a residence, the inspection shall be limited to the exterior of the residence. Refusal to allow an annual inspection is a violation. An owner who refuses to allow an annual inspection shall have his or her permit revoked and may be fined for each day the inspection is refused.

E. Should the owner of a potentially dangerous dog fail to comply with Sections 17.04.040.A through 17.04.040.C herein, the owner may have his or her permit revoked and may be fined for each violation. The City is authorized to seize and impound the potentially dangerous dog of any such owner and euthanize said dog pursuant to the procedures set forth in Section 17.04.070. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.

F. This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 13; passed Dec. 13, 2005; Ord. 26996 § 1; passed Oct. 15, 2002; Ord. 26949 § 6; passed Jul. 16, 2002)

#### **17.04.050 Confinement of dangerous dog or potentially dangerous dogs.**

A. When a dog is declared a dangerous dog, the dog shall be impounded. Such dog shall be held in the shelter or a secure veterinary hospital until a hearing is held to determine the dog's status or the deadline for requesting such a hearing has passed. The owner of a dog that is declared dangerous shall immediately surrender the dog to an animal control officer or police officer. Refusal to surrender a dog that is declared dangerous to an animal control officer or police officer is a gross misdemeanor.

B.1. When a dog is declared a potentially dangerous dog, the dog may be impounded. The law enforcement or animal control officer may require that such dog be held in the shelter or a secure veterinary hospital until a hearing is held to determine the animal's status or the deadline for requesting such a hearing has passed. If a dog declared potentially dangerous is not impounded, the owner shall comply with all requirements imposed by the animal control authority. The owner of a dog that is declared potentially dangerous shall immediately surrender the dog to an animal control officer or police officer upon the order of that officer. Refusal to surrender a dog that is declared potentially dangerous to an animal control officer or police officer is a misdemeanor.

2. From the date of initial declaration of potentially dangerous dog by the City animal control supervisor, unless and until said declaration shall be rescinded, the owner must keep the dog confined in a proper enclosure that is securely enclosed and locked, unless the dog is securely leashed and humanely muzzled or otherwise securely restrained.

C. From the date of initial declaration of potentially dangerous by the City animal control supervisor, unless and until said declaration shall be rescinded and the restrictions imposed thereby annulled, it shall be unlawful for any person to allow or permit such dog to:

1. be unconfined on the premises of such person; or
2. go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.
3. The animal control authority may impose any additional restrictions contained in RCW 16.08 for dangerous or potentially dangerous dogs, as now exists or as may be amended hereafter.

D. Any potentially dangerous dog shall be confiscated by the City if the dog is not confined as set forth herein. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.

## Tacoma Municipal Code

E. These requirements take effect immediately upon notification that the dog is declared potentially dangerous and remain in force during any appeal of a declaration that a dog is potentially dangerous.

F. This section also applies to any dog declared potentially dangerous under any prior ordinance and prior to the effective date of this ordinance. Any dog declared dangerous prior to the effective date of this ordinance must comply with all conditions imposed by the animal control authority. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27558 § 13; passed Dec. 5, 2006; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.04.060 Notification of status of potentially dangerous dog.**

The owner shall immediately notify the animal control authority of the City, followed by written notice to Animal Control, when a dog which has been classified as potentially dangerous:

- A. is loose or unconfined; provided that, the owner shall first call 911;
- B. has bitten a human being or attacked another animal; provided, the owner shall first call 911;
- C. is sold or given away, or dies; or
- D. is moved to another address.

E.1. If a potentially dangerous dog dies or is euthanized, the owner shall provide animal control with the location where the dog was disposed of and, if applicable, where the dog was euthanized.

2. Prior to a potentially dangerous dog's being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority and the Finance Department of the City. The new owner shall comply with all of the requirements of this chapter. Should the owner of a potentially dangerous dog fail to provide such notification, the City is authorized to seize and impound any such dog and euthanize said dog pursuant to the procedures set forth in Section 17.04.060. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.

F. This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance.

G.1. Any person desiring to bring a dog to live in the City which has been previously declared to be potentially dangerous, dangerous, vicious, or similar designation in another jurisdiction, must notify the animal control authority and the Finance Department of the City prior to moving the dog to the City. The person must provide all information requested by the animal control authority and Finance Department and must comply with all restrictions imposed by the animal control authority. There is no right to bring into the City a dog that has been the subject of a declaration or similar process in another jurisdiction and the animal control authority will determine whether such a dog will be licensed and permitted to reside in the City.

