

Ordinance No. 121178

Council Bill No. 114570

AN ORDINANCE relating to Seattle's Animal Control Code; creating a civil infraction for possession of a potentially dangerous animal; amending the definition of "dangerous animal" to incorporate reference to the new civil infraction; defining "unprovoked;" providing for implanting a microchip into and photographing of animals whose owners have been found to have committed the new civil infraction; changing the definition of "Animal Control Officer" to conform to the current organization of the Department of Executive Administration; providing for removal of certain dangerous animals to another jurisdiction; providing for penalties for possessing in the City of Seattle an animal that has been ordered removed; amending Chapter 9.25 of the Seattle Municipal Code; and amending Section 12A.06.060 of the Seattle Municipal Code which defines negligent control of an animal.

The City of Seattle
Council Bill/Ordinance

(Handwritten initials)

Pass as amended

6-9-03 Pass

Introduced:	<u>MAY 19 2003</u>	
Date 1st Referred:	<u>MAY 19 2003</u>	To: (committee) <u>Finance, Budget, Business & Labor Committee</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>6-9-03</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor:	<u>6-10-03</u>	Date Approved: <u>6/13/03</u>
Date Returned to City Clerk:	<u>6/17/03</u>	Date Published: <u>10/19</u> T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoes by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Drago by CD
Councilmember

(C)
(S)

Committee Action:

Passed as amended 10-0 (JD, NL, PS, RC, JC, JW)

(C)
(S)

6-9-03 Passed As Amended 9-0

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Department

Law Dept. Review

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Review

City Clerk
Review

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ORDINANCE 121178

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3 AN ORDINANCE relating to Seattle's Animal Control Code; creating a civil infraction for possession of a
4 potentially dangerous animal; amending the definition of "dangerous animal" to incorporate reference to
5 the new civil infraction; defining "unprovoked;" providing for implanting a microchip into and
6 photographing of animals whose owners have been found to have committed the new civil infraction;
7 changing the definition of "Animal Control Officer" to conform to the current organization of the
8 Department of Executive Administration; providing for removal of certain dangerous animals to another
9 jurisdiction; providing for penalties for possessing in the City of Seattle an animal that has been ordered
10 removed; amending Chapter 9.25 of the Seattle Municipal Code; and amending Section 12A.06.060 of
11 the Seattle Municipal Code which defines negligent control of an animal.

12 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

13 Section 1. Section 9.25.020 of the Seattle Municipal Code is amended as follows:

14 **9.25.020 Definitions -- A -- E.**

15 As used in this chapter, except where a different meaning is plainly apparent from the context, the
16 following definitions apply:

17 A. "Abandon" means the act of leaving an animal:

- 18 1. Without food, water, or care for twenty-four (24) hours or more; or
19 2. In a situation where the conditions present an immediate, direct, and serious threat to the life, safety, or
20 health of the animal.

21 B. "Alter" means to permanently render an animal incapable of reproduction.

22 C. "Animal" means any living nonhuman mammal, bird, reptile, or amphibian.

23 D. "Animal Control Officer" means any person who is employed with the ~~((Seattle Division of))~~ Animal
24 Control section of the Department or appointed by the Director for the purpose of aiding in the enforcement of
any ordinance, or relating to the licensing control, quarantine, seizure or impoundment of animals.

E. "At large" means a dog or other animal inside The City of Seattle, off the premises of the owner, and
not under control by a leash of eight (8) feet in length or shorter. "At large" does not include an animal on
property other than the animal's owner with the permission of a lawful occupant of that property.

F. "City" means The City of Seattle.

G. "Dangerous animal" means any animal ~~((that according to the records of the appropriate authority,))~~:

(1) That, when unprovoked, ((has)) inflicts((ed)) severe injury on or kills a human being or domestic
animal ((without provocation))-on public or private property((;));

~~(((2) has killed a domestic animal; without provocation while off the owner's property, or));~~

1 (2)((3)) Whose owner has been previously found to ((be potentially dangerous, whose owner has
2 received notice of such,)) have committed a civil violation of 9.25.084G or has been convicted of a crime under
3 12A.06.060 of the Seattle Municipal Code and whose owner is found to have committed a ((which animal again
4 aggressively bites, attacks, or endangers the safety of humans or domestic animals)) violation of either 9.25.084G
5 or 12A.06.060 of the Seattle Municipal Code with respect to the behavior of that same animal;

6 (3) That, under circumstances other than as described in subsection G(2) above, has been the subject of
7 one or more findings that its owner has committed a civil violation of 9.25.084G or has been convicted of a crime
8 under 12A.06.060 of the Seattle Municipal Code, whether involving the same or a different owner, whose owner
9 is found to have committed a violation of either 9.25.084G or 12A.06.060 of the Seattle Municipal Code; or

10 (4) Whose owner has received a written notification alleging behavior that would be in violation of either
11 9.25.084G or 12A.06.060 of the Seattle Municipal Code issued under the laws of any other city, county or state
12 agency within or outside of the State of Washington, which animal again engages in behavior that is in violation
13 of either 9.25.084G or 12A.06.060 of the Seattle Municipal Code.

14 The breed of a dog shall not be considered in any determination whether a dog is a "dangerous animal"
15 under this section.

16 H. "Director" means the Director of Executive Administration of The City of Seattle or his/her
17 authorized representative.

18 I. "Department" means the Department of Executive Administration of The City of Seattle.

19 J. "Disposed of in a humane manner" means euthanized by a lethal dose of sodium pentobarbital or its
20 equivalent.

21 K. "Detain" means to place an animal in custody.

22 L. "Domestic Animal" means an animal that is livestock, a companion animal, or both.

23 1. "Livestock" means any species of animal commonly used by inhabitants of Washington State for food,
24 fiber, or draft purposes.

25 2. "Companion animal" means any species of animal commonly kept by inhabitants of Washington State
26 as a pet or for companionship, except that snakes exceeding eight (8) feet in length, venomous reptiles (regardless
27 of whether the venom glands have been removed), and venomous amphibians (regardless of whether the venom
28 glands have been removed) are not domestic animals, even if such animals are commonly kept by inhabitants of
29 Washington State pets or for companionship.

30 M. "Exotic animal" means any species of animal that is both: (1) not a domestic animal, and (2) capable
31 of killing or seriously injuring a human being. Subject to the preceding sentence, the definition of "exotic animal"
32 contained in this section includes but is not limited to:

33 1. All animals of the order Primates (as primates) except humans;

34 2. All animals of the family Canidae (as dogs, wolves, jackals, or foxes) and their hybrid, except for the
domestic dog *Canis familiaris*;

1 3. All animals of the family Felidae (as lions, tigers, jaguars, leopards, cougars, or cheetahs) and their
hybrid, except for the domestic cat *Felis catus*;

2 4. All animals of the family Ursidae (as bears);

3 5. All animals of the family Hyaenidae (as hyenas);

4 6. All animals of the order Crocodylia (as alligators, crocodiles, gavials, or caimans);

5 7. All animals of the family Elephantidae (as elephants);

6 8. All animals of the order Perissodactyla (as horses, rhinoceroses, or tapirs);

7 9. All animals of the order Artiodactyla (as camels, cattle, deer, giraffes, goats, hippopotamuses, llamas,
pigs, or sheep);

8 "Exotic animal" also includes all venomous reptiles and amphibians, (regardless of whether the venom
9 glands have been removed), and all snakes that are eight (8) feet or more in length. ~~((An animal that is normally
domesticated, but that is determined to be wild or feral, shall be considered an exotic animal.))~~

10 Section 2. Section 9.25.023 of the Seattle Municipal Code is amended as follows:

11 **9.25.023 Definitions -- P -- T.**

12 As used in this chapter, except where a different meaning is plainly apparent from the context, the
following definitions apply:

13 A. "Permit" means human conduct in relation to an owned animal which is intentional, deliberate,
14 careless, inadvertent or negligent.

15 B. "Potbelly pig" means that type of swine commonly known as the Vietnamese, Chinese, or Asian
Potbelly Pig (*Sus scrofa bittatus*).

16 ~~((C. "Potentially dangerous animal" means any animal that when unprovoked: (1) inflicts bites on a
17 human or a domestic animal either on public or private property; or (2) chases or approaches a person on public
property or on private property (other than that of the animal's owner) in a menacing fashion or apparent attitude
18 of attack, or any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury,
or otherwise to threaten the safety of humans or domestic animals.))~~

19 C((D)). "Secure animal shelter" means an animal shelter that agrees to accept an animal and that agrees
to the following conditions:

20 1. Not to release the animal from the shelter for the rest of the animal's natural life;

21 2. Not to allow the animal to come into contact with the general public for the rest of the animal's natural
22 life;

23 3. ~~Not to allow the former owner to have contact with the animal;~~

1 3((4)). To indemnify and hold the City harmless from any and all future liability including any and all
2 claims, demands, damages, liabilities, causes, suits or action of any kind or nature whatsoever relative to past or
future care and custody of the animal and to the animal's future behavior;

3 4((5)). To notify the City if the shelter goes out of business or can no longer keep the animal and to abide
4 by the City's disposition instructions.

5 D((E)). "Service dog" means a dog that is trained for the purposes of assisting or accommodating a
6 disabled person's sensory, mental, or physical disability.

7 E((F)). "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations
8 requiring multiple sutures or cosmetic surgery. It also means transmittal of an infectious or contagious disease by
an animal.

9 F((G)). "Trespassing" means any animal which enters upon the property of another person without the
authorization of the lawful occupant.

10 Section 3. Section 9.25.024 of the Seattle Municipal Code is amended as follows:

11 **9.25.024 Definitions -- U -- Z.**

12 ((Reserved))

13 A. "Unprovoked" means that an animal is not "provoked." An animal is "provoked" if the animal was
14 being tormented, physically abused or hurt at the time of the incident. An animal also is "provoked" if a
reasonable person would conclude that the animal was defending itself, its owner or an immediate family member
of its owner, or another person within its immediate vicinity from an actual assault or was defending real property
belonging to its owner or an immediate family member of its owner from a crime being committed on the owner's
property at that time. An animal is not "provoked" if the victim is alleged to have provoked the animal and the
victim is less than 6 years old.

