

CITY OF GRANITE FALLS

ORDINANCE NO. 535

AN ORDINANCE OF THE CITY OF GRANITE FALLS ADOPTING REGULATIONS RELATED TO ANIMALS TO BE KNOWN AS THE "ANIMAL CONTROL ORDINANCE" AND REPEALING ORDINANCES 478 AND 290.

WHEREAS, the City Council finds that the City should encourage, secure and enforce those animal control measures deemed desirable and necessary for the protection of human health, safety and welfare and to the greatest degree practicable to prevent injury to property and cruelty to animal life; and

WHEREAS, the City Council finds that it should establish and implement a program for licensing and regulation of dogs and cats as well as other animals, and facilities which house them and to provide for the health, safety and welfare of the people residing in the City; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GRANITE FALLS,
WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Title. The ordinance codified in this chapter may be cited as "the animal control ordinance".

Section 2. Definitions. As used in this ordinance, the terms defined in this section shall have the defined meanings unless the context requires otherwise; words in the present tense include the future; the singular includes the plural; plural usage includes the singular; "shall" means mandatory, not directory, and the masculine gender includes the feminine.

a. "Adult dog or cat" means any dog or cat over the age of six (6) months.

b. "Animal" means any live vertebrate creature, reptile, amphibian, or bird, except man.

c. "Animal at large" means any animal off the property of its owner, unless restrained by leash, tether or other physical control device not to exceed eight (5\8) feet in length and under the physical control of a responsible person, whether or not the owner of such animal, or which enters upon the property of another person without authorization of that person.

d. "City" means City of Granite Falls.

e. "Euthanasia" means the putting to death of an animal in a humane manner.

f. "Exotic, wild or dangerous animal" means any member of the animal kingdom which is not commonly domesticated or which is not common to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any domesticated animal which, because of its size, vicious nature or other similar characteristics would constitute a danger to human life or property if not kept, maintained or confined in a safe and secure manner. Incorporated by reference here are the State Game Department regulations, principally the following: WAC 223-12-015, 232-12-030, 232-12-040, 232-12-050, and 232-12-060.

g. "Livestock" includes horses, mules, jackasses, cattle, sheep, llamas, goats, and swine.

h. "Owner" means any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by him.

i. "Neutered" or "spayed" means medically determined to be incapable of reproduction or when the physical condition of an animal is certified by a licensed veterinarian to be such as would prohibit performance of such medical procedure to render it unproductive.

Section 3. Purpose. It is hereby declared that the public policy of the City of Granite Falls is to encourage, secure and enforce those animal control measures deemed desirable and necessary, for the protection of 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 chapter to provide a means of licensing dogs, impounding animals, and controlling animal behavior so that it shall not constitute a nuisance and to prevent or curtail cruelty to animals.

Section 4. Livestock not to run at large. No horse, sheep, goat, swine, ass, mule, jennet, colt or filly, fowl and no cattle of any kind, shall be allowed to run at large, during any hour of the day or night upon any unenclosed land public or private, within the city limits.

Section 5. Hitching of horses prohibited in business districts. It is unlawful for any person to leave a horse tied, fastened or hitched to any object in a business or commercial zone of the city.

Section 6. Driving or riding animals so as to endanger persons or property. It is unlawful for any person to drive, herd or ride a horse or other livestock in the city in such a manner as to endanger or to be likely to endanger any person or property, or to drive or ride a horse or other livestock upon any sidewalk in the city. Provided, that this section shall not prohibit any person from driving or herding livestock in a safe manner consistent with reasonable farming or ranching practices.

Section 7. Livestock - Impounding authorized. Any animal found in violation of Sections 4 - 6 within the city limits may be impounded by the Animal Control Officer or any police officer, and kept at a city facility or at some other facility suitably equipped for the care and confinement of the animal.

Section 8. Notice of impoundment. The Animal Control Officer or police officer impounding any animal pursuant to Section 7 shall give the owner thereof written notice of the impoundment as soon as possible, but not more than three days after impoundment. If the owner is not known, such notice shall be given by posting the same in a conspicuous place at the entrance of city hall and the city police department, which notice shall state that the animal or animals described therein have been taken to the Everett Animal Shelter.

