

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 6.04 RELATING TO ANIMAL SERVICES TO ADD DEFINITIONS TO OMC 6.04.030 AND TO AMEND OMC 6.04.040 REGARDING LICENSING AND REGISTRATION REQUIREMENTS

WHEREAS, “community cats” are sometimes referred to as “free-roaming”, “stray”, “feral” or “at-large” cats and can be found many places where people live. These outdoor, free-roaming cats live in and are cared for by the community, hence the term “community cats.” While cared for by individuals, a community cat is not a pet. No one individual owns a community cat; and

WHEREAS, for decades, community cats have been trapped and removed in a failed attempt at population management. Using this approach, shelters have struggled with resources, staffing, and space, including Joint Animal Services (JAS), to keep up with the number of cats coming into the shelter; and

WHEREAS, there are two approaches for managing community cats. The most common is the “Catch-and-Kill” method which relies on an ineffective and expensive model where animal control officers round up cats (typically in response to nuisance complaints), attempt to adopt out the cats as appropriate, and then euthanize the remaining cats at the local animal shelter. However, data continues to demonstrate that the catch-and-kill method does not work to control cat populations. Cats reproduce faster than a typical animal control department can catch them, which is why more municipalities across the United States have adopted alternative options; and

WHEREAS, to address the failures of the catch-and-kill method, communities have increasingly turned to Trap-Neuter-Vaccinate-Return (TNVR), which has proven effective for managing community cat populations. TNVR is a non-lethal, decentralized technique employed by community members for managing community cats. The cats are humanely trapped, spayed, or neutered by a licensed veterinarian, ear-tipped (the universal sign that the cats have been sterilized and vaccinated for rabies), and returned to where they were trapped. TNVR empowers the community to take action in their neighborhoods. In addition to being a more humane option, TNVR can also reduce the costs required for animal control and sheltering; and

WHEREAS, municipalities that have implemented TNVR have successfully controlled community cat populations. TNVR programs are community-based with residents typically bringing community cats to a local clinic. Brick and mortar municipal animal shelters commonly implement this type of programming, calling it Return-to-Field (RTF) or some variation of these terms; and

WHEREAS, successful community cat programs lead to a dramatic decrease in nuisance complaints, the Olympia Municipal Code Chapter 6.04 should be amended to update definitions and language to support a new, lifesaving cat program at JAS, called the community cat program;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 6.04.030. Olympia Municipal Code Section 6.04.030 is hereby amended to read as follows:

6.04.030 Definitions

A. “Abandon” means the act of leaving a pet animal without humane care in such a way that the health or safety of the animal is imperiled or failure to respond to a notification of impoundment of an animal.

B. “Animal” means any nonhuman mammal, bird, reptile, or amphibian. For the purposes of licensing and all other regulations under this chapter that are applicable to dogs, potbelly pigs shall be treated the same as dogs.

C. "Animal Services" means the agency designated to enforce this ordinance and operate a shelter facility designated or recognized by the cities of Lacey, Olympia, and Tumwater and Thurston County for the purpose of impounding, caring for, placing through adoption, returning to owners, and euthanizing pet animals.

D. "At large" means any pet animal that is not in the physical presence and control of an owner or keeper; provided that the following animals shall be considered at large only under the following circumstances:

1. When a dog, licensed or not, is found off the premises or outside the vehicle of the owner and not under control of a person by means of a leash, carrier, or demonstrated voice command. "Demonstrated voice command," means the person purporting to exercise control of a dog can cause the dog to immediately heel by giving an appropriate voice command; or

2. When a pet animal interferes with pedestrian, bicycle or vehicular movement, causes reasonable affront or alarm to a person, or if injury or damage has been caused by the pet animal, or trespass has occurred; or

3. When a cat, licensed or not, is on property where the property owner or tenant objects to the presence of the cat and has humanely trapped or otherwise contained the cat.

E. "Cattery" means an establishment kept for the purpose of breeding, owning, selling, or boarding of cats, and having a current certification by a nationally recognized cattery registration group that formulates and applies their own standards for appropriate care, such as Cat Fanciers Association, the American Cat Fanciers Association, the International Cat Association, or the United Feline Organization.

