

ORDINANCE NO. 2757

AN ORDINANCE REPEALING CHAPTER 6.05 TITLED "ANIMAL CONTROL" AND ADOPTING NEW CHAPTERS 6.02 TITLED "DEFINITIONS", 6.04 TITLED "LICENSE REQUIREMENTS", 6.06 TITLED "RABIES CONTROL", 6.08 TITLED "IMPOUNDS", 6.10 TITLED "DANGEROUS DOG AND POTENTIALLY DANGEROUS DOG", 6.14 TITLED "MISCELLANEOUS PROVISIONS", 6.16 TITLED "EXOTIC ANIMALS", AND 6.18 TITLED "PENALTIES AND ENFORCEMENT"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 6.05 of the Moses Lake Municipal Code titled "Animal Control" is repealed in its entirety.

Section 2. Chapter 6.02 of the Moses Lake Municipal Code titled "Definitions" is created as follows:

**CHAPTER 6.02
DEFINITIONS**

6.02.010 Definitions: When used in this title, the following words shall have the following meanings:

- A. "Abandonment" means leaving of an animal by its owner or owners or other person or persons responsible for its care or custody without making effective provisions for its proper care.
- B. "Animal" means any animal other than humans.
- C. "Animal Shelter" means the facility designed by the City for the boarding and caring of any animal impounded under the provisions of this chapter or any other ordinance or law of the State of Washington.
- D. "Cats" means any animal of the species Felidae, regardless of sex.
- E. "Common Areas of a Condominium, Town House, or Apartment Buildings" means and includes but is not limited to the yards, grounds, patios, garden areas, play areas, clubhouses, swimming pools, sidewalks, walkways, common garage areas, entryways, hallways, and driveways.
- F. "Community Services Officer" means any person or persons empowered by the City to enforce the provisions of this chapter.
- G. "Dogs" means any animal of the species Canidae, regardless of sex.
- H. "Dog Owner" means any person, firm, partnership, corporation, trust arrangement, or the like who owns, keeps, or harbors a dog or dogs. "Dog Owner" or "Owner" for purposes of this Chapter means persons who are at least eighteen (18) years old.
- I. "Exotic Animal" means any animal which, when in its wild state, or due to its size, habits, natural propensities, training or instinct, presents a danger or potential danger to human beings and is capable of inflicting serious physical harm upon human beings, and includes inherently dangerous mammals and reptiles as follows:
 - 1. "Inherently dangerous mammal" means any live member of the Canidae, Felidae, or Ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and which includes:
 - a. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and domestic dog, but not including domestic dogs (*Canis familiaris*). Common names include wolf, coyote, jackal, hyena, fox, and all their hybrids.

- b. Felidae, including any member of the cat (felis) family weighing over fifteen pounds (15 lbs.) not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).
 - c. Ursidae, including any member of the bear family, or any hybrids thereof.
 - d. Nonhuman primates and prosimians.
2. "Inherently dangerous reptile" means any live member of the class Reptilia which:
- a. Is venomous, including but not necessarily limited to, all members of the following families: Helodermae (Beaded Lizards including Gila Monster, Mexican Beaded Lizard); Viperidae (Vipers and Adders); Crotalidae (Pit Vipers); Atracaspidae (Mole Vipers); Hydrophilidae (Sea Snakes); and Elapidae (Cobras).
 - b. Is a "rear fanged" snake of the family Colubridae (rear fanged snakes) that are known to be dangerous to humans, including, but not necessarily limited to, all members of the following families: *Dispholidus typus* (Boom-slang Snake); *Thebtonis kirtlandii* (Twig Snake); and *Rhabdophis* ssp. (Speckled Belly Keelback and Red Necked Keelback).
 - c. Is a member of the order Crocodilia (crocodiles, alligators, and caiman) over two feet (2') in length.
3. "Potentially dangerous wild animal" as defined by RCW Chapter 16.30 as now enacted or hereafter amended.
- J. "Ferret" means an animal of the species *Mustela furo* and as defined in WAC 246-100-197 or as hereafter amended.
- K. "Guard Dog" means a dog trained to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog. These dogs must be registered with the City as a guard dog.
- L. "Household pets" means dogs, cats, rabbits, mice, hamsters, gerbils, parakeets, canaries, finches, and other similar exotic fowl and songbirds, reptiles, amphibians, fish and similar small animals and fowl kept inside a residence for companionship and/or personal enjoyment so long as they are not a danger to other persons or property. All other animals are prohibited within the City unless otherwise provided herein.
- M. "Hybrid" means any mammal which is the offspring of the reproduction between any species of wild canid or hybrid wild canid and a domestic dog or hybrid wild canid, or is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid, or a wild felid or hybrid wild felid and a domestic cat or hybrid wild felid or is represented by its owner to be a wild felid hybrid.
- N. "Mistreatment" means every act or omission which cause or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
- O. "Neglect" means failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual and proper for an animal's health and well-being.
- P. "Owner or custodian" means any person, firm, partnership, corporation, trust arrangement, or the like who shall keep, maintain, control, care for, or be responsible for keeping, maintaining, or caring for any animal, or who knowingly permits any animal to remain on premises occupied by them.

- Q. "Running at Large" means off the premises of the owner and not under the effective control of the owner, his agent, servant, or competent member of his family by means of a leash, cord, or chain reasonable in length; except that, for the purpose of this definition, the "premises of the owner" shall not include common areas of a condominium complex, town houses, and apartment buildings, and any animal not in the effective control of its owner upon the common area of a condominium, town house or apartment building, or the grounds thereof, shall be deemed to be running at large.
- R. "Potentially Dangerous Dog" and "Dangerous Dog" have the meaning given them in RCW Chapter 16.08.
- S. "Proper Enclosure" means, while on the owner's property, a potentially dangerous dog shall be securely confined indoors or in an outside enclosed and locked pen or structure, resistant to tunneling, suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure shall have secure sides not less than five feet (5') high and a secure top, and shall provide protection from the elements for the dog. The requirement for a secure top on the enclosure may be waived by the Community Services Officer upon showing that it is unnecessary. This section shall not apply to guard dogs or watch dogs utilized to secure premises enclosed by a fence or wall not less than five feet (5') high and resistant to tunneling, located within an industrial or commercial zone.
- T. "Dangerous Dog" has the meaning given it RCW Chapter 16.08.
- U. All other words and phrases used herein will have their commonly accepted meanings.

6.02.020 Chapter Supplementary: The provisions of this chapter shall be supplementary to the provisions of RCW Chapter 16.08 relating to dangerous dogs.

