

CITY ADMINISTRATOR
ROBERT OMANS

ASSISTANT CITY
ADMINISTRATOR
ERICA KRUM

CITY CLERK
DEBBIE LEE

FINANCE DIRECTOR
ROBIN NEWCOMB

PUBLIC WORKS DIRECTOR
MATHEW BAILEY

POLICE CHIEF
RICH ALBO

FIRE CHIEF
ED MILLS

PLANNING DIRECTOR
SHANNON JOHNSON

Public Safety & Health Committee Agenda

March 12, 2026

9:00 AM



119 W FIRST STREET
CLE ELUM, WA 98922

MAYOR
MATTHEW LUNDH

DEPUTY MAYOR
CASSIDY BUECHLE - CURTIS

PUBLIC SAFETY & HEALTH
COMMITTEE
CASSIDY BUECHLE-CURTIS —
CHAIR
STEVEN HARPER
BETH WILLIAMS

CITY ATTORNEY
CURTIS CHAMBERS

Join Virtually via Zoom: <https://zoom.us/j/7573184018?pwd=dERndiBJVC9GdVQ1d2ISRExwZFhXZz09>
Meeting ID: 757 318 4018 Passcode: 98922

Join by Phone: 1-(253)215-8782, Meeting ID: 757 318 4018, Passcode:98922

TextMyGov

Receive city text alerts: text CLEELUM to 91896

DISCLAIMER: The City does not guarantee that virtual or telephonic access to the City Council meeting will be available, and the City does not warrant audio quality. Attendees are encouraged to attend in person.

1. **Call to Order and Pledge of Allegiance**
2. **Unfinished Business**
 - a. Municipal Code — Addressing (Fire/Police)
 - b. Cle Elum Municipal Code — Chapter 2.15 — Fire Department
 - c. E-Bike — Discussion
 - d. Title 6 — Animals
 - e. Graffiti
3. **New Business**
 - a. Cle Elum Public Safety & Health — Meeting Minutes — February 18, 2026
4. **Other Committee Comments**
5. **Adjournment**

Upcoming Meetings:

Historic Preservation Commission Meeting — March 17, 2026, at 3:00 p.m.

Planning Commission Meeting — March 17, 2026, at 6:00 p.m.

Civil Service Commission Meeting — March 18, 2026, at 5:15 p.m.

Regular Council Meeting — March 24, 2026, at 6:00 p.m.

General Government Committee Meeting — March 25, 2026, at 8:30 a.m.

**Public Safety & Health Committee Agenda
March 12, 2026**

119 W FIRST STREET
CLE ELUM, WA 98922

Public Works & Community Development Committee Meeting — April 7, 2026, at 1:00 p.m.

Coal Mines Trail Commission Meeting — April 6, 2026, at 4:00 p.m.

Lodging Tax & Events Committee Meeting — April 8, 2026, at 8:30 a.m.

Public Safety & Health Committee Meeting — April 9, 2026, at 9:00 a.m.



[Home](#) > [Stay Informed](#) > [MRSC Insight Blog](#) > [June 2025](#)

> [Does Your Code Take E-Bikes and E-Scooters Into Account?](#)

Does Your Code Take E-Bikes and E-Scooters Into Account?

June 24, 2025 by [Leah LaCivita](#)

Category: [Cycling and Walking](#)



Ah, summer in Washington State: wildflower hikes, cold lake swims, and, more recently, gliding around on an electric-powered bike or scooter (e-bike; e-scooter). Whether it is due to environmental considerations, a desire for exercise, or to simply get somewhere faster, many people turn to e-bikes and e-scooters.

Public access to e-bikes/e-scooters has been enabled by shared micromobility companies like Lime or Bird, which began offering rentable options as early as 2017. The National Association of City Transportation Officials (NACTO) reported people [took 133 million trips](#) on shared micromobility devices in the U.S. in 2023, a 20% increase from 2022.

Even if your local government not does contract with a company to offer an e-bike/e-scooter share program, odds are that individuals in your community have purchased their own devices (after all, [over 1 million e-bikes were sold in 2023 in the U.S](#)) and will be using them on your streets.

Despite their growing popularity, e-bikes/e-scooters do generate criticism, typically around haphazardly parked devices clogging sidewalks and the risks associated with devices that are heavier and faster than their traditional counterparts, making them more hazardous in the event of a collision. This blog looks at state laws regarding electric-assisted bikes and scooters, and how local governments have crafted their own policies to suit local needs.

Regulatory Background

Washington State law addresses e-scooters and e-bikes separately, regulating where these may be ridden, whether riders are required to wear helmets, and what authority localities have in regulating these devices locally.

E-scooters (referred to as 'motorized foot scooters') are addressed in [RCW 46.04.336](#), [RCW 46.20.500](#), and [RCW 46.61.715](#).

- [RCW 46.04.336](#) defines a motorized foot scooter as a device with handlebars and a floorboard, powered by an electric motor or internal combustion engine, with a maximum speed of 20 miles per hour (mph).
- [RCW 46.20.500](#) allows them to be used on a "roadway or bicycle lane."
- [RCW 46.61.715](#) authorizes local government to regulate the use of e-scooters, including those in shared programs, and to adopt/assess penalties for moving/parking violations involving them. The statute also authorizes local governments to levy "reasonable taxes and fees" on e-scooter share companies, and it requires these companies carry commercial general liability and automobile liability insurance.

[RCW 46.04.071](#) defines 'bicycle' to include human-powered bicycles and e-bikes identified in [RCW 46.04.169](#). The latter statute outlines three classes of e-bikes based on the highest speed a rider can achieve:

- Class 1: motor-assisted up to 20 miles per hour.
- Class 2: fully motored (no pedaling) but motor stops when the bicycle reaches 20 mph.
- Class 3: motor-assisted while pedaling up to 28 mph. Riders on class 3 e-bikes or e-scooters must be at least 16 years old ([RCW 46.20.500](#)).

[RCW 46.61.710](#) covers operation of both e-bikes and e-scooters, including where they can be ridden, as broadly outlined in the table below.

Device	Where it can be operated
Class 1 e-bike	Formal bike lanes, shared-use trails
Class 2 e-bike	Formal bike lanes, shared-use trails
Class 3 e-bike	<ul style="list-style-type: none"> Formal bike lanes May use sidewalks if there is no other safe alternative to travel or local code allows it
E-scooter	<ul style="list-style-type: none"> Formal bike lanes May use sidewalks if there is no other safe alternative to travel or local code allows it

This statute also prohibits all classes of e-bikes and e-scooters from being used on trails designated as non-motorized or that have a natural surface.

Notably, the state restrictions listed above do not preempt local preference. Localities are authorized to regulate the use of e-scooters — [RCW 46.61.715](#)(1) — and all classes of e-bikes — [RCW 46.61.710](#)(7) and (8) — including setting age restrictions, access to trails/sidewalks/parking, or use of helmets.

What to Consider

Many cities, towns, and counties throughout the state have adopted local codes that address the use of e-bikes/e-scooters. Some have adopted state restrictions, while others have implemented customized regulations. The most common areas of concern include parking, sidewalk and/or trail riding, and use of helmets.

Where can e-bikes/e-scooters be parked?

E-bikes/e-scooters are heavy and hard to maneuver. If one is left in the wrong area, for example, blocking access to critical infrastructure, it can be difficult for community members to remedy a problem. Instead, several local governments have opted for dedicated parking zones for electric-assisted

devices, which is especially helpful in areas where many are often left, such as transit plazas, stadiums, convention centers, or other major attractions.

In Seattle, bikes, e-bikes, and e-scooters can be parked in the [‘furniture zone’](#) (curb/landscape strip next to a sidewalk) or at any city bike rack.

Additionally, the city’s [Free-Floating Shared Micromobility Permit Requirements](#) (2025) specifies that the city may designate no parking zones for shared e-bikes/e-scooters, which the vendor (Lime) is required to implement using [geofencing technology](#). Several of these zones (as well as zones specifically marked for parking shared e-bikes/e-scooters) have been implemented along the popular Alki waterfront trail.

Most policies addressing rentable micromobility devices will also include how they must be parked (i.e., upright, not obstructing flow) and specify that vendors must relocate non-compliant devices within a set time period. In Seattle, e-bikes/e-scooters (as well as traditional bicycles) [cannot block](#) driveways, crosswalks, loading zones, accessible parking spaces, bus stops, or street corners. The city also encourages community members to report e-bike/e-scooter parking problems using the [Find It, Fix It mobile app](#).)

Localities should also consider adopting procedures for removing vehicles locked to public property that have been deemed to be abandoned or an obstruction. Here are examples:

- [Bellingham Municipal Code Sec. 11.48.150](#) — Allows for impoundment of bicycles constituting an obstruction.
- [Lake Stevens Municipal Code Sec. 7.36.120](#) — Allows for impoundment of bicycles, scooters, or “wheeled recreational device” left unclaimed for 60 days.

Where can e-bikes/e-scooters be used?

The rapid growth of micromobility companies, which sometimes deployed their fleets on city streets without first consulting with the local regulatory body, had many policymakers scrambling to update local codes.

While state law specifically prohibits class 3 e-bikes and e-scooters from using sidewalks ([RCW 46.61.710](#)), it does not address sidewalk use by class 1 and 2 e-bikes. Some local jurisdictions may have an ordinance banning bicycles from using sidewalks, which would extend to electric-assist bikes. If a local government does not have such a policy but would like to keep all

classes of e-bikes off sidewalks, existing policies used should be reviewed and updated.

Some local governments mirror regulations adopted in [RCW 46.61.710](#):

- [Tacoma Municipal Code Ch 11.06](#) — Prohibits class 3 e-bikes from sidewalks and/or multipurpose trails.
- [Seattle Municipal Code Sec 11.44.120](#) — Prohibits class 3 e-bikes and e-scooters from operating on sidewalks (unless no alternative is available).
- [Wenatchee Ch. 7.32](#) — Restricts e-scooters from all sidewalks (and bicycles from using sidewalks in the downtown business area).

Other local governments group e-bikes/e-scooters with similar devices and develop regulations targeting the group:

- [Bremerton Municipal Code Ch. 10.13](#) — *Motorized Wheeled Transportation Devices*. Prohibits their use in parks, public places, multipurpose trails, and streets with a posted speed limit of 25 mph. E-bikes/e-scooters are allowed on sidewalks only if operated under manual power.
- [Spokane Valley Municipal Code Ch 9.20](#) — *Motorized Personal Transportation Devices*. Prohibits their use in parks, sidewalks, multipurpose trails, and streets with posted speed limit of 25 mph (except in the designated bike lane).
- [Vancouver Municipal Code Sec. 8.06](#) — *Skateboards, Roller Skates, Coasters, In-Line Skates, Motorized Foot Scooters, and Similar Devices*. No device may be ridden in a public plaza or city/county-owned or leased parking structure, and specifically prohibits e-scooter use on sidewalks, bike lanes, or city-owned multipurpose trails.

Electric-assisted devices are frequently prohibited from local public parks (and the trails available in them), including in [Everett](#) and [Pierce County](#) parks. Others have allowed their use but with restrictions. For example, Bellingham updated its codes in 2021, allowing e-bike/e-scooter use in public parks and on city-owned multipurpose trails — see [Bellingham Municipal Code \(BMC\) Sec. 8.040.060](#) — and setting a 15-mph speed limit on park roads for all non-motorized *and* motorized vehicles (see [BMC Sec. 8.04.050](#)).

Geofencing and shared micromobility programs

Other than outright restrictions, local governments can also work with shared micromobility companies to restrict or manage e-bikes/e-scooters in certain areas using geofencing. Geofencing uses the Global Positioning System (GPS) to create a virtual geographic boundary to, for example, restrict e-bike or e-scooter access, set a reduced speed limit within the boundary, or designate it as a parking area.

Under Spokane's [WheelShare](#) program, shared e-bikes/e-scooters may access multipurpose trails in the city, such as those through Riverfront Park or the Centennial Trail, but only at reduced speed limits. The GPS recognizes when a device is being operated in an area with a designated speed limit and automatically adjusts the speed. Seattle employs this technology to both [identify low-speed zones and approved parking areas](#).

Note: Privately owned e-bikes and e-scooters will not respond to this technology.

Should riders wear helmets?

Washington State law does not require it, but many local governments have laws requiring riders to wear helmets, including [Aberdeen](#), [Washougal](#), [Lakewood](#), [Port Orchard](#), [Lynnwood](#), and [Snoqualmie](#), to name a few. Some may encourage such usage, but do not require it; for example, see [Tacoma Municipal Code Sec. 11.30.010](#).

Shared micromobility companies recommend use of helmets, and occasionally offer free ones through local partners (for example, [Seattle](#)), but they do not supply them as part of the rental experience.

Conclusion

While state-based regulations regarding electric-assist bicycles and scooters are available for local agencies to consider, there may be good reasons to develop more tailored local codes, especially for those communities in which shared micromobility companies operate.

For information on regulating shared micromobility programs, see the following:

- [NACTO: Shared Micromobility Permitting, Process, and Participation](#) (2022)

- [New Urban Mobility Alliance: Micromobility Policy Atlas](#) — A digital database of policies and regulatory frameworks from around the world.

MRSC is a private nonprofit organization serving local governments in Washington State. Eligible government agencies in Washington State may use our free, one-on-one [Ask MRSC service](#) to get answers to legal, policy, or financial questions.



About Leah LaCivita

Leah joined MRSC as a Communications Coordinator in the fall of 2016. She serves as the editor and manager for MRSC's blog and biannual print newsletter, writes on a variety of topics, and develops website content.

[VIEW ALL POSTS BY LEAH LACIVITA](#)

Disclaimer: MRSC is a statewide resource that provides general legal and policy guidance to support local government entities in Washington State pursuant to [chapter 43.110 RCW](#). MRSC website content is for informational purposes only and is not intended as legal advice, nor as a substitute for the legal advice of an attorney. You should contact your own legal counsel if you have a question regarding your legal rights or any other legal issue.

© 2025 Municipal Research and Services Center of Washington (MRSC). All rights reserved. [Privacy & Terms](#).

Follow us:



E-Bicycles

E-Motorcycles

- **ARE MOTORCYCLES.**
- Fully electric motor-powered & designed for higher speeds.
- Not pedal assisted like bicycles.
- Must be **registered** with state and **insured**.
- Must be 16 to operate, have drivers license **with motorcycle endorsement, and wear helmet.**
- Not “street legal” unless equipped with lights, reflectors, brakes, mirrors, horns, turn signals, and more.
- **Illegal on sidewalks.**

- Have electric motor that assists with pedaling or propels without pedaling.
- No driver’s license, motorcycle endorsement, registration, or insurance required.
- Riders must wear helmet.
- Class 1: Pedal-assisted only, max speed 20 mph.
- Class 2: Pedal-assisted and motor propelled without pedaling, max speed 20 mph.
- Class 3: Pedal-assisted only, max speed 28 mph; not allowed on shared-use paths, sidewalks, or non-motorized trails; rider must be 16.
- Class 1 & 2 allowed on bike paths, lanes, sidewalks, and some trails.