Section 9. Livestock--Redemption--Fees--Procedure for sale of unredeemed animals--Profits of sale held for owner.

1. If at any time before such sale the owner of the animal or animals so taken up or impounded pursuant to Section 7 claims the same, the owner shall be entitled to possession thereof by paying to the city the following sums:

- a. Transportation/impoundment fee of One Hundred Dollars (\$100.00) or actual cost of transportation, whichever is greater. The fee shall progressively double for each impoundment of the same animal during any one-year period;
- b. Actual costs per day for room and board during the period of impoundment;
- c. Any and all delinquent court fines imposed with respect to the animal.

2. At the time named in said notice, if such animal or animals be not prior thereto claimed and redeemed, the poundkeeper shall sell such animal or animals at public auction to the highest bidder for cash and shall immediately pay the proceeds of such sale into the city treasury, and

give a receipt therefore to the purchaser. The City may contract for auctioneer services and pay expenses thereof from the proceeds from the sale of said animals.

3. If the owner or owners of any animal or animals sold under the provisions of this chapter shall at any time within one year from the date of such sale make satisfactory proof of ownership, he or they shall be entitled to receive the net proceeds of such sale so paid into the city treasury, after deducting all legal charges, administrative costs and expenses. If such funds have not been claimed after one year, such proceeds shall be deemed forfeited and deposited into the general fund.

Section 10. Licensing required. It shall be a violation of this chapter for any person, firm or corporation to own, possess, harbor or otherwise be the custodian of any dog over the age of three months within the City of Granite Falls unless the person, firm or corporation has first procured a license therefore as provided in this chapter.

Section 11. Issuance of licenses and tags-- Transferability--Attaching tag. It shall be the duty of the city clerk or his/her appointee to issue licenses to persons applying therefor, upon payment of the license fee as provided in this chapter. Upon the issuance of a license, a metal tag, with number corresponding to the number of the application, shall be furnished the applicant, who shall cause the same to be attached or affixed to the dog licensed. Animals tags shall not be transferable from one animal to another.

Section 12. License fees. The following fees shall be paid for licenses under this chapter:

Unaltered dogs.....	\$15.00 per year
Neutered or spayed dogs.....	\$10.00 per year
Replacement of metal tags.....	\$ 1.00
Neutered or spayed dogs belonging to Senior Citizens (62 years or older).. Guide Dogs	\$10.00 lifetime \$10.00 lifetime
Cat Registration	
Unaltered cat	\$10.00 lifetime
Neutered cat	\$ 5.00 lifetime

Documentation from a veterinarian or other sufficient medical proof must be provided when licensing a neutered or spayed dog or registering a neutered cat. The City Council may revise any or all license fees by resolution.

Section 13. Term of renewal of licenses. All licenses required under this chapter, except the lifetime license, shall expire on June 30th of each year. Annual license fees shall be due and payable within thirty days after acquisition of a dog and within forty-five days after June 30th of each year. A penalty charge of Five Dollars (\$5.00) shall be added to any license fee which is delinquent.

Section 14. Dog and cat license exemptions. The licensing provisions of this section shall not apply to dogs or cats in the custody of a veterinarian, or animal shelter or animal rescuer, or whose owners are nonresidents temporarily within the city for a period not exceeding thirty days. Also, when a blind person, physically disabled or hearing impaired person requests that no fee be charged to license his/her guide dog, or service dog, no fee shall be charged.

Section 15. Dogs and cats--Impoundment--Redemption--Fees.