2. If the animal control authority determines that the dog's behavior that led to another jurisdiction's determination that the dog is potentially dangerous, dangerous, vicious, or similar designation would lead to a declaration as a dangerous dog under the municipal code in effect at the time of the proposed move, it shall not permit the dog to be licensed or to remain in the City and shall notify the dog's owner, either personally or via mail at the address provided by the owner.

3. Any person knowingly bringing a dog into the City or failing to remove a dog from the City after the animal control authority has notified the person that the dog is not allowed in the City is guilty of a gross misdemeanor.

4. Any person who fails to notify the animal control authority and the Finance Department that he or she has brought a dog covered by this section into the City is guilty of a misdemeanor.

5. Any person visiting the City with a dog which has been previously declared to be potentially dangerous, dangerous, vicious, or similar designation in another jurisdiction, must notify the animal control authority and obtain permission to do so from the Animal Control Supervisor, prior to bringing the dog into the City and must comply with all the requirements of this code.

6. Any dog brought into the City in violation of this section may be impounded. (Ord. 27854 Ex. A; passed Dec. 1, 2009; Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 14; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.04.070 Confiscation and destruction of potentially dangerous dog.**

Any dangerous dog or potentially dangerous dog shall be immediately confiscated by the City if:

- A. the dog is not validly registered under this chapter or RCW 16.08;
- B. the owner does not maintain liability insurance coverage as required for dangerous dogs in RCW 16.08.080;
- C. the dog is unconfined;

- D. the dog is outside of the dwelling of the owner and not under adequate physical restraint of a responsible person; or
- E. the owner fails to comply with any of the provisions of this chapter.

Any potentially dangerous dog confiscated pursuant to this chapter shall be returned to the owner upon the owner's compliance with this chapter. However, if the owner does not comply with the provisions of this chapter within 72 hours following confiscation of said dog, said dog shall be euthanized in an expeditious and humane manner, except as otherwise specifically provided in this chapter. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.

This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 15; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.04.080 Penalty for violation as to potentially dangerous dog – misdemeanor.**

Any violation of this chapter as to a potentially dangerous dog is a misdemeanor. (Ord. 26949 § 6; passed Jul. 16, 2002)

**17.04.090 Penalty for violation as to dangerous dog – gross misdemeanor.**

Any violation of this chapter as to a dangerous dog is a gross misdemeanor. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)



## Chapter 17.05

## DOG AND CAT LICENSES

## Sections:

- 17.05.010 License required.
- 17.05.011 Rabies vaccination required.
- 17.05.012 Puppies and kittens.
- 17.05.020 Purchase of license.
- 17.05.030 License records.
- 17.05.040 License fees.
- 17.05.050 Impounding unlicensed or improperly licensed dogs and/or cats.
- 17.05.060 License not transferable.
- 17.05.061 Counterfeit and imitation tags.
- 17.05.070 Penalty – Civil infraction.

**17.05.010 License required**

A. It is a violation for any person to own, keep, or have control of a dog or cat over the age of eight weeks in the City, whether confined or not, without having a current license tag attached to a collar or harness which shall be worn by the cat or dog at all times; provided, that cats need not display a license identification tag if the cat is licensed and has been implanted with microchip identification and the microchip number is registered with the Finance Department of the City, and such microchip is acceptable to and readable by the animal control officer. All dogs must display a license tag in a public place regardless of whether or not the dog has been implanted with a microchip or tattooed with its license number. Provided, that while a dog or cat is competing in a sanctioned dog or cat show, it is not required to display its license tag while competing. Upon demand from an animal control officer or police officer, however, any person in possession of an animal competing in a sanctioned show must provide proof that the animal is licensed in accordance with this title.

B. Any person in possession of a dog or cat in a public place must, upon demand from an animal control officer or police officer, display the animal's license tag, except that a cat properly microchipped in accordance with this chapter need not display a tag, but must allow the officer to scan or read the microchip. Refusal to display the tag or to allow scanning or reading the microchip is a violation and the animal may be impounded.

C. Any person in possession of a dog or cat on private property that is not open to the public must, upon demand from an animal control officer or police officer, provide proof that the animal is licensed in accordance with this title.

D. After August 1, 2002, absent proof of prior ownership, the following are the maximum number of dogs and cats which may be licensed by a resident of the City or kept at a street address or physical location in the City:

1. six dogs or six cats or any combination of dogs and cats totaling six animals.