F. "Community cat" means any free roaming cat that may be cared for by one or more residents in the area, known or unknown. Community cats with ears-tipped were sterilized and vaccinated against rabies at least one time. Community cats are not considered pet animals.

G. "Community cat caregiver" means a person who provides care to a community cat in the form of food, water, shelter and veterinary care, while not being considered the owner, custodian, harbinger, possessor, or keeper of a community cat.

~~HF~~. "Dangerous dog" means a dog that according to the records of Animal Services has committed serious offenses as more fully set forth in Section 6.04.110.

~~IG~~. "Director" means the Animal Services Director or the Animal Services Director's designee.

~~JH~~. "Domestic animal" means an animal other than a pet animal which may or may not be used as a food source such as, but not limited to, a rabbit, chicken, goat, sheep, cow, or horse.

~~KI~~. "Euthanasia" means the humane killing of an animal.

~~LJ~~. "Exotic animal" means an animal, such as, but not limited to, venomous or constrictor type reptiles, or primates.

~~MK~~. "Feral animal" means a wild animal or a domestic animal that is wild.

NE. "Harbors, keeps, possesses, or maintains a pet animal" means providing care, shelter, protection, refuge, food, or nourishment in such manner as to influence the behavior of the animal; or, treating the animal as living at one's property.

OM. "Humane care" means care of an animal that includes providing necessary food, water, shelter, rest, sanitation, ventilation, space, and medical attention in a way that the health and safety of the animal is not imperiled.

PN. "Impound" means to take control of any animal pursuant to the terms of this chapter whether or not such animal is picked up by Animal Services or animals brought to the Animal Services shelter.

QO. "Kennel"

1. "Commercial kennel" means a place where adult dogs are bred by a person providing facilities for breeding and the offspring are sold, where such dogs are received for care, training, and boarding for compensation, not including a small animal hospital, clinic, or pet shop. An adult dog is one that has reached the age of six months.

2. "Hobby kennel" means a noncommercial kennel at or adjoining a private residence where four or more adult dogs are bred and/or kept for hunting, training, and exhibit for organized shows, field working, and/or obedience trials or for enjoyment of the species.

RP. "Leash" means a cord, thong, or chain by which a dog is controlled by the person accompanying it.

SQ. "License" means the dog, cat, or other pet animal license issued for registration and identification.

TR. "Menacing" means when an animal engages in threatening behavior on public or private property which is not the property of the animal's owner and which reasonably places a person in fear of immediate physical harm to that person or to an animal under the immediate control of such person. Such behavior includes, but is not limited to, growling, snarling, baring of teeth, snapping, attempting to bite, pouncing, stalking, lunging, attacking or other behavior that restricts or controls a person's movements.

US. "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age and species and sufficient to provide a reasonable level of nutrition for the animal.

VF. "Nuisance pet animal" means a pet animal that:

1. Damages or destroys landscaping or property of another person, including destruction of wildlife that has been purposefully attracted to the person's property, or
2. Soils or defecates on public or private property other than the owner's, unless such waste is immediately removed and properly disposed of by the owner of the pet animal, or
3. Causes unsanitary, dangerous, or offensive conditions, or
4. Is a female dog or cat in heat not confined within a structure to prevent access of male dogs or cats except for planned breeding, or

5. Chases people, including but not limited to cyclists, or vehicles, or molests or interferes with persons or other animals on public or private property other than the owner's property, or
6. Habitually or continually disturbs the peace and quiet of any individual or neighborhood by barking, whining, howling, or making any other noise; or
7. Trespasses on private property and the property owner or tenant supplies a written complaint to Animal Services, and, in the case of a cat, physically contains the cat.

WU. "Officer" means any Animal Services officer, police officer, or other commissioned person designated by the City of Olympia to issue citations, pick up, restrain, impound, place, or dispose of animals or give notice for any other acts, duties, or functions prescribed by this chapter or other chapters relating to pet animals.

