



ORDINANCE NO. 28271

1 An ordinance relating to animal control; amending Title 17 of the Tacoma
2 Municipal Code by amending Chapters 17.01, 17.04, and 17.06 thereof
3 to clarify the definition of animal shelter, include provisions on adequate
care of animals, and eliminate a \$100 appeal fee.

4 WHEREAS Title 17 of the Tacoma Municipal Code ("TMC"), relating to
5 animal control, does not specify standards for the care of animals within City
6 limits, and

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8 WHEREAS the proposed amendments, developed in cooperation with
9 the Tacoma Police Department, Animal Care and Control, and concerned
10 residents, will establish standards for the adequate care of animals, including
11 food, water, and shelter, and enhance animal welfare in the City, and

12 WHEREAS, currently, the TMC refers alternatively to "animal shelter"
13 and "shelter," and standardizing this definition will ensure consistency within the
14 TMC, and

15
16 WHEREAS, under the TMC, a pet owner is currently charged a fee of
17 \$100 to appeal a declaration that his or her dog is dangerous or potentially
18 dangerous, or to appeal a finding that he or she is a problem pet owner, and
19 eliminating this fee will bring the TMC in compliance with a recent court
20 decision holding that charging a fee to obtain review of a dangerous dog
21 declaration violates the dog owner's due process rights, and

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23 WHEREAS, on October 17, 2014, the proposed amendments were
24 reviewed by the Public Safety, Human Services and Education Committee and
25 recommended for City Council consideration; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

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That Title 17 of the Municipal Code is hereby amended by amending
Chapters 17.01, 17.04,. and 17.06 thereof, to read as set forth in the attached
Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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- 17.01.060 Repealed.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.
- 17.01.166 [Adequate care 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.



- 1 8. "Animal welfare organization" means any public or private charitable organization, whether called a
2 kennel, cattery, [animal](#) shelter, society, or rescue, and includes the organization's officers, agents, and
3 representatives when acting in the name or on behalf of the organization that controls, rescues, [animal](#)
4 shelters, cares for, or disposes of pets as all or part of the purpose of the organization.
- 5 9. "At large" means off the premises of the owner or keeper of the animal, and not under restraint by
6 leash or chain eight feet in length or shorter.
- 7 10. "Cat" a member of the species *Felis catus* and commonly known as the domestic cat..
- 8 11. "Charitable organization" means any organization recognized as a nonprofit corporation under the
9 provisions of Chapter 24.03 of the Revised Code of Washington ("RCW") and exempt from the
10 Washington State business and occupation tax pursuant to RCW 82.04.3651.
- 11 12. "Commercial pet facility" means any place, premises, or entity where pets are boarded, kept, or bred
12 for hire, or where pets are housed for resale, such as pet shops, but not including a veterinary hospital
13 where boarding is incidental to treatment. Animal daycare operations are included in the definition of
14 commercial pet facility.
- 15 13. "Competent person" means a person who is able to sufficiently care for, control, and restrain an
16 animal and who has the capacity to exercise sound judgment regarding the rights and safety of others.
- 17 14. "Court" means Tacoma Municipal Court or the Superior Court of Pierce County, which courts shall
18 have concurrent jurisdiction hereunder.
- 19 15. "Dangerous dog" means any dog that, according to the records of the appropriate authority: a.
20 unprovoked, inflicts severe injury on or kills a human being on public or private property; or b.
21 unprovoked, inflicts injuries requiring a domestic animal to be euthanized or kills a domestic animal
22 while the dog is off the owner's property; or c. while under quarantine for rabies bites a person or
23 domestic animal; or d. was previously declared to be a potentially dangerous dog, the owner having
24 received notice of such declaration, and the dog is again found to have engaged in potentially dangerous
25 behavior; or e. is owned or harbored primarily or in part for the purpose of dog fighting or is a dog
26 trained for dog fighting; or f. 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: a. unprovoked, bites or injures a human or domestic animal on public or private property; or b. 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 c. 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.

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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 [animal](#) 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 [animal](#) 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.

17.01.050 Notice of impounding animal.

Upon the impoundment of any animal under the provisions of this title, the animal control officer or [animal](#) 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 [animal](#) shelter shall make a reasonable effort to locate and notify the owner of the animal.

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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 [animal](#) 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



1 fee is \$75. In addition to the redemption fee, the redeemer shall pay as a boarding charge for the caring
2 and keeping of such dog the sum of \$6 per day for each day, including the first and last days that the dog
3 is retained by the animal shelter and any licensing fees and penalties related to licensing. All fees and
4 charges must be paid prior to redeeming the dog. A dog may not be redeemed unless it is properly
5 licensed. If an impounded dog is not redeemed by the owner within 48 hours, then any person may
6 purchase it within the next 48 hours by complying with the animal shelter's purchase provisions. In case
7 such dog is not redeemed within 96 hours of impoundment, it may be humanely euthanized or otherwise
8 disposed of within the discretion of the animal shelter.

4 **17.01.090 Redemption of livestock.**

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

10 **17.01.100 Redemption of animals other than dogs and livestock.**

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

15 **17.01.110 Mandatory spay/neuter for impounded dogs and cats – exception.**

16 A. No unaltered dog or cat that is impounded more than once in any 12-month period may be redeemed
17 by any person until the animal is spayed or neutered. The alteration shall be accomplished by the [animal](#)
18 shelter or by any duly licensed veterinarian in Pierce County authorized by the [animal](#) shelter. In all
19 cases, the veterinarian fees shall be paid at the time of redemption by the animal's owner. B. Exceptions.
20 The alteration shall not be required upon a showing of proof of alteration from a licensed veterinarian.
21 The alteration shall not be required if the owner or other person redeeming the animal provides a written
22 statement from a licensed veterinarian stating that the spay or neuter procedure would be harmful to the
23 animal.

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21 **17.01.130 Conditions of release.**

22 The animal control authority may refuse to release to its owner any animal that has been impounded more
23 than once in a 12- month period unless the owner demonstrates that he or she has taken steps to
24 reasonably ensure that the violation will not occur again. The [animal](#) shelter or the animal control
25 authority may impose reasonable conditions that must be satisfied by the owner before release of the
26 animal, including conditions assuring that the animal will be confined. Failure to comply with the
conditions of release is a violation.



17.01.140 Injured or diseased animals.

Any animal suffering from serious injury or disease may be humanely euthanized by the [animal](#) shelter or City; provided, that the [animal](#) shelter or City shall immediately notify the owner if the owner is known. The [animal](#) 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.

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17.01.166 Adequate care for animals.

A. “Adequate care” means providing the following to animals:

1. Food that is sufficient to sustain the animal in containers designed and situated to allow the animal easy access to the food;

2. Clean water of sufficient quantity for the animal in containers that cannot spill; and

3. Shelter that keeps the animal in a healthful, sanitary, dry, and safe condition, and allows the animal to turn around freely, sit, stand, and lie without restriction, and by application does not cause injury, disfigurement, or physical impairment to the animal.

B. It is a violation for an owner to fail to provide adequate care to his or her animal.

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**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.

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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 [animal](#) shelter or City; or

3. actions of the dog witnessed by any animal control officer or law enforcement officer; or

4. other substantial evidence.



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

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

3 C. The declaration shall state at least:

- 3 1. a description of the dog;
- 4 2. the name and address of the owner of the dog, if known;
- 5 3. the whereabouts of the dog, if it is not in the custody of the owner;
- 6 4. a summary of the facts upon which the declaration of dangerous or potentially dangerous dog is based,
7 including the definition of dangerous or potentially dangerous under which the declaration is being made;
- 8 5. the availability of a hearing in case the person objects to the declaration, if a request is made within ten
9 days of the date of personal service or mailing or first publication;
- 10 6. a summary of the restrictions placed on the dog as a result of the declaration; and
- 11 7. a summary of the potential penalties for violation of the restrictions, including the possibility of
12 destruction of the animal and imprisonment or fining of the owner.

13 **17.04.031 Hearing procedure – Dangerous Dogs.**

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

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

22 C. Any dog declared to be dangerous must, after the exhaustion of any appeal, be humanely euthanized.
23 Upon application of the owner, however, a dangerous dog may be either (1) sent at the owner's expense
24 to a secure animal shelter and maintained at all times in compliance with RCW Chapter 16.08; or (2)
25 removed from the City and maintained at all times in compliance with RCW Chapter 16.08 at the owner's
26 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 animal 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 animal 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



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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.

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 written 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.

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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 animal 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 animal 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.



1 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:

2 1. be unconfined on the premises of such person; or
3 2. go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or
otherwise securely restrained.

4 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.

5 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.

6 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.

7 F. This section also applies to any dog declared potentially dangerous under any prior ordinance and prior
8 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.

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10 **Chapter 17.06**
11 **PROBLEM PET OWNERS**

12 Sections:

13 17.06.010 Problem pet owners – Definitions.

14 17.06.020 Problem pet owners – Revocation of license.

15 17.06.030 Confinement of pets owned by a problem pet owner.

16 17.06.040 Hearing procedure – Revocation of License.

17 17.06.050 Possessing, harboring, or owning animal by problem owner – Misdemeanor.

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19 **17.06.030 Confinement of pets owned by a problem pet owner.**

20 A. Upon service of a Notice of Problem Pet Owner, the pets and animals owned by a person declared to
21 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
22 determination by the Animal Control Supervisor, an animal control officer or police officer may require
23 that such animals be held in the [animal](#) shelter or a secure veterinary hospital until a hearing is held to
24 determine the animal's status or the deadline for requesting a hearing regarding the declaration of
25 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.

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](#)



with the office of the Hearing Examiner within ten days of service of the notice of revocation. ~~The appeal fee shall be \$100.~~

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

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

5 D. If the Hearing Examiner finds that the owner is a problem owner as defined in this chapter, he or she
6 shall revoke the licenses of all pets licensed to the owner and order that all pets licensed to the owner be
7 impounded by the animal control authority. Upon such a finding, the Hearing Examiner shall order that
8 the owner is prohibited from licensing any pet in the City for a period of 24 months. Any pets impounded
9 under these circumstances may not be returned to any person residing at the same address as the problem
10 owner.

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