

ORDINANCE NO. 2013-936

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING TITLE 6 OF THE DEER PARK MUNICIPAL CODE TO ADOPT BY REFERENCE CHAPTER 5.04 OF THE SPOKANE COUNTY CODE AS THE ANIMAL CONTROL, LICENSING, AND ENFORCEMENT REGULATIONS OF THE CITY AND SET FORTH ADDITIONAL ANIMAL REGULATIONS NOT OTHERWISE INCLUDED IN THE COUNTY CODE; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Title 6 of the Deer Park Municipal Code (“DPMC”) sets forth the animal control and licensing regulations and procedures in the City of Deer Park (“City”); and

WHEREAS, the City has historically been responsible for enforcement of Title 6 DPMC; and

WHEREAS, the County of Spokane (“County”) provides regional animal control, licensing, and enforcement services to cities within the County, through its animal control department, the Spokane County Regional Animal Protection Service (“SCRAPS”); and

WHEREAS, pursuant to a recommendation of the Mayor and City staff, the City Council has authorized the City to contract with the County to enable SCRAPS to perform animal control, licensing and enforcement services in the City; and

WHEREAS, to enable the County to provide animal control, licensing, and enforcement services in the City, the County has requested that the City adopt the County’s animal control and licensing regulations set forth in Chapter 5.04 of the Spokane County Code; and

WHEREAS, City staff recommend that Title 6 DPMC be amended in its entirety to adopt Chapter 5.04 of the Spokane County Code as the primarily animal control regulations of

the City, to revise existing chapters or sections within Title 6 DMPC that are not addressed in the County Code provisions that are requested to be adopted, and to eliminate or repeal any inconsistent, duplicative, or obsolete provisions in Title 6 DPMC resulting from adoption of Chapter 5.04 of the Spokane County Code; and

WHEREAS, the City Council concurs with the recommendation of City staff, and finds that passage of this Ordinance is beneficial to the general, health, safety, and welfare of the City; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO
ORDAIN AS FOLLOWS:**

Section 1. Title 6 of the Deer Park Municipal Code is hereby amended to read as follows:

**Title 6
ANIMALS**

Chapters:

- | | |
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| 6.02 | General Provisions |
| 6.06 | Adoption of County Animal Control Regulations By Reference |
| 6.12 | Animal Kennel and Pet Store Regulations |
| 6.22 | Livestock, Poultry, and Exotic Animals |

**Chapter 6.02
GENERAL PROVISIONS**

Sections:

- | | |
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| 6.02.010 | Purpose. |
| 6.02.020 | Consistency with other Chapters |
| 6.02.030 | Keeping of numerous dogs and cats in the city |
| 6.02.040 | Barking dogs. |
| 6.02.050 | Cleaning up after pets. |
| 6.02.060 | Running at large prohibited. |
| 6.02.070 | Penalties. |

6.02.010 Purpose.

It is declared the public policy of the city to secure and maintain such levels of animal control as will protect human health and safety, and to the greatest degree practicable to prevent injury to property and cruelty to animal life. To this end, it is the purpose of this title to provide a means of licensing dogs, registering animal shelters, kennels, groomers, and pet shops and controlling errant animal behavior so that it shall not become a public nuisance and to prevent cruelty to animals.

6.02.020 Consistency with other chapters.

The City has adopted the animal control, licensing, and enforcement regulations and procedures of Spokane County, set forth in Chapter 5.04 of the Spokane County Code, as existing or hereafter amended, and codified in Chapters 6.06 DPMC, as the animal control and enforcement regulations for the City. In the event any provision in this Title 6 DPMC is inconsistent or conflicts with any provision set forth in Chapter 6.06 DPMC, the provisions in Chapter 6.06 DPMC shall be controlling.

6.02.030 Keeping of numerous dogs and cats in the city.

A. The keeping of more than the number of dogs and cats as described in Chapter 6.06 DPMC, as existing or hereafter amended, in the City for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created.

B. It shall be unlawful for any person or persons to keep more than the number of dogs and cats authorized by Chapter 6.06 DPMC, as existing or hereafter amended, in the City, with the exception that a litter of pups or a litter of kittens, or a portion of a litter may be kept for a period of time not exceeding six months from birth. The provisions of this Section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding; provided, that such an establishment complies with City land use and zoning regulations and possesses a City business license and kennel permit where applicable.

6.02.040 Barking dogs.

It is unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps to the great discomfort of the peace and quiet of the surrounding neighborhood, or in such manner as to materially and unreasonably disturb or annoy persons in the neighborhood who are of ordinary sensibilities.

6.02.050 Cleaning up after pets.

A. No person shall cause or allow any pen, yard, or kennel run or other structure wherein any dog may be kept to become unclean or unsanitary because of the failure to remove and dispose of filth, trash or excrement of any kind.

B. Any person owning, keeping, possessing or harboring any dog or cat shall promptly remove and dispose of all feces left by the dog or cat on any public property and on any private property not owned by such person or lawfully occupied by such person.