15 Section 4. Section 9.25.030 of the Seattle Municipal Code is amended as follows:

16 **9.25.030 Authority of the Director.**

17 A. The Director is authorized to:

18 1. Make rules for the interpretation and implementation of this chapter, pursuant to the Administrative
Code;

19 2. Accept the surrender of animals to the City Animal Shelter;

20 3. Permit or deny adoption from the City Animal Shelter of animals that have been surrendered to the
21 City, or which are stray or under detainment and unclaimed after the expiration of a holding period;

22 4. Direct immediate humane disposal of: (a) any exotic animal when alternatives, such as placing the
animal in a zoo or outside of the City, have been exhausted, (b) any animal surrendered to the City for humane
23 disposal, (c) any animal determined by the Seattle Municipal Court or any other court of law to be a nuisance, (d)
any animal involved in a court proceeding in which the owner pled guilty or was found to be guilty of owning a
24 nuisance or dangerous animal or in which the owner pled guilty or was found to be guilty of negligent control of

1 an animal, (e) any animal unclaimed after the expiration of a holding period, (f) any animal determined by the
2 Director to be dangerous pursuant to SMC Section 9.25.035, (g) any animal found in the City of Seattle after
removal pursuant to SMC 9.25.035A(3).

3 5. Detain animals found to be unlicensed, or abandoned, or at large, or in inhumane conditions, or to be a
4 nuisance, or to be exotic or dangerous, or otherwise found to be in a circumstance violative of this chapter or any
other provision of law;

5 6. Collect cats, dogs and other animals found dead on the public areas of the City, or from private
6 property on request of the occupant of the property, and to bury, cremate, or arrange for the disposal of such
animal;

7 7. Appoint agents for the collection of pig, dog and cat license fees and other fees established by Chapter
9.26 of the Seattle Municipal Code, including past-due fees and penalties;

8 8. Grant, renew, suspend, revoke, or deny licenses according to the terms of this chapter;

9 9. Administer the City Animal Shelter;

10 10. Administer the City Spay and Neuter Clinic and Program;

11 11. Charge and collect fees for the services authorized by this chapter, as established by Seattle
Municipal Code Chapter 9.26, known as the "Animal Fee Ordinance," as now existing or hereafter amended,
revised or re-enacted;

12 12. Reduce fees for the adoption or redemption of any animal, when, in the discretion of the Director,
13 such a reduction is in the best interests of the animal;

14 13. Appoint persons experienced in the humane trapping of animals to set and bait a trap or use other
15 devices that do not physically harm an animal trapped, when, in the judgment of the Director, such action will
protect the public peace, health, safety and welfare and issue live animal trapping permits as authorized by the
Director by rule;

16 14. Implant a microchip for identification purposes into animals leaving the shelter through adoption,
17 ~~((or))~~ redemption or release to another jurisdiction pursuant to 9.25.035; or whose owners have been found to
have committed a violation of 9.25.084G or has been convicted of a crime under 12A.06.060 of the Seattle
Municipal Code ((a microchip for identification purposes));

18 15. Photograph for identification purposes animals released to another jurisdiction pursuant to 9.25.035
19 or whose owners have been found to have committed a violation of 9.25.084G or has been convicted of a crime
under 12A.06.060 of the Seattle Municipal Code.

20 16~~((15))~~. Direct disposition of exotic animals, including but not limited to transfer to a zoological garden,
21 ~~((or))~~ herpetarium or other jurisdiction so long as the requirements of 9.25.035 E are met;

22 17~~((16))~~. Refund fees for overpayment or services not provided;

23 18~~((17))~~. Detain an animal that is the subject of any violation of law, or whose owner is accused of
violating any law relating to that animal, and collect from the owner all costs of detainment, care, feeding, and
24 disposition;

1 19((48)). Direct disposition of dangerous animals to a secured animal shelter or otherwise as provided for
2 in this chapter.

3 B. The Director shall keep records of the handling and licensure of animals in the City.

4 C. Nothing prohibits the Police Department from enforcing provisions of this chapter.

5 D. The Director is authorized to enforce Seattle Municipal Code Sections 18.12.080 , 18.12.100 and
6 18.12.110 as authorized by the Superintendent of Parks and Recreation by rule.

7 E. The Director is authorized to enforce Seattle Municipal Code Chapter 9.12 and Seattle Municipal
8 Code Section 10.72.020, subject to such restriction or qualification as the Director of the Seattle-King County
9 Department of Public Health may establish by rule.

10 Section 5. Section 9.25.035 of the Seattle Municipal Code is amended as follows:

11 **SMC 9.25.035 Declaration that an animal is dangerous -- Disposition -- Right to meeting.**

12 A. The Director, upon the petition of any person, or at his or her own discretion, may conduct an
13 investigation, and if the findings of the investigation so indicate, he or she may declare an animal to be dangerous.
14 If a domestic animal is found to be dangerous, the Director shall enter an order so stating and shall direct either:
15 (1) humane disposal of the animal; ~~((or))~~ (2) that the animal be sent at the owner's expense to a secure animal
16 shelter; or (3) removed from the City and maintained at all times in compliance with RCW Chapter 16.08. The
17 owner is responsible for paying all fees owed to the City for the care of the animal.

18 B. Before declaring an animal to be dangerous or directing the disposition of the animal, the Director
19 shall notify the owner in writing of the reasons why the animal is believed to be dangerous, the proposed
20 disposition of the animal, the authority for the proposed action, and that the Director will make a final
21 determination after the expiration of twenty (20) days following
22 service of the notice, or, if sent by certified mail, within twenty (20) days after the date of delivery as shown on
23 the returned receipt. In addition, the notice shall inform the owner that he or she will be provided an opportunity
24 to meet with the Director, at which meeting the owner may give, orally or in writing, any reasons or information
as to why the animal should not be declared to be dangerous, or why the Director should direct that the animal be
sent to a secure animal shelter instead of directing humane disposal. The notice shall state the date, time and
location of the meeting, which will occur prior to the expiration of twenty (20) days following delivery of the
notice. The notice shall be sent by regular and certified mail, return receipt requested, or delivered in person to the
owner at the owner's last address known to the Director.

 C. The Director will consider directing that an animal be sent to a secure animal shelter only upon
request of the owner. The owner shall bear the burden to establish that an animal shelter is available that meets the
criteria for a secure animal shelter, that the shelter will accept the animal, and that the owner is willing and able to
pay all expenses for transporting the animal.

 D. In the event the Director finds an animal to be dangerous and directs disposition of the animal, the
declaration and directive shall be in writing in the form of an order, and shall include a recital of the authority for
the action, a brief and concise statement of the facts that supports the disposition, and contain the Director's
signature. A copy of the order, including notice of the right to appeal, shall be sent by regular and certified mail,
return receipt requested, or delivered in person to the owner.

1 E. Prior to releasing an animal for removal from Seattle pursuant to SMC 9.25.035A(3) the Director shall
2 require (1) proof that all conditions required Chapter 16.08 RCW and all other conditions required by state or
3 local law for maintaining a dangerous animal have been met; (2) proof that the animal control authority in the
4 jurisdiction to which the animal is being moved has been informed of the relocation; (3) proof that the animal
5 control authority in the jurisdiction to which the animal is being moved has consented to the relocation; (4)
6 agreement by the animal's owner to indemnify and hold the City harmless from any and all future liability
7 including any and all claims, demands, damages, liabilities, causes, suits or action of any kind or nature
8 whatsoever relative to past or future care and custody of the animal and to the animal's future behavior.

9 Section 6. Section 9.25.083 of the Seattle Municipal Code is amended as follows:

10 **9.25.083 Owning dangerous (~~vicious~~) animals prohibited -- Exception.**

11 A. It is unlawful to own a dangerous animal (other than a licensed guard or attack dog) with knowledge
12 that the animal is dangerous, or with reckless disregard of the fact that the animal is dangerous.

13 B. It is unlawful to possess within the City of Seattle any animal that has been ordered removed from the
14 City of Seattle pursuant to SMC 9.25.035.

15 ~~C(B)~~. An animal whose owner is convicted of or pleads guilty to violating this section shall be
16 humanely destroyed.

17 Section 7. Section 9.25.084 of the Seattle Municipal Code is amended as follows:

18 **9.25.084 Offenses relating to control.**

19 It is unlawful for the owner to:

20 A. Permit any animal, except cats and pigeons, to be at large or trespass upon the property of another. It
21 is not a violation of this subsection to have a dog off-leash in an area designated pursuant to Section 18.12.080 as
22 an off-leash area provided that the requirements of Section 18.12.080 B are met;

23 B. Permit any cat, dog, potbelly pig or other animal to enter any public fountain or any school ground
24 while school is in session or during after-school activities. It is not a violation of this subsection for an owner to
25 permit an animal to enter on to any school ground when school is not in session and no after-school activities are
26 taking place if the animal is on leash and the owner has in his or her immediate possession a device to remove
27 properly any feces the animal may deposit on school grounds;

28 C. Fail to confine any female cat or dog that is in estrus ("heat") in a secure enclosure so that the female
29 cat or dog cannot come in contact with a male unless the male is admitted by the
30 owner of the female, with the consent of the owners of both the male and female animals;

31 D. Permit any animal:

- 32 1. To damage public property or the private property of another, or
- 33 2. To bark, whine, howl, or otherwise vocalize in violation of Chapter 25.08 of the Seattle Municipal
34 Code (Noise Ordinance 106360) or its successor ordinance, or
- 35 3. To spread or spill garbage;

1
2 E. Have in his/her possession any animal not owned by him/her without the knowledge of the owner,
unless he/she notifies the Director of such possession within twenty-four (24) hours; or to fail to surrender such
animal to the Director upon demand;

3 F. Tether an animal in such a manner as to permit the animal to enter any sidewalk, street, alley or place
4 open to the public, or to enter any adjacent lot or premises unless authorized by the occupant of the adjacent
premises.

5 G. Permit any animal when unprovoked on public or private property to:

6 1. Bite a human being causing less than severe injury as defined in 9.25.023E of the Seattle Municipal
Code or bite a domestic animal; or

7 2. Chase or approach a human, on property other than that of the animal's owner, in a menacing fashion
8 or apparent attitude of attack, which may include but is not limited to any one or more of the following behaviors:
snarling, baring teeth, growling, snapping, pouncing, lunging, attacking, or attempting to bite.

9 The breed of a dog shall not be considered to be evidence of violation of this section.

10 Section 6. Section 9.25.090 of the Seattle Municipal Code is amended as follows:

11 **SMC 9.25.090 Detainment and disposal.**

12 A. No detained animal shall be released to the owner until all applicable fees are paid and licenses obtained
except as otherwise provided in this chapter.