Title 6

ANIMALS

Chapters:

6.04 **Regulation of Animals ~~and Fowl~~**

Chapter 6.04

REGULATION OF ANIMALS ~~AND FOWL~~

Sections:

- 6.04.010** **Definitions.**
- 6.04.020** **License and registration required.**
- 6.04.030** **License and registration for dogs.**
- 6.04.040** **Unlawful to keep animals which are offensive, dangerous or which constitute a nuisance.**
- 6.04.050** **Limitation on number.**
- 6.04.060** **Dogs and cats not to be permitted at large.**
- 6.04.070** **Excessive noise by dogs or ~~fowl~~ prohibited.**
- 6.04.080** **Manner of keeping animals ~~and fowl~~.**
- 6.04.081** **Grazing animals – Defined.**
- 6.04.082** **General space requirements.**
- 6.04.083** **Barns, corrals and enclosures.**
- 6.04.084** **Animals being driven or ridden.**
- 6.04.085** **Abandonment of animals.**
- 6.04.086** **Animals in heat.**
- 6.04.087** **Animal abuse.**
- 6.04.088** **Rabies inoculation.**
- 6.04.089** **Cruelty to animals.**
- 6.04.090** **Impounding of animals ~~and fowl~~.**
- 6.04.100** **Notice of impounding.**
- 6.04.110** **Redemption of impounded animals ~~or fowl~~.**
- 6.04.120** **Destruction or release of unclaimed animals ~~and fowl~~.**

- 6.04.130 Purchase of unclaimed animals ~~or fowl~~.
- 6.04.140 Records to be maintained.
- 6.04.150 Disposition of dangerous animals ~~or fowl~~.
- 6.04.160 Impounding for observation.
- 6.04.170 Vicious animals ~~or fowl~~ may be destroyed.
- 6.04.180 Interference with enforcement.
- 6.04.190 Penalty for violation.

6.04.010 Definitions.

For the purpose of this chapter the following words shall have the following meanings:

“Animal” means any and all types of animals, including fowl, both domesticated and wild, male and female, singular and plural.

“At large” means off the premises of the owner or custodian of the animal ~~or fowl~~, and not under the physical control of the owner or custodian either by leash, cord, chain or similar restraining device.

“Authorized person” means any law enforcement officer or their designated Animal Control experts~~police officer or the city pound master~~, or any other person acting under the order or direction of a law enforcement officer or designated Animal Control experts.

~~police officer or of the city pound master.~~

“Exotic animal” means any animal that is neither native to the United States nor traditionally raised and tamed by humans. All exotic animals kept within the city must be licensed and registered as per Section 6.04.020.

~~“Fowl” means any and all fowl, domesticated and wild, male and female, singular and plural.~~

“Owner or custodian” means any person or persons, firm, association or corporation, owning, keeping, having charge of, harboring or feeding any animal ~~or fowl~~ in the city.

“Person” means any person, firm, partnership, corporation or association.

“Vicious animal ~~or fowl~~” means any animal ~~or fowl~~ which has evidenced characteristics rendering it reasonably apparent to a prudent person that the animal ~~or fowl~~ is likely to harm persons or other animals.

(Ord. 967 § 1, 1992; Ord. 651 § 1, 1971)

6.04.020 License and registration required.

A. All dogs in the city must be licensed and registered if over three months of age. The dog license shall be an annual license which shall expire at midnight on December 31st of each year and shall be issued by the city clerk upon payment of the following license fees:

	Neutered Male or Spayed Female	Unneutered or Unspayed Female
First dog	\$ 15.07 .50	\$1 50 .00
Second dog	5 10.00	5 13.00
Third dog and each dog thereafter	5 27.00	5 32.00

B. Licenses and tags will be available Mondays through Fridays during normal business hours at the Cle Elum ~~Police Department or online if offered by the City police department~~. The owner or custodian shall state at the time the application is made for each dog license, upon the form provided for that purpose, the owner’s name and address and the name, breed, color and sex of each dog owned, kept or harbored by him or her; provided, this section shall not apply to dogs brought temporarily into the city for a period not to exceed ten days during any calendar year.

C. All exotic pets kept within the city must be licensed and registered. The exotic pet license shall be an annual license which shall expire at midnight on December 31st of each year. Such

license shall be issued by the city clerk upon payment to the clerk of a fee, and upon the satisfactory completion by the owner or keeper of the animal of the registration form provided by the clerk.

(Ord. 1109 § 1, 1999; Ord. 970 § 1, 1992; Ord. 967 § 2, 1992; Ord. 931 § 1, 1991; Ord. 822 § 1, 1984; Ord. 783 § 1, 1981; Ord. 651 § 3, 1971)

6.04.030 License and registration for dogs.

A. All dogs within the City of Cle Elum must be licensed and registered if over three months of age. The animal license shall be an annual license that shall expire at midnight on December 31st of each year. Upon payment of the license fee as set forth in Section 6.04.020A., the city shall issue to the owner or the custodian a license fee receipt and a metal tag for each animal so licensed. The license shall be stamped thereon with the city's name, the current year, and the number corresponding with the number on the issued receipt. Every owner or custodian must provide each dog with a collar to which the license tag must be securely fastened, and must ensure that the collar and tags are worn by the dog at all times. Dog tags are not transferable from one dog to the other. No refund shall be made on any animal license fee as a result of death to the dog or for any other reason.

B. Animal license applications for dogs must include proof of current rabies and distemper immunization.

C. This section shall not apply to dogs brought temporarily into the city.

(Ord. 1342 § 2, 2011)

Editor's note: Ord. No. [1342](#), § 1, adopted March 8, 2011, repealed the former § [6.04.030](#). Section 2 of said ordinance enacted a new § [6.04.030](#) as set out herein. The former § [6.04.030](#) pertained to tag and collar and derived from Ord. [822](#) § 2, adopted 1984; Ord. [651](#) § 4, adopted 1971.

6.04.040 Unlawful to keep animals which are offensive, dangerous or which constitute a nuisance.

It is unlawful for any person, firm or corporation to keep or allow to be kept, within the city, any animal ~~or fowl~~ that is bothersome, noisome, or offensive to the adjacent property owner(s), or which constitutes a nuisance, as determined by the city council after a written complaint is received and a hearing is held. ~~dangerous, noisome or offensive to the adjacent property owner(s), or which animal constitutes a nuisance, which determination shall be made by the city council after a written complaint is received by the city council and a hearing on the complaint is held by the city council.~~

(Ord. 967 § 3, 1992; Ord. 651 § 5, 1971)

6.04.050 Limitation on number.

The raising, keeping, breeding or boarding of small animals are subject to the following requirements:

- A. Small animals that are kept as household pets in a dwelling unit in aquariums, terrariums, cages or similar containers shall not be limited in number unless such animals constitute a nuisance.
- B. Other small animals kept as household pets in a dwelling unit shall be limited to four of any one kind.
- C. The number of small animals kept outside a dwelling unit shall be limited as follows:
 - 1. On sites of less than twenty thousand square feet, three per dwelling unit;
 - 2. On sites of between twenty thousand and thirty-five thousand square feet, five per dwelling unit; and

3. On sites greater than thirty-five thousand square feet, one additional small animal per dwelling unit for each one-half acre of site area over thirty-five thousand square feet up to a maximum of twenty.

D. For the purposes of this section, the following definitions shall apply:

1. "Household pets" means small animals that are kept within a dwelling unit.
2. "Small animal" means any animal other than livestock or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition.

E. If more than one dwelling unit exists on a lot or parcel then, for the purposes of this section, the limitations as set forth above shall apply to each lot or parcel and not to each dwelling unit.

F. Canine limitations: No more than four canines per parcel are permitted, regardless of the number of dwelling units on the parcel. In multi-family dwellings, the total number of canines on the parcel shall not exceed four, and each dwelling unit is limited to no more than two canines.

(Ord. 1452 § 1, 2016; Ord. 822 § 3, 1984; Ord. 651 § 6, 1971)

6.04.060 Dogs and cats not to be permitted at large.

No owner or custodian of any dog or cat shall permit the same to go at large. A dog or cat is considered at large when it is free of restraint or confinement, without leash, and without a person to control the animal. A dog or cat shall not be "at large" if it remains on the owner's premises. A violation of this section is declared to be a nuisance and dangerous to the public health, safety and welfare.

(Ord. 1342 § 2, 2011; Ord. 651 § 2, 1971)

6.04.070 Excessive noise by ~~Animals~~~~dogs or fowl~~ prohibited.

No owner or custodian of any ~~dog or fowl~~animal shall permit the same to remain outside of the dwelling of such owner or custodian or outside of the closed building where the ~~dog or fowl~~animal is kept while any such ~~dog or fowl~~animal is kept while any such ~~dog or fowl~~animal is causing excessive or frequent noises which disturb, or is likely to disturb, the comfort or repose of other persons in the neighborhood. A violation of this section is declared to be a public nuisance and adverse to the public health and welfare.

(Ord. 1342 § 3, 2011; Ord. 651 § 7, 1971)

6.04.080 Manner of keeping animals and fowl.

No owner or custodian of any animal ~~or fowl~~ shall keep or harbor or maintain any such animal ~~or fowl~~, or maintain any place in which such animal ~~or fowl~~ is kept, in such manner as to be unclean or hazardous to health. Unclean or hazardous conditions include, but are not limited to, the unhealthy accumulation of waste, inadequate sanitation, or conditions that pose a risk to the health or safety of the animal, or the public. ~~filthy or unsanitary~~. Violation of this section is declared to be a public nuisance and adverse to the public health, safety and welfare.

(Ord. 651 § 8, 1971)

6.04.081 Grazing animals – Defined.

A. *Grazing Animals Defined.* A grazing animal is considered to be one horse, one cow, one mule, four sheep, two burros, four goats or two llamas.

B. Grazing animals must be kept within adequate space and properly constructed fences. Animals raised for commercial purposes require a valid business license. Such animals are to be kept within proper space and properly constructed fences. Animals raised for commercial purposes are considered a business and business licenses are required.

(Ord. 887 § 1, 1989)

6.04.082 General space requirements.

With respects to each grazing animal to be kept within the city the owner or keeper thereof must provide a minimum of ten thousand square feet of grazing area for each grazing animal.

(Ord. 887 § 1, 1989)

6.04.083 Barns, corrals and enclosures.

No person shall keep, use or maintain any livestock barn, corral or enclosure located closer than fifty feet~~which is located closer than one hundred feet~~ to any neighboring residence or other inhabited building within the city.

(Ord. 887 § 1, 1989)

6.04.084 Animals being driven or ridden.

No person shall ride or drive any horse, mare, mule, burro or any other beast of burden of any description in or upon any of the streets or public places within the city faster than an ordinary walking gait; nor ride any of said animals across or onto any sidewalk, parking strip, tavern or other commercial building.

(Ord. 887 § 1, 1989)

6.04.085 Abandonment of animals.

It is unlawful for any person to abandon within the city any domestic animal by dropping off or leaving such animal on any street, road, alley, highway or by dropping off or leaving such animal on the street, road, alley, highway or any other public place or upon private property without the consent of such private property owner. An animal is abandoned when left in any such place without any provision made for the care and feeding of such animal by its owner or keeper.

(Ord. 887 § 1, 1989)

6.04.086 Animals in heat.

Every female dog or cat in heat shall be confined in a building or secure enclosure, in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(Ord. 887 § 1, 1989)

6.04.087 Animal abuse.

~~[Stricken and replaced with reference to RCW 16.52.205: Animal cruelty in the first degree.] No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.~~

(Ord. 887 § 1, 1989)

6.04.088 Rabies inoculation.

All ~~dogs, cats, and ferrets~~ ~~dogs~~ licensed within the city shall at all times wear a rabies tag evidencing current rabies inoculation ~~as required by WAC 246-100-197-9-b~~

(Ord. 887 § 1, 1989)

6.04.089 Cruelty to animals.

~~[Stricken and replaced with reference to RCW 16.52.207: Animal cruelty in the second degree.]A. *Injuring Animal with Vehicle.* No person shall willfully injure, beat, abuse or run down any animal with a vehicle. Any person who kills or injures an animal while driving a vehicle shall stop at the scene of the accident and render such assistance as practicable, shall make reasonable efforts to locate and identify himself to the owner or to any person having custody of the animal and shall report the accident immediately to the department of public safety or animal control officer.~~

~~B. *Feeding and Care of Animals.* It is unlawful for any person to keep or harbor an animal within the city without providing a suitable amount of wholesome food and clean water for the nutrition and comfort thereof, and without providing a clean sleeping area, or to leave the premises upon which the animal is confined or to which it customarily returns for more than 24 hours without providing for the feeding and care of such animal in the absence of the person.~~

~~C. *Poisoning of Animals.* It is unlawful for any person to willfully or maliciously poison any domestic animal or bird or to lay out or expose any kind of poison or to leave exposed any poisoned food or drink for man, animal or fowl, or any substance or fluid whatever whereon or wherein there is or shall be deposited or mingled any kind of poison or poisonous or deadly substance, or fluid whatever, on any premises or in any unenclosed place, or to aid or abet any person in doing so; except, that the provisions of this section shall not apply to the killing by poison of any animal or bird in a lawful and humane manner by the owner thereof or by a duly authorized servant or agent of such owner, or by the owner, or by a person acting pursuant to instructions from a duly constituted public authority, in accordance with the exceptions provided in RCW Chapter 16.52.190.~~

~~D. *Injury to Animal – Neglect of Injured Animal.* It is unlawful for any person to:~~

- ~~1. Willfully and cruelly injure or kill any animal by any means causing it fright or pain;~~
- ~~2. By reason of neglect or intent, to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury such person has caused to any animal; or~~
- ~~3. Maintain any place where fowl or any animals are suffered to fight upon exhibition or for sport upon any wager.~~

~~E. *Criminal Penalty.* Any person and any owner or custodian found to have violated this Section shall be shall be guilty of a misdemeanor, punishable by not more than 90 days in jail and a fine of not more than \$500.00.~~

(Ord. 1342 § 4, 2011; Ord. 887 § 1, 1989)

6.04.090 Impounding of animals and fowl.

For any violation of this chapter, any authorized person may impound any such offending animal ~~or fowl~~ in the city animal shelter, or, if he deems it necessary, in a suitable private animal shelter.

(Ord. 651 § 9, 1971)

6.04.100 Notice of impounding.

Not later than two days after the impounding of any animal ~~or fowl~~ under the provisions of this chapter, the city ~~Police Department or their designated Animal Control experts police department or city poundmaster~~ shall notify the owner or custodian, if known, ~~by phone call, text message, or personal contact~~ either in person or by first-class United States mail, of the impounding, describing the animal or fowl, and the place and time of taking and advising where the animal is held. If the owner or custodian is unknown a written notice shall be posted for not less than five calendar days on the ~~City Hall main entrance and/or, on the city website or official social media pages. east door of the City Hall (main entrance).~~ City Hall main entrance and/or, on the city website or official social media pages. The notice shall also advise that unless the animal is redeemed within five days after the date of service or posting of notice, the animal may be sold or destroyed.

(Ord. 822 § 4, 1984; Ord. 651 § 10, 1971)

6.04.110 Redemption of impounded animals or fowl.

A. The owner or lawful custodian of any animal ~~or fowl~~ impounded under the provisions of this chapter may reclaim such animal within five days after the notification by phone call, text message, personal contact, or posting of notices as provided in Section 6.04.100~~personal service, mailing, or date of posting of notices above provided~~; provided, however, the animal ~~or fowl~~ shall be released to the owner or custodian only upon payment of the annual license fees for such animal if not paid, and all ~~of the~~ costs and charges incurred by the city for impounding and maintenance of the animal or fowl. These charges shall be paid to the city clerk~~Police Department~~ and shall consist of the following:

1. For each impounding or capturing of any animal ~~or fowl~~, included in the annual license fee; \$10.00;
2. For food and care, \$5.00 per day per animal or fowl.

