



ORDINANCE NO. 29104

1 BY REQUEST OF COUNCIL MEMBERS DIAZ, HINES, AND RUMBAUGH

2 AN ORDINANCE amending Title 17 of the Municipal Code, relating to Animal
3 Control, by amending Chapters 17.01 and 17.02, to clarify definitions
4 and requirements for the adequate care, humane restraint, and
5 confinement of animals.

6 WHEREAS the City's animal control code lacks robust definitions regarding
7 adequate care, adverse environmental conditions, and proper shelter for animals,
8 as well as clear guidelines for the humane restraint or confinement of an animal,
9 and as a result, community members are frustrated and concerned that Animal
10 Control officers are not well equipped to consistently manage situations that could
11 pose a danger to an animal's welfare, and

12 WHEREAS common definitions of animal welfare stress that the concept
13 includes both the physical and mental wellbeing of an animal, and the American
14 Veterinary Medical Association adds that animal welfare is not just an issue of
15 providing water, food, and health care, but also creating "an environment
16 appropriate to their care and use, with thoughtful consideration for their species-
17 typical biology and behavior," and

18 WHEREAS the American Society for the Prevention of Cruelty to Animals
19 also specifically notes that animals should have "freedom from fear and distress by
20 ensuring conditions and treatment which avoid mental suffering," and
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WHEREAS failing to provide for the physical and mental well-being of an animal can result in a range of medical issues, including malnourishment or dehydration, and produce behavioral issues, such as anxiety or aggression, and

WHEREAS these issues can in turn lead to serious injury or death for the animal or other animals and people in the vicinity, and in addition, animals that have physical and behavioral issues are likely to be at a higher risk of abandonment or euthanasia, and

WHEREAS updating Title 17 of the Municipal Code would help ensure the City's standards of care better align with our understanding of animal welfare; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That the Municipal Code, Title 17, "Animal Control," is hereby amended to add clarifications regarding the definitions of adequate care, adverse environmental conditions, and proper shelter, as well as the requirements for the humane restraint and confinement of an animal, by amending Sections 17.01.010, 17.01.165, 17.01.166, and 17.02.070, as set forth in the attached Exhibit "A."



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Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

CHAPTER 17.01

ANIMAL CONTROL – GENERAL PROVISIONS

17.01.010 Definitions.

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

“Adult” means any animal over the age of 21 weeks.

“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. Proper shelter that is maintained in good repair and in an upright position at all times, and in a manner to minimize the accumulation of any waste, other debris, precipitation, or other moisture inside, surrounding and underneath the shelter, and providing reasonable protection from flooding and wind.

“Adverse environmental conditions” means (1) when the ambient temperature is 32 degrees Fahrenheit or below in the immediate vicinity of an animal, domestic companion animal, or service animal, or there are other cold weather or precipitation-related environmental conditions, including, but not limited to, wind, rain, snow, ice, sleet, or hail that a person should reasonably know would pose an adverse risk to the health or safety of an animal, domestic companion animal, or service animal, based on the animal's size, age, physical condition, or thickness of the animal's hair or fur; or (2) when the ambient temperature is 90 degrees Fahrenheit or above in the immediate vicinity of a dog, domestic companion animal, or service animal, or a dog, domestic companion animal, or service animal is exposed to direct sunlight or hot pavement or any other hot surfaces that a person should reasonably know would pose an adverse risk to the health or safety of the animal, based on the animal's size, age, physical condition, or thickness of the animal's hair or fur.

“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.

“Animal” means any nonhuman mammal, bird, reptile, or amphibian.

“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.

“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.

“Animal 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.

“Animal welfare facility” means any indoor or outdoor facility where pets are routinely housed or maintained by or for an animal welfare organization.

“Animal welfare organization” means any public or private charitable organization, whether called a kennel, cattery, animal 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, animal shelters, cares for, or disposes of pets as all or part of the purpose of the organization.



- 1 “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.
- 2 “Cat” a member of the species *Felis catus* and commonly known as the domestic cat.
- 3 “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.
- 4 “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.
- 5 “Community cat” refers to an unowned, free-roaming cat that may be receiving care from a community member or may be stable without intervention in its resident area. These cats are generally feral and may or may not be reproductively sterilized. Community cats are not defined as stray cats, and they do not have a legal owner and are not routinely microchipped.
- 6 “Companion animal” means and refers to a domesticated or domestic-bred animal whose physical, emotional, behavioral, and social needs can be readily met as companions in the home or in close daily relationships with humans, but excluding indoor pigs which are defined as livestock under Title 17.
- 7 “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.
- 8 “Court” means Tacoma Municipal Court or the Superior Court of Pierce County, which courts shall have concurrent jurisdiction hereunder.
- 9 “Dangerous dog” means any dog that, according to the records of the appropriate authority:
 - 10 a. unprovoked, inflicts severe injury on or kills a human being on public or private property; or
 - 11 b. 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
 - 12 c. while under quarantine for rabies bites a person or domestic animal; or
 - 13 d. 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
 - 14 e. is owned or harbored primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
 - 15 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.
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“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.