1. The Animal Control Officer of the City of Granite Falls may impound dogs and cats which fall in one or more of the following categories:
 - a. Those dogs which are not licensed pursuant to this chapter;
 - b. Those dogs which do not exhibit the identification tag required by this chapter;
 - c. Stray animals as defined by this chapter;
 - d. Biting dogs as defined by this chapter;
 - e. Vicious dogs as defined by this chapter;
 - f. Dogs in heat which are running at large;
 - g. Noisy dogs and cats as defined by this chapter;
 - h. Trespassing dogs and cats as defined by this chapter;
 - i. Dogs running in packs;
 - j. Chasing or intimidating dogs as defined in this chapter;
 - k. Dogs habitually running at large in violation of this chapter;
 - l. Dogs and cats which are declared public nuisances, but which have not been abated pursuant to this notice;
 - m. Dogs and cats which are voluntarily surrendered to the Animal Control Officer by any person who purports to be the owner of the same, or by any person who declares that the animals are stray animals, as defined by this chapter.

2. The Animal Control Officer shall use his best efforts to notify the owner of the animal impounded pursuant to this section. The owner may redeem an impounded animal at any time before the animal is sold or destroyed, by paying to the city the sum of Twenty-Five Dollars (\$25.00); plus Three Dollars (\$3.00) per day for room and board during the period of impoundment; plus the appropriate license fee if the animal has not been previously licensed; plus any and all delinquent court fines with respect to that animal. If an animal is sold pursuant to this chapter, the net proceeds from the sale shall offset the accrued obligation of the animal's owner with the exception of delinquent court fines. The monetary amounts set forth herein for redemption or room and board may be amended by resolution of the City Council.

Section 16. Destruction and sale of animals. The Animal Control Officer or other properly certified person shall have the authority to sell or destroy, by humane means, all animals given to the city or impounded pursuant to this chapter, when such animals have not been redeemed by their owners in the following time periods:

1. Immediately upon determining that it would be humane to destroy an injured or diseased animal and the animal is unlicensed or the owner cannot be located. Determination of whether the animal will be destroyed will be made by a veterinarian, Animal Control Officer or police officer;

2. Twenty-four hours after an owner voluntarily surrenders its animal to the city;

3. Four working days after an animal has been impounded pursuant to this chapter, without the consent of the owner;

4. Ten days for licensed animals or animals with identification tags;

5. Ten days after impounding a dog pursuant to this chapter.

Section 17. Proof of rabies inoculation. In the event that the chief of police or his designee deems it necessary for the health, safety and welfare of the city residents, no license hereunder shall be granted unless the applicant shall have presented to the city or its appointee a certificate from a licensed veterinarian to the effect that the animal has been inoculated against rabies within the year preceding application for license.

Section 18. Stray animals. Any animal shall be defined as a "stray animal" and is declared to be a public nuisance subject to impoundment if it is running at large, is not licensed, has no identification tag, and has no apparent home where it is cared for on a regular basis.

Section 19. Confinement and redemption of biting dogs. It is unlawful for the owner or owners of any dog known to have bitten or scratched any person or persons or other animals or animals, to harbor or keep such dog without permitting an examination or inspection of such dog after due demand therefor by the chief of police or his designee. If, after such inspection or examination, good cause appears to be that such animal is suffering or has been exposed to rabies, such animal may be impounded and quarantined apart from other animals for a ten-day period from and after the date of seizure.

Any dog impounded under this section may be redeemed at the expiration of such period or prior thereto, upon the determination of the county health department that is free from such disease, and upon the payment to the impounding authority of the maintenance charge for each day of confinement, as hereinbefore set forth.

Section 20. In heat dogs at large prohibited. It is unlawful for the owner or custodian of any female dog to allow said dog to be at large during the regular heat period, and any such dog running at large during such period is a nuisance and may be impounded as such.

Section 21. Trespassing dogs and cats prohibited-- Requirement to remove fecal matter.

1. It is a civil infraction to permit any dog or cat to trespass on private or public property so as to damage or to destroy any property or thing of value.

2. It is a civil infraction to fail to remove fecal matter deposited by an animal on the property of another before the owner and/or said animal leave the immediate area in which the fecal matter was deposited.

3. It is a civil infraction for a person to fail to have his or her possession the equipment necessary to remove fecal matter deposited by an animal when on public property or a public right of way.

Section 22. Noisy dogs and cats prohibited.

1. No person may allow an animal to unreasonably disturb persons by habitually barking, howling, yelping, whining, or making other oral noises.