Section 3. Chapter 6.04 of the Moses Lake Municipal Code titled "License Requirements" is created as follows:

**CHAPTER 6.04
LICENSE REQUIREMENTS**

- 6.04.010 License Required: It is unlawful for any person or persons to own or harbor any dog over the age of six (6) months within the corporate limits of the City, unless such person or persons first procures a license therefore as provided in this chapter.
- 6.04.020 Records Required to Obtain and Retain a License: All dog owners shall keep records regarding their dog ownership. The records shall include the following:
 - A. Birthday of the dog or the best estimate in month and year
 - B. Breed of dog
 - C. Name of dog
 - D. Brief statement of how the dog ownership was derived
 - E. Date when animal was first brought into the City of Moses Lake
 - F. Any official actions taken regarding the dog by any law enforcement official
 - G. A rabies inoculation and other vaccinations and spay and neuter records, if appropriate
 - H. Animal shelter records if appropriate
 - I. Training records if appropriate

- J. Temperance test, if administered
- K. Obedience classes, if attended
- L. Owner handling classes, if attended
- M. Formal training for service dogs
- N. Service records if appropriate
- O. Record of microchip, if implanted, or tattoo
- P. A photograph of the dog and the owner
- Q. Copy of City license
- R. Copy of any current insurance policy or bond relative to the dog

The Police Department shall keep a record of the names of all persons to whom licenses are issued with the number of each license and whether for a male or female dog and whether the male dog has been neutered or the female dog spayed.

The records and file must be available to any law enforcement agent and may become a matter of public information.

6.04.030 License Fee and Tag: The license fee for all dogs shall be ten (\$10) per year. Upon the payment of such license fee to the Finance Director or his designee, and upon being shown proof of a current rabies vaccination, it shall be the duty of the Finance Director or his designee to issue a license to the party making application therefor. The person licensing a dog shall verify the breed of the dog at the time of licensing and that breed name shall be recorded with the tag number as provided in Section 6.04.020. If the owner has had an electronic chip implanted into a dog or has had the dog tattooed, the owner may present evidence of that chip or tattoo and the registration number of the chip to help identify the dog if it needs to be identified.

- A. The license shall expire on the first day of January next succeeding the date of the issuance thereof and the time fixed for the issuing of a license shall commence on the first day of January of each year and no license shall be issued to expire at any other time than that date. The license fee shall be paid in full for any year or part thereof.
- B. The Finance Director or his designee shall, together with the license, furnish a suitable tag which shall be worn by the dog for which such license is issued and shall be fastened to such dog in such manner that it can easily be inspected at all times by City authorities. Lost tags will be replaced by the Finance Director or his designee upon a payment of an additional fee of two and one half dollars (\$2.50).
- C. All persons must present a current rabies vaccination receipt before a City dog license can be obtained.
- D. It is unlawful for any person, who for purposes of securing the license, to falsely represent the breed, age or sex of any dog, or that the dog has been spayed or neutered.
- E. No person may use any license for any animal other than the animal for which it was issued.

6.04.040 Kennel License Required: No person, group of persons, or business entity shall own, keep, or harbor more than three (3) dogs or four (4) cats or any combination thereof of more than four (4) animals, of six (6) months of age or older or engage in the commercial business of breeding, buying, selling, trading, training or boarding cats or dogs or both cats and dogs without having obtained a kennel license from the Finance Director or his designee.

- A. The kennel license shall expire on the first day of January next succeeding the date of the issuance thereof. The time fixed for the issuing of a license shall commence on the first day of January of each year and no license shall be issued to expire at any other time than that date. The license fee shall be paid in full for any year or part thereof.
- B. The yearly fee for licensing a kennel shall be fifty dollars (\$50) which shall be the only business license fee the City requires of kennel owners.
- C. This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal clinic or hospital.
- D. This section shall not apply to and will not be construed to require a kennel license for any pet shop which sells animals of less than six (6) months of age.
- E. Kennel licenses shall not be issued for use in areas zoned R-1, R-2 and R-3.
- F. Violations of this section are enforced as provided in Chapter 6.18.

6.04.050 License and Permit Issuance and Revocation:

- A. The City of Moses Lake may revoke any animal permit or license if the person holding the permit or license refuses or fails to comply with this title, the regulations promulgated by the City of Moses Lake, or any law governing the protection and keeping of animals.
- B. Any person whose animal permit or license is revoked shall, within ten (10) calendar days thereafter, humanely dispose of all animals owned, kept, or harbored by such person and no part of the permit or license fee shall be refunded.
- C. It shall be a condition of the issuance of any permit or license that the City of Moses Lake shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.
- D. If the applicant has withheld or falsified any information on the application, the City of Moses Lake shall refuse to issue or may revoke a permit or license.
- E. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- F. Any person having been denied a license or permit may not reapply for a period of thirty (30) calendar days. Each re-application shall be accompanied by a twenty dollar (\$20) fee.
- G. Any dog impounded under the provisions of this chapter shall not be released until the owner of such dog shall have paid all fees and charges due and has obtained all required permits, licenses and/or registrations and has complied with any other conditions imposed by the City.

Section 4. Chapter 6.06 of the Moses Lake Municipal Code titled "Rabies Control" is created as follows:

**CHAPTER 6.06
RABIES CONTROL**

6.06.010 Rabies Control and Vaccination:

- A. It is unlawful to own, keep or harbor within the City bats or any species of animals designated as unlawful by the Washington State Department of Health pursuant to WAC 246-100-191 by reason of such species being a transmitter of rabies to human beings, including any bat, skunk, fox, coyote or raccoon, except under circumstances permitted by said WAC 246-100-191, which is incorporated herein by reference.

- B. It is unlawful to own, keep or harbor within the City any dog, cat, or ferret without a current rabies vaccination. All persons seeking to license a dog or cat, or to keep a ferret, shall be required to show proof of current rabies vaccination from a licensed veterinarian prior to licensing and bringing the animal into the City and said vaccination shall be kept current as long as the animal remains in the City. A durable and traceable rabies tag provided by the veterinarian shall be securely affixed to a collar and worn by the animal when outside or away from the owner's home or other enclosure.
- C. Any dog, cat, or other animal that has bitten any person shall be immediately confined at the animal shelter at the owner's or custodian's expense for a period of not less than ten (10) calendar days. No animal under confinement shall be released from confinement until such release has been approved by the Community Services Officer.
- D. It shall be unlawful for the owner of any dog, cat, or other animal that has bitten any person to destroy such animal before it can be properly confined by the Community Services Officer. The location of such confinement shall be determined by the Community Services Officer and shall be at the expense of the owner.
- E. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand of a Community Services Officer, produce such animal for examination and quarantine as prescribed in this section. If the owner, his agent, servant or competent member of his family, or any custodian of any such animal refuses to produce such animal, the owner, his agent, servant or competent member of his family, or any custodian shall be subject to immediate arrest if there shall be probable cause to believe that the animal has inflicted a bite upon a person and the owner, his agent, servant or competent member of his family, or any custodian is keeping or harboring the animal and willfully refuses to produce the animal upon such demand. Such persons shall be taken before a judge of the Municipal Court, who may order the immediate production of the animal. If the owner, his agent, servant or competent member of his family, or any custodian of such animal shall willfully or knowingly secrete or refuse to produce the animal, each day of secretion or refusal to produce the animal shall constitute a separate and individual violation of this section.
- F. When an animal under quarantine has been diagnosed as being rabid by a licensed veterinarian, the veterinarian making such diagnosis shall immediately notify the County Public Health Officer and advise him of any reports of human contact with such rabid dog, cat or ferret. If any animal under quarantine dies while under observation, the Community Services Officer or his agents shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as a diagnosis is made available, the Community Services Officer shall notify the County Public Health Officer of any reports of human contact with the animal. Any animal which has not been inoculated against rabies and known to have been bitten by a rabid animal shall be humanely destroyed immediately.
- G. Every physician or other medical practitioner who treats a person or persons for bites inflicted by animals shall report such treatment to the Community Services Officer, giving the names and addresses of such persons.
- H. Any veterinarian who diagnoses rabies in any animal shall report such fact to the Community Services Officer. The veterinarian shall determine, before any rabies inoculation is given, whether the subject animal is under quarantine or has inflicted a bite on any person within the last ten (10) calendar days.
- I. In case of an outbreak of rabies, constituting an emergency situation, the City Manager shall be authorized to impose strict regulations pertaining to animals within the City limits.