13 B. The Director shall ascertain whether any detained animal is currently licensed, and, if so, shall notify the
14 licensee by letter or by telephone that such animal has been detained and may be
redeemed upon payment of any applicable fees.

15 C. Anyone claiming a detained animal must prove ownership or provide written authorization from the
16 owner to claim the animal, to the satisfaction of the Director before redeeming the animal.

17 D. Notwithstanding any other provision of this chapter, injured or diseased animals, in cases where the
owner cannot be located, need not be detained for the holding period, but may be disposed of in a humane manner at
18 any time at the discretion of the Director, following a reasonable attempt to locate the owner of the injured animal. If
the owner is identifiable, the Director must contact the owner and give the owner the option of transferring the animal
to a veterinarian for immediate treatment.

19 E. Any animal which is detained by the Director may be held at the City Animal Shelter or other place
20 appropriate for the animal. The Director shall post a notice of detainment at the City Animal Shelter, and shall attempt
to determine ownership of an animal. If, after the expiration of a holding period, no owner has claimed the animal, the
21 Director shall authorize adoption or dispose of the animal in a humane manner.

22 F. A kennel fee for every twenty-four (24) hour period or part thereof, commencing at the close of business
23 on the day the animal is detained, shall be charged to the owner or other authorized person claiming the animal for the
care and feeding of the animal.
24

1 G. The Director of Public Health may direct the detention of animals suspected of having rabies. These
2 animals shall be held until their release is approved by the Director of Public Health, and all applicable fees are paid.

3 Section 7. Section 9.25.100 of the Seattle Municipal Code is amended as follows:

4 **SMC 9.25.100 Penalty clause.**

5 A. Conduct made unlawful by Sections 9.25.053, 9.25.054, 9.25.083 A, and 9.25.085 of this chapter
6 constitutes a crime subject to the provisions of Sections 12A.02.010 and 12A.02.020 of the Seattle Municipal
7 Code (Ordinance 102843 as amended) and any person convicted thereof may be punished by a fine of not more
8 than Five Hundred Dollars (\$500) or by imprisonment for no more than one hundred eighty (180) days, or by both
9 such fine and imprisonment.

10 B. Conduct made unlawful by Sections 9.25.081 B, ~~((and))~~ 9.25.081 I, and 9.25.083 B of this chapter
11 constitutes a gross misdemeanor subject to the provisions of Section 12A.02.010 and 12A.02.020 of the Seattle
12 Municipal Code (Ordinance 102843 as amended) and any person convicted thereof may be punished by a fine of
13 not more than Five Thousand Dollars (\$5,000) or by imprisonment for no more than three hundred sixty-five
14 (365) days, or by both such fine and imprisonment.

15 C. Conduct made unlawful by Sections 9.25.081 A, 9.25.081 C, 9.25.081 D, 9.25.081 E, 9.25.081 F,
16 9.25.081 G, 9.25.081 H, 9.25.081 J and 9.25.081 K of this chapter constitutes a misdemeanor subject to the
17 provisions of Sections 12A.02.010 and 12A.02.20 of the Seattle Municipal Code (Ordinance 102843 as amended)
18 and any person convicted thereof may be punished by a fine of not more than One Thousand Dollars (\$1,000) or
19 by imprisonment for no more than ninety (90) days, or by both such fine and imprisonment.

20 D. Conduct made unlawful by any other section of this chapter is a violation and any person found to
21 have committed a violation may be punished by a civil fine or forfeiture of not more than Five Hundred Dollars
22 (\$500), but a finding that a violation was committed shall not give rise to any disability or legal disadvantage
23 based on the conviction of a criminal offense. ~~((Failure to have obtained, prior to November 1, 2000, a dog, cat, or
24 potbelly pig license as required by Sections 9.25.050, 9.25.051 and 9.25.052 shall not subject the owner to the
civil fine or forfeiture established in this subsection if, not later than November 30, 2000: (1) a current license is
obtained for the animal, or (2) if the owner has disposed of the animal, the owner notifies the Director of the
disposition.))~~ Disposition of violations under this chapter shall be governed by the procedures for disposition of
traffic infractions under Seattle Municipal Code Chapter 11.31.

25 E. In addition, the court may order the revocation or denial of any guard or attack dog license and any cat
26 or dog license of or to any person convicted of a crime under this chapter for a period not to exceed one (1) year.

27 F. Any person whose guard or attack dog's license is revoked, suspended, or denied shall surrender all
28 ~~((of his or her))~~ said guard or attack dogs to the Director to be disposed of in a humane manner.

29 G. Any person whose cat or dog's license is revoked, suspended, or denied shall surrender all ~~((of his or
30 her))~~ said cats and dogs to the Director.

31 Section 8. Section 12A.06.060 of the Seattle Municipal Code is amended as follows:

32 **SMC 12A.06.060 Negligent control of an animal.**

33 A. A person is guilty of negligent control of an animal if he or she has possession, custody or control of
34 an animal that, because of the person's negligence, inflicts bodily injury on or kills another

1 person or another animal.

2 B. "Negligence" includes, but is not limited to, failure to comply with or violation of any provision of
3 Section 9.25.083 or Section 9.25.084.

4 C. Negligent control of an animal is a gross misdemeanor.

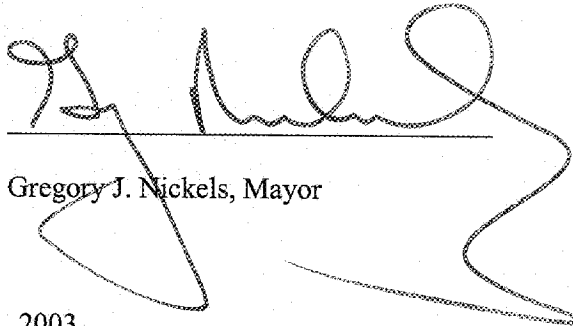
5 Section 9. This ordinance shall take effect and be in force thirty (30) days from and after its approval by
6 the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take
7 effect as provided by Municipal Code Section 1.04.020.

8 Passed by the City Council the 9th day of June, 2003, and signed by me in open session in
9 authentication of its passage this 9th day of June, 2003.

10 

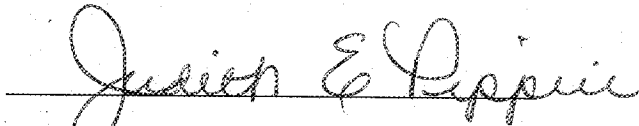
11 President of the City Council

12 Approved by me this 13 day of June, 2003.

13 

14 Gregory J. Nickels, Mayor

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16
17 Filed by me this 17th day of June, 2003.

18 

19 City Clerk

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21
22 (Seal)

ORDINANCE _____

AN ORDINANCE relating to Seattle's Animal Control Code; creating a civil infraction for possession of a potentially dangerous animal; amending the definition of "dangerous animal" to incorporate reference to the new civil infraction; defining "unprovoked;" providing for implanting a microchip into and photographing of animals whose owners have been found to have committed the new civil infraction; changing the definition of "Animal Control Officer" to conform to the current organization of the Department of Executive Administration; providing for removal of certain dangerous animals to another jurisdiction; providing for penalties for possessing in the City of Seattle an animal that has been ordered removed; amending Chapter 9.25 of the Seattle Municipal Code; and amending Section 12A.06.060 of the Seattle Municipal Code which defines negligent control of an animal.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 9.25.020 of the Seattle Municipal Code is amended as follows:

9.25.020 Definitions -- A -- E.

As used in this chapter, except where a different meaning is plainly apparent from the context, the following definitions apply:

A. "Abandon" means the act of leaving an animal:

1. Without food, water, or care for twenty-four (24) hours or more; or
2. In a situation where the conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

B. "Alter" means to permanently render an animal incapable of reproduction.

C. "Animal" means any living nonhuman mammal, bird, reptile, or amphibian.

D. "Animal Control Officer" means any person who is employed with the ~~((Seattle Division of))~~ Animal Control section of the Department or appointed by the Director for the purpose of aiding in the enforcement of any ordinance, or relating to the licensing control, quarantine, seizure or impoundment of animals.

E. "At large" means a dog or other animal inside The City of Seattle, off the premises of the owner, and not under control by a leash of eight (8) feet in length or shorter. "At large" does not include an animal on property other than the animal's owner with the permission of a lawful occupant of that property.



1 F. "City" means The City of Seattle.

2 G. "Dangerous animal" means any animal ~~((that according to the records of the appropriate
3 authority,))~~:

4 ~~(1) That, when unprovoked, ((has)) inflicts((ed)) severe injury on or kills a human being or
5 domestic animal ((without provocation))-on public or private property((:))~~:

6 ~~(((2) has killed a domestic animal; without provocation while off the owner's property, or))~~:

7 ~~(2)~~((3))~~ Whose owner has been previously found to ((be potentially dangerous, whose owner
8 has received notice of such,)) have committed a civil violation of 9.25.084G or has been convicted of a
9 crime under 12A.06.060 of the Seattle Municipal Code and whose owner is found to have committed a
10 ((which animal again aggressively bites, attacks, or endangers the safety of humans or domestic
11 animals)) violation of either 9.25.084G or 12A.06.060 of the Seattle Municipal Code with respect to the
12 behavior of that same animal;~~

13 ~~(3) That, under circumstances other than as described in subsection G(2) above, has been the
14 subject of one or more findings that its owner has committed a civil violation of 9.25.084G or has been
15 convicted of a crime under 12A.06.060 of the Seattle Municipal Code, whether involving the same or a
16 different owner, whose owner is found to have committed a violation of either 9.25.084G or 12A.06.060
17 of the Seattle Municipal Code; or~~

18 ~~(4) Whose owner has received after October 31, 2002 any notification that the animal is
19 potentially dangerous under any provision of this chapter 9.25 that has been amended or repealed
20 subsequent to such notification, or has received a similar notification under the laws of any other city,
21 county or state agency within or outside of the State of Washington, which animal engages in behavior
22 that is in violation of either 9.25.084G or 12A.06.060 of the Seattle Municipal Code.~~

23 ~~The breed of a dog shall not be considered in any determination whether a dog is a "dangerous
24 animal" under this section.~~

H. "Director" means the Director of Executive Administration of The City of Seattle or his/her
authorized representative.

I. "Department" means the Department of Executive Administration of The City of Seattle.

J. "Disposed of in a humane manner" means euthanized by a lethal dose of sodium pentobarbital
or its equivalent.

K. "Detain" means to place an animal in custody.

L. "Domestic Animal" means an animal that is livestock, a companion animal, or both.



1 1. "Livestock" means any species of animal commonly used by inhabitants of Washington State
2 for food, fiber, or draft purposes.