2. A violation of this section is established if the person disturbed is an individual residing within three hundred feet (exclusive of public right-of-way) of the place where the animal is harbored and this is confirmed by an Animal Control Officer or police officer.

Section 23. Chasing and intimidating dogs prohibited.

It is unlawful for any person, firm or corporation which owns, possesses, harbors, or has control or charge of any dog which is known or in the exercise of reasonable care should be known to chase, run after or jump at vehicles or bikes using public streets, alleys and sidewalks, or which habitually snaps, growls, jumps at or upon or otherwise threatens persons lawfully using public streets, alleys or sidewalks, to allow the same to run at large and not under restraint.

Section 24. Commission for officers enforcing.

Appointees of the City of Granite Falls charged with the duty of controlling animals as provided by this chapter shall have police officers' commissions.

Section 25. Animal Control Officer appointed.

The Animal Control Officer of the City, in his capacity as a member of the Granite Falls Police Department, is appointed and designated as the poundkeeper. The position shall be subject to the supervision of the Chief of Police or his designee.

Section 26. Animal control shelter.

The City may maintain and operate, or contract to maintain and operate an animal control shelter which shall be used as the public pound for the livestock referred to in this chapter.

Section 27. Duties of Animal Control Officer.

The Animal Control Officer or other persons in charge of the pound, shall securely keep the pound and properly care for all animals that may be delivered into his custody until the same shall be released or sold as provided by this chapter. Upon receipt of any animal, he shall forthwith keep a report with the name of the person delivering the same to him, the day and hour of its receipt and a description to a reasonable certainty of the animal or animals and the name of the owner or owners, if known; he shall also report the release of all animals under his charge, showing the name of the owner, to

whom delivered, together with the amount realized on such release. The Granite Falls Police Department shall keep a record of all matters above described and the same shall be preserved as one of the records of the office and shall be open to public inspection. This section shall not be deemed to prohibit the City from contracting for any of the services necessitated by this chapter.

Section 28. Obstructing process of impoundment--
Penalty. It is a civil infraction for any person to prevent or hinder or to attempt to prevent or hinder the impounding of any animal found to violate the provisions of this chapter , or by force or otherwise remove or attempt to remove any animal from the public pound without the authority of the animal control officer, or other person in charge of the pound, or to aid in any attempt to remove any animal or animals from the pound.

Section 29. Entering private property to take possession of animal. The Animal Control Officer may enter the private unenclosed private property of another with or without warrant, when in hot pursuit to take possession of any animal observed in violation of this ordinance.

Section 30. Leash required. It is a civil infraction for the owner or custodian of any dog to cause, permit or allow such dog to roam, run, stray, or to be away from the premises of such public property, or the private property of another in the City of Granite Falls, unless such dog, while away from such premises, is controlled by a leash not more than eight feet in length, such control to be exercised by such owner or custodian or other competent and authorized person. Any dog found roaming, running, straying or being away from such premises and not on a leash as provided in this section may be impounded subject to redemption in the manner provided by this chapter. Any case alleging a violation of this section is to be filed as a civil infraction.

Section 31. Restraint and enclosure. All persons owning or having control of possession of any rabbits, goats, swine, chickens, turkeys, geese, ducks, horses, cattle, pigeons, pheasants, peacocks, or fowl within the City of Granite Falls shall keep the same restrained and enclosed at all times on the premises owned and occupied by such persons.

Section 32. Disposal of diseased animal's carcass. Every person owning or having in charge any animal that has died or been killed on account of disease shall immediately bury the carcass thereof at least three feet underground at a place approved by the Chief of Police, or cause the same to

be consumed by fire, or by other legal, sanitary means. No person shall sell, offer to sell or give away the carcass of any animal which died or was killed on account of disease. Every violation of this section is a public nuisance.

Section 33. Pigeons. The provisions of Section 31 shall not apply to pigeons during periods when they are being trained or exercised. Provided, that pigeons shall not be allowed to trespass on private property so as to damage, destroy or be found any property.

Section 34. Location of building--Enclosures must be clean.