Section 5. Chapter 6.08 of the Moses Lake Municipal Code titled "Impounds" is created as follows:

**CHAPTER 6.08
IMPOUNDS**

6.08.010 Impoundment Procedure - Disposition:

- A. Any City authority designated by the City Manager to engage in animal control enforcement may impound any animal under the following conditions:
1. Any animal that has been humanely trapped.
 2. Any animal found in violation of the provisions of this title if the owner is unknown, or if known, if the owner is not readily available.
 3. Any animal neglected or abandoned by its owner, including any animal that is found abandoned within any building, establishment, or within or on any premises, whether public or private.
 4. Any animal that is sick or injured and the owner is not present or able to take charge of the animal.
 5. Any animal remaining at the scene of a crime or accident and the owner has been incarcerated or hospitalized.
 6. Any animal seized by the court.
 7. Any potentially dangerous or dangerous dog, inherently dangerous mammal, or inherently dangerous reptile found in violation of the provisions of this title and/or state law.
 8. Any inherently dangerous mammal or inherently dangerous reptile that has inflicted a bite or is found running at large.
- B. The Community Services Officer upon impounding an animal shall make a complete record, entering the description of each animal. If the owner of the animal is known or if the animal is identifiable by license or other identification, the Community Services Officer shall attempt to notify the owner within forty-eight (48) hours by service or posting of notice that his/her animal has been impounded and where it may be redeemed. The reading of a license tag or the scanning for a microchip shall constitute reasonable attempts to identify the animal. The City or animal shelter shall not be liable for the failure of a scanner to detect the presence of a microchip.
- C. If the owner is known, the animal shall be held at least ninety-six (96) hours after the attempt to notify is accomplished. If the owner is unknown, the animal shall be held at least seventy-two (72) hours after the time of impound. If the animal has been impounded pursuant to quarantine and has not been found to be suffering from rabies, the animal shall be held at least seventy-two (72) hours after the end of the quarantine period and examination by a licensed veterinarian.
- D. Redemption of impounded animals.
1. Any dog or cat (except dangerous dogs, potentially dangerous dogs, and inherently dangerous mammals or reptiles), impounded pursuant to the provisions of this Chapter may be redeemed by the owner or other authorized person upon payment in full of all legal charges and expenses incidental to the impoundment and boarding of the animal and by demonstrating that all conditions for the release of the animal have been met.
 2. If a domestic animal is impounded and taken to the animal shelter more than twice during a twelve (12) month period it will be mandatory that a microchip capable of being scanned by an "AVID" or other equivalent brand microchip scanner be implanted in the animal before it is released to the owner. The owner of said animal shall incur all expenses incidental to the microchip process and shall provide written proof of said process to the animal control authority. The owner or other authorized person redeeming an unlicensed

dog over the age of six (6) months shall pay twice the license fee, any late penalty fee if applicable, and a fifty dollar (\$50) deposit for animals for which rabies vaccinations are not current. The deposit will be refunded when the animal is vaccinated and proof of vaccination is presented to the Community Services Officer.

3. Prior to redemption of a dog that has been declared dangerous, the owner shall present proof of the dog's residency outside of the City limits which shall include a physical address, written verification of the dog's ownership, and written verification that the owner resides at the physical address provided as the dog's residence outside of the City limits. The owner, at his/her sole cost and expense, shall also be required to have the dangerous dog microchipped prior to its release from impound. As a condition of the dangerous dog's release, the owner shall sign a written statement acknowledging that the dangerous dog is prohibited from being within the City limits and that, in the event the dangerous dog is found within the City limits following its release from impound, the dangerous dog will be subject to immediate seizure and impound and shall be humanely euthanized at the direction of the Community Services Officer.

Prior to redemption of a dog that has been declared potentially dangerous, the owner shall present proof of compliance with Section 6.05.110 and any other applicable code provision.

4. Any dangerous dog, potentially dangerous dog, or inherently dangerous mammal or reptile found in violation of this title may be held at the animal shelter at the owner's expense until adjudication by the court.

E. Disposition of animals.

1. Animals not redeemed within the time periods as set forth herein will be considered forfeited and may be adopted or humanely destroyed by euthanasia at the discretion of the Community Services Officer, except those animals known to have bitten or which have been found dangerous or potentially dangerous shall not be adopted. However, the owner or keeper will remain responsible for payment of all legal expenses and charges incidental to the impound. If the failure to reclaim the pet animal is due to the owner's incarceration or incapacity, notification of incarceration or incapacity to the animal shelter will serve to extend the forty-eight (48) hour hold period by an additional forty-eight (48) hours. The animal may be reclaimed during that additional forty-eight (48) hour hold period by any person who has obtained the written or verbal permission of the owner to reclaim the animal, or by any person who is a legally appointed agent for the owner or keeper. Verbal permission must be provided by the owner to the Community Services Officer or his/her designee.
2. Upon receipt of written permission from the owner, animals may be adopted or humanely destroyed by euthanasia without regards to the holding periods outlined herein.
3. Any animal as may be determined by the Community Services Officer or licensed veterinarian to be suffering from serious injury or disease may be humanely destroyed by euthanasia without regard to the holding periods outlined herein.
4. Any animal as may be determined by the Community Services Officer to be feral may be humanely destroyed by euthanasia without regard to the holding periods outlined herein.
5. Any previously declared dangerous dog that has bitten shall be humanely destroyed by euthanasia after the quarantine period.
6. Inherently dangerous animals and/or inherently dangerous reptiles which have bitten or been found running at large shall be humanely destroyed by euthanasia or transferred to a suitably licensed facility such as a zoo without regard to the holding periods outlined above.

- F. Opportunity for Hearing on impound/reclaim fees and costs: Prior to reclaiming an impounded animal, an owner or keeper who wishes to contest the impoundment of his/her animal and/or the assessment of fees pursuant to impoundment, may utilize the following procedure:
1. The owner or keeper must appear in person at the animal shelter and request the form for contesting impoundment and fees. If the owner or keeper is unable to personally appear due to his/her incarceration or incapacity, he/she may provide written or verbal permission to another person to act in his/her place. Verbal permission must be provided to the Director or his/her designee.
 2. The owner or keeper or his/her designee must complete the form and sign it under penalty of perjury.
 3. The owner or keeper or his/her designee must give the completed form to staff at the animal shelter. The City Manager or his/her designee will review the form and records on file for the impoundment, will meet with the owner or keeper or his/her designee, and will decide based on all of the above whether to impose the fees for impoundment and other services as set forth in this section; to adjust the fees based on the completed form; or to not assess fees based on the completed form. The decision will be discretionary with the City Manager or his/her designee, and is non-appealable.
- G. Housing fees shall be as established by the animal shelter. Such fees shall include all costs of housing such animals.

6.08.020 Fees: Any animal impounded under the provisions of this chapter shall not be released until the owner of such animal shall have paid all fees and charges due and has obtained all permits, licenses, and registrations as required herein.

Section 6. Chapter 6.10 of the Moses Lake Municipal Code titled "Dangerous Dog and Potentially Dangerous Dog" is created as follows:

**CHAPTER 6.10
DANGEROUS DOG AND POTENTIALLY DANGEROUS DOG**

- 6.10.010 Title: The ordinance codified in this chapter shall be referred to as the dangerous dog and potentially dangerous dog ordinance.
- 6.10.020 Applicability: The provisions of this chapter shall apply to adult dogs only, which means any dog over the age of six (6) months. The declaration of dangerous dog or potentially dangerous dog follows the dog, regardless of ownership or change of ownership.
- 6.10.030 Definitions: The following definitions shall apply throughout this chapter:
- A. "Animal control authority" means the department of the City charged with the responsibility of administering the provisions of this chapter, or the department and any other agency to which this responsibility is contractually delegated and which is thereby charged with the duty of enforcing the animal control laws of the City and/or with the shelter and welfare of animals.
 - B. "Animal control officer" means any person or agency designated by the City as a law enforcement officer or quasi-law enforcement officer who is authorized to implement the provisions of this chapter and this title.
 - C. "Dangerous dog" means any dog that:
 1. Inflicts severe injury on a human being without provocation on public or private property; or
 2. Kills a domestic animal, without provocation, while the dog is off the owner's property; or

3. Has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.
 - D. "Owner" means any person, firm, corporation, organization, or department in possession of, harboring, keeping, having an interest in, or having control or custody of an animal.
 - E. "Potentially dangerous dog" means:
 1. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to or to otherwise endanger the safety of humans or other domestic animals; or
 2. Any dog which unprovoked inflicts bites on a human or domestic animal either on public or private property; or
 3. Any dog which unprovoked chases or approaches a person upon the streets, sidewalks, or other public grounds in a menacing fashion or apparent attitude of attack.
 - F. "Proper enclosure" of a dangerous dog or a potentially dangerous dog means that while on the owner's property, a dangerous dog shall either be:
 1. Securely confined indoors; or
 2. In a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of ten (10) years and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and provide protection from the elements for the dog. If such pen or structure does not have a bottom that is secured to the sides, the sides must be embedded at least one foot (1') into the ground.
 - G. "Running at large" means to be off the premises of the owner and not under the immediate control of the owner or other competent person authorized by the owner, by means of a leash, cord or chain, except when in or on any vehicle and securely confined to such vehicle; except that, for purposes of this definition, the "premises of the owner" shall not include common areas of a condominium complex, town houses, duplexes, and apartment buildings, and any animal not in the effective control of its owner upon the common area of a condominium complex, town house, duplex, or apartment building, or the grounds thereof, shall be deemed to be running at large.
 - H. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.
- 6.10.040 Defense: Dogs shall not be declared dangerous or potentially dangerous if the threat, injury, or damage was sustained by a person who, at the time:
- A. Was committing a willful trespass or other tort upon the property or vehicle occupied or owned by the owner of the dog; or
 - B. Was tormenting, abusing, or assaulting the dog; or
 - C. Has, in the past, tormented, abused, or assaulted the dog; or
 - D. Was committing or attempting to commit a crime.
- 6.10.050 Declaration of Dangerous Dog or Potentially Dangerous Dog – Procedure:
- A. The Community Services Officer shall issue a notice of potential declaration to the owner of the dog following the guidelines of service found at MLMC 6.10.090. Said notice will include an opportunity for the owner to discuss the action in writing or orally with the Community

Services Officer within fourteen (14) calendar days of receipt of the notice.

- B. After the discussion or the fourteen (14) day period, whichever comes first, the Community Services Officer shall issue a final decision in the form of either a final declaration or a letter of no finding.
- C. If the dog has been impounded due to its actions, such impoundment shall continue during the pendency of the above procedure. The owner shall be responsible for the cost of impoundment regardless of the outcome of the action.
- D. The Hearing Examiner in an appeal pursuant to this Chapter can take note of and consider the owner's failure to discuss the action with the Community Services Officer or failure to raise any and all defenses at the discussion with the Community Services Officer.

6.10.060 Notice of Potential Declaration: Notice in the form of a declaration given to an owner in the manner described below or in MLMC 6.10.080 shall be prima facie evidence that the owner acted knowingly, although notice is not the only way to prove the owner's knowledge of the animal's propensity. Any notice of potential declaration must be in writing and include the following:

- A. A description of the animal;
- B. The name and address of the owner, if known;
- C. The whereabouts of the animal if it is not in the custody of the owner;
- D. A brief statement of why the dog is being considered a dangerous or potentially dangerous dog;
- E. The specific provision or provisions of MLMC 6.10.030(3) or (5) which the Community Services Officer has found applicable;
- F. The restrictions that could be placed on the dog as a result of a final declaration;
- G. The penalties for violation of the restrictions of a final declaration, including the possibility of destruction of the dog, civil damages assessed against the owner, imprisonment and fines incurred by the owner through criminal prosecution;
- H. The date, time and location to meet with the Community Services Officer to discuss the action.

6.10.070 Evidence: Based on an investigation, the Community Services Officer may find and declare a dog dangerous or potentially dangerous if he has a reasonable belief that the dog falls within the definitions set forth in MLMC 6.10.030(3) or (5). For the purposes of this chapter, a reasonable belief may be supported by any of the following:

- A. The written complaint of a citizen who has witnessed the animal acting in a manner which causes it to fall within the definitions in MLMC 6.10.030(3) or (5) and is willing to so testify in a court of law; or
- B. Dog bite reports filed with the Community Services Officer; or
- C. Actions of the dog witnessed by the Community Services Officer or any law enforcement officer; or
- D. A verified report that the animal previously has been found to be either potentially dangerous or dangerous by the Community Services Officer; or
- E. Other substantial evidence admissible in a court of law.

6.10.080 Final Decision: The final decision shall consist of either a final declaration or a letter of no finding issued to the owner.

A. In the event the Community Services Officer finds reason to issue a final declaration, it shall contain the following:

1. A description of the animal;
2. The name and address of the owner, if known;
3. The date and time of the meeting with the owner, if any;
4. A brief statement of why the dog has been found to be a dangerous or potentially dangerous dog;
5. The specific provision or provisions of MLMC 6.10.030(3) or (5) which the Community Services Officer found applicable;
6. The restrictions placed on the dog as a result of the declaration;
7. The penalties for violation of the restrictions, including the possibility of destruction of the dog, civil damages assessed against the owner, imprisonment and fines incurred by the owner through criminal prosecution;
8. A statement that the declaration can be appealed to the Hearing Examiner pursuant to Section 6.10.100 within fourteen (14) calendar days; and
9. A statement that failure to file a timely and complete notice of appeal will constitute a waiver of all rights to appeal said declaration.