3 2. "Companion animal" means any species of animal commonly kept by inhabitants of
4 Washington State as a pet or for companionship, except that snakes exceeding eight (8) feet in length,
5 venomous reptiles (regardless of whether the venom glands have been removed), and venomous
6 amphibians (regardless of whether the venom glands have been removed) are not domestic animals,
7 even if such animals are commonly kept by inhabitants of Washington State pets or for companionship.

8 M. "Exotic animal" means any species of animal that is both: (1) not a domestic animal, and (2)
9 capable of killing or seriously injuring a human being. Subject to the preceding sentence, the definition
10 of "exotic animal" contained in this section includes but is not limited to:

11 1. All animals of the order Primates (as primates) except humans;

12 2. All animals of the family Canidae (as dogs, wolves, jackals, or foxes) and their hybrid, except
13 for the domestic dog *Canis familiaris*;

14 3. All animals of the family Felidae (as lions, tigers, jaguars, leopards, cougars, or cheetahs) and
15 their hybrid, except for the domestic cat *Felis catus*;

16 4. All animals of the family Ursidae (as bears);

17 5. All animals of the family Hyaenidae (as hyenas);

18 6. All animals of the order Crocodylia (as alligators, crocodiles, gavials, or caimans);

19 7. All animals of the family Elephantidae (as elephants);

20 8. All animals of the order Perissodactyla (as horses, rhinoceroses, or tapirs);

21 9. All animals of the order Artiodactyla (as camels, cattle, deer, giraffes, goats, hippopotamuses,
22 llamas, pigs, or sheep);

23 "Exotic animal" also includes all venomous reptiles and amphibians, (regardless of whether the
24 venom glands have been removed), and all snakes that are eight (8) feet or more in length. ~~((An animal
that is normally domesticated, but that is determined to be wild or feral, shall be considered an exotic
animal.))~~

Section 2. Section 9.25.023 of the Seattle Municipal Code is amended as follows:

9.25.023 Definitions -- P -- T.

As used in this chapter, except where a different meaning is plainly apparent from the context,
the following definitions apply:



1
2 A. "Permit" means human conduct in relation to an owned animal which is intentional,
deliberate, careless, inadvertent or negligent.

3 B. "Potbelly pig" means that type of swine commonly known as the Vietnamese, Chinese, or
4 Asian Potbelly Pig (*Sus scrofa bittatus*).

5 ~~((C. "Potentially dangerous animal" means any animal that when unprovoked: (1) inflicts bites
on a human or a domestic animal either on public or private property; or (2) chases or approaches a
6 person on public property or on private property (other than that of the animal's owner) in a menacing
fashion or apparent attitude of attack, or any animal with a known propensity, tendency, or disposition to
7 attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals.))~~

8 ~~C((D)). "Secure animal shelter" means an animal shelter that agrees to accept an animal and that
agrees to the following conditions:~~

9 1. Not to release the animal from the shelter for the rest of the animal's natural life;

10 2. Not to allow the animal to come into contact with the general public for the rest of the
animal's natural life;

11 ~~3. Not to allow the former owner to have contact with the animal;~~

12 ~~3((4)). To indemnify and hold the City harmless from any and all future liability including any
13 and all claims, demands, damages, liabilities, causes, suits or action of any kind or nature whatsoever
relative to past or future care and custody of the animal and to the animal's future behavior;~~

14 ~~4((5)). To notify the City if the shelter goes out of business or can no longer keep the animal and
15 to abide by the City's disposition instructions.~~

16 ~~D((E)). "Service dog" means a dog that is trained for the purposes of assisting or
accommodating a disabled person's sensory, mental, or physical disability.~~

17 ~~E((F)). "Severe injury" means any physical injury that results in broken bones or disfiguring
18 lacerations requiring multiple sutures or cosmetic surgery. It also means transmittal of an infectious or
contagious disease by an animal.~~

19 ~~E((G)). "Trespassing" means any animal which enters upon the property of another person
20 without the authorization of the lawful occupant.~~

21 Section 3. Section 9.25.024 of the Seattle Municipal Code is amended as follows:

22 **9.25.024 Definitions -- U -- Z.**

23 ~~((Reserved.))~~



1
2 A. "Unprovoked" means that an animal is not "provoked." An animal is "provoked" if the
3 animal was being physically abused or hurt at the time of the incident. An animal also is "provoked" if
4 a reasonable person would conclude that the animal was defending itself, its owner or an immediate
5 family member of its owner, or another person within its immediate vicinity from an actual assault or
6 was defending real property belonging to its owner or an immediate family member of its owner from a
7 crime being committed on the owner's property at that time.

8 Section 4. Section 9.25.030 of the Seattle Municipal Code is amended as follows:

9 **9.25.030 Authority of the Director.**

10 A. The Director is authorized to:

11 1. Make rules for the interpretation and implementation of this chapter, pursuant to the
12 Administrative Code;

13 2. Accept the surrender of animals to the City Animal Shelter;

14 3. Permit or deny adoption from the City Animal Shelter of animals that have been surrendered
15 to the City, or which are stray or under detainment and unclaimed after the expiration of a holding
16 period;

17 4. Direct immediate humane disposal of: (a) any exotic animal when alternatives, such as
18 placing the animal in a zoo or outside of the City, have been exhausted, (b) any animal surrendered to
19 the City for humane disposal, (c) any animal determined by the Seattle Municipal Court or any other
20 court of law to be a nuisance, (d) any animal involved in a court proceeding in which the owner pled
21 guilty or was found to be guilty of owning a nuisance or dangerous animal or in which the owner pled
22 guilty or was found to be guilty of negligent control of an animal, (e) any animal unclaimed after the
23 expiration of a holding period, (f) any animal determined by the Director to be dangerous pursuant to
24 SMC Section 9.25.035, (g) any animal found in the City of Seattle after removal pursuant to SMC
9.25.035A(3).

5. Detain animals found to be unlicensed, or abandoned, or at large, or in inhumane conditions,
or to be a nuisance, or to be exotic or dangerous, or otherwise found to be in a circumstance violative of
this chapter or any other provision of law;

6. Collect cats, dogs and other animals found dead on the public areas of the City, or from
private property on request of the occupant of the property, and to bury, cremate, or arrange for the
disposal of such animal;

7. Appoint agents for the collection of pig, dog and cat license fees and other fees established by
Chapter 9.26 of the Seattle Municipal Code, including past-due fees and penalties;

8. Grant, renew, suspend, revoke, or deny licenses according to the terms of this chapter;



1 9. Administer the City Animal Shelter;

2 10. Administer the City Spay and Neuter Clinic and Program;

3 11. Charge and collect fees for the services authorized by this chapter, as established by Seattle
4 Municipal Code Chapter 9.26, known as the "Animal Fee Ordinance," as now existing or hereafter
5 amended, revised or re-enacted;

6 12. Reduce fees for the adoption or redemption of any animal, when, in the discretion of the
7 Director, such a reduction is in the best interests of the animal;

8 13. Appoint persons experienced in the humane trapping of animals to set and bait a trap or use
9 other devices that do not physically harm an animal trapped, when, in the judgment of the Director, such
10 action will protect the public peace, health, safety and welfare and issue live animal trapping permits as
11 authorized by the Director by rule;

12 14. Implant a microchip for identification purposes into animals leaving the shelter through
13 adoption, ~~((or))~~ redemption or release to another jurisdiction pursuant to 9.25.035; or whose owners
14 have been found to have committed a violation of 9.25.084G or has been convicted of a crime under
15 12A.06.060 of the Seattle Municipal Code ~~((a microchip for identification purposes));~~

16 15. Photograph for identification purposes animals released to another jurisdiction pursuant to
17 9.25.035 or whose owners have been found to have committed a violation of 9.25.084G or has been
18 convicted of a crime under 12A.06.060 of the Seattle Municipal Code.

19 16~~((15))~~. Direct disposition of exotic animals, including but not limited to transfer to a
20 zoological garden, ~~((or))~~ herpetarium or other jurisdiction so long as the requirements of 9.25.035 E are
21 met;

22 17~~((16))~~. Refund fees for overpayment or services not provided;

23 18~~((17))~~. Detain an animal that is the subject of any violation of law, or whose owner is accused
24 of violating any law relating to that animal, and collect from the owner all costs of detainment, care,
feeding, and disposition;

19 19~~((18))~~. Direct disposition of dangerous animals to a secured animal shelter or otherwise as
provided for in this chapter.

20 B. The Director shall keep records of the handling and licensure of animals in the City.

21 C. Nothing prohibits the Police Department from enforcing provisions of this chapter.

22 D. The Director is authorized to enforce Seattle Municipal Code Sections 18.12.080, 18.12.100
23 and 18.12.110 as authorized by the Superintendent of Parks and Recreation by rule.



1
2 E. The Director is authorized to enforce Seattle Municipal Code Chapter 9.12 and Seattle
Municipal Code Section 10.72.020, subject to such restriction or qualification as the Director of the
Seattle-King County Department of Public Health may establish by rule.

3 Section 5. Section 9.25.035 of the Seattle Municipal Code is amended as follows:

4 **SMC 9.25.035 Declaration that an animal is dangerous -- Disposition -- Right to meeting.**

5
6 A. The Director, upon the petition of any person, or at his or her own discretion, may conduct an
investigation, and if the findings of the investigation so indicate, he or she may declare an animal to be
dangerous. If a domestic animal is found to be dangerous, the Director shall enter an order so stating and
7 shall direct either: (1) humane disposal of the animal; ~~((or))~~ (2) that the animal be sent at the owner's
expense to a secure animal shelter; or (3) removed from the City and maintained at all times in
8 compliance with RCW Chapter 16.08. The owner is responsible for paying all fees owed to the City for
the care of the animal.

9
10 B. Before declaring an animal to be dangerous or directing the disposition of the animal, the
Director shall notify the owner in writing of the reasons why the animal is believed to be dangerous, the
proposed disposition of the animal, the authority for the proposed action, and that the Director will make
11 a final determination after the expiration of twenty (20) days following
service of the notice, or, if sent by certified mail, within twenty (20) days after the date of delivery as
12 shown on the returned receipt. In addition, the notice shall inform the owner that he or she will be
provided an opportunity to meet with the Director, at which meeting the owner may give, orally or in
13 writing, any reasons or information as to why the animal should not be declared to be dangerous, or why
the Director should direct that the animal be sent to a secure animal shelter instead of directing humane
14 disposal. The notice shall state the date, time and location of the meeting, which will occur prior to the
expiration of twenty (20) days following delivery of the notice. The notice shall be sent by regular and
15 certified mail, return receipt requested, or delivered in person to the owner at the owner's last address
known to the Director.