1. Any building inhabited by livestock or fowl shall be located at a minimum distance of one hundred feet of any adjoining residence.

2. All houses, pens or enclosures where chickens, turkeys, geese, ducks, pigeons or other domestic fowl or rabbits are kept shall be kept clean and free from disagreeable odors. No organic materials furnishing food for flies shall be allowed to accumulate on the premises. All manure and other refuse must be kept in tightly covered fly-proof receptacles and disposed of at least once each week in a manner approved by the Animal Control Officer.

Section 35. Pigsty. No pigsty, piggery or other place where swine are kept shall be built or maintained on marshy ground or land subject to overflow, nor within two hundred feet of any stream or other source of water supply, nor within three hundred feet of any inhabited house or public meeting house on adjoining property.

Section 36. Swine--Garbage feeding. When garbage is fed to pigs all unconsumed garbage shall be removed daily and disposed of by burial or incineration. No organic material furnishing feed for flies shall be allowed to accumulate on the premises. All garbage shall be handled and fed upon platforms of concrete or other impervious material. Unslaked lime, hypochlorite of lime, borax or mineral oil shall be used daily in sufficient quantities to prevent offensive odors and the breeding of flies. All garbage, offal and flesh fed to swine must be sterilized by cooking before feeding.

Section 37. Rat and mice free premises. All premises where any of the livestock or fowl mentioned in this chapter are kept shall be kept free from rats and rat and mice harborages.

Section 38. Cruelty to animals. The following statutes regarding cruelty to animals are incorporated by reference:

RCW 46.61.660 Carrying Animals on Outside of Vehicle
RCW 16.52.011 Definitions
RCW 16.52.015 Enforcement Powers
RCW 16.52.080 Transporting or Confining Animals in an Unsafe Manner
RCW 16.52.085 Removal of Neglected Animals for Feeding and Restoration to Health--Examination--Notice--Return--Non-Liability
RCW 16.52.090 Docking Horses--Misdemeanor
RCW 16.52.095 Cutting Ears--Misdemeanor
RCW 16.52.207 Cruelty to Animals in the Second Degree
RCW 16.52.100 Confinement Without Food and Water
RCW 16.52.110 Old or Diseased Animals at Large
RCW 16.52.117 Animal Fighting--Owners, Trainers, Spectators--Exceptions
RCW 16.52.180 Limitations on Application of Chapter
RCW 16.52.185 Exclusions from Chapter
RCW 16.52.190 Poisoning Animals
RCW 16.52.193 Poisoning Animals--Strychnine Sales
RCW 16.52.195 Poisoning Animals--Penalty
RCW 16.52.200 Sentences--Forfeiture of Animals--Liability for Costs--Civil Penalty
RCW 16.52.210 Destruction of Animal by Law Enforcement Officer--Immunity from Liability
RCW 16.52.300 Dogs or Cats Used as Bait--Penalties

Section 39. Dangerous dogs. The following statutes regarding dangerous dogs are incorporated by reference:

RCW 16.08.070 Definitions
RCW 16.08.080 Registration
RCW 16.08.090 Restraint
RCW 16.08.100 Confiscation

Section 40. Provisions of Section 39. The provisions of Section 39 apply to all "dangerous dogs" and "potentially dangerous dogs" as defined in RCW 16.08.070.

Section 41. Declaration of Potentially Dangerous/Dangerous Dogs--Procedure.

1. The Police Department shall classify potentially dangerous/dangerous dogs. The department may find and declare an animal potentially dangerous/dangerous if an Animal Control Officer has probable cause to believe that the animal falls within the definitions set forth in Section 39. The finding must be based upon:

a. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of Section 39; or

b. Dog bite reports filed with the Police Department; or

c. Actions of the dog witnessed by any Animal Control Officer or law enforcement officer; or

d. Other substantial evidence.

2. The declaration of potentially dangerous/dangerous shall be in writing and shall be served on the owner in one of the following methods.

a. Certified mail to the owner's last known address; or

b. Personally; or

c. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.

3. The declaration shall state at least:

a. The description of the animal,

b. The name and address of the owner, if known,

c. The location of the animal if not in custody of the owner,

d. The facts upon which the declaration of potentially dangerous dog is based;

e. The restrictions placed on the animal, and

f. The ability and process for appealing the declaration to Cascade District Court.

Section 42. Permits and Fees. Following the declaration of potentially dangerous dog and the exhaustion of the appeal process, the owner of a potentially dangerous dog shall obtain a permit for such dog from the office of the city clerk upon proof that all registration requirements of RCW 16.08.080 have been satisfied, and shall be required to pay One Hundred Dollars (\$100.00) for the permit. If the owner fail to obtain a permit or fails to file an appeal, the

Animal Control Officer is authorized to seize and impound the animal and, after notification to the homeowner, hold the animal for no more than five days before the destruction of the animal.

Section 43. Notification of Status of Potentially Dangerous Dog. The owner of a potentially dangerous dog shall immediately notify the police department when the animal:

1. Is loose or unconfined off the property; or
2. Has bitten or injured a human being or another animal; or
3. Is sold or given away or dies; or
4. Is moved to another address.

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

Section 44. Licensing--General requirements. All animal shelters, kennels, catteries, hobby kennels, hobby catteries, pet shops, and grooming services must be licensed by the animal control authority. Licenses will be valid for one year from the date of application. Fees shall be assessed as determined by resolution of the City Council. There is no proration of the license fee. Renewal licenses shall retain the original expiration date whether renewed prior to, on, or after their respective renewal month. Any person(s) who engages in more than one of the services or maintains more than one of the types of facilities cited in this section shall pay license fees as determined in this section. Veterinarians shall obtain the required license for any service other than the one which by law may be performed only by a veterinarian; provided, that no such license shall be required for his or her possession of animals solely for the purpose of veterinary care.

Section 45. Kennel permit required. No person shall keep dogs and/or cats over three months of age which exceed the maximums defined in Section 47 or operate a "commercial kennel" without first obtaining a written approval from the Animal Control Officer. Said Animal Control Officer shall have administrative authority to allow an exceedance of the maximum number of dogs and cats referred to in Section 47 or to operate a commercial kennel; provided, however, in no

event shall such administrative approval be granted for an exceedance of the maximums by more than six (6) dogs or cats without a conditional use permit from the City Planning Commission and City Council. The factors to be considered in granting or denying such an exceedance shall be the same as set forth in Section 47(2)(c)(i - v). Any aggrieved party may appeal the decision of the Animal Control Officer to the City Planning Commission, and said Planning Commission is hereby authorized to hear such appeals and make a recommendation to the City Council; provided, further, that no such permit shall be required in the case of a legally established commercial enterprise which operates exclusively as a "veterinary hospital or clinic," "pet shop" or "grooming parlor" as defined in Section 46.

Section 46. Commercial kennels and pet shops--General conditions. Commercial kennels and pet shops shall meet the following conditions:

1. Animal housing facilities shall be provided the animals and shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury and restrict the entrance of other animals.

In addition, each animal housed in any animal shelter, commercial kennel or pet shop or enclosure therein shall be provided with adequate floor space to allow each animal to turn about freely and to easily stand, sit, and lie in a comfortable normal position.

2. Electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating and lighting as may be required by this chapter.

3. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.

4. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation of contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

5. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

6. Washroom facilities, including sinks and toilets, with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.

7. Sick, diseased or injured animals shall be separated from those appearing healthy and normal and if for sale, shall be removed from display and sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

8. There shall be an employee or keeper on duty at all times during house any store is open whose responsibility shall be the care and supervision of the animals in that shop or department held for sale or display.

9. Any employee, keeper or owner shall make provision to feed, water and do the necessary cleaning of animals on days the store or establishment is closed.

10. No person, persons, association, firm or corporation shall misrepresent an animal to a consumer in any way.

11. No person, persons, associations, firm or corporation shall knowingly sell a sick or injured animal.

12. Animals which are caged, closely confined or restrained shall be permitted daily, and for an appropriate length of time, as determined by their size, age and specie, to exercise in a yard or area suitable for that purpose.