6.02.060 Running at large prohibited.

A. It is unlawful for any person owning or possessing any dog for such dog to run at large in the City. For the purposes of this chapter, "running at large" is defined to be the presence of a dog in any public street, alley, park or other public ground, except upon the premises of the owner or a dog running without control or beyond the control of his or her owner.

B. A dog shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

6.02.070 Penalties.

Except as otherwise provided, violation of the provisions of this Chapter shall be classified as a civil infraction and punished as set forth in DPMC 6.06.010, as existing or hereafter amended. In the event no specific penalty is identified in DPMC 6.06.010, the civil infraction penalty shall be as set forth in DPMC 1.16.020.

**Chapter 6.06
ADOPTION OF COUNTY ANIMAL CONTROL CODE**

Sections:

6.06.010 Adoption of County Animal Control Code by Reference

6.06.020 Access to Code

6.06.010 Adoption of County Animal Control Code by Reference

Pursuant to RCW 35A.11.020 and RCW 35A.12.140, the City of Deer Park adopts by reference Chapter 5.04, entitled "Dogs and Cats," of the Spokane County Code, including all penalty provisions, as existing or hereafter amended, as the animal control regulations of the City. Reference to "Spokane County" in Chapter 5.04 of the Spokane County Code shall be construed to refer to the City

of Deer Park when such construction is appropriate to enable enforcement of these Spokane County regulations in the City.

6.06.020 Access to Code

A copy of Chapter 5.04 of the Spokane County Code shall be available in the office of the City Clerk for use, inspection, and copying by the public. The Spokane County Code may also be accessed online through Municipal Research Services Center, at www.mrsc.org.

**Chapter 6.12
ANIMAL KENNEL AND PET STORE REGULATIONS**

Sections:

- 6.12.010 Kennel and pet shop conditions.**
- 6.12.020 Facilities.**
- 6.12.030 Grooming parlors – Conditions.**
- 6.12.040 Zoning compliance.**
- 6.12.050 Permit requirements.**
- 6.12.060 Violation – Penalty.**

6.12.010 Kennel and pet shop conditions.

Private and commercial kennels and pet shops shall meet the conditions set forth in DPMC 6.06.010, as existing or hereafter amended.

6.12.020 Facilities.

A. Outdoor facilities for commercial kennels (excluding animal hospitals or veterinary clinics) and pet shops will not be allowed except with a conditional use permit in the light industrial zones of the City.

B. Indoor facilities, including private or commercial kennels and pet shops, for any animal shall adhere to the conditions set forth in DPMC 6.06.010, as existing or hereafter amended, as well as the following conditions:

1. Be adequately ventilated to provide for the health of the animals and to remove foul odors therefrom.
2. Contain a drainage system which shall be connected to a sanitary sewer or septic tank system which conforms to the standard of building codes in force within the City.

3. Structure shall be cleaned regularly and not have offensive odor omitted to be offensive or injurious to public health, or unpleasant or disagreeable to the adjacent neighbors.

C. In the event of any conflict or inconsistency with the requirements of this section and any similar requirements set forth in 6.06.010 DPMC, as existing or hereafter amended, the provisions of 6.06.010 DPMC shall be controlling.

6.12.030 Grooming parlors – Conditions.

Grooming parlors shall comply with the following regulations:

A. Shall keep animals for a reasonable time in order to perform the business of grooming and not be a boarding facility.

B. Keep each animal in an individual cage and away from direct contact with other animals.

C. Sanitize all equipment after each animal has been groomed.

D. Shall not prescribe treatment or medicine that is the province of a licensed veterinarian; however, groomers should advise pet owners of a need for medical attention if the groomer sees a problem with the animal's health.

E. Reasonable precautions will be taken to prevent injury from occurring to any animals while in the custody of the parlor.

F. Animals are not to be left unattended during the drying process.

G. Provide such restraining straps for the animal while it is being groomed so that such animal shall neither fall nor be hanged.

H. Report any signs of animal abuse to the City's animal control officer.

6.12.040 Zoning compliance.

The application for permit to construct a private or commercial kennel or pet shop kennel will be presented to the City planning department.

6.12.050 Permit requirements.

All pet stores, kennels, and groomers shall obtain any permit required by DPMC 6.06.010. In addition, all pet stores, commercial kennels, and grooming parlors shall be required to obtain a business license from the City.

6.12.060 Violation – Penalty.

Except as otherwise provided, violation of the provisions of this Chapter shall be classified as a civil infraction and punished as set forth in DPMC 6.06.010, as existing or hereafter amended. In the event no specific penalty is identified in DPMC 6.06.010, the civil infraction penalty shall be as set forth in DPMC 1.16.020.

**Chapter 6.22
LIVESTOCK, POULTRY, AND EXOTIC ANIMALS**

Sections:

- 6.22.010 Definitions.**
- 6.22.020 Livestock, poultry, and exotic animals prohibited.**
- 6.22.030 Exception.**
- 6.22.040 Riding or leading animals in the City - Exceptions**
- 6.22.050 Violations – Civil penalty.**

6.22.010 Definitions.

Any provisions of the Deer Park Municipal Code to the contrary notwithstanding, as used in this Chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

A. “House pet” means a dog or a cat or other similar animal of a type customarily used for a pet of an individual or family except for pot-bellied swine. House pet shall not include any Livestock or Exotic animal.