16
17 C. The Director will consider directing that an animal be sent to a secure animal shelter only
upon request of the owner. The owner shall bear the burden to establish that an animal shelter is
available that meets the criteria for a secure animal shelter, that the shelter will accept the animal, and
18 that the owner is willing and able to pay all expenses for transporting the animal.

19
20 D. In the event the Director finds an animal to be dangerous and directs disposition of the
animal, the declaration and directive shall be in writing in the form of an order, and shall include a
recital of the authority for the action, a brief and concise statement of the facts that supports the
21 disposition, and contain the Director's signature. A copy of the order, including notice of the right to
appeal, shall be sent by regular and certified mail, return receipt requested, or delivered in person to the
owner.

22
23 E. Prior to releasing an animal for removal from Seattle pursuant to SMC 9.25.035A(3) the
Director shall require (1) proof that all conditions required Chapter 16.08 RCW and all other conditions



1 required by state or local law for maintaining a dangerous animal have been met; (2) proof that the
2 animal control authority in the jurisdiction to which the animal is being moved has been informed of the
3 relocation; (3) proof that the animal control authority in the jurisdiction to which the animal is being
4 moved has consented to the relocation; (4) agreement by the animal's owner to indemnify and hold the
5 City harmless from any and all future liability including any and all claims, demands, damages,
6 liabilities, causes, suits or action of any kind or nature whatsoever relative to past or future care and
7 custody of the animal and to the animal's future behavior.

8 Section 6. Section 9.25.083 of the Seattle Municipal Code is amended as follows:

9 **9.25.083 Owing dangerous ((~~vicious~~)) animals prohibited -- Exception.**

10 A. It is unlawful to own a dangerous animal (other than a licensed guard or attack dog) with
11 knowledge that the animal is dangerous, or with reckless disregard of the fact that the animal is
12 dangerous.

13 B. It is unlawful to possess within the City of Seattle any animal that has been ordered removed
14 from the City of Seattle pursuant to SMC 9.25.035.

15 C((B)). An animal whose owner is convicted of or pleads guilty to violating this section shall be
16 humanely destroyed.

17 Section 7. Section 9.25.084 of the Seattle Municipal Code is amended as follows:

18 **9.25.084 Offenses relating to control.**

19 It is unlawful for the owner to:

20 A. Permit any animal, except cats and pigeons, to be at large or trespass upon the property of
21 another. It is not a violation of this subsection to have a dog off-leash in an area designated pursuant to
22 Section 18.12.080 as an off-leash area provided that the requirements of Section 18.12.080 B are met;

23 B. Permit any cat, dog, potbelly pig or other animal to enter any public fountain or any school
24 ground while school is in session or during after-school activities. It is not a violation of this subsection
for an owner to permit an animal to enter on to any school ground when school is not in session and no
after-school activities are taking place if the animal is on leash and the owner has in his or her
immediate possession a device to remove properly any feces the animal may deposit on school grounds;

C. Fail to confine any female cat or dog that is in estrus ("heat") in a secure enclosure so that the
female cat or dog cannot come in contact with a male unless the male is admitted by the
owner of the female, with the consent of the owners of both the male and female animals;

D. Permit any animal:

1. To damage public property or the private property of another, or



1
2 2. To bark, whine, howl, or otherwise vocalize in violation of Chapter 25.08 of the Seattle
Municipal Code (Noise Ordinance 106360) or its successor ordinance, or

3 3. To spread or spill garbage;

4 E. Have in his/her possession any animal not owned by him/her without the knowledge of the
owner, unless he/she notifies the Director of such possession within twenty-four (24) hours; or to fail to
5 surrender such animal to the Director upon demand;

6 F. Tether an animal in such a manner as to permit the animal to enter any sidewalk, street, alley
or place open to the public, or to enter any adjacent lot or premises unless authorized by the occupant of
7 the adjacent premises.

8 G. Permit any animal when unprovoked on public or private property to:

9 1. Bite a human being causing less than severe injury as defined in 9.25.023E of the Seattle
Municipal Code or bite a domestic animal; or

10 2. Chase or approach a human, on property other than that of the animal's owner, in a
11 menacing fashion or apparent attitude of attack, which includes but is not limited to any one or more of the
following behaviors: snarling, baring teeth, growling, snapping, pouncing, lunging, attacking, or attempting
12 to bite.

13 The breed of a dog shall not be considered to be evidence of violation of this section.

14 Section 8. Section 9.25.090 of the Seattle Municipal Code is amended as follows:

15 **SMC 9.25.090 Detainment and disposal.**

16 A. No detained animal shall be released to the owner until all applicable fees are paid and licenses
obtained except as otherwise provided in this chapter.

17 B. The Director shall ascertain whether any detained animal is currently licensed, and, if so, shall
18 notify the licensee by letter or by telephone that such animal has been detained and may be
redeemed upon payment of any applicable fees.

19 C. Anyone claiming a detained animal must prove ownership or provide written authorization from
20 the owner to claim the animal, to the satisfaction of the Director before redeeming the animal.

21 D. Notwithstanding any other provision of this chapter, injured or diseased animals, in cases where
the owner cannot be located, need not be detained for the holding period, but may be disposed of in a
22 humane manner at any time at the discretion of the Director, following a reasonable attempt to locate the
owner of the injured animal. If the owner is identifiable, the Director must contact the owner and give the
23 owner the option of transferring the animal to a veterinarian for immediate treatment.



1
2 E. Any animal which is detained by the Director may be held at the City Animal Shelter or other
3 place appropriate for the animal. The Director shall post a notice of detainment at the City Animal Shelter,
4 and shall attempt to determine ownership of an animal. If, after the expiration of a holding period, no owner
5 has claimed the animal, the Director shall authorize adoption or dispose of the animal in a humane manner.

6 F. A kennel fee for every twenty-four (24) hour period or part thereof, commencing at the close of
7 business on the day the animal is detained, shall be charged to the owner or other authorized person
8 claiming the animal for the care and feeding of the animal.

9 G. The Director of Public Health may direct the detention of animals suspected of having rabies.
10 These animals shall be held until their release is approved by the Director of Public Health, and all
11 applicable fees are paid.

12 Section 9. Section 9.25.100 of the Seattle Municipal Code is amended as follows:

13 **SMC 9.25.100 Penalty clause.**

14 A. Conduct made unlawful by Sections 9.25.053, 9.25.054, 9.25.083 A, and 9.25.085 of this
15 chapter constitutes a crime subject to the provisions of Sections 12A.02.010 and 12A.02.020 of the
16 Seattle Municipal Code (Ordinance 102843 as amended) and any person convicted thereof may be
17 punished by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment for no more than
18 one hundred eighty (180) days, or by both such fine and imprisonment.

19 B. Conduct made unlawful by Sections 9.25.081 B, ~~((and))~~ 9.25.081 I, and 9.25.083 B of this
20 chapter constitutes a gross misdemeanor subject to the provisions of Section 12A.02.010 and
21 12A.02.020 of the Seattle Municipal Code (Ordinance 102843 as amended) and any person convicted
22 thereof may be punished by a fine of not more than Five Thousand Dollars (\$5,000) or by imprisonment
23 for no more than three hundred sixty-five (365) days, or by both such fine and imprisonment.

24 C. Conduct made unlawful by Sections 9.25.081 A, 9.25.081 C, 9.25.081 D, 9.25.081 E,
9.25.081 F, 9.25.081 G, 9.25.081 H, 9.25.081 J and 9.25.081 K of this chapter constitutes a
misdemeanor subject to the provisions of Sections 12A.02.010 and 12A.02.20 of the Seattle Municipal
Code (Ordinance 102843 as amended) and any person convicted thereof may be punished by a fine of
not more than One Thousand Dollars (\$1,000) or by imprisonment for no more than ninety (90) days, or
by both such fine and imprisonment.

D. Conduct made unlawful by any other section of this chapter is a violation and any person
found to have committed a violation may be punished by a civil fine or forfeiture of not more than Five
Hundred Dollars (\$500), but a finding that a violation was committed shall not give rise to any disability
or legal disadvantage based on the conviction of a criminal offense. ~~((Failure to have obtained, prior to
November 1, 2000, a dog, cat, or potbelly pig license as required by Sections 9.25.050, 9.25.051 and
9.25.052 shall not subject the owner to the civil fine or forfeiture established in this subsection if, not
later than November 30, 2000: (1) a current license is obtained for the animal, or (2) if the owner has
disposed of the animal, the owner notifies the Director of the disposition.))~~ Disposition of violations



1 under this chapter shall be governed by the procedures for disposition of traffic infractions under Seattle
Municipal Code Chapter 11.31.

2
3 E. In addition, the court may order the revocation or denial of any guard or attack dog license
and any cat or dog license of or to any person convicted of a crime under this chapter for a period not to
exceed one (1) year.

4
5 F. Any person whose guard or attack dog's license is revoked, suspended, or denied shall
surrender all ((of his or her)) said guard or attack dogs to the Director to be disposed of in a humane
manner.

6
7 G. Any person whose cat or dog's license is revoked, suspended, or denied shall surrender all
((of his or her)) said cats and dogs to the Director.

8 Section 10. Section 12A.06.060 of the Seattle Municipal Code is amended as follows:

9 **SMC 12A.06.060 Negligent control of an animal.**

10 A. A person is guilty of negligent control of an animal if he or she has possession, custody or
11 control of an animal that, because of the person's negligence, inflicts bodily injury on or kills another
person or another animal.

12 B. "Negligence" includes, but is not limited to, failure to comply with or violation of any
provision of Section 9.25.083 or Section 9.25.084.

13 C. Negligent control of an animal is a gross misdemeanor.

14 Section 11. This ordinance shall take effect and be in force thirty (30) days from and after its
15 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
16 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

17 Passed by the City Council the ____ day of _____, 2003, and signed by me in open session
18 in authentication of its passage this ____ day of _____, 2003.

19
20
21 _____
22 President of the City Council



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Approved by me this ____ day of _____, 2003.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2003.