Section 47. Hobby kennel or hobby cattery--Conditions.

1. Limitation on Number of Dogs and Cats Allowed. Any hobby kennel or hobby cattery license shall limit the total number of dogs and cats over three months of age kept by such hobby kennel or hobby cattery based on the following guidelines:

a. The amount of lot area; provided, that the maximum number shall not exceed twenty-five where the lot area contains five acres or more; the maximum number shall not exceed five per acre where the lot area contains one acre but less than five acres and the maximum number shall not exceed four where the lot area is less than one acre;

b. The facility specifications or dimensions in which the dogs and cats are to be maintained;

c. The zoning classification in which the hobby kennel or hobby cattery would be maintained.

2. Requirements--Hobby Kennels and Hobby Catteries.

a. All open run areas shall be completely surrounded by a six-foot fence set back at least twenty feet from all property lines; provided this requirement may be modified for hobby catteries as long as the open run area contains the cats and prohibits the entrance of children. For purposes of this section "Open run area" means that area, within the property lines of the premises on which the hobby kennel or hobby cattery is to be maintained, where the dogs and cats are sheltered or maintained. If there is no area set aside for sheltering or maintaining the dogs within the property lines of premises not containing an open run area must be completely surrounded by a six-foot fence.

b. No commercial signs or other appearances advertising the hobby kennel or hobby cattery are permitted on the property except for the sale of the allowable offspring set forth in this section, or otherwise allowable under the city sign code.

c. The Animal Control Officer may require setback, additional setback, fencing, screening or soundproofing as she or he deems necessary to insure the compatibility of the hobby kennel or hobby cattery with the surrounding neighborhood. Factors to be considered in determining such compatibility are:

i. Statement regarding approval or disapproval of surrounding neighbors relative to maintenance of a hobby kennel or hobby cattery at the address applied for;

ii. Past history of animal control complaints relating to the dogs and cats of the applicant at the address for which the hobby kennel or hobby cattery is applied for;

iii. Facility specifications and dimensions in which the dogs and cats are to be maintained;

iv. Animal size, type and characteristics of breed;

v. The zoning classification of the premises on which the hobby kennel or hobby cattery is maintained.

d. The hobby kennel or hobby cattery shall limit dog and cat reproduction to no more than one litter per license per year per female dog and two litters per license year per female cat;

e. Each dog and cat in the hobby kennel or hobby cattery shall have current and property immunization from disease according to the dog's and cat's species and age. Such shall consist of DHLPP inoculation for dogs over three months of age and FVRCP for cats over two months of age and rabies inoculations for all dogs and cats over six months of age.

3. License Issuance and Maintenance. Only when the Animal Control Officer is satisfied that the requirements of this chapter have been met, may a hobby kennel or hobby cattery license be issued. The license will continue in full force throughout the license year unless, at anytime, the hobby kennel or hobby cattery is maintained in such a manner as to:

a. Exceed the number of dogs and cats allowed at the hobby kennel by the animal control section; or,

b. Fail to comply with any of the requirements of this chapter.

4. Special Hobby Kennel License.

a. Persons owning a total number of dogs and cats exceeding four who do not meet the requirements for a Hobby Kennel license may be eligible for a Special Hobby Kennel license to be issued at no cost by the animal control authority which will allow them to retain the specific animals then in their possession provided that the following conditions are met.

i. The applicant must apply for the Special Hobby Kennel License and individual licenses for each dog and cat within 30 days of the enactment of this ordinance or at the time they are contacted by an Animal Control Officer.

ii. The applicant is keeping the dogs and cats for the enjoyment of the species, and not as a commercial enterprise.

b. The Special Hobby Kennel License shall only be valid for those specific dogs and cats in the possession of the applicant at the time of issuance, and is intended to allow pet owners to possess animals beyond the limits imposed by code until such time as the death or transfer of such animals reduces the number possessed to the legal limit set forth by code.

c. The Animal Control Officer may deny any application or revoke a Special Hobby Kennel License based on past Animal Control Code violations by the applicant's dogs and cats, or complaints from neighbors regarding the applicant's dogs and cats; or if the animal(s) is maintained in inhumane conditions.

d. The provisions of this section shall automatically be repealed on December 31, 1995, and thereafter a special hobby kennel license shall not be allowed.