B. “Livestock” means any domestic animal except a house pet, including but not limited to, cattle, calves, sheep, swine, horses, ponies, mules, oxen, llamas, alpacas, goats, chickens, ducks, guinea hens, geese, swans, emu, pigeon, ostrich, turkeys, and any other poultry.

C. “Exotic” animal means any nondomestic or potentially dangerous animal, whether bred in the wild or in captivity, including, but not limited to the following:

- (1) Class mammalia
 - (a) Order carnivore
 - (i) Family felidae, only lions, tigers, captive-bred cougars, jaguars, cheetahs, leopards, snow leopards, and clouded leopards;

- (ii) Family canidae, wolves, excluding wolf-hybrids;
- (iii) Family ursidae, all bears;
- (iv) Family hyaenidae, such as hyenas;
- (b) Order perissodactyla, only rhinoceroses;
- (c) Order primates, all nonhuman primate species;
- (d) Order proboscidae, all elephants [elephant] species;
- (2) Class reptilian
 - (a) Order squamata
 - (i) Family atractaspidae, all species;
 - (ii) Family colubridae, only dispholidus typus;
 - (iii) Family elapidae, all species, such as cobras, mambas, kraits, coral snakes, and Australian tiger snakes;
 - (iv) Family hydrophiidae, all species, such as sea snakes;
 - (v) Family varanidae, only water monitors and crocodile monitors;
 - (vi) Family viperidae, all species, such as rattlesnakes, cottonmouths, bushmasters, puff adders, and gaboon vipers;
 - (b) Order crocodilia, all species, such as crocodiles, alligators, caimans, and gavials.

6.22.020 Livestock, poultry, and exotic animals prohibited.

It is unlawful to harbor, keep, or maintain Livestock or Exotic animals in the City.

6.22.030 Exception.

The provisions of this Chapter shall be waived for veterinary clinics located in business park zones (BP), or public schools when the animals are to be used for educational purposes in a high school agricultural program.

6.22.040 Riding or leading animals in the City - Exceptions

A. It is unlawful for any person to ride or lead or cause to be ridden or led, a horse, mare, pony or other riding animal on any sidewalk, parking or planting strip, street or road within the City limits.

B. It is unlawful for any person to ride or lead or cause to be ridden or led, a horse, mare, pony or other riding animal within the limits of any public park area in the City.

C. The provisions of this Section shall be waived only if the individual riding or leading the animal has obtained an adequate permit for such from the City clerk or authorized designee, or the animal is participating in a City authorized parade.

6.22.050 Violations – Civil penalty.

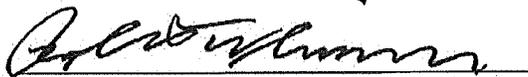
Except as otherwise provided, violation of the provisions of this Chapter shall be classified as a civil infraction and punished as set forth in DPMC 6.06.010, as existing or hereafter amended. In the event no specific penalty is identified in DPMC 6.06.010, the civil infraction penalty shall be as set forth in DPMC 1.16.020. Each day the animal is maintained in violation of this Chapter after written notice from the City animal control department or authority shall constitute a separate violation.

Section 2. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

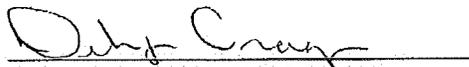
Section 3. The City clerk is authorized and directed to publish a summary of this Ordinance consisting of the title in a newspaper of general circulation in the City.

Section 4. This Ordinance shall take effect and be in full force on January 1, 2014.

APPROVED:

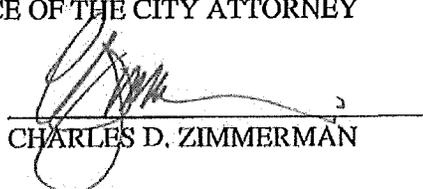

MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:


DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY:


CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK : 12/12/13
PASSED BY THE CITY COUNCIL : 12/18/13
PUBLISHED : 12/20/13
EFFECTIVE DATE : 12/27/13
ORDINANCE NO. : 2013-936

SUMMARY OF ORDINANCE NO. 2013-936

of the City of Deer Park, Washington

On the 18th day of December, 2013, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2013-936. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING TITLE 6 OF THE DEER PARK MUNICIPAL CODE TO ADOPT BY REFERENCE CHAPTER 5.04 OF THE SPOKANE COUNTY CODE AS THE ANIMAL CONTROL, LICENSING, AND ENFORCEMENT REGULATIONS OF THE CITY AND SET FORTH ADDITIONAL ANIMAL REGULATIONS NOT OTHERWISE INCLUDED IN THE COUNTY CODE; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 19 day of December, 2013.


CITY CLERK-TREASURER, DEBY CRAGUN