City Clerk

(Seal)



CB 114 571

Amendment Number 1

m/s/p Juan

FBBL

5/29/03

Section 3 of the proposed ordinance is amended to read as follows:

9.25.024 Definitions -- U -- Z.

((Reserved))

A. “Unprovoked” means that an animal is not “provoked.” An animal is “provoked” if the animal was being physically abused or hurt at the time of the incident. An animal also is “provoked” if a reasonable person would conclude that the animal was defending itself, its owner or an immediate family member of its owner, or another person within its immediate vicinity from an actual assault or was defending real property belonging to its owner or an immediate family member of its owner from a crime being committed on the owner’s property at that time. An animal is not “provoked” if the victim is alleged to have provoked the animal and the victim is less than 6 years old.

CB 114571

Amendment Number 2.

M/S/P - unan.

FBBL

5/29/03

~~edit~~

Section 1 of the proposed ordinance is amended to read as follows:

9.25.020 Definitions -- A -- E.

As used in this chapter, except where a different meaning is plainly apparent from the context, the following definitions apply:

A. "Abandon" means the act of leaving an animal:

1. Without food, water, or care for twenty-four (24) hours or more; or

2. In a situation where the conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

B. "Alter" means to permanently render an animal incapable of reproduction.

C. "Animal" means any living nonhuman mammal, bird, reptile, or amphibian.

D. "Animal Control Officer" means any person who is employed with the ~~((Seattle Division of))~~ Animal Control section of the Department or appointed by the Director for the purpose of aiding in the enforcement of any ordinance, or relating to the licensing control, quarantine, seizure or impoundment of animals.

E. "At large" means a dog or other animal inside The City of Seattle, off the premises of the owner, and not under control by a leash of eight (8) feet in length or shorter. "At large" does not include an animal on property other than the animal's owner with the permission of a lawful occupant of that property.

F. "City" means The City of Seattle.

G. "Dangerous animal" means any animal ~~((that according to the records of the appropriate authority,))~~:

(1) That, when unprovoked, ((has)) inflicts((ed)) severe injury on or kills a human being or domestic animal ((without provocation))-on public or private property((;));

~~(((2) has killed a domestic animal; without provocation while off the owner's property, or))~~;

~~(2)((3))~~ Whose owner has been previously found to ((be potentially dangerous, whose owner has received notice of such,)) have committed a civil violation of 9.25.084G or has been convicted of a crime under 12A.06.060 of the Seattle Municipal Code and whose owner is found to have committed a ((which animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals)) violation of either 9.25.084G or 12A.06.060 of the Seattle Municipal Code with respect to the behavior of that same animal;

(3) That, under circumstances other than as described in subsection G(2) above, has been the subject of one or more findings that its owner has committed a civil violation of 9.25.084G or has been convicted of a crime under 12A.06.060 of the Seattle Municipal Code, whether involving the same or a different owner, whose owner is found to have committed a violation of either 9.25.084G or 12A.06.060 of the Seattle Municipal Code; or

(4) Whose owner has received after October 31, 2002 any **written** notification that the animal is potentially dangerous under any provision of this chapter 9.25 that has been amended or repealed subsequent to such notification, or has received a **similar written** notification under the laws of any other city, county or state agency within or outside of the State of Washington, which animal engages in behavior that is in violation of either 9.25.084G or 12A.06.060 of the Seattle Municipal Code.

The breed of a dog shall not be considered in any determination whether a dog is a "dangerous animal" under this section.

ORDINANCE _____

1
2
3 AN ORDINANCE relating to Seattle's Animal Control Code; creating a civil infraction for possession of a
4 potentially dangerous animal; amending the definition of "dangerous animal" to incorporate reference to
5 the new civil infraction; defining "unprovoked;" providing for implanting a microchip into and
6 photographing of animals whose owners have been found to have committed the new civil infraction;
7 changing the definition of "Animal Control Officer" to conform to the current organization of the
8 Department of Executive Administration; providing for removal of certain dangerous animals to another
9 jurisdiction; providing for penalties for possessing in the City of Seattle an animal that has been ordered
10 removed; amending Chapter 9.25 of the Seattle Municipal Code; and amending Section 12A.06.060 of
11 the Seattle Municipal Code which defines negligent control of an animal.

12 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS.

13 Section 1. Section 9.25.020 of the Seattle Municipal Code is amended as follows:

14 **9.25.020 Definitions -- A -- E.**

15 As used in this chapter, except where a different meaning is plainly apparent from the context, the
16 following definitions apply:

17 A. "Abandon" means the act of leaving an animal:

- 18 1. Without food, water, or care for twenty-four (24) hours or more; or
19 2. In a situation where the conditions present an immediate, direct, and serious threat to the life, safety, or
20 health of the animal.

21 B. "Alter" means to permanently render an animal incapable of reproduction.

22 C. "Animal" means any living nonhuman mammal, bird, reptile, or amphibian.

23 D. "Animal Control Officer" means any person who is employed with the ~~((Seattle Division of))~~ Animal
24 Control section of the Department or appointed by the Director for the purpose of aiding in the enforcement of
any ordinance, or relating to the licensing control, quarantine, seizure or impoundment of animals.

E. "At large" means a dog or other animal inside The City of Seattle, off the premises of the owner, and
not under control by a leash of eight (8) feet in length or shorter. "At large" does not include an animal on
property other than the animal's owner with the permission of a lawful occupant of that property.

F. "City" means The City of Seattle.

G. "Dangerous animal" means any animal ~~((that according to the records of the appropriate authority,))~~:

(1) That, when unprovoked, ((has)) inflicts((ed)) severe injury on or kills a human being or domestic
animal ((without provocation))-on public or private property((;));

~~(((2) has killed a domestic animal; without provocation while off the owner's property, or));~~

1
2 (2)((3)) Whose owner has been previously found to ((be potentially dangerous, whose owner has
3 received notice of such,)) have committed a civil violation of 9.25.084G or has been convicted of a crime under
4 12A.06.060 of the Seattle Municipal Code and whose owner is found to have committed a ((which animal again
5 aggressively bites, attacks, or endangers the safety of humans or domestic animals)) violation of either 9.25.084G
6 or 12A.06.060 of the Seattle Municipal Code with respect to the behavior of that same animal;

7
8 (3) That, under circumstances other than as described in subsection G(2) above, has been the subject of
9 one or more findings that its owner has committed a civil violation of 9.25.084G or has been convicted of a crime
10 under 12A.06.060 of the Seattle Municipal Code, whether involving the same or a different owner, whose owner
11 is found to have committed a violation of either 9.25.084G or 12A.06.060 of the Seattle Municipal Code; or

12
13 (4) Whose owner has received after October 31, 2002 any written notification that the animal is
14 potentially dangerous under any provision of this chapter 9.25 that has been amended or repealed subsequent to
15 such notification, or has received a similar written notification under the laws of any other city, county or state
16 agency within or outside of the State of Washington, which animal engages in behavior that is in violation of
17 either 9.25.084G or 12A.06.060 of the Seattle Municipal Code.

18
19 The breed of a dog shall not be considered in any determination whether a dog is a "dangerous animal"
20 under this section.

21
22 H. "Director" means the Director of Executive Administration of The City of Seattle or his/her
23 authorized representative.

24 I. "Department" means the Department of Executive Administration of The City of Seattle.

J. "Disposed of in a humane manner" means euthanized by a lethal dose of sodium pentobarbital or its
equivalent.

K. "Detain" means to place an animal in custody.

L. "Domestic Animal" means an animal that is livestock, a companion animal, or both.

1. "Livestock" means any species of animal commonly used by inhabitants of Washington State for food,
fiber, or draft purposes.

2. "Companion animal" means any species of animal commonly kept by inhabitants of Washington State
as a pet or for companionship, except that snakes exceeding eight (8) feet in length, venomous reptiles (regardless
of whether the venom glands have been removed), and venomous amphibians (regardless of whether the venom
glands have been removed) are not domestic animals, even if such animals are commonly kept by inhabitants of
Washington State pets or for companionship.

M. "Exotic animal" means any species of animal that is both: (1) not a domestic animal, and (2) capable
of killing or seriously injuring a human being. Subject to the preceding sentence, the definition of "exotic animal"
contained in this section includes but is not limited to:

1. All animals of the order Primates (as primates) except humans;

2. All animals of the family Canidae (as dogs, wolves, jackals, or foxes) and their hybrid, except for the
domestic dog/Canis familiaris;

1
2 3. All animals of the family Felidae (as lions, tigers, jaguars, leopards, cougars, or cheetahs) and their hybrid, except for the domestic cat *Felis catus*;

3 4. All animals of the family Ursidae (as bears);

4 5. All animals of the family Hyaenidae (as hyenas);

5 6. All animals of the order Crocodylia (as alligators, crocodiles, gavials, or caimans);

6 7. All animals of the family Elephantidae (as elephants);

7 8. All animals of the order Perissodactyla (as horses, rhinoceroses, or tapirs);

8 9. All animals of the order Artiodactyla (as camels, cattle, deer, giraffes, goats, hippopotamuses, llamas, pigs, or sheep);

9 "Exotic animal" also includes all venomous reptiles and amphibians, (regardless of whether the venom glands have been removed), and all snakes that are eight (8) feet or more in length. ~~((An animal that is normally domesticated, but that is determined to be wild or feral, shall be considered an exotic animal.))~~

10
11 Section 2. Section 9.25.023 of the Seattle Municipal Code is amended as follows:

12 **9.25.023 Definitions -- P -- T.**

13 As used in this chapter, except where a different meaning is plainly apparent from the context, the following definitions apply:

14 A. "Permit" means human conduct in relation to an owned animal which is intentional, deliberate, careless, inadvertent or negligent.

15 B. "Potbelly pig" means that type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*).

16 ~~((C. "Potentially dangerous animal" means any animal that when unprovoked: (1) inflicts bites on a human or a domestic animal either on public or private property; or (2) chases or approaches a person on public property or on private property (other than that of the animal's owner) in a menacing fashion or apparent attitude of attack; or any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals.))~~

17
18
19 ~~C((D)).~~ "Secure animal shelter" means an animal shelter that agrees to accept an animal and that agrees to the following conditions:

20
21 1. Not to release the animal from the shelter for the rest of the animal's natural life;

22 2. Not to allow the animal to come into contact with the general public for the rest of the animal's natural life;

23 3. ~~Not to allow the former owner to have contact with the animal;~~

1 3((4)). To indemnify and hold the City harmless from any and all future liability including any and all
2 claims, demands, damages, liabilities, causes, suits or action of any kind or nature whatsoever relative to past or
future care and custody of the animal and to the animal's future behavior;

3 4((5)). To notify the City if the shelter goes out of business or can no longer keep the animal and to abide
4 by the City's disposition instructions.

