

## Chapter 17.02

### ANIMAL CONTROL

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#### **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)

#### **17.02.40 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.

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(Ord. 26949 § 6; passed Jul. 16, 2002)

### **17.02.41 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)

### **17.02.70 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)

### **17.02.71 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)

### **17.02.90 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)

### **17.02.91 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. A.~~ 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 three or more persons, each residing at separate residences in the same community or neighborhood~~ ~~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. B.~~ 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.

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~~3.~~ C. Enforcement may be undertaken only upon written receipt of a complaint made to either the animal control authority or law enforcement by three or more persons ~~a person(s) residing at or who is employed in an area~~ affected by such public noise disturbance as described in subsection 1. 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.~~ D. 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)

### **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)