E. The maximum limits on dogs and cats at a street address or physical location does not apply to the facilities of the Humane Society or other animal shelter, veterinary hospitals, or kennel in compliance with this title. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27558 § 14; passed Dec. 5, 2006; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.05.011 Rabies vaccination required.**

All dogs and cats four (4) months of age or older shall be vaccinated against rabies. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

**17.05.012 Puppies and kittens.**

A. It is a violation to sell or give away puppies unless the puppies were born to a dog licensed as an unaltered animal.

B. It is a violation to sell or give away kittens unless the kittens were born to a cat licensed as an unaltered animal.

C. If the owner provides proof to the court that the dog or cat that bore the puppies or kittens was subsequently spayed and is currently licensed, the court shall consider this a mitigating factor in determining the whether to impose a penalty or the amount of any penalty that is imposed.

D. Any advertisement, sign, placard, or notice that puppies or kittens are available for sale or may be obtained free of charge must include the license tag number of the mother of the puppies or kittens. Failure to include the license tag information is a violation.

E. This section does not apply to the Humane Society or an animal shelter as defined in this title. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

## Tacoma Municipal Code

### 17.05.020 Purchase of license.

All dog and cat licenses shall be obtained by paying the required license fees, in the amounts and within the time limits as provided in this chapter, to the Finance Department of the City or to an agent authorized by the City. The license shall remain in force for a period of 12 months from the date of issuance, expiring on the last day of the 12th month. The applicant shall be furnished with such license and a permanent metal tag. The tag shall be attached to a collar or harness which shall be worn by the cat or dog at all times; provided, that cats need not display a license identification tag if the cat is licensed and has been implanted with microchip identification and the microchip number is registered with the Finance Department of the City, and such microchip is acceptable to and readable by the animal control officer. Renewal licenses will retain the original expiration period whether renewed prior to, on, or after their respective renewal month. A person under the age eighteen years is not eligible to purchase a pet license. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 16; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

### 17.05.030 License records.

The City shall keep a record of the names and addresses of persons to whom licenses are issued, the number and date of the license, and the amount paid for the same. Every pet owner must notify the Finance Department if the owner moves the animal to a new address or if the owner changes his or her mailing address. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 17; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

### 17.05.040 License fees.

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

#### A. Adult Dogs:

altered: \$20.00  
unaltered: \$55.00

#### B. Adult Cats:

altered: \$12.00  
unaltered: \$55.00C.

#### C. Reduced rates for senior citizens, 65 years of age or older, and individuals with a permanent disability:

##### 1. Dogs:

altered: \$10.00  
unaltered: \$30.00.

##### 2. Cats:

altered: \$ 5.00  
unaltered: \$30.00

Individuals with a permanent disability residing within the city limits of Tacoma qualify for the reduced fee specified in C above, provided that the dogs and cats are not used for a commercial purpose. To qualify for this reduced fee, individuals with a permanent disability must provide proof of permanent disability to the Finance Department in the form of a U.S. Department of Veterans Affairs Identification Card or documentation showing at least 30 percent permanent disability, a Washington Department of Licensing parking placard issued for permanent disability under RCW 46.16.381, or any other means that the Finance Department deems an appropriate proof of permanent disability.

D. Temporary Licenses. A one-time temporary license shall be issued at the altered fee for animals that will be altered within 91 days from the issuance of such temporary license. Upon proof of spay or neuter, the license shall become permanent for the remaining one year license term as defined in TMC 17.05.020. Temporary licenses are hereby authorized for previously unlicensed dogs and cats above the age of eight weeks and under the age of six months. The license shall be effective for 91 days after issuance, at which time the animal must be licensed in accordance with subsections A, B, and C above. If the animal is not properly licensed under subsections A, B, and C above, the owner is in violation of Section 17.05.010 and subject to all penalties provided in this chapter.

E. Dogs and cats are exempt from the licensing provisions of this section when they are in the custody of a recognized animal welfare organization. In order to qualify as a recognized organization, proof of charitable organization status must be submitted to the Finance Department of the City by the organization.

F. 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.

G. An adult dog or cat is one that is more than 21 weeks old.

H. In addition to the infraction penalty set forth in Section 17.05.070, any person who fails to obtain a license 30 days after the license expiration date but before 60 days of the expiration date shall pay a penalty of \$10 per license. Any person who fails to obtain a license after 60 days of the license expiration shall pay a penalty of \$20 per license.

I. No late payment penalty shall be charged on new license applications if:

1. the owner submits proof of purchase or acquisition of the animal within the preceding 30 days;
2. the owner has moved into the City within the preceding 30 days;
3. the animal is currently or has been within the preceding 30 days under the age which requires a license;
4. the owner purchases the license(s) voluntarily, prior to in-person or field contact by animal control personnel; or
5. the owner submits other proof deemed acceptable in the animal control authority's administrative policy.