“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.

“Misdemeanor” means a crime with a maximum penalty of 90 days in jail, a \$1,000 fine, or both such fine and imprisonment.

“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.

“Person” shall include any person, partnership, corporation, trust, or association of persons.

“Police dog.” The definition of “police dog” in RCW 4.24.410, including all future amendments, additions, or deletions, is adopted by reference.

“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.

“Poultry” means domestic fowl normally raised for eggs or meat, and includes chickens, turkeys, ducks, and geese.

“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.”

“Proper shelter” means a structure or other type of protection that shall keep the animal in a healthful, sanitary, dry, ventilated, and safe condition, and allow 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, and that is soundly constructed or assembled to prevent the sagging or collapse of any part of the structure or protection with no exposed sharp points or edges, and must have a solid bottom, with no exposure of the animal to the ground, allowing the animal to be able to lay freely from cage wires and kennel bar.

“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.

“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.

“Tether” means to fasten an animal with a cable, chain, rope, or other similar object to a stationary object, including, but not limited to, an outdoor shelter, tree, stake, pole, fence, or wall, or to a device that is mobile including, but not limited to, a trolley or pulley, in order to restrict the animal's movement. "Tether" also means the cable, chain, rope, or other similar object used to fasten an animal, as applicable.

“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.



1 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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3 **17.01.165 Humane restraint standards for animals.**

4 A. ~~It is a violation of this chapter for any person to cause, or any person who owns or controls an animal to permit through act or omission, the use of a~~ Any tether to restrain an 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 in a manner that is not in compliance with~~ the following requirements:

- 5 ~~1. The links in c~~ Chains used as a tether must be ~~links of~~ 5/16 of an inch or smaller.
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- 7 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.
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- 9 3. ~~The Any chain, rope, or other tie-out~~ tether must be connected to a collar or harness on a swivel or in a manner that prevents the chain from tangling.
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- 11 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.
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- 13 5. ~~The Any chain, rope, or tie-out~~ tether 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.
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- 15 6. If there are multiple tethered animals, each animal must be tethered, ~~chained, or tied~~ separately.

14 B. It is a violation of this chapter for any person to cause, or any person who owns or controls an animal to permit through act or omission, any of the following:

- 15 1. ~~Te-tethering of~~ any animal in such a manner as to permit the animal to leave the property of the owner of the animal ~~owner's property;~~ or
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- 17 2. ~~Te-tethering of~~ 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
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- 19 3. When occupied by an animal, f ~~Te-failing~~ to remove waste from the tethered area on a reasonable basis to ensure a healthful environment for the animal; or
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- 21 4. ~~Te-tethering of~~ any animal outdoors while exposed to adverse environmental conditions; or
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- 23 5. Tethering of any animal to a vehicle while the animal is unsupervised; or
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- 25 6. Tethering of any animal in a manner that ~~in a manner that does not comply with subsection A above or~~ endangers the health, ~~or~~ safety, or well-being of the animal.

22 **17.01.166 Adequate care for animals.**

23 A. "Adequate care" means providing the following to animals:

- 24 1. ~~Food that is sufficient to sustain the animal in containers designed and situated to allow the animal easy access to the food;~~
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- 26 2. ~~Clean water of sufficient quantity for the animal in containers that cannot spill; and~~
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- 28 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.~~



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B- It is a violation of this chapter for a person n owner who owns or is in control of an animal to fail to provide adequate care ~~to his or her animal~~ for such animal.

* * *



CHAPTER 17.02
ANIMAL CONTROL

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17.02.070 Confinement of an animal in a stationary motor vehicle.

It is a violation of this chapter for any person to cause, or any person who owns or is control of an animal to permit, any of the following,

A. ~~It is a violation for an owner or person to e~~Confine~~ment of~~ any animal in a stationary 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~~adverse environmental conditions. 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 and lawful means under the circumstances, if the animal is in an immediate life-threatening condition; ~~or~~-

B. Confinement of more than four animals in a stationary motor vehicle; or

C. Tethering an animal inside the stationary motor vehicle; or

D. An animal to be confined in a stationary motor vehicle without evidence of adequate care in open view of the public; or

E. Fails to respond within three hours after a notice is left on the stationary motor vehicle from Animal Control or Police; or

F. Fails to provide any animal confined in a vehicle with access to at least 30 minutes of time outside the vehicle for every four hours confined in the stationary motor vehicle.