Section 48. Grooming parlors--Conditions. Grooming parlors shall:

1. Not board animals, but keep said animals for a reasonable time in order to perform the business of grooming.

2. Keep each animal in an individual cage.

3. Not permit animals therein kept for the direct purpose of grooming to have contact with other animals kept therein.

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

5. Not prescribe treatment or medicine that is in the province of a licensed veterinarian as provided in RCW 18.92.010.

6. Not leave animals unattended during the drying process.

7. Take reasonable precautions to prevent injury from occurring to any animals while in the custody of said parlor.

Section 49. Penalties.

1. Any violation of this chapter not otherwise designated a misdemeanor or gross misdemeanor shall

constitute a civil infraction punishable by a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00)

BAIL SCHEDULE

FIRST OFFENSE:	\$ 50.00	one-half off (\$25.00) if paid within 15 days to City Hall
SECOND OFFENSE:	\$100.00	
THIRD OFFENSE:	\$250.00	

2. Any person violating any provision of this chapter not otherwise designated a misdemeanor or gross misdemeanor three or more times in any twelve (12) month period shall have committed a civil infraction punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

3. Any violation of this chapter designated a misdemeanor shall be punishable by a maximum of ninety (90) days in jail and/or a fine not to exceed One Thousand Dollars (\$1,000.00).

4. Any violation of this chapter designated a gross misdemeanor shall be punishable by a maximum of three hundred sixty-five (365) days in jail and/or a fine not to exceed Five Thousand Dollars (\$5000.00).

Section 50. Public nuisance--Notice of Abatement--Penalties.
Any violation of the above sections shall constitute a public nuisance. Upon being advised of the same, the Animal Control Officer may serve notice upon the owner or occupant of the subject premises requiring that the nuisance be abated within a period of not less than three days. It shall be unlawful for any person to fail to comply with the notice of abatement. Any person found guilty of the failure to comply shall be guilty of a separate civil infraction for each day of noncompliance.

Section 51. Public nuisance--Petition--Notice of Abatement.
Whenever it shall be affirmed in writing by three or more persons having separate residences or regularly employed in the neighborhood that any dog or cat is a habitual public nuisance by reason of continued violations of any section of this chapter, the Animal Control Officer may serve

notice upon the owner or custodian of the dog or cat ordering that the nuisance be abated within a period of not less than three days. It shall be unlawful for any person to fail to comply with said notice of abatement, and shall be cause for impoundment of the dog or cat.

Section 52. Ordinance No. 478 and Ordinance No. 290, as codified in Title 8 of the Granite Falls Municipal Code, and all ordinances in conflict herewith, are hereby repealed.

Section 53. Third party liability. It is expressly the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.

It is the specific intent of this ordinance to place the obligation of complying with its requirements upon the owner and possessors of animals and no provisions nor any term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation and enforcement of this ordinance shall be discretionary and not mandatory.

Nothing contained in this ordinance is intended no shall be construed to create or form the basis of any liability on the part of the City, or its officer, employees or agents, for any injury or damage resulting from the failure to comply with the provisions of this ordinance, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this ordinance, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this ordinance by its officers, employees or agents.

Section 54. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Granite Falls hereby declares

that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 55. Savings. Nothing contained in this ordinance shall be construed as abating any action now pending under or by virtue of any ordinance of the City herein superseded; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of passage of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this 10
day of May, 1995.

CITY OF GRANITE FALLS

Gella P. Morris
MAYOR

ATTEST:

Gerry James
City Clerk

APPROVED AS TO FORM:

Cheryl L. Beyer
City Attorney

FIRST READING: March 22, 1995
SECOND READING: April 26, 1995
DATE OF PUBLICATION: May 13, 1995
EFFECTIVE DATE: May 18, 1995