5 D((E)). "Service dog" means a dog that is trained for the purposes of assisting or accommodating a
6 disabled person's sensory, mental, or physical disability.

7 E((F)). "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations
8 requiring multiple sutures or cosmetic surgery. It also means transmittal of an infectious or contagious disease by
an animal.

9 F((G)). "Trespassing" means any animal which enters upon the property of another person without the
authorization of the lawful occupant.

10 Section 3. Section 9.25.024 of the Seattle Municipal Code is amended as follows:

11 **9.25.024 Definitions -- U -- Z.**

12 ((Reserved.))

13 A. "Unprovoked" means that an animal is not "provoked." An animal is "provoked" if the animal was
14 being physically abused or hurt at the time of the incident. An animal also is "provoked" if a reasonable person
15 would conclude that the animal was defending itself, its owner or an immediate family member of its owner, or
16 another person within its immediate vicinity from an actual assault or was defending real property belonging to its
17 owner or an immediate family member of its owner from a crime being committed on the owner's property at that
18 time. An animal is not "provoked" if the victim is alleged to have provoked the animal and the victim is less than
19 6 years old.

20 Section 4. Section 9.25.030 of the Seattle Municipal Code is amended as follows:

21 **9.25.030 Authority of the Director.**

22 A. The Director is authorized to:

23 1. Make rules for the interpretation and implementation of this chapter, pursuant to the Administrative
Code;

24 2. Accept the surrender of animals to the City Animal Shelter;

 3. Permit or deny adoption from the City Animal Shelter of animals that have been surrendered to the
City, or which are stray or under detainment and unclaimed after the expiration of a holding period;

 4. Direct immediate humane disposal of: (a) any exotic animal when alternatives, such as placing the
animal in a zoo or outside of the City, have been exhausted, (b) any animal surrendered to the City for humane
disposal, (c) any animal determined by the Seattle Municipal Court or any other court of law to be a nuisance, (d)
any animal involved in a court proceeding in which the owner pled guilty or was found to be guilty of owning a
nuisance or dangerous animal or in which the owner pled guilty or was found to be guilty of negligent control of

1 an animal, (e) any animal unclaimed after the expiration of a holding period, (f) any animal determined by the
2 Director to be dangerous pursuant to SMC Section 9.25.035, (g) any animal found in the City of Seattle after
removal pursuant to SMC 9.25.035A(3).

3 5. Detain animals found to be unlicensed, or abandoned, or at large, or in inhumane conditions, or to be a
4 nuisance, or to be exotic or dangerous, or otherwise found to be in a circumstance violative of this chapter or any
5 other provision of law;

6 6. Collect cats, dogs and other animals found dead on the public areas of the City, or from private
7 property on request of the occupant of the property, and to bury, cremate, or arrange for the disposal of such
8 animal;

9 7. Appoint agents for the collection of pig, dog and cat license fees and other fees established by Chapter
10 9.26 of the Seattle Municipal Code, including past-due fees and penalties;

11 8. Grant, renew, suspend, revoke, or deny licenses according to the terms of this chapter;

12 9. Administer the City Animal Shelter;

13 10. Administer the City Spay and Neuter Clinic and Program;

14 11. Charge and collect fees for the services authorized by this chapter, as established by Seattle
15 Municipal Code Chapter 9.26, known as the "Animal Fee Ordinance," as now existing or hereafter amended,
16 revised or re-enacted;

17 12. Reduce fees for the adoption or redemption of any animal, when, in the discretion of the Director,
18 such a reduction is in the best interests of the animal;

19 13. Appoint persons experienced in the humane trapping of animals to set and bait a trap or use other
20 devices that do not physically harm an animal trapped, when, in the judgment of the Director, such action will
21 protect the public peace, health, safety and welfare and issue live animal trapping permits as authorized by the
22 Director by rule;

23 14. Implant a microchip for identification purposes into animals leaving the shelter through adoption,
((~~or~~)) redemption or release to another jurisdiction pursuant to 9.25.035; or whose owners have been found to
have committed a violation of 9.25.084G or has been convicted of a crime under 12A.06.060 of the Seattle
Municipal Code ((a microchip for identification purposes));

24 15. Photograph for identification purposes animals released to another jurisdiction pursuant to 9.25.035
or whose owners have been found to have committed a violation of 9.25.084G or has been convicted of a crime
under 12A.06.060 of the Seattle Municipal Code.

16((15)). Direct disposition of exotic animals, including but not limited to transfer to a zoological garden,
((~~or~~)) herpetarium or other jurisdiction so long as the requirements of 9.25.035 E are met;

17((16)). Refund fees for overpayment or services not provided;

18((17)). Detain an animal that is the subject of any violation of law, or whose owner is accused of
23 violating any law relating to that animal, and collect from the owner all costs of detainment, care, feeding, and
24 disposition;

1 19((48)). Direct disposition of dangerous animals to a secured animal shelter or otherwise as provided for
2 in this chapter.

3 B. The Director shall keep records of the handling and licensure of animals in the City.

4 C. Nothing prohibits the Police Department from enforcing provisions of this chapter.

5 D. The Director is authorized to enforce Seattle Municipal Code Sections 18.12.080 , 18.12.100 and
6 18.12.110 as authorized by the Superintendent of Parks and Recreation by rule.

7 E. The Director is authorized to enforce Seattle Municipal Code Chapter 9.12 and Seattle Municipal
8 Code Section 10.72.020, subject to such restriction or qualification as the Director of the Seattle-King County
9 Department of Public Health may establish by rule.

10 Section 5. Section 9.25.035 of the Seattle Municipal Code is amended as follows:

11 **SMC 9.25.035 Declaration that an animal is dangerous -- Disposition -- Right to meeting.**

12 A. The Director, upon the petition of any person, or at his or her own discretion, may conduct an
13 investigation, and if the findings of the investigation so indicate, he or she may declare an animal to be dangerous.
14 If a domestic animal is found to be dangerous, the Director shall enter an order so stating and shall direct either:
15 (1) humane disposal of the animal; ((or)) (2) that the animal be sent at the owner's expense to a secure animal
16 shelter; or (3) removed from the City and maintained at all times in compliance with RCW Chapter 16.08. The
17 owner is responsible for paying all fees owed to the City for the care of the animal.

18 B. Before declaring an animal to be dangerous or directing the disposition of the animal, the Director
19 shall notify the owner in writing of the reasons why the animal is believed to be dangerous, the proposed
20 disposition of the animal, the authority for the proposed action, and that the Director will make a final
21 determination after the expiration of twenty (20) days following
22 service of the notice, or, if sent by certified mail, within twenty (20) days after the date of delivery as shown on
23 the returned receipt. In addition, the notice shall inform the owner that he or she will be provided an opportunity
24 to meet with the Director, at which meeting the owner may give, orally or in writing, any reasons or information
as to why the animal should not be declared to be dangerous, or why the Director should direct that the animal be
sent to a secure animal shelter instead of directing humane disposal. The notice shall state the date, time and
location of the meeting, which will occur prior to the expiration of twenty (20) days following delivery of the
notice. The notice shall be sent by regular and certified mail, return receipt requested, or delivered in person to the
owner at the owner's last address known to the Director.

 C. The Director will consider directing that an animal be sent to a secure animal shelter only upon
request of the owner. The owner shall bear the burden to establish that an animal shelter is available that meets the
criteria for a secure animal shelter, that the shelter will accept the animal, and that the owner is willing and able to
pay all expenses for transporting the animal.

 D. In the event the Director finds an animal to be dangerous and directs disposition of the animal, the
declaration and directive shall be in writing in the form of an order, and shall include a recital of the authority for
the action, a brief and concise statement of the facts that supports the disposition, and contain the Director's
signature. A copy of the order, including notice of the right to appeal, shall be sent by regular and certified mail,
return receipt requested, or delivered in person to the owner.

1 E. Prior to releasing an animal for removal from Seattle pursuant to SMC 9.25.035A(3) the Director shall
2 require (1) proof that all conditions required Chapter 16.08 RCW and all other conditions required by state or
3 local law for maintaining a dangerous animal have been met; (2) proof that the animal control authority in the
4 jurisdiction to which the animal is being moved has been informed of the relocation; (3) proof that the animal
5 control authority in the jurisdiction to which the animal is being moved has consented to the relocation; (4)
6 agreement by the animal's owner to indemnify and hold the City harmless from any and all future liability
7 including any and all claims, demands, damages, liabilities, causes, suits or action of any kind or nature
8 whatsoever relative to past or future care and custody of the animal and to the animal's future behavior.

9 Section 6. Section 9.25.083 of the Seattle Municipal Code is amended as follows:

10 **9.25.083 Owing dangerous ((vicious)) animals prohibited -- Exception.**

11 A. It is unlawful to own a dangerous animal (other than a licensed guard or attack dog) with knowledge
12 that the animal is dangerous, or with reckless disregard of the fact that the animal is dangerous.

13 B. It is unlawful to possess within the City of Seattle any animal that has been ordered removed from the
14 City of Seattle pursuant to SMC 9.25.035.

15 C((B)). An animal whose owner is convicted of or pleads guilty to violating this section shall be
16 humanely destroyed.

17 Section 7. Section 9.25.084 of the Seattle Municipal Code is amended as follows:

18 **9.25.084 Offenses relating to control.**

19 It is unlawful for the owner to:

20 A. Permit any animal, except cats and pigeons, to be at large or trespass upon the property of another. It
21 is not a violation of this subsection to have a dog off-leash in an area designated pursuant to Section 18.12.080 as
22 an off-leash area provided that the requirements of Section 18.12.080 B are met;

23 B. Permit any cat, dog, potbelly pig or other animal to enter any public fountain or any school ground
24 while school is in session or during after-school activities. It is not a violation of this subsection for an owner to
25 permit an animal to enter on to any school ground when school is not in session and no after-school activities are
26 taking place if the animal is on leash and the owner has in his or her immediate possession a device to remove
27 properly any feces the animal may deposit on school grounds;

28 C. Fail to confine any female cat or dog that is in estrus ("heat") in a secure enclosure so that the female
29 cat or dog cannot come in contact with a male unless the male is admitted by the
30 owner of the female, with the consent of the owners of both the male and female animals;

31 D. Permit any animal:

- 32 1. To damage public property or the private property of another, or
- 33 2. To bark, whine, howl, or otherwise vocalize in violation of Chapter 25.08 of the Seattle Municipal
34 Code (Noise Ordinance 106360) or its successor ordinance, or
- 35 3. To spread or spill garbage;

1 E. Have in his/her possession any animal not owned by him/her without the knowledge of the owner,
2 unless he/she notifies the Director of such possession within twenty-four (24) hours; or to fail to surrender such
animal to the Director upon demand;

3 F. Tether an animal in such a manner as to permit the animal to enter any sidewalk, street, alley or place
4 open to the public, or to enter any adjacent lot or premises unless authorized by the occupant of the adjacent
premises.