B. Any owner of an animal ~~or fowl~~ being impounded, not wishing to reclaim the animal ~~or fowl~~ or pay the charges for the animal, may sign a form "release of ownership," giving the city the right to find the animal ~~or fowl~~ a new owner or in the event a new owner cannot be found, the right to destroy the animal or fowl. No additional fee shall accompany this certificate.~~A fee of \$10.00 payable to the city shall accompany each certificate.~~

(Ord. 822 § 5, 1984; Ord. 718 § 2, 1977; Ord. 651 § 11, 1971)

6.04.120 Destruction or release of unclaimed animals and fowl.

All animals ~~and fowl~~ impounded under the provisions of this chapter, if unclaimed, shall be retained in the animal shelter for a minimum period of five days. If at the expiration of five days from date of notice to owner or the date of posting of notice or mailing of notice, the animal ~~or fowl~~ has not been reclaimed, it may be destroyed; or, except in the case of vicious animals or fowl, it may be released to any person, upon such person obtaining a license as provided in this chapter and paying a \$10.00 new owner's fee.

(Ord. 822 § 6, 1984; Ord. 651 § 12, 1971)

6.04.130 Purchase of unclaimed animals or fowl.

In the event any animal ~~or fowl~~ is released to any person other than the owner or lawful custodian pursuant to and in accordance with the provisions of Section [6.04.120](#), such person to whom the animal ~~or fowl~~ is so released shall be deemed a purchaser of the same from the city. The purchaser shall receive from the city clerk a certificate of purchase, and the certificate shall be conclusive evidence of the vesting of complete title to such animal ~~or fowl~~ in the purchaser and of the termination of all interest and rights of the former owner in and to the animal or fowl.

(Ord. 651 § 13, 1971)

6.04.140 Records to be maintained.

The ~~P~~police ~~D~~department shall prepare in duplicate a detailed record of each animal ~~or fowl~~ impounded showing the time and place of taking, a description of the animal or fowl, the name and address of the person to whom released, date of release or other disposition of the animal or fowl. The original copy of this record shall be filed with and maintained in the records of the ~~P~~police ~~D~~department and shall be available to the public for inspection, ~~and one copy thereof shall be filed and maintained in the records of the city clerk.~~

(Ord. 822 § 7, 1984; Ord. 651 § 14, 1971)

6.04.150 Disposition of dangerous animals or fowl.

Whenever it reasonably appears to an authorized person attempting to impound an animal ~~or fowl~~ under the provisions of this chapter that the animal ~~or fowl~~ is dangerous to the public, if capture cannot be effected safely and promptly, said person is authorized to destroy the animal ~~or fowl~~ forthwith.

(Ord. 651 § 15, 1971)

6.04.160 Impounding for observation.

Any authorized person, upon receiving notice that any animal ~~or fowl~~ has bitten any person or has acted in such manner as to indicate that it has rabies or other similar dangerous disease, is authorized to detain such animal ~~or fowl~~ after its identification by the victim or a witness, and the animal ~~or fowl~~ shall be held under observation and for examination by a veterinarian for a period of not less than ten days. The owner or custodian of such animal ~~or fowl~~ will be required to produce proof of rabies immunization. If no owner is located, the city will hold the animal ~~or fowl~~ for ten days, and if the animal is not redeemed by the owner or custodian, it may be sold or destroyed as otherwise provided in this chapter. The owner or custodian of the animal ~~or fowl~~ shall be liable for all medical costs incurred by any person as a result of such animal's behavior, and shall also pay all veterinarian's fees and costs of impoundment and care as provided in this chapter before such animal may be redeemed.

(Ord. 822 § 8, 1984; Ord. 651 § 16, 1971)

6.04.170 Vicious animals ~~or fowl~~ may be destroyed.

Any vicious animal ~~or fowl~~ impounded under the provisions of this chapter and remaining unredeemed after notice has been given as provided in this chapter, or any animal ~~or fowl~~ which has bitten any person and after examination by a qualified veterinarian has been determined by him to have rabies or other disease rendering the animal dangerous to persons, may be destroyed by any authorized person.

(Ord. 651 § 17, 1971)

6.04.180 Interference with enforcement.

It is unlawful for any person, firm, organization or corporation to interfere with, hinder, delay or impede any authorized person in the enforcement of the provisions of this chapter.

(Ord. 651 § 18, 1971)

[Note: Consult Chief Albo for any revisions to this section.]**6.04.190 Penalty for violation.**

A. *Civil Penalties – First and Second Violations.* Any person and any owner or custodian violating any provisions of this chapter (with the exception of Section [6.04.089](#)) shall incur a fine in the amount of \$50.00 for a first violation, and a fine in the amount of \$100.00 for a second violation within the twelve consecutive month period following the date on which the first violation was found to be committed.

B. *Criminal Penalties – Third and Subsequent Violations.* A third violation of any provision of this chapter (with the exception of Section [6.04.089](#)) within the 12-consecutive month period following the date on which the first violation was found to be committed shall be a misdemeanor, punishable by not more than 90 days in jail and a fine of not more than \$500.00. A fourth violation of any provision of this chapter (with the exception of CEMC [6.04.089](#)) within the 12-consecutive month period following the date on which the first violation was found to be committed shall be a gross misdemeanor, punishable by not more than one year in jail and a fine of not more than \$5,000.00. A fifth or subsequent violation of any provision of this chapter (with the exception of Section [6.04.089](#)) shall be a gross misdemeanor, regardless of the passage of time from the date on which the first violation was found to be committed, punishable by not more than one year in jail and a fine of not more than \$5,000.00.

(Ord. 1342 § 5, 2011; Ord. 822 § 9, 1984; Ord. 651 § 19, 1971)

The Cle Elum Municipal Code is current through Ordinance 1700, passed June 10, 2025.

Disclaimer: The city clerk's office has the official version of the Cle Elum Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited here.

[City Website: cityofcleelum.com](http://cityofcleelum.com)

[City Telephone: \(509\) 674-2262](tel:(509)674-2262)

The Cle Elum Municipal Code is current through Ordinance 1700, passed June 10, 2025.

[Hosted by General Code.](#)

Title 6
ANIMALS¹

Chapters:

- 6.04** **Animal Control**
- 6.08** **Dog Feces Removal**
- 6.10** **Dangerous and Potentially Dangerous Dogs**
- 6.12** *Repealed*
- 6.14** **Police Dogs**
- 6.16** **Exotic Animals**
- 6.18** **Livestock**

¹ For statutory provisions on animals, see Title 16 RCW.

Chapter 6.04
ANIMAL CONTROL

Sections:

- 6.04.010 Purpose.
- 6.04.020 Definitions.
- 6.04.030 Dog and cat licensing.
- 6.04.040 Animal shelter and kennel license – Required.
- 6.04.050 Animal shelter and kennel license – Zoning and health requirements.
- 6.04.060 Hobby kennel license.
- 6.04.070 Animal shelters, kennels and pet shops – Reports – Inspections – Sanitation.
- 6.04.080 Animal shelters, kennels and pet shops – General standards.
- 6.04.090 Animal shelters, kennels and pet shops – Indoor facilities.
- 6.04.100 Animal shelters, kennels and pet shops – Outdoor facilities.
- 6.04.110 Grooming parlors – License.
- 6.04.120 Grooming parlors – Conditions.
- 6.04.130 Rule and regulation promulgation.
- 6.04.140 Reapplication after license denial.
- 6.04.150 Animal nuisances.
- 6.04.155 Rabies – Mandatory vaccination and quarantine.
- 6.04.160 *Repealed.*
- 6.04.170 Cruelty to animals.
- 6.04.175 Confinement of an animal in a motor vehicle.
- 6.04.177 Tethering of an animal.
- 6.04.180 *Repealed.*
- 6.04.190 Enforcement power.
- 6.04.200 Impoundment – Authority – Holding.
- 6.04.210 Impoundment – Redemption procedures.
- 6.04.220 Mandatory spay/neuter and microchipping for impounded dogs and cats – Deposit – Refund – Exception.
- 6.04.230 Impoundment – Inspections.
- 6.04.240 Feral cats and dogs.
- 6.04.250 *Repealed.*
- 6.04.260 Legal or equitable enforcement action.
- 6.04.270 *Repealed.*
- 6.04.280 *Repealed.*
- 6.04.290 *Repealed.*
- 6.04.300 Violation – Criminal and civil penalty.
- 6.04.305 Habitual offender.
- 6.04.310 *Repealed.*

6.04.010 Purpose.

It is declared the public policy of the city to secure and maintain such levels of animal control as will protect human health and safety, and to the greatest degree practicable, prevent injury to property and cruelty to animal life. To this end, it is the purpose of this chapter to provide a means of licensing dogs, cats, animal shelters, hobby kennels, kennels and pet shops and controlling errant animal behavior so that it shall not become a public nuisance and to prevent cruelty to animals. (Ord. 2613 (part), 2017; Ord. 1340 § 1, 1986)

6.04.020 Definitions.

In construing the provisions of this chapter, except where otherwise plainly declared or clearly apparent from the context, words used in this chapter shall be given their common and ordinary meaning; in addition, the following definitions shall apply to each reference to the following words or phrases:

- A. “Abandons” means the knowing or reckless desertion of an animal by its owner or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal’s adequate care, and includes, but is not limited to, arrest, involuntary or voluntary commitment, entrance to a medical or rehabilitation program, or other event causing the animal to be without care and/or shelter for the duration of the owner’s confinement.
- B. “Abatement” means the termination of any violation by reasonable and lawful means determined by the director in order that an owner or a person presumed to be the owner shall comply with this chapter.
- C. “Animal” means any nonhuman mammal, bird, reptile, or amphibian.
- D. “Animal control operations board” means the operations board of the governing entity of the animal control authority, as established by the interlocal agreement.
- E. “Animal control authority” means the Sumner police department, acting alone or in partnership with other agencies for enforcement of animal control laws and the shelter and welfare of animals.
- F. “Animal control officer” means any individual employed, contracted or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals, and includes any state or municipal peace officer, sheriff, constable or other employee whose duties in whole or in part include assignments which involve the seizure and taking into custody of any animal.
- G. “City” means the city of Sumner, Washington.
- H. “Director” means the Sumner chief of police.
- I. “Domesticated animal” means any dog, cat, rabbit, horse, mule, bovine animal, lamb, goat, sheep, hog, bird, or other animal made to be domestic.
- J. “Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during such loss of consciousness.
- K. “Exotic animals” shall mean any of the following:
1. Venomous species of snakes capable of inflicting serious physical harm or death to human beings;
 2. Nonhuman primates and prosimians;
 3. Bears;
 4. Nondomesticated species of felines;
 5. Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids;
 6. The order Crocodylia, including alligators, crocodiles, caimans and gavials.
- L. “Grooming parlor” means any place or establishment, public or private, where animals are bathed, clipped or combed, whether or not for compensation, for the purpose of enhancing their aesthetic value.
- M. “Hobby kennel” means a noncommercial kennel at or adjoining a private residence where six or more adult animals are bred and/or kept for hunting, training and exhibition for organized shows, field, working, and/or obedience trials or for enjoyment of their species.
- N. “Kennel” means a place where six or more adult dogs or cats or any combination thereof is kept whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation, but not including a veterinary hospital or clinic. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of six months.

O. “Leash” shall mean a cord, strap, or chain of sufficient strength so that the animal is under the control of a competent person accompanying the animal. For purposes of this definition, “leash” does not include an electronic leash or other similar device where a competent person in control of the animal is not holding a cord, strap, or chain directly attached to the animal.

P. “Livestock” means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and fowl.

Q. “Owner” means any person having a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal, or who, by reason of the animal being seen residing consistently in a location owned or controlled by the person, is presumed to be the owner.

R. “Pack of dogs” means a group of three or more dogs running upon either public or private property, not that of its owner, in a state in which either its control or ownership is in doubt or cannot readily be ascertained and when such dogs are not restrained or controlled.

S. “Person” means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity, and agents of those entities.

T. “Pet shop” means a person or establishment that acquires for the purpose of sale live animals, including birds, reptiles, fowl and fish, bred by others, whether as owner, agent, or on consignment, and sells, or offers to sell, such live animals, including birds, reptiles, fowl and fish, to the public or to retail outlets.

U. “Potentially dangerous dog” means any dog that without provocation: (1) inflicts bite(s) on a human, domestic animal, or livestock either on public or private property; or (2) chases or approaches a person upon the streets, sidewalks, or any public grounds or private property in a menacing fashion or apparent attitude of attack; or (3) any dog with a known propensity, tendency, or disposition to attack unprovoked or to cause injury or otherwise to threaten the safety of humans, domestic animals, or livestock on any public or private property.

V. “Dangerous dog” means any dog that: (1) inflicts severe injury on or kills a human being without provocation, or (2) inflicts severe injury on or kills an animal without provocation while the animal inflicting the injury is off the property where its owner resides, or (3) has been previously found to be potentially dangerous, the owner having received notice of such, and the animal again aggressively bites, attacks or endangers the safety of humans or other animals. Any dog which inflicts injury to a human or animal while trespassing on the property of another is the presumed provoker, unless such presumption is overcome by the preponderance of the evidence.

W. Restraint. An animal is considered to be under “restraint” if it is maintained and remains within the property limits of its owner or keeper.

X. “Running at large” means to be off the premises of the owner or on the premises of another without the written permission of the owner thereof and not on a leash and not under the control of the owner or competent person authorized by the owner. This definition shall not include a “service animal” as defined in this section if such restraint would interfere with the service animal’s work or the nature of the animal’s owner’s or keeper’s disability prevents use of a restraint.

Y. “Shelter” means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

Z. “Under control” means the animal is under control and restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off the premises of the owner.

AA. “Vicious” means a propensity to do any act that might endanger the safety of any person, animal or property of another, including, but not limited to, a disposition to mischief or fierceness as might occasionally lead to attack on human beings without provocation, whether in play or outbreak of untrained nature.

BB. “Service animal” shall mean a dog that is individually trained to do work or perform tasks for a person who has a disability as defined under state or federal law.

CC. “Proper enclosure” means, while on the owner’s property, the animal shall be confined indoors or in 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 a locking door with a padlock, secure sides, a concrete floor or, 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 and a secure top attached to the sides and shall also provide protection from the elements for the animal. The structure must comply with all applicable provisions of the local building and zoning codes.

DD. “Warning sign” means a clearly visible and conspicuously displayed sign containing words and a symbol (to inform children or others incapable of reading) warning that there is a dangerous animal on the property.

EE. “Muzzle” means a muzzle made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

FF. “Severe injury” means any physical injury which results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

GG. “Provocation” means any threatening or aggressive act that would reasonably incite or stimulate a dog to react in self-defense, including, but not limited to, inciting movements, aggressive tones, and offensive touching.

HH. “Tether” means (1) to restrain an animal by tying or securing the animal to any object or structure; and (2) a device, including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

II. “Dog” means an animal of the species *Canis lupus familiaris*.

JJ. “Necessary shelter” means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.

KK. “Necessary water” means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal or as directed by a veterinarian for medical reasons.

LL. “Kennel license” means a license/registration/permit that is issued to any place for a fee determined by city ordinance where animals are kept, trained, groomed, boarded (long or short term), sold, or rehomed after a successfully passed inspection of said premises by an appointee designated by the animal control authority. Licensed veterinarians who, in addition to veterinary medical services on the premises, provide the ancillary services of boarding, grooming, and foster care for their patients, are exempt from the kennel licensing requirements of this chapter. (Ord. 2816 § 1, 2022; Ord. 2780 § 1, 2021; Ord. 2613 (part), 2017; Ord. 2541 § 1, 2015; Ord. 2405 § 1, 2012; Ord. 2324 § 1, 2010; Ord. 2281 § 1, 2008; Ord. 1901 § 1, 1999; Ord. 1760 § 1, 1996; Ord. 1340 § 2, 1986)

6.04.030 Dog and cat licensing.

A. License Requirements. All dogs and cats seven months of age or older which are harbored, kept or maintained in the city shall be licensed by the city annually on a schedule established by the animal control authority; provided, however, that dogs kept in kennels need not be licensed as provided in SMC 6.04.040; provided further, that this section shall not apply to dogs used by the police department for police work. No more than five dogs and/or cats may be individually licensed by a residence or to an owner in the city of Sumner.

B. Fees. Dog and cat licenses shall be issued by the animal control authority upon application and payment of an annual license fee made payable to Metro Animal Services. The fee for each animal license shall be as set forth in the following schedule of fees. Applications for a dog or cat license shall be on forms provided by the animal control authority. No prorating of a license fee for a portion of the calendar year shall be made. Every dog or cat kept within the city limits shall be provided by its owner with a collar or harness made of leather, metal or other substantial material, which shall be worn by such dog or cat at all times when off the premises of the licensed owner and to which the license tag provided shall be securely fastened.

Animal Control Fees:

- | | | |
|------|--|----------|
| (1) | Juvenile dogs – eight weeks through six months | \$0.00 |
| (2) | Adult dogs – seven months or older: | |
| | Altered | \$20.00 |
| | Unaltered | \$60.00 |
| (3) | Juvenile cats – eight weeks through six months | \$0.00 |
| (4) | Adult cats – seven months or older: | |
| | Altered | \$12.00 |
| | Unaltered | \$60.00 |
| (5) | Reduced rates for senior citizens, 65 years of age or older: | |
| (a) | Dogs: | |
| | Altered | \$10.00 |
| | Unaltered | \$30.00 |
| (b) | Cats: | |
| | Altered | \$6.00 |
| | Unaltered | \$30.00 |
| (6) | Exotic animal – owner’s license | \$100.00 |
| (7) | Kennel license fee | \$75.00 |
| (8) | Replacement tag fee | \$5.00 |
| (9) | Permit for potentially dangerous dog | \$250.00 |
| (10) | Annual renewal of permit for potentially dangerous dog | \$50.00 |
| (11) | Permit for dangerous dog | \$500.00 |
| (12) | Annual renewal of permit for dangerous dog | \$100.00 |
| (13) | Animal Shelter Fees. | |

In order to receive the fee advantage for altered dogs and cats, an individual must provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay/neuter procedure would be harmful to the animal.

A. Adoption Fees. Adoption fee shall include an animal license, spaying/neutering of the animal and a microchip.

B. Spay/Neuter Deposit. Fee charged to a new owner if the animal is too young to be altered. The deposit is refunded upon providing proof of alteration within 120 days of adoption.

C. Owner Drop Off Fee. Fee charged to an owner who surrenders their animal to animal control for adoption.

D. Owner Euthanasia Fee. Fee charged to an owner who surrenders their animal to animal control for euthanization.

E. Boarding Fee. Fee charged to an owner for costs associated with boarding an animal that has been

impounded or taken into protective custody including the first and last day that the animal is retained by the impounding authority even where the animal is in custody for less than a full day.

F. Impound/Redemption Fee. Fee charged to an owner for costs associated with completing the intake and disposition process of an animal that has been impounded.

These fees shall be set annually by the animal control operations board and shall be based on comparables as well as actual costs associated with professional services. The animal control operations board shall provide each participating city with a copy of these fees. The "animal control operations board" means the operations board of the governing entity of the animal control authority, as established by the interlocal agreement.

- (14) Checks – Any person who issues a check for which funds are insufficient (NSF) will be assessed a fee of \$40.00. In addition, any license(s) or penalties paid with such checks will be invalid. Additional costs incurred by the city in collecting NSF checks shall be considered a cost of abatement and will be the personal obligation of the animal owner and will be subject to civil litigation.

C. License Revocation. If the animal control authority has reason to believe by a preponderance of the evidence that a dog license was issued to a dog that has been designated a potentially dangerous or dangerous dog in any jurisdiction, the license shall be revoked with the provisions of chapter 6.10 SMC taking effect.

D. Penalty. Any person who fails to obtain a license within 30 days after the license expiration date but before 60 days of the expiration date shall pay a penalty of \$10.00 per license. Any person who fails to obtain a license within 60 days of the license expiration date shall pay a penalty of \$20.00 per license. No late payment penalty shall be charged on new license applications if:

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

E. Nonapplicability. Provisions of this section shall not apply to dogs or cats in the custody of a veterinarian or animal shelter, a service animal, or whose owners are nonresidents temporarily within the city for a period not exceeding 30 days. Dogs and cats are exempt from the above licensing provisions when they are in the custody of a recognized animal rescue group. In order to qualify as a recognized group, proof of registration with the Internal Revenue Service pursuant to IRC 501(c)(3) must be submitted to the Humane Society by the group. (Ord. 2819 § 1, 2022; Ord. 2613 (part), 2017; Ord. 2541 § 2, 2015; Ord. 2500 § 1, 2014; Ord. 2405 § 2, 2012; Ord. 2344 § 1, 2010; Ord. 2324 § 2, 2010; Ord. 2281 § 2, 2008; Ord. 2257 § 1 (part), 2008; Ord. 1901 § 2, 1999; Ord. 1340 § 3, 1986)

6.04.040 Animal shelter and kennel license – Required.

It is unlawful for any person to keep or maintain any animal shelter or kennel within the city of Sumner without first obtaining a valid and subsisting license therefor. The fee for such license shall be set forth in SMC 6.04.030. Each license and certificate of inspection issued pursuant to this chapter shall be conspicuously displayed at the establishment to which such license was issued. The license shall be dated and numbered and shall bear the name of the city and the name and address of the owner or keeper of the establishment, and the expiration date of the license. The license shall run for a period of one year from the date of purchase. (Ord. 2613 (part), 2017; Ord. 1901 § 3, 1999; Ord. 1340 § 4, 1986)

6.04.050 Animal shelter and kennel license – Zoning and health requirements.

A. Zoning Compliance. The applicant for an original animal shelter or kennel license shall, prior to issuance of the animal shelter or kennel license, present to the animal control authority evidence of approval from the city of Sumner planning commission and the Sumner city council.

B. Health Inspection. Before an animal shelter or kennel license may be issued by the animal control authority, a certificate of inspection from the animal control authority must be issued showing that the animal shelter, kennel, or pet shop is in compliance with hygienic standards of this chapter or other applicable chapters or regulations. (Ord. 2613 (part), 2017; Ord. 1340 § 5, 1986)

6.04.060 Hobby kennel license.

A. License Required. It is unlawful for any person to keep or maintain any dog or cat within the city for the purpose of a hobby kennel without obtaining a valid license therefor. The fee for such license shall be as set forth in SMC 6.04.030.

B. Limitation of Number of Dogs and Cats Allowed. The total number of dogs and cats over six months of age kept by a hobby kennel shall not exceed the total number authorized by the animal control authority based on the following guidelines:

1. The number of animals permitted shall be established by the animal control authority based on such factors as animal size, type and characteristics of the breed and the amount of lot area; provided, that the maximum number shall not exceed 25 where the lot area contains five acres or more; the maximum number shall not exceed 10 where the lot area contains 35,000 square feet but less than five acres and the maximum shall not exceed five where the lot area is less than 35,000 square feet.
2. All open run areas shall be completely surrounded by a six-foot fence set back at least 20 feet from all property lines.
3. No commercial signs or other appurtenances advertising the kennel are permitted on the property.
4. The director may require additional setback, fencing, screening, or soundproofing requirements as he/she deems necessary to insure the compatibility of the hobby kennel with surrounding development.
5. The hobby kennel shall limit dog and cat reproduction to no more than 12 offspring per license year.
6. Each animal in the hobby kennel shall have current and proper immunization from disease according to the animal's species and age. For dogs such shall consist, as a minimum, of DHL inoculation for dogs over three months of age and rabies inoculations for those over six months of age. (Ord. 2613 (part), 2017; Ord. 1901 § 4, 1999; Ord. 1340 § 6, 1986)

6.04.070 Animal shelters, kennels and pet shops – Reports – Inspections – Sanitation.

A. Report of Animal Disposition. Each animal shelter, kennel or pet shop shall maintain a list which is available upon request to the animal control authority, quarterly, based upon the calendar year, of all dogs and cats auctioned off, given away, sold or otherwise disposed of. The list shall include the origin, the age and type of dog or cat, and the name and address of the person to whom the dog or cat was given or purveyed.

B. Inspection. It shall be the duty of the director or his/her designee to make or cause to be made such inspections as may be necessary to insure compliance with other applicable sections of this chapter. The owner or keeper of an animal shelter, kennel or pet shop shall admit to the premises, for the purpose of making an inspection, any officer, agent or employee of the animal control authority at any reasonable time that admission is requested.

C. Unsanitary Conditions Unlawful. It is unlawful to keep, use or maintain within the city any animal shelter, kennel or pet shop that is unsanitary, nauseous, foul or offensive, or in any way detrimental to public health and/or safety and not in compliance therewith. Failure to comply with this section may be cause for revocation or denial of a license to use, keep or maintain such animal shelter, kennel or pet shop. (Ord. 2613 (part), 2017; Ord. 2324 § 3, 2010; Ord. 1340 § 7, 1986)

6.04.080 Animal shelters, kennels and pet shops – General standards.

Animal shelters, kennels and pet shops shall meet the following conditions:

- A. Housing facilities shall be provided for the animals and such shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury; shall contain the animals; and shall restrict the entrance of other animals.
- B. Electric power shall be supplied in conformance with city and state electrical codes adequate to supply lighting and heating as may be required by this chapter. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and primary enclosures of debris and excreta.
- C. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.
- D. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease and from obnoxious or foul odors.
- E. Washroom facilities, including sinks and toilets with hot and cold running water, must be conveniently available for cleaning purposes, and a large sink or tub provided for the purpose of washing utensils, equipment and facilities.
- F. Sick animals shall be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale. Sick animals shall be kept in isolation quarters with adequate ventilation to prevent contaminating well animals.
- G. There shall be an employee on duty at all times during hours any shelter, kennel or pet shop is open.
- H. An employee or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the shelter, kennel or pet shop is closed.
- I. No person shall knowingly sell a sick or injured animal or bird.
- J. No person shall misrepresent an animal or bird to a consumer in any way. (Ord. 2613 (part), 2017; Ord. 1340 § 8, 1986)

6.04.090 Animal shelters, kennels and pet shops – Indoor facilities.

Animal shelters, kennels and pet shops which have indoor housing facilities for animals and birds shall:

- A. Be sufficiently heated or cooled to protect such animals from temperatures to which they are not normally acclimatized;
- B. Be adequately ventilated to provide for the health of animals contained therein and to assist in the removal of foul and obnoxious odors. Provision shall be made so that the volume of air within any enclosed indoor facility shall be changed three times or more each hour. This may be accomplished through the rotation and periodic opening of doors and windows. If fans or ventilating equipment are used, they shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts;
- C. Have sufficient natural or artificial lighting to permit routine inspection and cleaning at any time of day. In addition, sufficient natural or artificial lighting shall be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers;
- D. Have interior wall and ceiling surfaces constructed of materials which are resistant to the absorption of moisture and odors, or such surfaces shall be treated with a sealant or with paint, when such materials are not originally resistant to moisture or odors. Floor surfaces shall not be made of unsealed wood. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris;

E. Contain a drainage system which shall be connected to a sanitary sewer or septic tank system which conforms to the standards of building codes in force within the city and shall be designed to rapidly remove water and excreta in the cleaning of such indoor housing facility under any condition of weather or temperature; provided, this requirement shall not apply to hobby kennels and pet shops. All indoor housing facilities for animals, fish, or birds shall be maintained in a clean and sanitary condition and a safe and effective disinfectant shall be used in the cleaning of such facilities;

F. Conform with all applicable development standards of the city zoning code. (Ord. 2613 (part), 2017: Ord. 1340 § 9, 1986)

6.04.100 Animal shelters, kennels and pet shops – Outdoor facilities.

Animal shelters, kennels and pet shops which have outdoor facilities for animals and birds shall:

A. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein;

B. Be constructed to provide drainage and to prevent the accumulation of water, mud, debris, excreta, or other materials and shall be designed to facilitate the removal of animal and food wastes;

C. Be constructed with adequate walls or fences to contain the animals kept therein and to prevent entrance of other animals;

D. Conform with all applicable development standards of the city zoning code. (Ord. 2613 (part), 2017: Ord. 1340 § 10, 1986)

6.04.110 Grooming parlors – License.

It is unlawful for any person to keep or maintain any grooming parlor without first obtaining a valid and subsisting license therefor. The fee for such license shall be as set forth in SMC 6.04.030. However, if the grooming parlor is operated as a part of the business of a kennel, or a pet shop, the fee shall be in addition to the fee established for a kennel or pet shop license. (Ord. 2613 (part), 2017: Ord. 1901 § 5, 1999: Ord. 1340 § 11, 1986)

6.04.120 Grooming parlors – Conditions.

Grooming parlors shall:

A. Not board animals but keep only dogs and cats for a reasonable time in order to perform the business of grooming;

B. Provide such restraining straps for the dog or cat while it is being groomed so that such animal shall neither fall nor be hanged;

C. Sterilize all equipment after each dog or cat has been groomed;

D. Not leave animals unattended before a dryer;

E. Not prescribe nor administer treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010;

F. Not put more than one animal in each cage;

G. Have floors and walls in rooms, pens and cages used to retain animals or in areas where animals are clipped, groomed or treated constructed of water-impervious material that can readily be cleaned, and which must be maintained in good repair;

H. Have hot and cold water conveniently available and a large sink or tub provided (minimum size, 24 inches by 18 inches by 12 inches);

- I. Have toilet and hand-washing facilities with hot and cold running water conveniently available for personnel employed;
- J. Have only equipment necessary to the operation of the licensed establishment kept or stored on the premises that shall only be stored in a sanitary or orderly manner;
- K. Have all cages, pens, or kennels used for holding animals kept in a clean and sanitary condition and disinfected on a routine basis;
- L. Comply with all applicable development standards of the city zoning code. (Ord. 2613 (part), 2017: Ord. 1901 § 6, 1999: Ord. 1340 § 12, 1986)

6.04.130 Rule and regulation promulgation.

The director is authorized to promulgate rules and regulations not in conflict with this chapter as they pertain to the conditions and operations of animal shelters, hobby kennels, kennels, pet shops, and grooming parlors, guard dog purveyors, guard dog trainers and guard dog owners. Such rules and regulations shall be enacted in accordance with city procedures for adopting such rules and regulations. The animal control authority may, in addition to other penalties provided in this chapter, revoke, suspend or refuse to renew any animal shelter, hobby kennel, kennel, grooming parlor, pet shop, guard dog purveyor, guard dog trainer license or guard dog registration upon good cause or for failure to comply with any provision of this chapter. (Ord. 2613 (part), 2017: Ord. 1340 § 13, 1986)

6.04.140 Reapplication after license denial.

No applicant shall be issued a kennel license, who has previously had such license or registration revoked or a renewal refused, for a period of one year after the date of revocation or refusal and until such applicant meets the requirements contained herein to the satisfaction of the animal control authority. (Ord. 2816 § 2, 2022; Ord. 2613 (part), 2017: Ord. 1340 § 14, 1986)

6.04.150 Animal nuisances.

For purposes of this chapter, violations of this chapter are nuisances and shall include, but not be limited to, the following:

- A. Any public nuisance relating to animal control known at common law or in equity jurisprudence;
- B. Animals (excluding household pets, such as dogs and cats), particularly horses, mules, rabbits, bovine animals, lambs, goats, sheep, birds, hogs, chickens or other animals made to be domestic, being kept in any districts which do not comply with the existing zoning regulations;
- C. Animals running at large within the city;
- D. Any domesticated animal, whether licensed or not, which runs at large in any park, or enters any public beach, pond, fountain, or stream therein, or upon any public playground or school ground; provided, however, that this section shall not prohibit a person from walking or exercising an animal in a public park or on any public beach when such animal is on a leash, tether or chain not to exceed eight feet in length. This section shall not apply to a service animal if a leash would interfere with the service animal's work or the nature of the owner's or keeper's disability prevents use of a leash;
- E. Any animal which enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall. This section shall not apply to a service animal if a leash would interfere with the service animal's work or the nature of the owner's or keeper's disability prevents use of a leash;
- F. A female domesticated animal, whether licensed or not, while in heat, accessible to other animals for purposes other than controlled and planned breeding;
- G. Any domesticated animal which chases, runs after or jumps at vehicles using the public streets and alleys;
- H. Any domesticated animal which habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys, or other public ways and city-owned properties;

- I. Any animal which has exhibited vicious propensities and which constitutes danger to the safety of persons or property off his premises or lawfully on his premises;
- J. A vicious animal or animal with vicious propensities which runs at large at any time, or which is off the owner's premises not securely leashed and in the control of a person of suitable age and discretion to control or restrain such animal;
- K. Any domesticated animal which howls, yelps, whines, barks, or makes other oral noises, in such a manner that unreasonably annoys, disturbs, or interferes with the comfort, repose, health or safety of any person;
- L. Any domesticated animal which enters upon another person's property without the permission of that person;
- M. Animals on any public property not under control by their owner or other competent person by a leash. This section shall not apply to a service animal if a leash would interfere with the service animal's work or the nature of the owner's or keeper's disability prevents use of a leash;
- N. Animals kept, harbored, or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian;
- O. Animals running in packs. (Ord. 2613 (part), 2017; Ord. 2405 § 3, 2012; Ord. 1760 § 2, 1996; Ord. 1340 § 15, 1986)

6.04.155 Rabies – Mandatory vaccination and quarantine.

- A. All dogs and cats three months or older shall be vaccinated against rabies.
- B. An owner of a dog or cat shall provide written documentation of rabies vaccination for a dog or cat when such written documentation is requested by a law enforcement officer or animal control officer as part of an investigation involving a dog or cat biting a human or animal.
- C. In cases where a dog or cat has bitten a person or caused an abrasion of the skin, the animal shall be quarantined for a period of no less than 10 days. The purpose of the quarantine is to ensure no adverse health problems with the animal are detected. The quarantine may be completed at the owner's home, veterinary clinic or animal shelter as determined by the investigating law enforcement officer or animal control officer. (Ord. 2613 (part), 2017; Ord. 2405 § 4, 2012)

6.04.160 Police dog interference.

Repealed by Ord. 2324. (Ord. 1340 § 16, 1986)

6.04.170 Cruelty to animals.

It is unlawful:

- A. For a person to knowingly, recklessly, or with criminal negligence inflict unnecessary suffering or pain upon an animal.
- B. For an owner of an animal to knowingly, recklessly, or with criminal negligence:
 - 1. Fail to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure;
 - 2. To abandon the animal; or
 - 3. Abandon the animal and: (a) as a result of being abandoned, the animal suffers bodily harm; or (b) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm.
- C. For a person to violate the provisions herein:
 - 1. Violation of subsection (A), (B)(1), or (B)(2) of this section is a misdemeanor.

2. Violation of subsection (B)(3) of this section is a gross misdemeanor.

D. In any prosecution of animal cruelty under subsection (A) or (B)(1) of this section, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control. (Ord. 2613 (part), 2017: Ord. 2324 § 5, 2010: Ord. 1340 § 17, 1986)

6.04.175 Confinement of an animal in a motor vehicle.

It is unlawful for an owner or person to confine any animal in a motor vehicle in such a manner that places it in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of such animal, an animal control officer or law enforcement officer who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means under the circumstances, after making a reasonable effort to locate the owner. (Ord. 2613 (part), 2017: Ord. 2324 § 6, 2010)

6.04.177 Tethering of an animal.

A. Violation.

1. It is unlawful to restrain outside or tether a dog as follows, except for a period of time that is not reckless and is otherwise in compliance with this section:

- a. If the dog is tethered in a manner that causes the dog injury or pain;
- b. If the dog is tethered in a manner that results, or could reasonably result, in the dog becoming frequently entangled on the restraint or another object;
- c. If there are multiple dogs tethered, and each dog is not on a separate tether and not secured to a separate fixed point;
- d. With a tether that does not allow the dog to sit, lie down, and stand comfortably without the restraint becoming taut and that does not allow the dog a range of movement;
- e. If the dog is ill, suffering from a debilitating disease, injured, in distress, in the advanced stages of pregnancy, or under six months of age;
- f. If the dog does not have access to clean water and necessary shelter that is safe and protective, and constructed or attached in such a way that the dog cannot knock over the shelter or water vessel while tethered;
- g. If the dog is tethered in a manner that results in the dog being left in unsafe or unsanitary conditions or that forces the dog to stand, sit, or lie down in its own excrement or urine;
- h. If the dog is tethered by means of a choke, pinch, slip, halter, or prong-type collar, or by any means other than with a properly fitted buckle-type collar or harness that provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing; and
- i. If the weight of the tether unreasonably inhibits the free movement of the dog within the area allowed by the length of the tether.

2. It shall constitute an exception to subsections (A)(1)(b) through (e) of this section only if:

- a. The dog is tethered while it is receiving medical care or treatment under the supervision of a licensed veterinarian or is being groomed;
- b. The dog is tethered while participating temporarily in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is judged or examined;
- c. The dog is being kept temporarily at a camping or recreation area;

- d. The dog is being cared for temporarily after having been picked up as a stray or as part of a rescue operation;
- e. The dog is being transported in a motor vehicle or temporarily restrained or tied after being unloaded from a motor vehicle;
- f. The dog is being trained or used by a federal, state, or local law enforcement agency or military or national guard unit; or
- g. The dog is in the physical presence of the owner or person who keeps or controls the dog.

B. Penalty. Each incident involving a violation of this section is a separate offense. Any owner who violates this section is subject to the following penalties:

- 1. A first offense shall result in a correction warning being issued requiring the offense to be corrected by the owner, or person who keeps or controls the dog, within seven days after the date of the warning being issued in lieu of an infraction unless the offense poses an imminent risk to the health or safety of the dog or the dog has been injured as a result of the offense.
- 2. A second offense is a class 2 civil infraction under RCW 7.80.120(1)(b) and shall be subject to the maximum penalty allowed thereunder and as hereinafter amended.
- 3. A third or subsequent offense is a class 1 civil infraction under RCW 7.80.120(1)(a) and shall be subject to the maximum penalty allowed thereunder and as hereinafter amended. (Ord. 2613 (part), 2017)

6.04.180 Poisonous snakes and reptiles.

Repealed by Ord. 2324. (Ord. 1340 § 18, 1986)

6.04.190 Enforcement power.

A. The director and his/her authorized animal control officers are authorized to take such lawful action, including the authority to issue citations and infractions, as may be required to enforce the provisions of this chapter as they pertain to animal cruelty, shelter, welfare and enforcement of control.

B. The director or his/her authorized animal control officer shall not enter a building designated for and used for private purposes, unless a proper warrant has first been issued upon a showing that the officer has reasonable cause to believe an animal is being maintained in the building in violation of this chapter; provided, however, that the director and his/her authorized animal control officers, while pursuing or observing any animal in violation of this chapter may enter upon any public or private property, except any building designated for and used for private purposes, for the purpose of abating the animal violation being pursued or observed.

C. No person shall deny, prevent, obstruct or attempt to deny, prevent or obstruct an animal control officer or law enforcement officer from pursuing any animal observed to be in violation of this chapter. Further, no person shall fail or neglect, after a proper warrant has been presented, to promptly permit the director or the authorized animal control officer to enter private property to perform any duty imposed by this chapter. Any person in violating this subsection is guilty of a misdemeanor. (Ord. 2613 (part), 2017; Ord. 1760 § 3, 1996; Ord. 1340 § 19, 1986)

6.04.200 Impoundment – Authority – Holding.

The director and his/her authorized representative may impound any animals found doing any of the acts defined as a public nuisance, found abandoned, and/or being subjected to cruel treatment as defined by law and herein. After such animals are impounded, the animal control authority shall ascertain whether the animal is licensed or otherwise identifiable and, if reasonably possible, return the animal to the owner together with a notice of violation of this chapter, and if it is not reasonably possible to immediately return the animal to its owner, or if the owner cannot be identified or located, the animal control authority shall notify the owner within five business days by certified mail to the owner's last known address or telephone that the animal has been impounded and may be redeemed. Any animal impounded pursuant to this chapter shall be held for the owner at least 72 hours after receipt of notification by certified mail or by telephone from the impounding agency. Notice via certified mail to owner's last known address is deemed received three days after mailing by the animal control authority. See SMC 6.04.030 for impound

fees. Any animal suffering from serious injury or disease may be humanely destroyed, or, at the discretion of the impounding authority, may be held for a longer period and redeemed by any person on payment of charges not exceeding those prescribed herein. (Ord. 2613 (part), 2017; Ord. 2257 § 1 (part), 2008; Ord. 1901 § 7, 1999; Ord. 1340 § 20(A), 1986)

6.04.210 Impoundment – Redemption procedures.

The owner of any animal impounded pursuant to the provisions of SMC 6.04.200 may redeem it within 72 hours from the time of impounding, upon payment of the fees and costs set forth in SMC 6.04.030. Any such animal not redeemed within 72 hours after being impounded shall be deemed abandoned and may be humanely destroyed or adopted at the discretion of the impounding authority; provided, however, any animal so impounded less than two months of age may be humanely destroyed or adopted at any time after impounding. Livestock not redeemed may be sold at public auction by the impounding agency. The boarding cost for livestock impounded not boarded at the shelter shall be paid by the owner to the boarding facility/stockyard. (Ord. 2613 (part), 2017; Ord. 2324 § 8, 2010; Ord. 2257 § 1 (part), 2008; Ord. 1901 § 8, 1999; Ord. 1340 § 24, 1986)

6.04.220 Mandatory spay/neuter and microchipping for impounded dogs and cats – Deposit – Refund – Exception.

A. Mandatory Spay/Neuter and Microchip – Deposit. No unaltered dog or cat that is impounded more than once in any 12-month period may be redeemed by any person until the animal has been neutered/spayed and microchipped and a sum of \$75.00 is deposited with the animal control authority to cover the cost for the spaying or neutering and microchipping the animal.

B. Refund. The deposit shall be refunded upon a showing of proof of alteration and microchipping from a licensed veterinarian. If there is no proof of alteration and microchipping within one year from date of deposit, Metro will retain the deposit.

C. Exception. The deposit shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay, neuter or microchip installation procedure would be harmful to the animal. (Ord. 2780 § 1, 2021; Ord. 2613 (part), 2017; Ord. 2257 § 1 (part), 2008; Ord. 1901 § 9, 1999; Ord. 1340 § 20(B), 1986)

6.04.230 Impoundment – Inspections.

The city council is empowered to conduct inspections of facilities receiving animals to insure that animals are treated humanely. (Ord. 2613 (part), 2017; Ord. 1901 § 10, 1999; Ord. 1340 § 20(C), 1986)

6.04.240 Feral cats and dogs.

Feral cats and dogs can spread disease in the animal shelter. As a result, any cat or dog impounded that is determined by the animal control officer to be feral will be separated from the other animal(s) in the shelter and will be humanely destroyed as soon as possible. (Ord. 2613 (part), 2017; Ord. 1901 § 11, 1999; Ord. 1340 § 20(D), 1986)

6.04.250 Animal availability for research.

Repealed by Ord. 1901. (Ord. 1340 § 20(E), 1986)

6.04.260 Legal or equitable enforcement action.

Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin acts or practices and abate any conditions which constitute a violation of this chapter, or other regulations adopted in this chapter. (Ord. 2613 (part), 2017; Ord. 1340 § 21, 1986)

6.04.270 Enforcement by notice and order.

Repealed by Ord. 2324. (Ord. 1340 § 22, 1986)

6.04.280 Appeals.

Repealed by Ord. 2324. (Ord. 1901 § 12, 1999; Ord. 1340 § 23, 1986)

6.04.290 Nuisance abatement – Generally.

Repealed by Ord. 2324. (Ord. 1340 § 25(A), 1986)

6.04.300 Violation – Criminal and civil penalty.

A. Any person found in violation of SMC 6.04.170(B)(3) is guilty of a gross misdemeanor and upon conviction shall be punished by a fine not to exceed \$5,000, or by imprisonment in jail not to exceed 365 days, or by both such fine and imprisonment.

B. Any person violating any of the remaining provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000, or by imprisonment in jail not to exceed 90 days, or by both such fine and imprisonment; provided, that any person who shall violate the provisions of SMC 6.04.030(A) or 6.04.150(A), (C), (D), (E), (F), (G), (H), (I), (K), (L), (M), and (O) shall be deemed to have committed an infraction and shall be punished by a maximum penalty of \$250.00. (Ord. 2613 (part), 2017; Ord. 2324 § 12, 2010; Ord. 2281 § 3 (part), 2008; Ord. 1760 § 4, 1996; Ord. 1340 § 26(A), 1986. Formerly 6.04.310.)

6.04.305 Habitual offender.

Any person who, after receiving two or more convictions, singularly or in combination, of crimes relating to animals within a 10-year period, or any combination of two findings of potentially dangerous and/or dangerous animals within 10 years, or any four infractions, singularly or in combination, found to be committed in any municipal or district court within a five-year period may be designated as a “habitual violator” by the director and shall be prohibited from owning animals for a period of not less than 10 years. A violation of this prohibition shall be a gross misdemeanor, punished by a maximum penalty of a fine not to exceed \$5,000, or by imprisonment in jail not to exceed 364 days, or by both such fine and imprisonment. (Ord. 2613 (part), 2017)

6.04.310 Violations – Abatement.

Repealed by Ord. 2324. (Ord. 2281 § 3 (part), 2008; Ord. 1760 § 5, 1996; Ord. 1340 § 26(B), 1986. Formerly 6.04.320.)

Chapter 6.08
DOG FECES REMOVAL

Sections:

- 6.08.010 Allowing deposit prohibited.
- 6.08.020 Removal of feces deposited.
- 6.08.030 Proper disposal.
- 6.08.040 Violation – Civil infraction.

6.08.010 Allowing deposit prohibited.

No person owning or in charge of any dog shall cause or allow such dog to soil, defile, defecate on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property, without the permission of the owner of the property. (Ord. 1317 § 1, 1985)

6.08.020 Removal of feces deposited.

Any person owning or in charge of any dog which soils, defiles, defecates on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property, without the permission of the owner of the property, shall immediately remove all feces deposited by any such dog, in a sanitary manner. (Ord. 1317 § 2, 1985)

6.08.030 Proper disposal.

The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any such dog in a sealed, nonabsorbent, leakproof container. (Ord. 1317 § 3, 1985)

6.08.040 Violation – Civil infraction.

Any violation of the provisions of this chapter shall be a Class 2 civil infraction and any person found in violation thereof shall be assessed a monetary penalty in an amount not to exceed \$125.00 plus applicable statutory assessments. (Ord. 2541 § 5, 2015; Ord. 1317 § 4, 1985)

Chapter 6.10

DANGEROUS AND POTENTIALLY DANGEROUS DOGS

Sections:

- 6.10.010 General provisions.
- 6.10.020 Declaring dog as potentially dangerous.
- 6.10.030 Appealing the declaration of potentially dangerous dog.
- 6.10.040 Permits for potentially dangerous dogs.
- 6.10.050 Declaring dog as dangerous.
- 6.10.060 Appealing the declaration of dangerous dog.
- 6.10.070 Permits for dangerous dogs.
- 6.10.080 Confinement of potentially dangerous or dangerous dog.
- 6.10.090 Notification of status of potentially dangerous or dangerous dog.
- 6.10.095 Potentially dangerous or dangerous dogs temporarily located within this jurisdiction.
- 6.10.100 Relocating a potentially dangerous or dangerous dog from another jurisdiction.
- 6.10.110 Vacating a dangerous or potentially dangerous dog declaration.
- 6.10.120 Violations.

6.10.010 General provisions.

A. Definitions. In construing the provisions of this chapter, unless the context clearly requires otherwise, the definitions in SMC 6.04.020 shall apply. In addition, the following definitions shall apply to each reference to the following words or phrases:

1. "Director" means the police chief of the city in which the dog resides or is kept, or the police chief's designee.
2. "Exhaustion of the appeal process" means that the owner has declined and/or failed to appeal the matter further or has exhausted all appeal options.
3. "Metro" means Metro Animal Services.
4. "Municipal court" means the court or hearing examiner designated, by the city in which the dog resides or is kept, to handle appeals of dangerous dog and potentially dangerous dog declarations.
5. "Premises" means the registered owner's current address that has been inspected and approved by Metro.

Except where otherwise plainly declared or clearly apparent from the context, words used in this chapter shall be given their common and ordinary meaning.

B. Calculating Deadlines. If the deadline to comply with any requirement of this chapter falls on a day that Metro Animal Services is closed, the deadline shall be extended to the next day that Metro Animal Services is open to the public.

C. All notices, declarations, and final determinations required to be served on an owner shall be served in one of the following methods:

1. Certified mail, return receipt requested, and regular mail to owner's last known address; or
2. Personally; or
3. If the owner cannot be located after diligent attempts to serve the owner by one of the first two methods, by posting the declaration in a conspicuous place at the owner's last known address.

When service is accomplished by mail pursuant to subsection (C)(1) of this section, service shall be considered complete on the third day after the item is postmarked.

D. This chapter does not apply to dogs used by law enforcement officials for police work. (Ord. 2676 § 1 (part), 2019)

6.10.020 Declaring dog as potentially dangerous.

A. Metro may find and declare a dog potentially dangerous if any animal control officer has probable cause to believe that the dog falls within the definitions set forth in SMC 6.04.020(U) and the exclusions contained in this section do not apply.

1. The written finding must be based upon:

- a. The written complaint of a citizen who is willing to testify that the dog has acted in a manner which causes it to fall within the definition of SMC 6.04.020(U); or
- b. Dog bite reports filed with the Metro; or
- c. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
- d. Other substantial evidence.

2. Exclusions. A dog may not be declared potentially dangerous if Metro determines, by a preponderance of the evidence, that the threat, injury, or bite alleged to have been committed by the dog was sustained by a person who was at the time committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or who was tormenting, abusing, or assaulting the animal, or who has been in the past observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime.

B. Notice to Declare. If any animal control officer determines there is probable cause to declare a dog potentially dangerous, Metro must provide the dog owner with notice that the dog will be declared potentially dangerous. Fifteen days after the notice is served, unless such notice is otherwise rescinded by Metro or the director, the dog will be deemed potentially dangerous pursuant to this chapter.

1. Contents of Notice. The notice shall be in writing and shall state the statutory basis for the declaration, the reasons Metro considers the dog potentially dangerous, a statement that the dog is subject to permitting and other restrictions required by this chapter, including a recitation of the restrictions and requirements in SMC 6.10.040 (permitting), 6.10.080 (confinement), and 6.10.090 (notification), an explanation of the owner's rights, the proper procedure for appealing the declaration, and the opportunity to meet with the director and give reasons or information as to why the dog should not be declared potentially dangerous. The meeting must be requested by the owner and must take place within 15 days of service of the notice. The director has authority to extend the 15-day deadline for the meeting under extenuating circumstances.

2. Restrictions. Upon service of the notice, the dog shall at all times be confined pursuant to SMC 6.10.080. Furthermore, the owner must comply with all requirements set forth in SMC 6.10.090.

3. Meeting. If, within 15 days after service of the notice, the owner requests a meeting with the director, the director shall notify the owner of the date, time, and location for such meeting. During such meeting, the director will determine whether the owner has established good cause for the notice to be rescinded and will orally inform the owner of his or her decision at such time. Following the meeting, the director shall serve the owner with a written letter explaining the director's decision. If the director rescinds the notice, the dog will not be deemed potentially dangerous and no further action is required by the owner.

4. Effect of Notice. On the sixteenth day following service of the notice to declare, unless said notice is rescinded by Metro or the director, the dog shall be deemed potentially dangerous. (Ord. 2676 § 1 (part), 2019)

6.10.030 Appealing the declaration of potentially dangerous dog.

If the owner wishes to appeal the declaration of potentially dangerous dog:

A. The owner shall submit a written notice of appeal to the municipal court together with the applicable fee charged by the city in which the dog resides or is kept for dangerous dog appeals, and shall serve a copy of the same upon

Metro within 15 calendar days of the day the dog is deemed to be potentially dangerous pursuant to the notice to declare described in SMC 6.10.020(B).

B. On appeal before the municipal court, the burden shall be on the city to prove the declaration of potentially dangerous dog, as defined in SMC 6.04.020(U), is supported by a preponderance of the evidence. The municipal court shall set a hearing on the appeal with notice to all parties of the date, time, and location of the hearing.

C. The hearing before the municipal court is not subject to the evidentiary rules of the court system, but shall be guided by the concept of due process. Evidence, including hearsay evidence, is admissible if in the judgment of the court it is the kind of evidence upon which reasonably prudent persons are accustomed to rely upon in the conduct of their affairs. The court may exclude evidence that is irrelevant, unreliable, immaterial, or unduly repetitious.

D. The municipal court shall have the authority to make the following determination on appeal:

1. Rescind the declaration of potentially dangerous dog;
2. Uphold the declaration of potentially dangerous dog; or
3. Condition the declaration of potentially dangerous dog for a period not to exceed 12 months, at which time the municipal court shall conduct a review hearing to determine if sufficient evidence supports maintaining the declaration of potentially dangerous dog. During any period of conditional declaration, the owner shall obtain a potentially dangerous dog permit and comply with all provisions set forth in SMC 6.10.040 (permitting), 6.10.080 (confinement), and 6.10.090 (notification). The owner is responsible for requesting a review hearing at the end of the conditional declaration period. The conditional declaration shall remain in effect until it is revised or rescinded by the municipal court.

E. If the owner wishes to appeal the municipal court's decision, the appeal must be filed with the clerk of the Pierce County superior court, and a copy of the appeal served upon Metro, within 15 calendar days of the date of the municipal court's written decision.

F. While any appeal is pending, the provisions of SMC 6.10.080 and 6.10.090 shall apply. (Ord. 2676 § 1 (part), 2019)

6.10.040 Permits for potentially dangerous dogs.

A. It is unlawful for an owner to have a potentially dangerous dog in the city without a current permit issued under this section. Within 15 calendar days following either: (1) the expiration of the appeal deadline, if no appeal is filed, or (2) service of a decision affirming the declaration on appeal after exhaustion of the appeal process, the owner of a potentially dangerous dog shall obtain a permit from Metro.

B. Permit Submittals. Metro may issue a permit to the owner of a potentially dangerous dog if the owner completes the following:

1. Provides payment of the permit fee;
2. Provides proof that the dog has been microchipped (and microchip number is provided);
3. Provides a current, color, digital photograph (in electronic format) each of the front and the profile/side of the dog (minimum three inches by five inches in size) for identification purposes;
4. Provides proof of current rabies vaccination;
5. Provides proof of a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$100,000, insuring the owner for any personal injuries or property damage inflicted by the potentially dangerous dog; and
6. Demonstrates the following to Metro during an inspection of the premises:
 - a. The dog is confined in a proper enclosure as defined in SMC 6.04.020(CC);

- b. There is a conspicuously posted and clearly visible warning sign as defined in SMC 6.04.020(DD);
- c. The dog is wearing a current license tag; and
- d. Possession of a muzzle for the dog as defined in SMC 6.04.020(EE). The muzzle must be available at the time of inspection.

The inspection by Metro, and any reinspections that may be necessary, must be scheduled within 10 calendar days after the end of the 15-day appeal deadline, if no appeal is made, or service of a decision affirming the declaration on appeal after exhaustion of the appeal process, if an appeal is made. An owner who fails to pass inspection shall pay a \$50.00 reinspection fee per occurrence. Reinspection must occur during the prescribed 10-calendar-day period.

C. Permit Renewal. The owner of a potentially dangerous dog shall renew the potentially dangerous dog permit annually and within 30 days of the expiration of the permit. To renew the permit, the owner must provide the following to Metro:

1. Proof of current rabies vaccination;
2. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$100,000, insuring the owner for any personal injuries and property damage inflicted by the potentially dangerous dog; and
3. Payment of the renewal fee. See SMC 6.04.030(B).

D. With no less than 48 hours' notice, Metro has the right to inspect the premises and ensure adherence to the requirements herein. (Ord. 2676 § 1 (part), 2019)

6.10.050 Declaring dog as dangerous.

A. Metro may find and declare a dog dangerous if any animal control officer has probable cause to believe that the dog falls within the definitions set forth in SMC 6.04.020(V) and the exclusions contained in this section do not apply. The written finding must be based upon:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of SMC 6.04.020(V); or
2. Dog bite reports filed with Metro; or
3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
4. Other substantial evidence.

B. Exclusions. A dog shall not be declared dangerous if Metro determines, by a preponderance of the evidence, that the threat, injury, or bite alleged to have been committed by the dog was sustained by a person who was at the time committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or who was tormenting, abusing, or assaulting the dog, or who has been in the past observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime.

C. Notice to Declare. If any animal control officer determines there is probable cause to declare a dog dangerous, Metro must provide the dog owner with notice that the dog will be declared dangerous. Fifteen days after the notice is served, unless such notice is otherwise rescinded by Metro or the director, the dog will be deemed dangerous pursuant to this chapter.

1. Contents of Notice. The notice shall be in writing and shall state the statutory basis for the declaration, the reasons Metro considers the dog dangerous, a statement that the dog is subject to permitting and other restrictions required by this chapter, including a recitation of the restrictions in SMC 6.10.070 (permitting), 6.10.080 (confinement), and 6.10.090 (notification), an explanation of the owner's rights, the proper procedure for appealing the declaration, and the opportunity to meet with the director and give reasons or information as

to why the dog should not be declared dangerous. The meeting must be requested by the owner and must take place within 15 days of service of the notice. The director has authority to extend the 15-day deadline for the meeting under extenuating circumstances.

2. Restrictions. Upon service of the notice, the dog shall at all times be confined pursuant to SMC 6.10.080. Furthermore, the owner must comply with all requirements set forth in SMC 6.10.090.

3. Meeting. If, within 15 days after service of the notice, the owner requests a meeting with the director, the director shall notify the owner of the date, time, and location for such meeting. During such meeting, the director will determine whether the owner has established good cause for the notice to be rescinded or amended from dangerous to potentially dangerous, and will orally inform the owner of its decision at such time. Following the meeting, the director shall serve the owner with a written letter explaining the director's decision. If the director rescinds the notice, the dog will not be deemed dangerous and no further action is required by the owner. If the director amends the notice to declare from dangerous to potentially dangerous, the same appeal period applies as if the notice to declare had not been amended.

4. Effect of Notice. On the sixteenth day following service of the notice to declare, unless said notice is rescinded or amended by Metro or the director, the dog shall be deemed dangerous. (Ord. 2676 § 1 (part), 2019)

6.10.060 Appealing the declaration of dangerous dog.

If the owner wishes to appeal the declaration of dangerous dog:

A. The owner shall submit a written notice of appeal to the municipal court together with the applicable fee charged by the city in which the dog resides or is kept for dangerous dog appeals, and shall serve a copy of the same upon Metro within 15 calendar days of the day the dog is deemed to be dangerous pursuant to the notice described in SMC 6.10.050(C).

B. On appeal before the municipal court, the burden shall be on the city to prove the declaration of dangerous dog, as defined in SMC 6.04.020(V), is supported by a preponderance of the evidence. The municipal court shall set a hearing on the appeal with notice to all parties of the date, time, and location of the hearing.

C. The hearing before the municipal court is not subject to the evidentiary rules of the court system, but shall be guided by the concept of due process. Evidence, including hearsay evidence, is admissible if in the judgment of the court it is the kind of evidence upon which reasonably prudent persons are accustomed to rely upon in the conduct of their affairs. The court may exclude evidence that is irrelevant, unreliable, immaterial, or unduly repetitious.

D. The municipal court shall have the authority to make the following determination on appeal:

1. Rescind the declaration of dangerous dog;

2. Uphold the declaration of dangerous dog; or

3. Condition the declaration of dangerous dog for a period not to exceed 12 months, at which time the Sumner municipal court shall conduct a review hearing to determine if sufficient evidence supports maintaining the declaration of dangerous dog. During any period of conditional declaration, the owner shall obtain a dangerous dog permit and comply with all provisions set forth in SMC 6.10.070 (permitting), 6.10.080 (confinement), and 6.10.090 (notification). The owner is responsible for requesting a review hearing at the end of the conditional declaration period. The conditional declaration shall remain in effect until it is revised or rescinded by the municipal court.

E. If the owner wishes to appeal the municipal court's decision, the appeal must be filed with the clerk of the Pierce County superior court, and a copy of the appeal served upon Metro, within 15 calendar days of the date of the municipal court's written decision.

F. While any appeal is pending, the provisions of SMC 6.10.080 and 6.10.090 shall apply. (Ord. 2676 § 1 (part), 2019)

6.10.070 Permits for dangerous dogs.

A. It is unlawful for an owner to have a dangerous dog in the city without a current permit issued under this section. Within 15 calendar days following either (1) the expiration of the appeal deadline, if no appeal is filed, or (2) service of a decision affirming the declaration on appeal after exhaustion of the appeal process, the owner of a dangerous dog shall obtain a permit from Metro.

B. Permit Submittals. Metro may issue a permit to the owner of a dangerous dog if the owner completes the following:

1. Provides payment of the permit fee;
2. Provides proof that the dog has been microchipped (and microchip number provided);
3. Provides a current, color, digital photograph (in electronic format) each of the front and the profile/side of the dog (minimum three inches by five inches in size) for identification purposes;
4. Provides proof of current rabies vaccination;
5. Provides proof of a policy of liability insurance (such as homeowner's insurance) issued by an insurer qualified under RCW Title 48 in the amount of at least \$500,000, insuring the owner for any personal injuries and property damage inflicted by the dangerous animal;
6. Demonstrates the following to Metro during an inspection of the premises:
 - a. The dog is confined in a proper enclosure as defined in SMC 6.04.020(CC);
 - b. There is a conspicuously posted and clearly visible warning sign as defined in SMC 6.04.020(DD);
 - c. The dog is wearing a current license tag; and
 - d. Possession of a muzzle for the dog as defined in SMC 6.04.020(EE). The muzzle must be available at the time of inspection.

The inspection by Metro, and any reinspections, must be scheduled within 10 calendar days after the end of the 15-day appeal deadline, if no appeal is made, or service of a decision affirming the declaration on appeal after exhaustion of the appeal process, if an appeal is made. An owner who fails to pass inspection will be subject to a \$50.00 reinspection fee per occurrence. Reinspection must occur during the prescribed 10-calendar-day period.