J. One replacement tag per year will be given per animal at no fee, and each additional replacement tag shall be \$5.00 each.

K. No person having defective eyesight shall be required to pay any license fee for any dog specially trained and principally used for the purpose of leading such person. However, such person is required to keep his or her dog licensed and must comply with all other provisions of this title.

L. No person having a handicap shall be required to pay any license fee for any dog specially trained and principally used for the purpose of helping such person. However, such person is required to keep his or her dog licensed and must comply with all other provisions of this title. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27558 § 15; passed Dec. 5, 2006; Ord. 27447 § 18; passed Dec. 13, 2005; Ord. 27210 § 1; passed Mar. 23, 2004; Ord. 27202 § 1; passed Feb. 17, 2004; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.05.050 Impounding unlicensed or improperly licensed dogs and/or cats.**

A. Whenever an unlicensed dog or cat is found within the City, it may be taken up and impounded and an infraction may be issued to the owner of such dog or cat or the person having the custody and control of such dog or cat. The owner is subject to boarding charges and time limits as set forth in Sections 17.01.080 and 17.01.100, in addition to all penalties set forth in this title.

B. Whenever the animal control authority determines that an animal is not altered, but has been licensed as an altered animal, the animal shall be taken up and impounded until the animal is properly licensed. The owner is subject to boarding charges and time limits as set forth in Sections 17.01.080 and 17.01.100, in addition to all penalties set forth in this title.

C. It is a violation to own an animal that is not licensed or which is improperly licensed. However, if the owner presents proof to the court that the animal has been spayed or neutered, the court shall consider this a mitigating factor in determining the whether to impose a penalty or the amount of any penalty that is imposed. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 27447 § 19; passed Dec. 13, 2005; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.05.060 License not transferable.**

It is a violation for any person to give, sell, exchange, or otherwise transfer a dog or cat license to another person, even if it is to be used for the same dog or cat for which it was originally issued. Provided, that when a properly licensed pet dies, the owner may use the deceased pet's license to license a new pet of the same species, provided that the owner otherwise complies with the procedures for licensing a pet as provided in this chapter. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.05.061 Counterfeit and imitation tags.**

No person shall create, sell, deliver, use, or possess imitation or counterfeit license tags. Violation of this section is a gross misdemeanor. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

**17.05.070 Penalty – Civil infraction.**

Any violation of Section 17.01.010 or 17.05.060 of this chapter is a violation and shall constitute a Class 1 infraction, not to exceed \$250, not including statutory assessments.

Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense. (Ord. 27558 § 16; passed Dec. 5, 2006; Ord. 26949 § 6; passed Jul. 16, 2002)



## Chapter 17.06

## PROBLEM PET OWNERS

## Sections:

- 17.06.010 Problem pet owners – Definitions.
- 17.06.020 Problem pet owners – Revocation of license.
- 17.06.030 Confinement of pets owned by a problem pet owner.
- 17.06.040 Hearing procedure – Revocation of License.
- 17.06.050 Possessing, harboring, or owning animal by problem owner – Misdemeanor.

**17.06.010 Problem pet owners – Definitions.**

A problem owner is one who:

1. has committed three or more violations of this title in one 24 month period; or
2. has committed two or more violations of this title after having a dog owned by him or her declared to be dangerous or potentially dangerous.
3. For the purposes of this chapter, “violation” means:
  - a. a finding of committed on a civil infraction under this title;
  - b. a conviction of a crime under this title or chapter 16.52 RCW, chapter 9.08 RCW, RCW 9.91.170, or RCW 9.91.175;
  - c. any violation of this title that is proven by a preponderance of the evidence regardless of whether the same act was charged as a civil infraction or crime. A civil infraction or criminal charge which is deferred or subject to pretrial diversion may be counted as a violation if the violation is proven by a preponderance of the evidence. Provided, however, that a finding of not committed on a civil infraction or a verdict of not guilty on a criminal charge precludes use of that act as a basis for a violation under this chapter.
4. For the purposes of this chapter, multiple civil infractions committed on the same day will count as one violation. Each crime will count as one violation regardless of whether it was committed on the same day as another crime or civil infraction.
5. For the purposes of this chapter, the violations need not involve the same pet. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

**17.06.020 Problem pet owners – Revocation of license.**

A. The City Animal Control Supervisor may find and declare a person a problem pet owner if an animal control officer has probable cause to believe that the person falls within the definition set forth in this chapter. The City Animal Control Supervisor shall notify the Finance Department, which shall revoke all pet licenses issued to the problem owner. Proceedings shall be instituted by service of a Notice of Problem Pet Owner.