5 G. Permit any animal when unprovoked on public or private property to:

6 1. Bite a human being causing less than severe injury as defined in 9.25.023E of the Seattle Municipal
Code or bite a domestic animal; or

7 2. Chase or approach a human, on property other than that of the animal's owner, in a menacing fashion
8 or apparent attitude of attack, which includes but is not limited to any one or more of the following behaviors:
snarling, baring teeth, growling, snapping, pouncing, lunging, attacking, or attempting to bite.

9 The breed of a dog shall not be considered to be evidence of violation of this section.

10 Section 6. Section 9.25.090 of the Seattle Municipal Code is amended as follows:

11 **SMC 9.25.090 Detainment and disposal.**

12 A. No detained animal shall be released to the owner until all applicable fees are paid and licenses obtained
except as otherwise provided in this chapter.

13 B. The Director shall ascertain whether any detained animal is currently licensed, and, if so, shall notify the
14 licensee by letter or by telephone that such animal has been detained and may be
redeemed upon payment of any applicable fees.

15 C. Anyone claiming a detained animal must prove ownership or provide written authorization from the
16 owner to claim the animal, to the satisfaction of the Director before redeeming the animal.

17 D. Notwithstanding any other provision of this chapter, injured or diseased animals, in cases where the
owner cannot be located, need not be detained for the holding period, but may be disposed of in a humane manner at
any time at the discretion of the Director, following a reasonable attempt to locate the owner of the injured animal. If
18 the owner is identifiable, the Director must contact the owner and give the owner the option of transferring the animal
to a veterinarian for immediate treatment.

19 E. Any animal which is detained by the Director may be held at the City Animal Shelter or other place
20 appropriate for the animal. The Director shall post a notice of detainment at the City Animal Shelter, and shall attempt
to determine ownership of an animal. If, after the expiration of a holding period, no owner has claimed the animal, the
Director shall authorize adoption or dispose of the animal in a humane manner.

21 F. A kennel fee for every twenty-four (24) hour period or part thereof, commencing at the close of business
22 on the day the animal is detained, shall be charged to the owner or other authorized person claiming the animal for the
care and feeding of the animal.

1 G. The Director of Public Health may direct the detention of animals suspected of having rabies. These
2 animals shall be held until their release is approved by the Director of Public Health, and all applicable fees are paid.

3 Section 7. Section 9.25.100 of the Seattle Municipal Code is amended as follows:

4 **SMC 9.25.100 Penalty clause.**

5 A. Conduct made unlawful by Sections 9.25.053, 9.25.054, 9.25.083 A, and 9.25.085 of this chapter
6 constitutes a crime subject to the provisions of Sections 12A.02.010 and 12A.02.020 of the Seattle Municipal
7 Code (Ordinance 102843 as amended) and any person convicted thereof may be punished by a fine of not more
8 than Five Hundred Dollars (\$500) or by imprisonment for no more than one hundred eighty (180) days, or by both
9 such fine and imprisonment.

10 B. Conduct made unlawful by Sections 9.25.081 B, ~~((and))~~ 9.25.081 I, and 9.25.083 B of this chapter
11 constitutes a gross misdemeanor subject to the provisions of Section 12A.02.010 and 12A.02.020 of the Seattle
12 Municipal Code (Ordinance 102843 as amended) and any person convicted thereof may be punished by a fine of
13 not more than Five Thousand Dollars (\$5,000) or by imprisonment for no more than three hundred sixty-five
14 (365) days, or by both such fine and imprisonment.

15 C. Conduct made unlawful by Sections 9.25.081 A, 9.25.081 C, 9.25.081 D, 9.25.081 E, 9.25.081 F,
16 9.25.081 G, 9.25.081 H, 9.25.081 J and 9.25.081 K of this chapter constitutes a misdemeanor subject to the
17 provisions of Sections 12A.02.010 and 12A.02.20 of the Seattle Municipal Code (Ordinance 102843 as amended)
18 and any person convicted thereof may be punished by a fine of not more than One Thousand Dollars (\$1,000) or
19 by imprisonment for no more than ninety (90) days, or by both such fine and imprisonment.

20 D. Conduct made unlawful by any other section of this chapter is a violation and any person found to
21 have committed a violation may be punished by a civil fine or forfeiture of not more than Five Hundred Dollars
22 (\$500), but a finding that a violation was committed shall not give rise to any disability or legal disadvantage
23 based on the conviction of a criminal offense. ~~((Failure to have obtained, prior to November 1, 2000, a dog, cat, or
24 potbelly pig license as required by Sections 9.25.050, 9.25.051 and 9.25.052 shall not subject the owner to the
civil fine or forfeiture established in this subsection if, not later than November 30, 2000: (1) a current license is
obtained for the animal, or (2) if the owner has disposed of the animal, the owner notifies the Director of the
disposition.))~~ Disposition of violations under this chapter shall be governed by the procedures for disposition of
traffic infractions under Seattle Municipal Code Chapter 11.31.

E. In addition, the court may order the revocation or denial of any guard or attack dog license and any cat
or dog license of or to any person convicted of a crime under this chapter for a period not to exceed one (1) year.

F. Any person whose guard or attack dog's license is revoked, suspended, or denied shall surrender all
~~((of his or her))~~ said guard or attack dogs to the Director to be disposed of in a humane manner.

G. Any person whose cat or dog's license is revoked, suspended, or denied shall surrender all ~~((of his or
her))~~ said cats and dogs to the Director.

Section 8. Section 12A.06.060 of the Seattle Municipal Code is amended as follows:

SMC 12A.06.060 Negligent control of an animal.

A. A person is guilty of negligent control of an animal if he or she has possession, custody or control of
an animal that, because of the person's negligence, inflicts bodily injury on or kills another

1 person or another animal.

2 B. "Negligence" includes, but is not limited to, failure to comply with or violation of any provision of
3 Section 9.25.083 or Section 9.25.084.

4 C. Negligent control of an animal is a gross misdemeanor.

5 Section 9. This ordinance shall take effect and be in force thirty (30) days from and after its approval by
6 the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take
7 effect as provided by Municipal Code Section 1.04.020.

8 Passed by the City Council the ____ day of _____, 2003, and signed by me in open session in
9 authentication of its passage this ____ day of _____, 2003.

10 _____
11 President of the City Council

12 Approved by me this ____ day of _____, 2003.

13 _____
14 Gregory J. Nickels, Mayor

15 Filed by me this ____ day of _____, 2003.

16 _____
17 City Clerk

18 (Seal)

STATE OF WASHINGTON – KING COUNTY

--SS.

160511
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CTOT:121178 ORD IN FULL

was published on

7/11/2003

J. S.

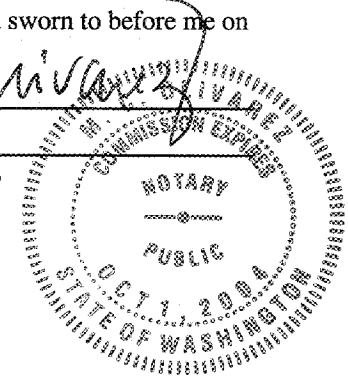
Subscribed and sworn to before me on

7/11/2003

McLivaney

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington,

City of Seattle

ORDINANCE 1

AN ORDINANCE relating to Animal Control Code; creation for possession of pot animal; amending the definition of "pot animal" to incorporate a civil infraction; defining a violation for implanting a photograph of animal been found to have committed a civil infraction; changing the title of the Animal Control Officer to be...

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Organization of the Department of Execution
Administration
Financial Info: Assessed \$267,000
Principal \$140,394, Arrears \$1,615
Lot size 10,907, Total living area 2,460
Filing Info: Auditor: 20030701002612
Tax# 926495-1070
DOT# 9010051274
Beneficiary: Great Western Bank, Loan #609752458
Trustee: Prof Forecloser (800) 511-4229
T/S# 03-70557
Sale: October 3rd, 11 am, Administration Building
Christopher B Dutton; 15839 5th Place South, Burien WA, 98148
Prop Info: Lot 3, Burien Estates, 15839 5th Place South, Burien WA, 98148, 6 bedrooms, 3.2 baths, built in 1964
Financial Info: Assessed \$235,000
Principal \$191,713, Arrears \$2,055
Lot size 8,624, Total living area 1,680
Filing Info: Auditor: 20030701002613
Tax# 121470-0030
DOT# 20011221001984
Beneficiary: Washington Mutual Bank
Trustee: Washington Mutual Bank
Trustee: Northwest Trustee Service
T/S# 7711 20200
Sale: October 10th, 10 am, Bellevue City Hall
Romulo T Agoot; 4825 S 166th St, Seattle, WA 98188
Prop Info: Portion of Section 27, Township 23 North, Range 4 East, 4825 S 166th St, Seattle WA, 98188
Financial Info: Assessed \$163,000
Principal \$58,211, Arrears \$19,699
Lot size 7,334, Total living area 1,330
Filing Info: Auditor: 20030701002611
Tax# 537980-3482-06
DOT# 8606200844
Beneficiary: Rainier Financial Services Company, Loan #42458249
Trustee: Quality Loan Svcs Corp (916) 387-7728 T/S# F-27444-WA-AP
Sale: August 8th, 10 am, King County Courthouse
Margaret P Borron; 23102 100th Ave SE, Kent, WA 98031
Prop Info: Portion of Section 17, Township 22 North, Range 5 East, 23102 100th Ave SE, Kent WA, 98031
Financial Info: Assessed \$172,000
Principal \$130,269, Payments \$1,101, Arrears \$5,506, Lot size 10,890, Total living area 1,530
Filing Info: Auditor: 20030701002859
Tax# 172205-9201-08, DOT# 20001012001151
Beneficiary: American General Home Equity, Inc
Trustee: William P McArdel III (425) 454-1828