C. Permit Renewal. The owner of a dangerous dog shall renew the dangerous dog permit annually and no later than 30 days of the expiration of the permit. To renew the permit, the owner must provide the following to Metro:

1. Proof of a current rabies vaccination;
2. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$500,000, insuring the owner for any potential injuries and property damage inflicted by the dangerous dog; and
3. Payment of the renewal fee. See SMC 6.04.030(B).

D. With no less than 48 hours' notice, Metro has the right to inspect the premises and ensure adherence to the requirements herein. (Ord. 2676 § 1 (part), 2019)

6.10.080 Confinement of potentially dangerous or dangerous dog.

Every dangerous or potentially dangerous dog must at all times be confined and controlled as follows:

A. On the premises in a proper enclosure as defined in SMC 6.04.020(CC);

B. In an area completely enclosed by a fence of sufficient height, substance, and condition to prevent the escape of the dog while under the direct, in person, supervision of a person 18 years or older who is capable of preventing the escape of the dog from the fenced area; or

C. If beyond the premises, then securely leashed and humanely muzzled while under the direct supervision of a person 18 years or older who is capable of controlling the dog, and any other restrictions deemed necessary by Metro.

These restrictions apply while an appeal of the potentially dangerous dog declaration or dangerous dog declaration is pending. (Ord. 2676 § 1 (part), 2019)

6.10.090 Notification of status of potentially dangerous or dangerous dog.

A. The owner of a dog that has been declared potentially dangerous or dangerous dog shall immediately notify Metro when such dog:

1. Is loose or unconfined; or
2. Has bitten or otherwise injured a human being or attacked another animal or livestock; or
3. Is sold or given away or dies; or
4. Is permanently relocated to another address; or
5. Is temporarily moved to another address for longer than 30 days.

B. At least 48 hours prior to a potentially dangerous or dangerous dog being sold, moved or given away, the owner shall provide the name, address, and telephone number of the new owner to Metro. Prior to selling, moving, or giving the dog away, the owner shall also notify the new owner that the dog has been declared potentially dangerous or dangerous. The new owner shall comply with all of the requirements of this chapter.

These restrictions apply while an appeal of the potentially dangerous dog declaration or dangerous dog declaration is pending. (Ord. 2676 § 1 (part), 2019)

6.10.095 Potentially dangerous or dangerous dogs temporarily located within this jurisdiction.

Any dog that is declared dangerous or potentially dangerous by another jurisdiction shall, at all times that the dog is located within the city, comply with the confinement restrictions imposed by SMC 6.10.080, regardless of whether the dog resides in the city. (Ord. 2781 § 1 (Exh. A), 2021)

6.10.100 Relocating a potentially dangerous or dangerous dog from another jurisdiction.

Upon relocation to this city, any dog that is declared dangerous or potentially dangerous by another jurisdiction shall comply with all dangerous or potentially dangerous dog obligations imposed by this chapter as follows: (1) upon relocation to this city, the owner shall immediately comply with the confinement restrictions in SMC 6.10.080 and the notification requirements of SMC 6.10.090, and (2) within 15 working days, the owner shall obtain a dangerous or potentially dangerous dog permit from Metro. For purposes of this provision, a dog shall be considered to have relocated to this city when either: (1) the owner of the dog resides within the city, or (2) the dog has been physically present or kept in the city for more than 15 days. A dog shall be considered “kept in the city” for any particular day even when the dog is taken out of the city for a day trip or errand. (Ord. 2781 § 1 (Exh. A), 2021; Ord. 2676 § 1 (part), 2019)

6.10.110 Vacating a dangerous or potentially dangerous dog declaration.

A. Dogs Declared Dangerous or Potentially Dangerous by Metro. Three years after a dog has been declared potentially dangerous or dangerous, the owner may request that Metro vacate the declaration by serving such a request to Metro along with the applicable fee charged by the city in which the dog resides or is kept. A vacancy shall not be considered unless the dog has been in compliance and has no violations of the restrictions and permitting requirements imposed as a result of the declaration for a minimum of three years. Upon receipt of a request to vacate a declaration, Metro shall provide the request to the director for consideration. The director may vacate the declaration if it determines that the declaration is no longer appropriate as a result of a change in the dog’s behavior due to age, health, training, and/or other factors. It is the owner’s burden to provide information to Metro in

support of vacating the declaration. There shall be no appeal from Metro's decision in response to a request to vacate a declaration.

B. Dogs Declared Dangerous or Potentially Dangerous by Another Jurisdiction. For any dog that has been declared potentially dangerous or dangerous by another jurisdiction, three years after the dog has resided within the city, the owner may request that Metro waive the permit requirement and confinement restrictions by serving such a request to Metro along with the applicable fee charged by the city in which the dog resides or is kept. A waiver shall not be considered unless the dog has been in compliance and has no violations of the restrictions and permitting requirements imposed as a result of the declaration for a minimum of three years. Metro may waive any such dangerous dog or potentially dangerous dog restrictions or requirements if it determines that such restrictions or requirements are no longer appropriate as a result of a change in the dog's behavior due to age, health, training, and/or other factors. It is the owner's burden to provide information to Metro in support of waiving the restrictions and requirements. There shall be no appeal from Metro's decision in response to a waiver request under this section. (Ord. 2781 § 1 (Exh. A), 2021; Ord. 2676 § 1 (part), 2019)

6.10.120 Violations.

A. Criminal Penalties. It shall be unlawful for any person owning or harboring or having care of a potentially dangerous dog or dangerous dog to allow or permit such dog to be in violation of SMC 6.10.040(A) (permitting for potentially dangerous dogs), 6.10.070(A) (permitting for dangerous dogs), 6.10.080 (confinement), 6.10.090(B) (notification), and 6.10.100 (relocating). Any such person found to be in violation of these provisions shall, upon conviction thereof, be found guilty of a gross misdemeanor punishable by imprisonment in jail of no more than 364 days or by fine of not more than \$5,000, or both.

In addition and upon conviction, the court may order the seizure, impoundment, and/or forfeiture of any dog which is the subject of the criminal proceedings. Furthermore, any potentially dangerous or dangerous dog which attacks a human being, domestic animal, or livestock may be ordered destroyed when, in the court's judgment, such dog represents a continuing threat of serious harm to human beings or domestic animals. The court shall order any person convicted under this section to pay all costs of confinement, control, and/or destruction, including any necessary veterinary fees and the daily boarding fee outlined in SMC 6.04.030(B).

B. When Metro determines that a dog is in violation of any provision of this chapter, Metro is authorized to immediately seize and impound such dog. If, after notification to the owner regarding the violation, the owner fails to correct the violation within 15 days, Metro is authorized to destroy the dog.

Metro is authorized, but not required, to grant the owner an extension of time to correct the violation before destruction of the dog. The owner shall pay all costs of confinement and control, including any necessary veterinary fees and the daily boarding fee outlined in SMC 6.04.030(B), and all costs for the destruction of the dog. All costs must be paid before the dog may be redeemed by the owner.

C. In addition to the provisions of subsection (B) of this section, while an appeal is pending, Metro is authorized to immediately seize and impound the dog for the remainder of the appeal process when Metro determines that the dog is in violation of SMC 6.10.080 (confinement) or that the dog has inflicted a bite upon another animal or person. The owner shall pay all costs of confinement and control, including any necessary veterinary fees and the daily boarding fee outlined in SMC 6.04.030(B). All costs must be paid before the dog may be redeemed by the owner.

D. It shall be a Class 1 civil infraction, punishable by a fine not to exceed \$250.00 plus statutory assessments, for any person owning or harboring or having care of a potentially dangerous dog or dangerous dog to allow or permit such dog to be in violation of SMC 6.10.095. (Ord. 2781 § 1 (Exh. A), 2021; Ord. 2676 § 1 (part), 2019)

Chapter 6.12

PIGS

(Repealed by Ord. 2852)

Chapter 6.14
POLICE DOGS

Sections:

- 6.14.010 Interference and abuse of police dogs prohibited.
- 6.14.020 Police dogs exempted from animal control provisions.
- 6.14.030 Violation – Punishment.

6.14.010 Interference and abuse of police dogs prohibited.

No person shall willfully torment, torture, beat, kick, strike or harass any dog used by a police department for police work, or otherwise interfere with the use of any such dog for police work by said department or its officers or members. (Ord. 2324 § 18 (part), 2010)

6.14.020 Police dogs exempted from animal control provisions.

All police dogs and all dogs being trained as police dogs shall be exempt from all the provisions of chapter 6.04 SMC relating to animal control, only when acting in their official or work-related capacity. When in an off-duty capacity, all police dogs and dogs being trained as police dogs shall be subject to all the provisions of the SMC relating to animal control except chapter 6.10 SMC related to dangerous and potentially dangerous dogs. (Ord. 2641 § 1, 2018; Ord. 2324 § 18 (part), 2010)

6.14.030 Violation – Punishment.

Any violation of the provisions of this chapter shall be punishable as a gross misdemeanor and may be punished by a fine of not more than \$5,000 or imprisonment of not more than one year in jail, or by both such fine and imprisonment. (Ord. 2324 § 18 (part), 2010)

Chapter 6.16

EXOTIC ANIMALS

Sections:

- 6.16.010 Chapter purpose.
- 6.16.020 Possession unlawful – Exceptions.
- 6.16.030 Chapter limitations.
- 6.16.040 Euthanasia in exigent circumstances.
- 6.16.050 Registration approval process.
- 6.16.060 Registration requirements for animals currently owned – Content.
- 6.16.070 Registration – Issuance – Premises inspection.
- 6.16.080 Periodic inspection of premises.
- 6.16.090 Exotic animals – At large prohibited.
- 6.16.100 Chapter requirements.
- 6.16.110 Violation – Penalty.

6.16.010 Chapter purpose.

The purpose of this chapter is to preserve the public health, peace and safety by prohibiting the possession or maintenance of exotic animals other than in the case of certain limited exceptions as provided in SMC 6.16.030, and to limit and set conditions on exotic animals possessed or maintained as of the effective date of the ordinance codified in this chapter. (Ord. 2324 § 19 (part), 2010)

6.16.020 Possession unlawful – Exceptions.

It is unlawful for any owner to possess or maintain an exotic animal within the city of Sumner, unless the owner possessed or maintained the exotic animal on or before the effective date of the ordinance codified in this chapter; provided, the owner may continue to possess and maintain such animal until the animal expires, if within 30 calendar days the owner satisfies the registration requirements for such animals contained in this chapter and such rules and regulations as the animal control authority may adopt regarding the possession or maintenance of such animals. Failure to timely register an animal or to comply with the conditions of this chapter shall constitute a violation of this chapter. (Ord. 2324 § 19 (part), 2010)

6.16.030 Chapter limitations.

The provisions of this chapter shall not apply to any facility possessing or maintaining exotic animals which is owned, operated or maintained by any 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, educational or entertainment exhibits 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 title for use as service animals by disabled citizens. (Ord. 2324 § 19 (part), 2010)

6.16.040 Euthanasia in exigent circumstances.

For purposes of this title, “euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during such loss of consciousness.

A. Any exotic animal possessed or maintained in violation of this chapter may be subject to impoundment and euthanasia by the animal control authority if any one of the following exigent circumstances is deemed to exist by the animal control officer and confirmed by the director of the animal control program or his/her designee:

1. The exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement. For the purposes hereof, if an exotic animal wanders or runs loose in the city, it shall be presumed that the exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement; or

2. 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 animal control authority no facility as authorized by local, state or federal law is available to house the exotic animal; or

3. The exotic animal suffers from a communicable disease injurious to other animals or human beings; provided, that this section 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.

B. After an exotic animal has been impounded, as provided above, the animal control officer shall, as soon as feasible, notify the person who had possessed or maintained the exotic animal, if known, of the exigent circumstances deemed to exist that warranted the impoundment and euthanasia of the exotic animal. The person who had possessed or maintained the exotic animal or another person with an ownership interest in the exotic animal may appeal the determination to the director; provided, that the written appeal must be filed with the director within 10 days of the notice of impoundment referred to hereinabove. Failure to file a written appeal within the 10-day period will constitute a waiver of all rights to an administrative hearing and determination of the matter. Enforcement of any administrative decision shall be stayed during the pending of an appeal, except impoundment of any exotic animal. The director shall issue a written decision on an appeal within 10 days of the hearing. Any appeal from the director's decision must be filed in superior court within 30 days of the date of the director's written decision. (Ord. 2324 § 19 (part), 2010)

6.16.050 Registration approval process.

A. An owner who possesses or maintains an exotic animal on or before the effective date of the ordinance codified in this chapter may continue to possess or maintain such animal; provided, the owner registers said animal pursuant to the registration requirements of SMC 6.16.060 with the Sumner animal control authority within 30 calendar days of the effective date of the ordinance codified in this chapter.

B. As a condition of registration, the animal control officer may inspect the proposed premises and confinement device for the animal, which must meet the cage or confinement rules and regulations of the animal control authority. (Ord. 2324 § 19 (part), 2010)

6.16.060 Registration requirements for animals currently owned – Content.

For owners who currently possess or maintain exotic animals, a verified registration shall be filed by the owner with the animal control authority and shall contain the following information:

A. A legal or otherwise adequately precise description of the premises which applicant desires to use under the required registration;

B. Whether the applicant owns or rents the premises to be used;

C. If the applicant rents the premises, a written acknowledgement by the property owner that the applicant has the owner's permission to carry on the activity as described in the registration;

D. The extent of improvement upon such premises;

E. A map or diagram of such premises showing where the improvements are located thereon;

F. A statement indicating the species of exotic animal which the applicant currently possessed or maintained on or before the effective date of the ordinance codified in this chapter;

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 such further information as may be required by rules and regulations of the animal control authority. (Ord. 2324 § 19 (part), 2010)

6.16.070 Registration – Issuance – Premises inspection.

If, upon review by the animal control authority, the animal control authority verifies that the owner/applicant is the owner, or if a tenant, has the written permission of the property owner as specified in SMC 6.16.060; and if all of the applicable rules and regulations of the animal control authority have been met, the animal control authority shall certify the exotic animal as properly registered and the owner is lawfully entitled to use the premises for the

possession or maintenance of the exotic animal(s) specified in such registration. Provided, however, that the animal control authority shall inspect the premises and confinement cage or other proposed confinement device to ensure all standards required for confining exotic animals as required by rule or regulation have been met. If, however, the cage or confinement device is deemed inadequate, the animal control authority may deny the registration. Where appropriate, the owner/applicant may be required to make such changes as necessary to meet the standards required before registration is approved. (Ord. 2324 § 19 (part), 2010)

6.16.080 Periodic inspection of premises.

The animal control authority or his/her designee may make routine, periodic inspections of an owner's premises and records in order to determine the number, kind, weight and condition of exotic animals possessed by the owner, and for purposes of enforcing the provisions of this chapter and the rules and regulations of the animal control authority. (Ord. 2324 § 19 (part), 2010)

6.16.090 Exotic animals – At large prohibited.

No person owning or having charge, custody, control, or possession of any exotic animal as defined in this title shall permit or allow the same to be at large at any place within the city, or within the premises of such person in such a manner as to endanger any person lawfully entering or upon such premises. Provided, this shall not apply to a person keeping or maintaining or having in his/her possession or under his/her control any exotic animal when such person is transporting such animal through the city; provided, such person has taken adequate measures to safeguard persons and property. (Ord. 2324 § 19 (part), 2010)

6.16.100 Chapter requirements.

A. Any exotic animal shall be kept in an approved containment device unless under the control of the owner of record or his/her designee.

B. Any exotic animal found outside the premises of record and not under the control of the owner or his/her designee will be impounded. If the conditions described in SMC 6.16.040 are not present, the exotic animal shall be released to the owner of record, if known, and prior to release to the owner of record, the owner shall pay the impound fee and the boarding fee as described in SMC 6.04.020. (Ord. 2324 § 19 (part), 2010)

6.16.110 Violation – Penalty.

Violation of any of the provisions of this chapter shall constitute a misdemeanor and may be punished by a fine not to exceed \$1,000 and/or by incarceration in jail not to exceed 90 days. (Ord. 2324 § 19 (part), 2010)

Chapter 6.18

LIVESTOCK

Sections:

- 6.18.010 Definitions.
- 6.18.020 Keeping of small farm animals.
- 6.18.030 Keeping of large farm animals.
- 6.18.040 Livestock and poultry – At large restricted.
- 6.18.050 Animal sanitation.
- 6.18.060 Violation – Punishment.
- 6.18.080 Construction.

6.18.010 Definitions.

In construing the provisions of this chapter, except where otherwise plainly declared or clearly apparent from the context, words used in this chapter shall be given their common and ordinary meaning; in addition, the following definitions shall apply to each reference to the following words or phrases:

- A. “Small farm animals” means small fowl, small livestock.
- B. “Large farm animals” means large fowl, large livestock.
- C. “Small fowl” means chickens, ducks, pigeons, pheasant (Golden, Amherst, etc.).
- D. “Large fowl” means peacocks, geese, turkeys, emu/ostrich, etc.
- E. “Small livestock” means miniature pigs such as Kune Kune, Juliana, or Potbelly breeds, miniature goats such as Nigerian or Pygmy breeds, rabbits.
- F. “Large livestock” means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, etc. (Ord. 2852 § 1, 2023)

6.18.020 Keeping of small farm animals.

The keeping of small farm animals, including chickens, geese, ducks or other small fowl, rabbits, and miniature goats, and miniature pigs is permitted subject to the following standards:

- A. The maximum number of all small fowl and small livestock permitted to a residence shall be:
 - 1. Five small fowl per one-half to one acre. (Example: one-half to 1.99 acre equals five allowed; two acres equal 10 allowed.)
 - 2. Small livestock one-half to one acre: two permitted. Each additional acre two per acre increase allowed.
 - 3. All small fowl and livestock must be maintained in a manner that prevents accumulation of manure, debris, or excess feed to prevent rodents and other pests.
 - 4. Structures and pens for small fowl and small livestock shall be in accordance with recommended sizes for the species and shall be sturdy, weatherproof, escape proof, fall within the zoning allowances for the property, and maintained in a clean fashion.
 - 5. Structures will not be permitted within 25 feet of any property boundary, or occupied building on another’s property (current or hereafter constructed).
 - 6. Male miniature goats and miniature pigs must be neutered.

7. Small farm animals and small livestock may not create a nuisance for the neighborhood. Such nuisances (noise, odor, etc.), confirmed by two separate neighboring residences by affidavit, must be abated within 30 days or the animals may be disallowed at the location.

8. Shelter shall be available in the form of a minimum two-sided pen, stall, or building with a cover which must conform to applicable building codes for the location. (Ord. 2852 § 1, 2023)

6.18.030 Keeping of large farm animals.

The keeping of large farm animals is permitted on properties over one acre; provided, that the property contains a minimum of one-half acre of lot area available as pasture, yard, or stall space for each two such animals in any combination. Any pen or building shall be located at least 100 feet from any neighboring building now existing and hereafter constructed, owned by any other person within the city, and must conform to applicable building codes for the location.

A. Permitted Uses.

1. Two large fowl per one-half to one acre with additional two per acre increase.

2. Two large livestock per one acre with additional two per acre increase.

3. All large livestock and fowl must be maintained in a manner that prevents accumulation of manure, debris, or excess feed to prevent rodents or other nuisance pests and odors.

4. Shelter shall be available in the form of a minimum two-sided pen, stall, or building with a cover which must conform to applicable building codes for the location.

5. Structures and pens for large fowl and livestock shall be in accordance with recommended sizes for the species and shall be sturdy, weatherproof, escape proof, fall within the zoning allowances for the property, and be maintained in a clean fashion.

6. Any pen, stall, or building shall be located at least 100 feet from any neighboring building now existing and hereafter constructed, owned by any other person within the city.

7. Large farm animals and large livestock may not create a nuisance for the neighborhood. Such nuisances (noise, odor, etc.), confirmed by two separate neighboring residences by affidavit, must be abated within 30 days or the animals may be disallowed at the location. (Ord. 2852 § 1, 2023)

6.18.040 Livestock and poultry – At large restricted.

Livestock and poultry must be confined to the owner or caretaker's property boundaries and may not become at large. Livestock or poultry that is with a handler and under control by a normal lead, tether, halter, or reins is permitted. It is unlawful for any person owning or having the charge and control of any livestock or fowl to permit or allow the animals to enter or trespass upon private or public property without the express permission of the owner or caretaker of such property while not under control or at large. Any livestock or fowl at large may be seized and impounded. (Ord. 2852 § 1, 2023)

6.18.050 Animal sanitation.

Where any livestock, with the exception of small fowl, deposits any fecal matter upon any public sidewalk, street, alley or within any city park, playground, or cemetery, or upon any other public place or another's property, the keeper of said animal shall remove and dispose of such fecal matter before the keeper of the animal leaves the immediate area where the fecal matter was deposited. For purposes of this section, the "keeper of an animal" shall mean the person who has immediate possession and control of the animal while the animal is on public property as set forth above. (Ord. 2852 § 1, 2023)

6.18.060 Violation – Punishment.

Any party keeping livestock in violation of this chapter or failing or refusing to comply with the order of the animal control authority mentioned in SMC 6.04.020 shall be found to have committed a Class 1 civil infraction as adopted by reference and defined under RCW 7.80.120. Additionally, violations of this chapter are subject to the penalties outlined in SMC 6.04.305, Habitual offender. (Ord. 2852 § 1, 2023)

6.18.080 Construction.

If the provisions of this chapter are found to be inconsistent with other provisions of the Sumner Municipal Code, this chapter is deemed to control. (Ord. 2852 § 1, 2023)

Chapter 6A.07 GRAFFITI

Sections:

6A.07.010 Graffiti deemed nuisance.

6A.07.020 Definitions.

6A.07.030 Repealed.

6A.07.035 Possession of graffiti materials prohibited.

6A.07.040 Graffiti (notice of removal).

6A.07.050 Appeal.

6A.07.060 Removal by city.

6A.07.010 Graffiti deemed nuisance.

(1) Graffiti and other defacement of public and private property, including but not limited to walls, rocks, bridges, buildings, fences, gates and other structures, trees, and other real and personal property within the city constitutes a nuisance.

(2) Although it is appropriate, where possible, to request that the courts require people who are convicted of acts of defacement and vandalism involving application of graffiti to public or private property to restore the property so defaced, damaged or destroyed, obtaining convictions for such acts is difficult because the offenses involved can be committed so very quickly and secretly that witnesses to the acts are frequently nonexistent.

(3) Although the public should be encouraged to cooperate in the elimination of graffiti by reporting the same to the proper authorities, and to remove the same from private property, it is also important to eliminate the presence of graffiti from the community so that the product of illegal acts of those involved in application of graffiti is not visible and the property on which the graffiti is located and surrounding properties do not suffer diminution of value. (Ord. 3063 § 1, 1994)

6A.07.020 Definitions.

(1) "Graffiti" means the defacing, damaging or destroying by spraying of paint or marring of ink, chalk, dye or other similar substances on public or private buildings, structures and places.

(2) "Graffiti abatement procedure" means the abatement procedure which identifies graffiti, issues notice to the landowner to abate the graffiti, and cures in absence of response.

(3) "Private contractor" means any person with whom the city shall have duly contracted to remove graffiti. (Ord. 3063 § 2, 1994)

6A.07.030 Graffiti prohibited.

Repealed by Ord. 2009-19. (Ord. 3063 § 3, 1994)

6A.07.035 Possession of graffiti materials prohibited.

(1) It shall be unlawful for any person to possess graffiti materials.

(2) A person possesses graffiti materials when they possess any paint, marking pen, glass-cutting tool, glass-etching tool, materials, instruments, or other article adapted, designed or commonly used for committing or facilitating the commission of an offense involving damaging, defacing, or destroying public or private property, and they possess the item under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of such an offense, or under circumstances evincing an intent that some other person will use or employ the thing possessed in the commission of such offense.

(3) "Defacing" as used in subsection (2) of this section shall include, but not be limited to, the writing, painting, inscribing, drawing, scratching or scribbling upon any wall or surface owned, operated or maintained by any property owner or the city unless the city or the property owner grants written permission for such writing, painting, inscribing, drawing, scratching or scribbling.

(4) The unlawful possession of graffiti materials is a misdemeanor. (Ord. 2008-01 § 1)

6A.07.040 Graffiti (notice of removal).

(1) The police chief or his designated representative shall cause a notice to be served upon the owner(s) of the affected premises, as such owners' name and address appears on the last property tax assessment rolls of Chelan County, Washington. If there is no known address, the notice shall be sent in care of the property address. The notice required by this section may be served in any one of the following manners:

(a) By personal service on the owner.

(b) By registered or certified mail addressed to the owner at the last known address of said owner as set forth in the latest property tax assessment rolls of said owner. If this address is unknown, the notice will be sent to the property address.

(2) The notice shall be substantially in the following form:

NOTICE IS HEREBY GIVEN that you are required, by ordinance of the city of Wenatchee, at your own expense, to remove or paint over the graffiti located on the property commonly known as (address), Wenatchee, Washington, which is visible to public view, within 15 days after the date of this notice; or, if you fail to do so, the city requires the nuisance to be abated by removal or painting over of the graffiti. The cost of the abatement by the city or private contractors employed by the city to abate the nuisance will be assessed upon your property.

(Ord. 3063 § 4, 1994)

6A.07.050 Appeal.

(1) Within 10 days from the mailing or from personal service of the notice of intent to remove graffiti, the owner may appeal the matter to the city commission of the city of Wenatchee or their duly appointed hearing examiner by filing a written notice of appeal with the police chief. Filing of an appeal will stay, during the pendency of the appeal, any enforcement or actions by the city to abate the nuisance.

(2) Appeal Procedure. The city commission or hearing examiner, as the case may be, upon receipt of a notice of appeal, shall set a hearing date not less than 30 days from receipt of the notice of appeal, at which time the appellant may appear and present evidence seeking relief from the notice of removal.

The police chief, or his designated representative, may likewise present evidence at such appeal hearing.

(3) Following the hearing, the city commission or hearing examiner, as the case may be, shall render a written decision within 10 days. (Ord. 3063 § 5, 1994)

6A.07.060 Removal by city.

(1) Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the police chief or his/her designated representative approves, then the police chief or representative is authorized and directed to cause the graffiti to be abated by city forces or by private contract. The city or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate or cover graffiti shall be as close as practicable to background color(s). If the police chief provides for the removal of the graffiti, he/she shall not authorize nor undertake to provide for the painting or repair of any more extensive area than the area where the graffiti is located.

(2) Property owners in the city of Wenatchee may consent in advance to city entry onto private property for graffiti removal purposes. (Ord. 3063 § 6, 1994)



The Wenatchee City Code is current through Ordinance 2025-13, passed November 6, 2025.

Disclaimer: The City Clerk's Office has the official version of the Wenatchee City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.wenatcheewa.gov/>

City Telephone: (509) 888-6200

Codification services provided by [General Code](#)

CLE ELUM PUBLIC SAFETY & HEALTH COMMITTEE

MINUTES

FEBRUARY 18, 2026

2:00 PM

119 W FIRST STREET
CLE ELUM, WA 98922

1. Call to Order, Pledge of Allegiance

Committee Members Present:

Cassidy Buechle-Curtis
Beth Williams
Steven Harper

Staff Present:

Matthew Lundh - Mayor
Debbie Lee - Clerk
Mathew Bailey - Public Works Director
Erica Krum - Assistant City Administrator
Rich Albo - Police Chief
Ed Mills - Fire Chief

2. Unfinished Business

a. Municipal Code — Addressing (Fire/Police)

No updates have been received from the attorney regarding addressing or fire department codes.

b. Cle Elum Municipal Code — Chapter 2.15 — Fire Department

There are no updates from the attorney regarding addressing or fire department codes yet.

c. Title 8 — Health & Safety

The committee discussed various sections of the Health & Safety code and recommended a thorough review on a section-by-section basis for clarity.

Chief Albo indicated that approximately 70% of the sections may be deemed not applicable and suggested initiating the process with eliminations prior to revisiting the fireworks code.

It was noted that:

- Section 8.04 concerning food and inspections may not be relevant, including regulations related to slaughterhouses.
- Section 8.05 addressing noise may contradict the nuisance code; verification of its inclusion in the nuisance code is necessary before any elimination.
- The collection of garbage contracts will remain, with a potential for simplification.

Public Safety & Health Committee Agenda

February 18, 2026

119 W FIRST STREET
CLE ELUM, WA 98922

- Section 8.12 on nuisances addresses the storage of automobiles in private garages and does this code need updated.
- Sections 8.32 and 8.36 are recommended for elimination or may be covered in other areas of the code.
- The applicability of Section 8.40 in relation to the building code requires verification.
- Additionally, antenna regulations may need to be incorporated into the building code under Section 8.52.

The police, fire, and public works departments will review the relevant codes listed above and present their findings to the committee. Monthly study sessions have been proposed following the first meeting to prioritize the findings.

Committee Member Buechle-Curtis will summarize today's discussions, including potential code removals or relocation of certain codes.

Chief Albo will also address concerns related to false alarms.

A decision is required on whether to create new code or to integrate it with existing regulations.

Lastly, burn complaints regarding wood stove usage were noted, emphasizing the need for clarification of regulations allowing only the burning of dry, legal firewood in designated pits.

d. [E-Bike — Discussion](#)

Committee Member Williams reported that the current rules for the Cascade to Palouse Trail, specifically for type 1 and type 2 vehicles, permit a speed limit of up to 26 miles per hour.

E-Bike regulations are pending further legislative updates, and the discussion on this matter will be tabled until such updates are received.

e. [Title 6 — Animals](#)

This item was referred by the General Government Committee to the Public Safety and Health Committee. The matter was assigned to Code Enforcement for review and to receive suggestions. It was suggested that the Chair coordinate with her to schedule a line-by-line review of the code or to allow her time to provide recommendations at her convenience. VanDongen will attend the next committee meeting to present her feedback.

Redlined documents will reflect the committee's edits from the previous committee.

Public Safety & Health Committee Agenda February 18, 2026

119 W FIRST STREET
CLE ELUM, WA 98922

f. Grafitti

Jackie VanDongen, Code Enforcement, will evaluate this matter from a code enforcement perspective. The findings will subsequently be submitted to the attorney for review. Following this review, the committee will assess the recommendations before they are presented to the council.

3. New Business

a. Cle Elum Public Safety & Health — Meeting Minutes — January 16, 2026

MOTION: Committee Member Harper made a motion to approve the January 16, 2026, Public Safety & Health Committee Meeting Minutes; seconded by Committee Member Williams.

MOTION CARRIED: 3 yes 0 no.

b. Cle Elum Public Safety & Health — Meeting Minutes — February 5, 2026

MOTION: Committee Member Harper made a motion to approve the February 5, 2026, Public Safety & Health Committee Meeting Minutes; seconded by Committee Member Williams.

MOTION CARRIED: 3 yes 0 no.

4. Other Committee Comments

The committee welcomed the Assistant City Administrator.

5. Adjournment

The meeting was adjourned at 2:35 p.m.

Cassidy Buechle - Curtis, Chair

Debbie Lee, Clerk