B. The Notice of Problem Pet Owner shall be in writing and shall be served on the owner in one of the following methods:

1. certified and regular mail to the owner's last known address; or
2. personally.

C. The Notice of Problem Pet Owner shall contain:

1. Name and address of owner who is subject to the revocation;
2. Names, descriptions, and license numbers of any pets licensed to the owner;
3. Brief descriptions of the violations which form the basis of the revocation, including case numbers, if any;
4. notification of the availability of a hearing in case the person objects to the declaration, if a request is made within ten days of the date of personal service or mailing;
5. a summary of the effects of the revocation of all pet licenses, requirements for confinement or impound or pets, and the potential penalties for violation of the restrictions.

D. A person who is a problem owner as defined in this chapter, is prohibited from licensing or owning any animal in the City for a period of 24 months unless an appeal of the Notice of Problem Pet Owner is filed with the Hearing Examiner in accordance with this chapter. The problem owner shall surrender all animals to an animal control officer or police officer upon demand of the officer. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

## Tacoma Municipal Code

### **17.06.030 Confinement of pets owned by a problem pet owner.**

A. Upon service of a Notice of Problem Pet Owner, the pets and animals owned by a person declared to be a problem pet owner may be impounded if the Animal Control Supervisor determines that impoundment is in the interests of public safety or the health and welfare of the animals. Upon such a determination by the Animal Control Supervisor, an animal control officer or police officer may require that such animals be held in the shelter or a secure veterinary hospital until a hearing is held to determine the animal's status or the deadline for requesting a hearing regarding the declaration of problem pet owner has passed. The owner shall immediately surrender the animals to an animal control officer or police officer upon the order of that officer. Refusal by any person to surrender an animal owned by a person declared to be a problem pet owner to an animal control officer or police officer is a misdemeanor.

B. If animals owned by a person declared to be a problem pet owner are not impounded, the owner shall comply with all requirements imposed by the animal control authority. Failure to comply with all requirements is a violation. It is a separate violation for each animal and each day of non-compliance.

C. In addition to the above requirements, upon the determination by the Hearing Examiner that a person is a problem owner, the problem owner will immediately surrender all animals in his or her possession to an animal control officer or police officer. Refusal by any person to surrender an animal owned by a person declared to be a problem pet owner to an animal control officer or police officer is a misdemeanor. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

### **17.06.040 Hearing procedure – Revocation of License.**

A. If the owner wishes to object to the revocation of a pet license, he or she may request a hearing before the Hearing Examiner of the City by filing a request for hearing along with payment the required fee to the office of the Hearing Examiner within ten days of service of the notice of revocation. The appeal fee shall be \$100.

B. Hearings shall be conducted in accordance with TMC 1.23 and the Hearing Examiner's Rules of Procedure. The animal control authority shall bear the burden of proving by a preponderance of the evidence that the owner is a problem pet owner as defined in this chapter.

C. A finding of committed on a civil infraction or a judgment of guilty in a criminal case is dispositive that a violation occurred and no additional evidence is necessary to prove that violation. A violation also may be proved through the testimony of witnesses, photographs, or other evidence admitted by the Hearing Examiner.

D. If the Hearing Examiner finds that the owner is a problem owner as defined in this chapter, he or she shall revoke the licenses of all pets licensed to the owner and order that all pets licensed to the owner be impounded by the animal control authority. Upon such a finding, the Hearing Examiner shall order that the owner is prohibited from licensing any pet in the City for a period of 24 months. Any pets impounded under these circumstances may not be returned to any person residing at the same address as the problem owner. (Ord. 27672 Ex. A; passed Dec. 11, 2007)

### **17.06.050 Possessing, harboring, or owning animal by problem owner – Misdemeanor.**

It is a misdemeanor for any person who is a problem owner as defined in this chapter to possess, harbor, or own an animal in the City of Tacoma while a Notice of Problem Pet Owner is in effect, except during the period an appeal of a Notice of Problem Pet Owner is pending. For the purposes of this section, the term "animal" includes all animals, including, but not limited to, dogs, cats, exotic animals, livestock, and poultry, regardless of whether the TMC requires a license for the type of animal possessed. (Ord. 27672 Ex. A; passed Dec. 11, 2007)