B. A letter of no finding shall include:

1. A description of the animal;
2. The name and address of the owner;
3. The date and time of the meeting with the owner;
4. A brief summary of testimony and evidence presented at such discussion;
5. A brief summary of why the animal is not being found dangerous or potentially dangerous.

6.10.090 Service: Service of the notice of potential declaration, final declaration or letter of no finding shall be in writing, and shall be served on the owner in one of the following methods:

- A. Certified mail, return receipt requested or delivery confirmation requested, to the owner's last known address; or
- B. Personally delivered with proof of personal service made by written declaration under penalty of perjury by the person effecting service declaring the time, date and manner in which service was made; or
- C. Posting the declaration on the front door of the living unit of the owner, or person with right to control the animal if said owner is not home; or
- D. Publication in a newspaper of general circulation, if the owner cannot be located by one of the above methods.

6.10.100 Appeal of Potentially Dangerous or Dangerous Dog Determination:

- A. Any owner of a dog which has been declared potentially dangerous or dangerous by the Community Services Officer, pursuant to this section may appeal the notice by filing with the Finance Director within fourteen (14) calendar days from the date of the notice, a written notice of appeal. Said written notice of appeal shall be on a form provided for that purpose by the Finance Director and must contain the following items:
 1. A caption reading: "Appeal of Potentially Dangerous Dog or Dangerous Dog Determination" giving the name of the appellant;
 2. A brief statement of the finding being appealed, together with any material facts claimed to support the contentions of the appellant including but not limited to the following written information and/or documents:
 - a. Specific basis on which the owner contests the determination of potentially dangerous or dangerous dog;
 - b. Any breed identification or registration paperwork, certificates, pedigrees, or the like regarding the dog in question;
 - c. Any expert testimony supporting or corroborating the owner's assertion that the dog is not a potentially dangerous or dangerous dog;
 - d. Any certifications or other evidence establishing training courses completed by the dog and its owner, such as obedience training or canine good citizen training.
 3. A brief statement of the relief sought, and the reasons why the finding should be reversed, modified, or otherwise set aside.
 4. A statement acknowledging that if the Hearing Examiner finds there is sufficient evidence to support the potentially dangerous or dangerous dog determination, all costs of the appeal process, including attorney's fees, shall be assessed against the owner.
 5. The current address of the appellant.
 6. A verification, by declaration under penalty of perjury, made by the appellant as to the truth of the matters stated in the appeal, pursuant to RCW 9A.72.085.
- B. Failure to file a timely and complete notice of appeal constitutes a waiver of all rights to an appeal under this chapter. Failure to appear for an appeal hearing shall result in a denial of the appeal and upholding of the declaration of potentially dangerous or dangerous dog.
- C. Upon receipt of a timely filed and completed notice of appeal, a notice of hearing shall be sent to the appellant, setting the date, time and place of the appeal hearing.
- D. The Hearing Examiner shall set a date and time for hearing the appeal following receipt of a timely filed and complete notice of appeal. The filing of a notice of appeal shall not stay the requirements for restraint of the dog provided to the owner pursuant to this chapter.
- E. The appeal shall be heard before the Hearing Examiner for the City. At the hearing, the dog shall be declared potentially dangerous or dangerous upon proof that the dog is as defined in MLMC 6.10.030(3) or (5), as established by the probable cause standard required for the declaration of the Community Services Officer.
- F. The burden shall be upon the owner of the dog to prove one or more of the affirmative defenses set forth in 6.10.040 by a preponderance of the evidence. The affirmative defenses set forth in 6.10.040 shall not apply in actions to declare the dog to be potentially dangerous.

- G. At the hearing, the owner of the dog found to be a potentially dangerous or dangerous dog shall be permitted to present evidence in support of the owner's position at the hearing.
 - H. At the conclusion of the hearing, the Hearing Examiner shall issue a written decision.
 - 1. If the Hearing Examiner finds there is insufficient evidence to support the potentially dangerous or dangerous dog determination, it shall be rescinded and the restrictions imposed thereby annulled. No Hearing Examiner costs shall be assessed and any potentially dangerous or dangerous dog registration fee paid shall be refunded.
 - 2. If the Hearing Examiner finds there is sufficient evidence to support the potentially dangerous or dangerous dog determination, all costs of the appeal process, including attorney's fees, shall be assessed against the owner.
 - I. The decision of the Hearing Examiner shall be final and shall be mailed to the owner. Proceedings to review the decision must be instituted within fifteen (15) calendar days of the date the written decision was mailed.
 - J. All impound fees are the responsibility of the owner of the dog, no dog impound expense and fee(s) shall be assessed against the City of Moses Lake or the animal control authority or officer.
- 6.10.110 Registration of Potentially Dangerous Dog Required: All potentially dangerous dogs residing within the City of Moses Lake must be registered to the current owner. The fee for registration of a potentially dangerous dog is one hundred dollars (\$100). Registration must be renewed annually.
- A. A potentially dangerous dog certificate of registration shall be issued by the Community Services Officer to the owner of a potentially dangerous dog if the owner presents to the Community Services Officer sufficient evidence of:
 - 1. A proper enclosure as defined in MLMC 6.10.030(F) in which to confine the potentially dangerous dog;
 - 2. Proof of payment of the annual registration fee;
 - 3. Proof that the dog has been micro-chipped, including providing the microchip serial number or proof that the dog has been tattooed, including providing the tattoo number;
 - 4. Written acknowledgment of receipt of a copy of this chapter that includes a statement that the person acknowledging has read and understood what is required to keep a potentially dangerous dog within the City and what actions may lead to a dangerous dog declaration.
 - B. Exemption to certificate of registration of potentially dangerous dog. A dog that is classified as a potentially dangerous dog under the provisions of this chapter may be exempted from the Certificate of Registration requirements of this section, provided such dog has passed the Canine Good Citizen (CGC) test of the American Kennel Club (AKC) as administered by an AKC approved evaluator and has received the appropriate certificate from the AKC. Such dog shall be retested and shall pass such CGC test at least once every two (2) years in order to maintain this exemption. The burden of maintaining such certification is the sole responsibility of the owner and the owner shall bear all costs of obtaining and maintaining such certification.
- 6.10.120 Prohibited Acts: It shall be unlawful for any person to:
- A. Keep a dangerous dog within the City limits;
 - B. Fail to register a potentially dangerous dog under MLMC 6.10.110(A) within thirty (30) calendar days of bringing the dog into the City limits or after it has been declared a potentially dangerous dog;

- C. Fail to keep a potentially dangerous dog in a proper enclosure as defined in MLMC 6.10.030(F);
- D. Allow a potentially dangerous dog outside of a proper enclosure, unless the dog is muzzled, restrained by a substantial chain or leash and under the physical control of a person over the age of eighteen (18) years who is of sufficient size and stature to control the animal. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

6.10.130 Penalties:

- A. Violations of any of the prohibited acts under MLMC 6.10.120 may result in the following penalties:
 - 1. Immediate confiscation of the dog:
 - a. The Community Services Officer shall immediately confiscate and impound any dangerous dog found within the city limits in violation of this Chapter and the animal control authority shall hold the same until such time as the prohibited act is abated.
 - b. The Community Services Officer shall immediately impound any dangerous dog or potentially dangerous dog found running at large as defined in MLMC 6.10.030(G).
 - c. Civil infraction subject to a C-1 penalty.
 - B. If a dangerous dog of an owner with a prior conviction under this chapter or Chapter 16.08 RCW attacks or bites a person or another domestic animal, the dog's owner is guilty of a Class C felony, punishable in accordance with RCW 9A.20.021. In addition, the dangerous dog shall be immediately confiscated by an Community Services Officer, placed with the animal control authority to be held in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
 - C. The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether the dog has previously been declared potentially dangerous or dangerous, shall be guilty of a Class C felony, punishable in accordance with RCW 9A.20.021. In addition, the dangerous dog shall be immediately confiscated by an Community Services Officer, placed with the animal control authority to be held in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
 - D. Any person violating this Chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

6.10.140 Destruction: Whenever the animal control authority comes into possession of a dangerous dog or potentially dangerous dog they shall destroy the same if the dog is not reclaimed by the owner within thirty (30) calendar days. Under no circumstances shall a dangerous dog be sold or given to another as a pet.

6.10.150 Costs:

- A. The owner of any dog found to be a potentially dangerous dog or dangerous dog under this chapter shall be assessed all actual service costs expended under MLMC 6.10.090.
- B. The owner of any dog found to be a potentially dangerous dog or dangerous dog under this chapter shall be assessed all costs of confinement for any dog impounded pursuant to a violation of MLMC 6.10.120.

C. The owner of any dog found to be a potentially dangerous dog or dangerous dog under this chapter shall be assessed all costs of destruction expended for any dog impounded and not reclaimed under MLMC Chapter 6.08.

6.10.160 Failure to Reclaim: Whenever a dog is seized and impounded under this chapter, the failure to either reclaim the dog or to give a written surrender of the dog to the animal control authority shall result in the owner being prohibited from registering any new dogs in the City for a period of one (1) year. This prohibition shall not apply to the renewal of any existing dog license.

6.10.170 Nuisance: The harboring, keeping, and maintaining of a potentially dangerous dog or dangerous dog contrary to this chapter is a public nuisance and is subject to abatement by judicial procedure or by a summary abatement in an emergency or life-threatening situation. If summary removal of a dog occurs, the dog shall not be destroyed before a hearing can be held concerning the removal and destruction unless public health and safety requires otherwise.

6.10.180 Notification of Status of Potentially Dangerous Dog: The owner of a dog that has been classified as a potentially dangerous dog shall immediately notify the animal control authority when such dog:

- Is loose or unconfined; or
- Has bitten or otherwise injured a human being or attached another animal; or
- Is sold or given away or dies;
- Is moved to another address.
- Is removed from the City of Moses Lake.

Prior to a potentially dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority. The new owner shall comply with all of the requirements of this Chapter.

6.10.190 Dog Declared Dangerous or Potentially Dangerous by Another Jurisdiction:

A. 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, under the provisions of chapter 16.08 RCW or comparable local ordinance, must notify the animal control authority prior to moving the dog to the City. The person must provide all information requested by the animal control authority 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.

B. Except to the extent inconsistent with this Section, an appeal from the decision of the animal control authority under this Section may be appealed in the manner set forth in MLMC 6.10.100. At the hearing, the presumption shall be that the previous jurisdiction's determination is correct and the burden shall be upon the appellant to demonstrate the invalidity of the prior declaration or similar process.

Section 7. Chapter 6.14 of the Moses Lake Municipal Code titled "Miscellaneous Provisions" is created as follows:

**6.14
MISCELLANEOUS PROVISIONS**

6.14.010 Large Livestock Running at Large: It shall be unlawful for the owner or custodian of any horse, livestock, or other animals generally regarded as farm or ranch animals to permit the same to run at large within the corporate limits of the City.

6.14.020 Guard Dogs: It shall be unlawful to place or maintain guard dogs in any area for the protection of persons or property unless the following conditions are met:

- A. The dogs shall be confined to an enclosed area adequate to insure that they will not escape.
 - B. They shall be under the absolute control of a handler at all times.
 - C. Warning signs shall be conspicuously posted indicating the presence of guard dogs, and such signs shall plainly show a telephone number where some person responsible for controlling such dogs can be reached at all times.
 - D. Prior to the posting of guard dogs on any property, the person or persons responsible for the posting shall inform the supervising Community Services Officer in writing of their intention to post such dogs, the number of dogs to be posted, the location where such dog or dogs will be posted and the approximate length of time such dog or dogs will be patrolling the area.
 - E. Violations of this section are enforced as provided in Chapter 6.18.
- 6.14.030 Confinement of Females in Heat: Any un-spayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building, or secure enclosure, and such area of enclosure shall be so constructed that no other dog or dogs may gain access to the confined animal. Except that an owner can take the dog out of confinement so long as on a leash and can take the dog to a show and show that dog unleashed if a requirement of the show. The Community Services Officer shall order any un-spayed female that is in the stage of estrus (heat) and that is not properly confined or leashed or being shown unleashed at a show, or any such dog that is creating a neighborhood nuisance to be removed to a boarding kennel or to a veterinary hospital. All expenses incurred as a result of the confinement shall be paid by the owner. Failure to comply with the order of the Community Services Officer shall be a violation of this provision, and the animal shall then be impounded.
- 6.14.040 Responsibility of Owner or Custodian:
- A. It shall be the responsibility of the owner or custodian of any animal within the corporate limits of the City to so control and care for their animal so as to prevent and keep that animal from being in violation of this chapter. In any proceeding to enforce the provisions of this title, it shall be conclusively presumed that the owner or custodian of any animal within the corporate limits of the City is aware of the animal's whereabouts, condition, or method of being treated and/or maintained.
 - B. The owner or custodian of any animal within the corporate limits of the City shall be responsible for any cost, charge, fee, or expense of any nature incurred by the City in capturing, controlling, caring for, or destroying any animal in violation of this chapter. Without limitation but by way of illustration, the following are examples of costs, charges, fees, and expenses which the owner or custodian shall be responsible to pay to the City: board charges, tranquilizer costs, euthanasia costs, veterinary expenses.
- 6.14.050 Interference With Community Services Officer: It shall be unlawful for any person to interfere with, molest, hinder or obstruct a Community Services Officer or any City employee or official in the discharge of his official duties under this chapter.
- 6.14.060 Running At Large:
- A. It is unlawful for any owner or custodian of any dog to permit any such dog to run loose or be at large upon any public street, highway, or public place, or upon private property owned by a person or persons other than the owner or custodian of the dog, within the corporate limits of the City unless such dog is confined and controlled by a leash, rope, device or cord of such length as is sufficiently short to allow for the containment and control of such dog. Such leash, rope, device, or cord shall be of such material and of such size as to insure the custodian of the dog at the time can control and restrain the dog. Any person who elects to be at large within the corporate limits of the City with a dog or dogs contained and controlled by a leash, rope, device, or cord as provided for herein shall be in violation of this section if that person

in fact does not or cannot control and contain any dog by the leash, rope, device, or cord method.

- B. Animals injured or killed in the street shall be considered as running at large; the Community Services Officer shall remove all such animals and, at his discretion, take those needing medical attention to a veterinarian or the animal shelter. The owner of any such animal shall be responsible for all expenses of the treatment and of the impoundment. Reasonable efforts will be made using the licensing records of the City to notify the owner or custodian of any such animal prior to the animal being treated and impounded. Injured animals may be destroyed humanely, if it is determined by the Community Services Officer or a veterinarian that the animal has sustained critical injuries, suffering is extreme, and/or the prognosis for recovery is poor. The Community Services Officer shall consult with a veterinarian as to the disposition of injured animals, when the animals' prognosis cannot be ascertained with reasonable certainty.

6.14.070 Habitual Violations:

- A. If, within any twelve (12) month period, a person has received three (3) notices of infraction for violations of this chapter, the Community Services Officer may serve a written abatement notice on the person or upon the owner/keeper of the animal that is the subject of the notices of infraction. No notice of infraction which a person has properly responded to and is actively pending, or that was decided on the merits adversely to the City, shall be included among the three (3) notices of infraction. Service of the abatement notice shall be accomplished by issuing a Notice of Violation and Order to Correct pursuant to MLMC Chapter 1.20.
- B. The Notice of Violation shall, at a minimum:
1. Identify the three (3) notices of infraction;
 2. Identify the provision of this chapter that authorizes the abatement notice; and
 3. Describe what the person receiving the abatement notice must do to comply with its terms and the deadline for doing so. This may include permanently transferring ownership, custody and control of the animal to another person not related to or residing with the person receiving the Notice; removing the animal from the City; or humanely causing such animal to be euthanized.
- C. The person receiving the abatement notice shall, upon request of the Community Services Officer, provide the Community Services Officer with a written statement signed under the penalty of perjury, stating how the person has complied with such abatement notice. Such person shall provide the Community Services Officer such other information as the Community Services Officer reasonably needs to substantiate compliance with the notice.
- D. In the event that the person receiving the abatement notice should fail to comply therewith, and in the further event that such person should not file a notice of appeal of such abatement notice as herein provided, or in the event that such person should fail to comply with such notice of abatement following affirmance thereof by a court, the animal which is the subject of such notice of abatement shall be deemed to be a public nuisance and it may be seized, impounded and disposed of as provided in this chapter; provided, however, that the owner/keeper of such animal shall not be entitled to redeem such animal after such seizure and impoundment.

- 6.14.080 Dogs Barking: It shall be an infraction to keep or harbor any dog that disturbs others by engaging in loud behavior or barking. It shall be the duty of City Police Officers or Community Services Officers to respond to and investigate complaints of any dog which by frequent or habitual howling, yelping, or barking annoys or disturbs a neighborhood or the quiet and repose of a complainant, and shall have the authority to issue a notice of infraction.

6.14.090 Animal Bites/Injuries: It shall be unlawful for any owner or custodian to permit an animal to bite or injure a human or domestic animal.

Section 8. Chapter 6.16 of the Moses Lake Municipal Code titled "Exotic Animals" is created as follows:

**CHAPTER 6.16
EXOTIC ANIMALS**

6.16.010 Chapter intent: It is the intent of the Moses Lake City Council to limit and set conditions on the possession or maintenance of exotic animals in order to preserve the public peace and safety and to assure the humane treatment of exotic animals.

6.16.020 Definitions: The definitions in Chapter 6.02 apply throughout this chapter unless the context clearly requires otherwise.

6.16.030 Possession Unlawful – Exception – Rules and Regulations Compliance: The possession or maintenance of an exotic animal within the City of Moses Lake by private citizens as pets is prohibited unless the owner possessed or maintained the exotic animal on or before January 1, 2014, and agrees to promptly act to satisfy the licensing requirements of this title and such rules and regulations as the City Manager/Community Services Officer may adopt regarding the maintenance of the animals.

6.16.040 License – Issuance Generally – Fees: The Finance Director may cause to be issued an exotic animal owner's license that shall authorize the licensee to possess or maintain all or some of such species of exotic animals if the application is accompanied by payment of the license fee, contains the information required pursuant to this title and meets the cage or confinement rules and regulations of the Community Services Officer. The fee for the license shall be as provided for in this title. All licenses shall expire one (1) year from the original application.

6.16.050 License – Application – Content: A verified application for an exotic animal owner's license made in triplicate shall be filed by the applicant with the Community Services Officer. The application shall contain the following:

- A. A legal or otherwise adequately precise description of the premises that the applicant desires to use under the required license;
- B. Whether the applicant owns or rents the premises to be used;
- C. If the applicant rents the premises, a written acknowledgment by the property owner that the applicant has the owner's permission to carry on the activity as described in the license application for the duration of the license;
- D. The extent of improvement upon the premises;
- E. A map or diagram of the premises showing where the improvements are located thereon;
- F. A statement indicating the species of exotic animal that the applicant desires to possess or maintain;
- G. A statement indicating how the animal will be caged or otherwise confined, accompanied with a drawing detailing the dimensions of and the materials used for the cage or similar confinement; and
- H. Such further information as may be required by rules and regulations of the Community Services Officer.

- 6.16.060 License – Issuance – Inspection: If, after investigation by the Community Services Officer, it appears that the applicant is the owner or tenant of or has a possessory interest in the property shown in the application; if applicable, has the written permission of the property owner and that the applicant intends in good faith to possess or maintain an exotic animal in accordance with the law and the rules and regulations of this Chapter, the Finance Director shall issue a license to the applicant describing therein the premises to be used by the licensee and certifying that the licensee is lawfully entitled to use the same for the possession or maintenance of the exotic animal or animals specified in the license. However, before issuing the license, the Community Services Officer shall inspect the cage or other confinement as required by rule or regulation and specified in the licensee's application in order to determine whether the cage or confinement meets the standard specifications for the classification of the exotic animal. If the cage or confinement is deemed inadequate, the applicant shall make such changes as are necessary to meet the standard specifications before the license shall be issued.
- 6.16.070 Periodic Inspection of Premises: The Community Services Officer, or any other officer authorized by the City Manager, may make routine periodic inspections of a licensee's premises and records in order to determine the number, kind, weight and condition of exotic animals possessed by the licensee, and for purposes of enforcing this chapter and the rules and regulations herein.
- 6.16.080 License Revocation – Notice – Hearing: The Finance Director may revoke, suspend or refuse to renew any exotic animal owner's license upon good cause for failure to comply with any provision of this chapter or the rules and regulations of the Community Services Officer authorized by this chapter, though the violator shall be first notified of the specific violation or violations and, if the violation can be remedied, the violator shall have fifteen (15) calendar days after receiving the notice of violation to correct the violation. Also, enforcement of such revocation, suspension or refusal shall be stayed during the pendency of an appeal filed in the matter.
- 6.16.090 Violation – Penalty: Any person possessing or maintaining an exotic animal in Moses Lake without an exotic animal owner's license as provided herein, or transferring possession of an exotic animal to a person not licensed as provided by this chapter, is guilty of a civil infraction and shall be subject to a penalty as provided for in Chapter 6.18 for failing to properly obtain a license. Any exotic animal maintained or possessed within the City in violation of any other provision of this Chapter shall be deemed a public nuisance and the owner shall be subject to a Notice of Violation and Order to Correct pursuant to MLMC Chapter 1.20.
- 6.16.100 Euthanasia in Exigent Circumstances: An exotic animal possessed or maintained in violation of this chapter or the rules and regulations of the Community Services Officer may be subject to euthanasia if any one of the following exigent circumstances is deemed to exist by the Community Services Officer:
- A. The exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement;
 - B. There is no reasonable basis to believe that the violation can be or in good faith will be corrected and after reasonable search or inquiry by the Community Services Officer no facility as authorized by local, state or federal law is available to house the exotic animal; or
 - C. The exotic animal suffers from a communicable disease injurious to other animals or human beings, though this subsection shall not apply if the animal is under treatment by a licensed veterinarian and may reasonably be expected to recover without infecting other animals or human beings.
- 6.16.110 Chapter limitations:
- A. The purpose of this chapter is to prohibit the private ownership of exotic animals as pets. Therefore, the provisions of this chapter shall not apply to any facility possessing or maintaining exotic animals as defined in this chapter which is owned, operated, or maintained by the City, County, State or the federal government, including but not limited to public zoos,

nor shall it apply to museums, laboratories and research facilities maintained by scientific or educational institutions, nor to private or commercial activities such as circuses, fairs, or private zoological parks which are otherwise regulated by law, nor to any recognized program engaged in the training of exotic animals as defined in this chapter for use as service animals by disabled citizens.

- B. Breeding, or allowing the reproduction of, exotic animals as defined in this chapter is prohibited; provided, that this prohibition shall not apply to any governmental facility possessing or maintaining exotic animals, nor shall it apply to private or commercial activities as set forth in subsection A of this section.

Section 9. Chapter 6.18 of the Moses Lake Municipal Code titled "Penalties and Enforcement" is created as follows:

**CHAPTER 6.18
PENALTIES AND ENFORCEMENT**

6.18.010 Notice of Violation and Order to Correct: When the Community Services Officer determines that any violation of Title 6 requires further and/or additional enforcement action, he or she may proceed against that violation using the procedures provided in this section and Chapter 1.20.

A. Notice of Violation and Order to Correct or Cease Activity:

- 1. General. If the Community Services Officer or any Police Officer determines that any activity or condition, related to the keeping or management of animals as set forth in Title 6 exists that does not conform to this Title, he or she may issue a Notice of Violation and Order to Correct or Cease Activity. This Notice will specifically indicate the following:
 - a. The name and address of the person(s) charged with the violation.
 - b. What provision of this chapter is being violated.
 - c. The street address of the site on which the violation has been determined to exist.
 - d. What is necessary to correct the violation.
 - e. The time by which the violation is to be corrected or activity ceased.
 - f. A statement that the civil penalties established in Section 1.20.050(E) shall be assessed against the person(s) cited if the violation is not corrected within the specified time period.
- 2. Notice to Occupant and Owner. The Community Services Officer shall deliver or cause to be delivered the Notice of Violation and Order to Correct or Cease Activity by U.S. postal mail, or certified mail return receipt requested, or personal service to the occupant or person in charge of the property.

B. Appeals. Any Notice of Violation and Order to Correct or Cease Activity issued by the Community Services Officer shall be appealable to the Hearing Examiner as provided in Chapter 1.20.

C. Penalties. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued shall be subject to the penalties provided for in Section 1.20.050(E). The cumulative penalty provided for in Chapter 1.20 shall not preclude the initiation of appropriate legal action to correct the violation.

D. The Community Services Officer may refer the matter to the City Attorney for civil enforcement by injunction or other appropriate action.

E. Compromise, Settlement, and Disposition of Disputes or Litigation. The Community Services Officer and the City Attorney may negotiate a settlement or compromise, or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the City.

6.18.020 Penalty: Failure to comply with any provisions of this chapter other than sections identified in MLMC 6.18.010 shall subject the violator to the following penalties as they are defined in Chapter 1.08 of this code:

<u>Violation</u>	<u>Penalty</u>
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A. Failure to obtain license (6.04.030)	C-13 (\$100)
First offense	C-7 (\$200)
Second offense within 12 months	C-11 (\$140)

B. Failure to renew license (6.04.030)	C-13 (\$100)
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C. Failure to keep required records (6.04.020)	C-20 (\$25)
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D. Failure to affix license (6.04.030(B))	C-7 (\$200)
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E. False representation (6.04.030(E))	C-7 (\$200)
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F. Use of license on another animal (6.04.030(F))	C-7 (\$200)
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G. Failure to obtain or maintain kennel license (6.04.040)	C-7 (\$200)
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H. Failure to dispose of animal whose permit/license has been revoked (6.04.050(B))	C-13 (\$100)
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I. Failure to provide evidence of current rabies vaccination (6.06.010(B))	C-20 (\$25)
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J. Failure to affix rabies tag (6.06.010(B))	C-4 (\$500)
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K. Failure or refusal to confine or produce, or the destruction of, a biting animal (6.06.010(C)(D)(E))	C-4 (\$500)
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L. Failure to report bite injury or rabies diagnosis (6.06.010(F)(G)(H))	C-13 (\$100)
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M. Keeping of animal in violation of WAC 246-100-191 (6.06.010(A))	C-7 (\$200)
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N. Failure to pay/renew registration fee for potentially dangerous dog (6.10.110)	C-1 (\$1,000)
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O. Keeping dangerous dog in city limits (6.10.120(A))	C-4 (\$500)
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P. Failure to register potentially dangerous dog (6.10.120(B))	C-4 (\$500)
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Q. Failure to keep potentially dangerous dog in required enclosure (6.10.120(C))	C-4 (\$500)
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R. Failure to properly muzzle and/or restrain a potentially dangerous dog (6.10.120(D))	C-1 (\$1,000)
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S. Dangerous dog at large (6.10.130)	C-4 (\$500)
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- T. Livestock at large (6.14.010)
First offense
Each subsequent offense
C-4 (\$500)
C-1 (\$1,000)
- U. Failure to comply with restrictions and conditions for keeping
guard dogs (6.14.020)
C-7 (\$200)
- V. Failure to confine female in heat (6.14.030)
First offense
Each subsequent offense
C-7 (\$200)
C-5 (\$400)
- W. Interference with Community Services Officer (6.14.040)
C-4 (\$500)
- X. Dog at large (6.14.060)
First offense
Second offense
Each subsequent offense
C-17 (\$50)
C-13 (\$100)
C-4 (\$500)
- Y. Permitting an animal to bite or injure (6.14.090)
First offense
Each subsequent offense
C-7 (\$200)
C-4 (\$500)
- Z. Failure to obtain an exotic animal license (6.16.090)
C-4 (\$500)

Section 10. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

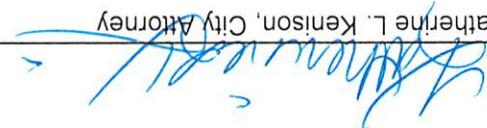
Adopted by the City Council and signed by its Mayor on March 24, 2015


Dick Deane, Mayor

ATTEST:


Robert Taylor, Finance Director

APPROVED AS TO FORM:


Katherine L. Kenison, City Attorney