XV. "Owner" means any person who has a right, claim, title, legal share or right of possession to an animal or who harbors, keeps, possesses, or maintains a pet animal, or who encourages a pet animal to remain about their property or premises for a period of fourteen (14) consecutive days or more, or the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner for the purposes of this chapter.

YW. "Pet animal" means any animal sold or retained for the purpose of being kept for pleasure, companionship, or utilitarian purposes and not kept as a food source.

ZX. "Potentially dangerous dog" means a dog that according to the records of Animal Services has committed serious offenses as more fully set forth in Section 6.04.110.

AAZ. "Quarantine" means to maintain an animal within a structure so that it cannot approach or be approached by humans or other animals outside the owner's immediate family.

BBZ. "Restrained" means secured by a leash and under physical control of a person with the strength and judgment to handle the animal, or tethered to a stationary object which keeps the animal confined to the pet owner's property or premises.

CAA. "Severe injury" means any physical injury that results in broken bones or lacerations requiring sutures or cosmetic surgery.

DDBB. "Sterilized" means the animal is surgically rendered incapable of reproduction by means of castration or an ovarian hysterectomy.

EECC. "Stray animal" means a domestic animal or pet animal at large.

FFDD. "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110, incorporated herein by reference.

Section 2. Amendment of OMC 6.04.040. Olympia Municipal Code Section 6.04.020 is hereby amended to read as follows:

6.04.040 Licensing and registration requirements

A. Failure to license a pet animal. Except as otherwise provided in this chapter, it is unlawful for any person to own, keep, or have control of any dog, or cat, or potbelly pig considered a pet animal in the City of Olympia unless the person has procured a license. Failure to license such animals is a class 3 civil infraction. Provided, however, such infraction may be dismissed if, within fourteen days of its issuance, the cited person submits evidence of licensing such animal to the court.

B. Issuance of license tag. Animal Services or agents thereof shall provide an appropriate identification tag for each dog or cat licensed to persons applying, upon payment of the appropriate license fee. It shall be the responsibility of the owner of a dog to keep a collar or harness on the animal with the license tag attached if the animal is off the owner's property. For cats only a microchip may substitute if a collar is considered a hazard.

C. Supplemental identification. Tattooing or microchip implantation are acceptable auxiliary means of identification but do not replace the license.

D. Lack of authorized and current tag. A dog or cat without an authorized and current license tag may be impounded, except as otherwise set forth in this chapter.

E. Fees shall be set as authorized by Council through contract. In the event no contract exists authorizing the setting of fees, Council shall set fees by resolution. Each updated fee schedule shall be filed with the City Clerk.

A 50% surcharge will be added to all fees for services provided to non-JASCOM participating jurisdictions.

F. Date due. All licenses granted under this chapter shall be valid for one year from the date of issuance.

G. Licenses nontransferable. Licenses shall not be transferable from one pet animal to another.

H. Tag removal unlawful. It is unlawful for any person to remove a tag from any dog or cat, or to obliterate any tattoo or microchip registered under this chapter without the permission of the owner or issuing authority other than in a medical emergency. A violation of this provision shall be a misdemeanor.

I. Kennel or cattery permit. A kennel or cattery permit may be granted for those areas where such use is not prohibited by local zoning. An annual fee in lieu of individual licensing for each animal may be granted for the following:

1. Private nonprofit animal welfare or protection organizations that have IRS 501(c)(3) status with operating standards and criteria and whose primary purpose is to provide temporary care, shelter, and placement of animals, or
2. Catteries (as defined in Section 6.04.030(E)) that can demonstrate that all cats placed in Olympia are reported to Animal Services and all non-show quality cats are sold or given away with a binding contract for sterilization.
3. Hobby kennels (as defined in Section 6.04.030(M)).

J. Exotic Animals. Owners of constrictor type reptiles over eight feet in length, venomous reptiles, and primates, that are not otherwise prohibited, are required to comply with all state and federal laws for the

keeping of such animals, and are also required to annually register such animals with Animal Services by completing a form provided by Animal Services. Failure to register such animals shall be a misdemeanor and shall subject the animal to immediate impoundment.

Section 3. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after passage and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: