

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



CO00020755

AMENDED
ORDINANCE NO 97-020

AMENDING SNOHOMISH COUNTY CODE CHAPTERS 6.01,6.06,9.01
AND ADDING A NEW CHAPTER 6.09

Relating to General Licensing Provisions and Kennel Regulations

BE IT ORDAINED:

Section 1. Snohomish County Code Section 6.01.010 last amended by Ordinance 94-047, § 1, on June 20, 1994 is amended to read:

6.01.010 Definitions. In this title, the words and phrases used, unless the context otherwise indicates, shall have the following meanings:

(1) "Abatement" means the termination of any license or permit violation by lawful and reasonable means as determined by the licensing authority or ~~((his))~~ duly appointed representative.

~~((2))~~ "Adult dog or cat" means any dog or cat six months of age or older.))

~~((3))~~ "Agricultural pursuits" means where land is primarily used in the production of crops and livestock or fur farming.))

~~((4))~~ (2) "Amusement" means any act or event causing or inducing relaxation and gaiety.

~~((5))~~ (3) "Amusement device" means any coin-operated or remote controlled machine, device, contrivance, apparatus or appliance, mechanical, electrical or hand propelled, designed to be used in whole or part as an instrument or instrumentally for engaging in the use and exercise of skill by one or more persons in playing a game for the amusement and entertainment of the play or players and which is maintained commercially for such purpose.

~~((6))~~ (4) "Amusement device distributor" means any person who leases to, or places with others, any amusement device for use, play or operation.

~~((7))~~ (5) "Amusement device operator" means any person who operates, rents, or possesses one or more amusement devices.

~~((8))~~ "Animal" means any member of the classes: amphibian, fish, reptile, bird, or mammal, except man.))

~~((9))~~ (6) "Animal control agency" means the Snohomish county animal control agency created and perpetuated to enforce the provisions of the Snohomish county code and laws of the state of Washington as they pertain to animal welfare.

~~((10))~~ (7) "Animal control officer" means any individual employed, contracted or appointed by the animal control agency for the purpose of enforcing this code or any other code, or the laws of the state of Washington.

~~((14))~~(8) "Applicant" means any person, partnership and/or corporation who is applying for a license or permit issued pursuant to any license or permit ordinance.

~~((12))~~(9) "Application" means any form designed by the licensing authority for use in securing a new license or permit or on a renewal basis.

~~((13))~~(10) "Bath" means any container, receptacle, or facility used for refreshing, washing or soaking all or any part of the human body. The term includes, but is not limited to, a Finnish bath, hot tub, Japanese bath, sauna, Swedish bath, Turkish bath, and baths provided by air, steam, vapor, water, or electrical cabinet.

~~((14))~~(11) "Business premises" means the entire building in which an activity or business is located together with the entire tract of land under one ownership upon which the building is located.

~~((15))~~(12) "Carnival" means every device, institution or assemblage of devices or institutions for the purpose of providing entertainment, amusement, sport, pastime or merriment for the patrons thereof and shall include roller coaster, merry-go-rounds, swings, Ferris wheel, games of shooting, throwing, pitching, phenomenal exhibitions or everything of like character.

~~((16))~~(13) "Circus" means any institution whose general occupation is that of exhibiting wild animals, feats, horsemanship, animal stunts, acrobatic or aquatic sports for admission to which a fee is charged.

~~((17)) "Commercial kennel" means a place where (a) three or more adult dogs, cats or combination thereof are kept whether or not for compensation, including facilities known and operated as animal shelters, (b) four or more litters of dogs, cats, or combination thereof are produced in a calendar year, or (c) dogs or cats are sold but not including small animal hospitals where pets are kept for treatment only, pet shops, private kennels, exhibitor/breeding kennels, or zoological parks.))~~

~~((18))~~(14) "County" means Snohomish county.

~~((19))~~(15) "Dance hall" means any room, hall, pavilion, boat, float, building or other structure kept or used for the purpose of conducting therein public dances and dancing. It shall include, but not be limited to, those facilities offering dance opportunities as a significant, although not necessary primary purposes, such as taverns, bars, or clubs.

~~((20))~~(16) "Engaged in business" means, includes, and has reference to a particular occupation or continuing course of commercial activity in which a person is regularly or habitually engaged for the purpose of livelihood or gain.

~~((21))~~(17) "Entertainment" means any act or event causing amusement, diversion or the agreeable passing of time.

~~((22))~~(18) "Erotic dance" or "erotic dancing" means a dance or other performance that emphasizes and seeks to arouse or excite a patron's sexual desires during the course of which dance or other performance the dancer engages in any of the following conduct:

(a) nudity;

(b) displaying or exposing, with less than a full opaque covering, that portion of the female breast lower than the upper edge of the areola;

(c) displaying or exposing, with less than a full opaque covering, the dancer's pubic area, pubic hair, or anus;

(d) a dancer fondling or caressing a patron, or a patron fondling or caressing a dancer;

(e) a dancer touching herself on the breast, or himself or herself in the pubic area or anal area, or allowing a patron or other dancer to touch those areas;

(f) simulating, by touching or otherwise, masturbation or intercourse;

(g) bringing any portion of a dancer's body closer than six inches to a patron or rubbing any portion of the dancer's body on a patron; or

(h) sitting on a patron's lap or separating a patron's legs.

~~((23))~~(19) "Erotic dancer" means a person who performs erotic dance in an erotic dance studio.

~~((24))~~(20) "Erotic dance studio" means a fixed place of business which emphasizes and seeks, through one or more erotic dancers, to arouse or excite the patrons' sexual desires.

~~((25))~~(21) "Examiner" means the county hearing examiner or other hearing examiner appointed by the Snohomish county council.

~~((26) "Exhibitor/breeding kennel" means a place at or adjoining a private residence where three but not more than twenty adult dogs, cats, or combination thereof, owned by natural persons residing on said property, are kept for the primary purpose of participating in dog shows or other organized competitions or exhibitions.))~~

~~((27))~~(22) "Fire Marshall" means the Snohomish county fire marshall or any ~~((of his))~~ authorized representative~~((s))~~.

~~((28))~~(23) "Float" means (1) with respect to boating tournaments or exhibitions, any anchored man-made structure unattached to the shore where any vessel may dock; or (2) with respect to parades, a low, flat, decorated vehicle for carrying exhibits, tableaux, etc. in a parade.

~~((29) "Grooming parlor" means any establishment, public or private, where animals are bathed, clipped, or combed for compensation.))~~

~~((30))~~(24) "Health officer" means the health officer or any authorized representative of the Snohomish county health district.

~~((31))~~(25) "Idling speed" means that speed of any motorboat while underway resulting while its propulsion machinery is set at the machine's slowest possible speed.

~~((32) "Kennel" means a commercial, exhibitor/breeding or private kennel.))~~

~~((33))~~(26) "Length" as it refers to vessels means the overall distance measured in a straight line parallel to the centerline from the foremost part of the vessel to the aftermost part of the vessel, excluding bowsprits, bumpkins, rudders, outboard motors and brackets, and similar fittings and attachments.

~~((34))~~(27) "License" means any document issued by the licensing authority which authorizes a person, to conduct an activity in Snohomish county as provided by this title.

((35))(28) "Licensee" means any person to whom a license or renewal of license has been issued pursuant to this title.

((36))(29) "Licensing authority" means the duly elected auditor of Snohomish county or ((his)) any duly authorized representative.

((37))(30) "Massage" means the treatment of a human body by another person by rubbing, kneading, hitting or any other manipulation, including the use of equipment, machinery, or appliances in connection with the foregoing.

((38))(31) "Massage parlor" means any place where massages are given or furnished for, or in expectation of, any fee, compensation or monetary consideration.

((39))(32) "Motorboat" mean any vessel underway under propulsion in whole or in part by machinery. The term shall include seaplanes while taxiing and/or while otherwise not subject to any valid state or federal law or regulation governing the operation of seaplanes.

((40))(33) "Operator" means any person in actual physical control of any vessel.

((41))(34) "Owner" means any person having an interest in or right of possession of any property or business, or any person having control, custody or possession of an animal.

((42))(35) "Parade" means any march or procession consisting of people, animals, bicycles, vehicles in excess of ten in number or combination thereof, except wedding processions and funeral processions, upon any county road, sidewalk, alley or other county property which does not comply with normal and usual traffic, regulations or controls.

((43))(36) "Permit" means any document issued by the licensing authority which authorizes a person to conduct an activity in Snohomish County as provided by this title.

((44))(37) "Person" means an individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

~~((45) "Pet shop" means a person or establishment that acquires animals for the purpose of resale to the public.))~~

~~((46) "Private kennel" means a place at or adjoining a private residence where at least three and not more than ten adult dogs, cats, or combinations thereof, owned by natural persons residing on said property, are kept for the purpose of hunting, training, for field work and obedience trials or for the enjoyment of the species; but not including an exhibitor/breeding kennel. Cats kept for pest or vermin control and in conjunction with an agricultural pursuit as defined, shall not be subject to this provision.))~~

((47))(38) "Property" means any tangible property including, but not limited to good, wares, merchandise, animals, livestock, and land.

((48))(39) "Public bathhouse or hot tub" means any place where baths or hot tubs of any kind are given or furnished to the public for or in expectation of a fee or other compensation.

((49))(40) "Public bathhouse or hot tub employee" means any person who works for a public bathhouse or hot tub.

~~((50))~~(41) "Public dance" means any dance that the public generally may gain admission to with or without the payment of an admission fee.

~~((51))~~(42) "Public event/assembly" means any gathering or assembly of 100 or more persons who have been charged admission or made a contribution towards the costs of such gathering or assembly at a single place for the purpose of amusement, entertainment, education or similar common purpose. Such definition shall not include any assembly or gathering conducted for religious, political or other constitutionally protected purpose.

~~((52))~~(43) "Race-type boat" means any motorboat operated at a speed in excess of 35 miles per hour.

~~((53))~~(44) "Rowboat" means a small boat propelled by the use of oars or paddles.

~~((54))~~(45) "Run" means a sponsored, organized procession to contend in a race consisting of people, bicycles, wheelchairs, other non-motorized vehicles, or combination thereof containing 10 or more persons upon a county road, sidewalk, alley or other county property. "Run" shall not include any training event or race participated in solely by means of a bona fide school track team or teams.

~~((55))~~(46) "Safety buoy" means any buoy established as herein provided and constructed to conform to the State Uniform Waterway Marking System.

~~((56))~~(47) "Safety buoy line" means the straight line between any two safety buoys or the straight line between any safety buoy and the point on the shoreline closest to such safety buoys.

~~((57))~~(48) "Sailboat" means any vessel propelled by sail or in part by sail and in part manually.

~~((58))~~(49) "Sheriff" means the sheriff of Snohomish county or any duly appointed deputy sheriff of Snohomish county.

~~((59))~~(50) "Shoreline" means the land bordering any existing body of water.

~~((60))~~(51) "Vessel" means any type of watercraft used or capable of being used as a means of marine transportation.

~~((61))~~(52) "Visible" as it refers to the hours of darkness, means capable of being seen on a dark night with a clear atmosphere; as it refers to the daylight hours means capable of being seen on a dull day with the atmosphere clear of fog, haze, or rain.

~~((62))~~(53) "Water-ski" means to plane over the water with or without any floating device while being towed by any vessel. The term shall include water-skiing, freeboarding, aquaplaning and similar devices and/or activities.

~~((63))~~(54) "Wharf" means any manmade structure attached to the shore and to which any vessel may dock.

All other terms, phrases or words not defined by this chapter shall be known by their common and ordinary meaning and usage in the English language.

Section 2. Snohomish County Code Section 6.01.050 last amended by Ordinance 94-047, § 3, on June 20, 1994 is amended to read:

6.01.050 Fees.

(1) A fee shall be paid in full at the time of application as set out in this section. Except as provided in SCC 6.21.010(11), an applicant who proposes to conduct activities at more than one location shall pay a separate fee for each location for which a license may be issued. A fee is not refundable.

(2) Fees for the following licenses and permits are established as follows:

STANDARD LICENSE AND PERMIT FEES

- (a) Kennels, grooming parlors, and pet shops (chapter 6.06 SCC):
 - (i) Private kennel-breeding: ~~\$(50.00)~~ 125.00 per year;
 - ~~((iii) Exhibitor/breeding kennel: \$100.00 per year.)~~ (ii) Private kennel-non-breeding: \$75.00 per year;
 - (iii) Commercial kennel, grooming parlor, or pet shop: ~~\$(150.00)~~ 175.00 per year;
 - (iv) Combination of commercial kennel and grooming parlor ~~((or))~~, pet shop, boarding facility or animal shelter-each additional classification: \$50.00 per year.
- (b) Massage parlors (chapter 6.07 SCC):
 - (i) Massage parlor: \$650.00 per year.
- (c) Public bathhouse or hot tubs and public bathhouse or hot tub employees (chapters 6.47 and 6.49 SCC):
 - (i) Public bathhouse or hot tub: \$500.00 per year.
 - (ii) Public bathhouse or hot tub employee: \$100.00 per year.
- (d) Erotic dance studios and erotic dancers (chapter 6.25 SCC):
 - (i) Erotic dance studio: \$350.00 per year;
 - (ii) Erotic Dancer: \$55.00 per year.
- (e) Pawnbrokers and secondhand dealers (chapter 6.19 SCC):
 - (i) Pawnbroker-Class 1: \$300.00 per year;
 - (ii) Secondhand dealer-Class 1: \$250.00 per year;
 - (iii) Secondhand dealer-Class 2: \$55.00 per year.
- (f) Swap meet Location (chapter 6.21 SCC):
 - (i) Swap meet location license: \$160.00 per year
- (g) Amusement devices and game tables (chapter 6.36 SCC):
 - (i) Amusement device fee: \$80.00 per amusement device.
- (h) Public events assemblies (chapter 6.37 SCC):
 - (i) Public events/assemblies: \$200.00 per event.
- (i) Dance/dance hall (chapter 6.38 SCC):
 - (i) Single dance: \$25.00 per event;
 - (ii) Dance hall - annually: \$200.00 per year.
 - (iii) Dance hall - quarterly: \$50.00 per quarter.
- (j) Fun runs and parades (chapter 6.39 SCC):
 - (i) Fun runs: \$75.00 per event;

- (ii)Parades:\$75.00 per event.
- (k) Boating tournaments and exhibitions (chapter 6.40 SCC):
 - (i)Boating events:\$150.00 per event.
- (l) Application process (chapter 6.01 SCC):
 - (i)Fingerprinting: Actual cost;
 - (ii)Advertisement of application: Actual cost;
 - (iii)Photograph: Actual cost.
- (m) License/permit (chapter 6.01 SCC):
 - (i)License or permit replacement:\$10.00 per reissue;
 - (ii)License or permit information change:\$10.00 per reissue.
- (n) Appeal processes of hearing examiner (chapter 6.01 SCC):
 - (i)Appeal filing fee - see SCC 2.02.125(1);
 - (ii)Appeal document reproduction:\$.25 per page.
- (o) Pawnbroker and secondhand dealer-Class 1 employees (chapter 6.20 SCC):
 - (i)Employees:\$100.00 per year.

Section 3. The heading of Snohomish County Code Sections 6.06.001 through 6.06.090 is amended to read:

KENNELS, GROOMING PARLORS, AND PET SHOPS

Sections:

- 6.06.001 General provisions.
- 6.06.002 Special provisions.
- 6.06.005 Definitions.
- 6.06.010 Private kennel license required.
- 6.06.012 Private kennel-breeding/non-breeding- requirements for obtaining a license.
- 6.06.013 Special private kennel license.
- 6.06.015 Commercial kennel, grooming parlor, and pet shops - license required.
- 6.06.016 Commercial kennel, grooming parlor or pet shop - requirements for obtaining a license.
- 6.06.017 Special commercial kennel license.
- 6.06.020 Commercial kennels and pet shops - indoor facility requirements.
- 6.06.025 Commercial kennels and pet shops - outdoor facility requirements.
- 6.06.030 Grooming Parlor - additional requirements for obtaining a license.
- 6.06.((020))035 Terms and License Fees.
- 6.06.040 Reproduction limitations.
- ~~((6.06.050 Advertising limitations.))~~
- 6.06.070 Kennels, grooming parlors and pet shops-inspections.

6.06.080 Maintenance of unsanitary, nauseous, foul or offensive establishment - Unlawful.

6.06.090 Relation to other laws.

Section 4. A new section 6.06.005 is added to chapter 6.06 Snohomish County Code as follows:

6.06.005 Definitions. The following words and phrases used in this chapter shall have the meanings set forth below or as defined in 6.01 SCC unless the context indicates otherwise:

(1) "Adult dog" means any dog six months of age or older.

(2) "Agricultural pursuits" means the use of land primarily for the production of crops and livestock or fur farming.

(3) "Animal" means any member of the classes: amphibian, fish, reptile, bird, or mammal, except human.

(4) "Animal hospital" means a facility at which a licensed veterinarian provides medical treatment and consultation for animals which may stay temporarily at the facility for medical procedures or observation.

(5) "Animal shelter" means a facility that temporarily houses or controls impounded, stray, homeless, abandoned or unwanted animals.

(6) "Boarding facility" means a place where animals are kept overnight or longer by contractual arrangement with the owner, whether for compensation or not, for any legal purpose other than medical treatment, breeding, or permanent disposal.

(7) "Commercial kennel" means a place where (a) four or more adult dogs, cats or combination thereof are kept whether or not for compensation, including facilities known and operated as animal shelters and boarding facilities, or (b) the occupant of the property keeps and owns more than ten and not more than 25 dogs, or (c) dogs are sold, but not including small animal hospitals where pets are kept for treatment only, pet shops, private kennels, or zoological parks.

(8) "Grooming parlor" means any establishment, public or private, where animals are bathed, clipped, or combed for compensation.

(9) "Pet shop" means any person or establishment that acquires animals for the purpose of resale to the public.

(10) "Private kennel - breeding" means a place at or adjoining a private residence where four but not more than 10 adult dogs of which at least one has not been neutered or spayed, owned by the persons residing on said property, are bred or kept for the purpose of hunting, training, for field work, obedience trials, and other competition or for the enjoyment of the species. Dogs under the age of 6 months shall not be included for purposes of determining the total number of dogs within the private kennel.

(11) "Private kennel - non-breeding" means a place at or adjoining a private residence where four but not more than 10 adult dogs of which all have been neutered or spayed, owned by the natural persons residing on said property, are kept for the purpose of hunting, training, for field work, obedience trials, and other competition or for the enjoyment of the species. Dogs under the

age of 6 months shall not be included for purposes of determining the total number of dogs within the private kennel.

(12) "Quiet hours" means the hours of day during which a dog or dogs shall not be allowed to bark continuously for a duration that exceeds five minutes nor be allowed to engage in repetitive barking.

(13) "Repetitive barking" means barking, whether by one or more dogs, which while not continuous constitutes 10 minutes or more of any half hour time span.

Section 5. Snohomish County Code Section 6.06.010 last amended by Ordinance 86-099, § 38, on November 12, 1986 is amended to read:

6.06.010 Private kennel- Breeding/Non-breeding license required.

It is unlawful for any person to keep or maintain ~~((any))four or more, but not more than 10 adult dogs within Snohomish County without a valid private kennel license - breeding or non-breeding ((kennels (commercial, exhibitor/breeding, or private), grooming parlors and/or pet shop within Snohomish County without a valid license.))~~

Section 6. A new section 6.06.012 is added to Chapter 6.06 Snohomish County Code as follows:

6.06.012 Private kennel - breeding/non-breeding requirements for obtaining a license.

The licensing authority may issue a license for a private kennel (breeding or non-breeding) upon application by the owner and only if the licensing authority is satisfied that all the following requirements are met:

(1) all open run areas shall be completely surrounded by a ~~((six-foot fence))~~ fencing according to the size, type and characteristic of the breed set back at least thirty feet from all property lines. For purposes of this section "open run area" means that area, within the property lines of the premises on which the private kennel is to be maintained, where dogs are sheltered and maintained. If there is no open run area set aside for sheltering or maintaining the dogs within the property lines of the premises, the thirty-foot setback does not apply. If the premise does not contain an open run area, its property line must be completely surrounded by a ~~((six-foot fence))~~ fencing according to the size, type and characteristic of the breed. Kennel applicants located on a corner lot must also meet fencing requirements identified in SCC 18.42.130;

(2) no commercial signs or other display advertising the private kennel are permitted on the property except for the signs advertising the sale of the allowable offspring set forth in this section and as prescribed in SCC 18.32.040(B)(11)(f);

(3) the licensing authority may require additional setbacks, fencing, screening or soundproofing as necessary to insure the compatibility of the private kennel with the surrounding neighborhood. In determining such compatibility, the licensing authority may consider the following:

- (a) statements regarding approval/disapproval of surrounding neighbors relative to operation and maintenance of a private kennel by the applicant at the address listed on the private kennel application;
 - (b) past history of animal control complaints relating to dogs owned or kept by the applicant at the address listed on the private kennel application;
 - (c) facility specifications/dimensions in which the dogs are to be maintained; and
 - (d) size, type and characteristics of breed of dogs to be kept at proposed private kennel;
- (4) food and water shall be provided in sufficient amounts to ensure normal growth in puppies and maintenance of normal body weight in adults;
- (5) food and water receptacles shall be accessible to all dogs and shall be located so as to prevent contamination by dirt and excreta;
- (6) adequate shelter shall be provided to protect the animal from excessive heat or cold, sunlight, rain, snow, wind and other elements. The determination of adequacy of shelter is made by the licensing authority and is based on the size of the animal;
- (7) ~~((each dog in the private kennel shall have current and proper immunization from disease as determined by the licensing authority according to the species and age of the dog.))~~ All dogs over the age of six months must receive rabies inoculations. ~~((The licensing authority may require veterinarian verification of current inoculation record.))~~ Wolf-hybrid animals maintained in a kennel licensed under the provisions of this chapter are exempt from the rabies inoculation requirement.
- (8) private kennels-breeding shall provide written instructions and educational material on care, feeding, and responsible pet ownership, as well as licensing forms, to each dog purchaser. ~~((Responsible pet ownership educational material and licensing forms will be provided at no cost to the private kennel owner by the licensing authority as necessary.))~~

Section 7. A new section 6.06.13 is added to Chapter 6.06 Snohomish County Code as follows:

6.06.013 SPECIAL PRIVATE KENNEL LICENSE. Persons possessing a valid exhibitor/breeding kennel license issued by the licensing authority prior to the enactment of this chapter and owning more than 10 dogs may be eligible at no charge for a special private kennel license, provided the following conditions are met:

- (1) the applicant must make application for the special private kennel license within 30 days of notification by the licensing authority. The special private kennel license will retain the expiration of the valid exhibitor/breeding license;
- (2) the special private kennel license shall be valid only for those specific dogs in the possession of the applicant at the time of issuance, and is intended to allow pet owners to possess dogs beyond the limits imposed by this chapter

until such time as the death or transfer of such dogs reduces the number possessed to the legal limit set forth in this chapter; and

(3) the licensing authority may deny any application for a special private kennel license based on past violations of animal control regulations by the applicant, complaints from neighbors regarding the applicant's dogs, or if the animals are maintained in inhumane conditions.

Section 8. A new section 6.06.015 is added to chapter 6.06 Snohomish County Code as follows:

6.06.015 Commercial Kennel, Grooming Parlor, or Pet Shop, - License Required. It is unlawful for any person to keep, operate or maintain a commercial kennel, grooming parlor, or pet shop within Snohomish county without a valid license. The license issued under the provisions of this chapter shall be conspicuously displayed at the establishment to which such license was issued.

Section 9. A new section 6.06.016 is added to chapter 6.06 Snohomish County Code as follows:

6.06.016 Commercial kennel, grooming parlor, or pet shops - requirements for obtaining license. The licensing authority may issue a license for a commercial kennel, grooming parlor or pet shop upon application by the owner and only if the licensing authority is satisfied that all of the following requirements are met:

(1) shelter shall be provided for all animals and shall be structurally sound, maintained in good repair, constructed to protect the animals from injury, contain the animals and restrict the entry of other animals;

(2) each animal shall be provided with adequate floor space to allow the animal to turn about freely and to stand, sit and lie down in a comfortable, normal position;

(3) electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating and lighting for the animals;

(4) animals which are caged, closely confined or restrained shall be permitted daily to exercise in a yard or area suitable for that purpose and for an appropriate length of time depending on their size, age and species;

(5) food and bedding shall be placed and stored in facilities which provide adequate protection against infestation or contamination by insects or rodents. Any perishable foods shall be refrigerated;

(6) food and water shall be provided in sufficient amounts to ensure normal growth in immature animals and maintenance of normal weight in adults;

(7) food and water receptacles shall be accessible to all animals and shall be located to prevent contamination by dirt and excreta;

(8) provisions shall be made on a daily basis for the removal and disposal of animal and food wastes, contaminated bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects, rodents or disease, and shall be free from obnoxious or foul odors;

(9) washroom facilities shall include sinks with hot and cold running water and toilets, and shall be convenient to encourage frequent washing of utensils and equipment and general cleanliness;

(10) dirtied or soiled utensils and equipment and open containers of animal food shall be stored in an area of the facility not accessible to the public;

(11) sick, diseased or injured animals shall not be sold in an unhealthy condition, be separated from healthy, normal animals, and shall be removed from display and kept in isolation quarters with adequate ventilation to prevent contamination of healthy animals and humans;

(12) during business hours, there shall be an employee or keeper on duty at all times whose responsibility shall be the care and supervision of any animals on the premises;

(13) employees, keepers or owners shall make provisions to feed, water and do the necessary cleaning of animals on a daily basis on days the establishment is closed;

(14) no employee, keeper or owner shall misrepresent any information pertaining to any animal to a consumer;

(15) no employee, keeper or owner shall knowingly sell a sick or injured animal;

(16) adequate care and feeding instructions, responsible pet ownership education material and licensing forms must be provided, in writing, to each animal purchaser. Responsible pet ownership educational material and licensing forms will be provided at no cost by the licensing authority as necessary; and

(17) any other requirements applicable under this chapter.

Section 10. A new section 6.06.017 added to chapter 6.06 Snohomish County Code as follows:

6.06.017 Special commercial kennel license. Persons possessing a valid commercial kennel license issued by the licensing authority prior to the enactment of this chapter and owning more than the newly established limit of 25 dogs may be eligible at no charge for a special commercial license if the following conditions are met:

(1) the applicant must make application for a special commercial kennel license within thirty days of notification by the licensing authority;

(2) the special commercial kennel license shall be valid for those specific dogs in the possession of the applicant at the time of issuance, and is intended to allow the kennel owner to possess animals beyond the limits established in this chapter until such time as the death, transfer or sale of such animals reduces the number possessed to the legal limit set forth by this chapter;

(3) the applicant for a special commercial kennel license shall be required to fulfill all other requirements and qualifications for a commercial kennel established by this chapter.

Section 11. A new section 6.06.020 is added to chapter 6.06 Snohomish County Code as follows:

6.06.020 Commercial kennels and Pet Shops - indoor facility requirements. The following additional requirements apply to any commercial kennel or pet shop owner/operator required to obtain a license pursuant to SCC 6.06.015 and who operates an indoor housing facility:

(1) the facility shall provide sufficient heating and cooling to protect the animals from temperatures to which they are not normally acclimatized;

(2) the facility shall be adequately ventilated to provide for the health of the animals and assist in the removal of foul and obnoxious odors and provisions shall be made so that the volume of air within the enclosed indoor facility shall be changed three or more times an hour. This may be accomplished through the periodic opening of doors and windows. If fans or ventilating equipment are used, they shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts;

(3) housing facilities shall be constructed to provide natural or artificial light as may be necessary to provide sufficient illumination to inspect and clean the facility. Such lighting shall be of good quality, well distributed within the facility and in an amount and location which will protect the animals from excessive illumination;

(4) housing facility shall contain a drainage system which is connected to a sanitary sewer or septic system conforming to the standards of applicable building codes and designed to rapidly remove water and excreta during cleaning of the facility under any weather or temperature condition. All indoor housing facilities for animals shall be maintained in a clean and sanitary condition and an effective disinfectant safe to humans and animals shall be used in the cleaning of the facility;

(5) housing facility shall contain interior wall, ceiling and floor surfaces made of materials which are resistant to the absorption of moisture and odors, if surfaces are not originally resistant to moisture or odors they shall be treated with sealant or paint which make them resistant. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed to prevent the accumulation of moisture or debris.

(6) any commercial kennel which boards animals or pet shops shall also meet the following requirements in addition to those contained in this section;

(a) the surface of all primary kennel runs shall be made of concrete or a similar, non-absorbent material except that outside areas used strictly as exercise yards need not be surfaced in concrete or a similar non-absorbent material;

(b) kennel runs sharing a common wall or fence shall have a moisture resistant barrier separating the two runs which shall be a minimum of 24 inches in height from the ground;

(c) a perimeter fence, six feet in height, surrounding the kennel facility and outside runs.

Section 12. A new section 6.06.025 Commercial Kennels and Pet Shops - outdoor facility requirements is added to chapter 6.06 Snohomish County Code as follows:

6.06.025 Commercial Kennels and Pet Shops - outdoor facility requirements. The following additional requirements apply to any commercial kennel or pet shop owner/operator required to obtain a license pursuant to SCC 6.06.095 and who operates an outdoor housing facility;

(1) the facility shall maintain quiet hours between 10:00 pm and 6:00 am Monday through Friday and 10:00 pm and 8:00 am Saturday and Sunday.

Section 13. A new section 6.06.030 is added to chapter 6.06 Snohomish County Code as follows:

6.06.030 Grooming Parlor - additional licensing requirements. The following additional requirements apply to any grooming parlor owner/operator required to obtain a license pursuant to SCC 6.06.095;

(1) the grooming parlor shall not board animals but keep them only for the period of time necessary to perform the business of grooming;

(2) restraints shall be provide for the animal while it is being groomed so that it shall not be harmed;

(3) the owner/operator shall sterilize all equipment after each animal has been groomed;

(4) the owner/operator shall not leave animals unattended during the drying process;

(5) the owner/operator shall not prescribe treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010;

(6) the owner/operator shall not put more than one animal in each cage;

(7) the grooming parlor shall be constructed so that all floors and walls in rooms, pens and cages used to retain animals or in areas where animals are clipped, groomed or treated be impervious to water and can readily be cleaned, and maintained;

(8) hot and cold water shall be conveniently available and a large sink or tub provided (minimum size twenty-four inches by eighteen inches by twelve inches);

(9) all cages, pens or kennels used for holding animals shall be kept clean and disinfected between use of each animal.

Section 14. Snohomish County Code Section 6.06.020 last amended by Ordinance 86-099, § 39, on November 12, 1986 is amended to read:

6.06.((020))035 Terms and License Fees. The fees for ((this)) the licenses described in this chapter are established and contained in SCC 6.01.050(2). The term for these license is one year from the date of issuance.

Section 15. Snohomish County Code Section 6.06.040 last amended by Ordinance 86-099, § 40, on November 12, 1986 is amended to read:

6.06.040 Reproduction Limitations. A private kennel breeding shall limit total dog ~~((and cat))~~ reproduction to no more than ~~((three))~~ five litters per license year. ~~((To exceed this limitation an exhibitor breeding or a commercial kennel license is required.))~~

Section 16. Snohomish County Code Section 6.06.050 last amended by Ordinance 86-099, § 41, on November 12, 1986 is repealed in its entirety.

Section 17. Snohomish County Code Section 6.06.060 last amended by ordinance 87-038, § 26, on June 3, 1987 is repealed in its entirety.

Section 18. A new chapter, Chapter 6.09 is added to Title 6 of the Snohomish County Code as follows:

CHAPTER 6.09 ANIMAL ADVISORY BOARD

Sections:

- 6.09.010 Animal advisory board established--duties.
- 6.09.020 Membership.
- 6.09.025 Meeting and election of officers.
- 6.09.030 Terms of members.
- 6.09.040 Vacancies.
- 6.09.050 Removal.

6.090.010 Animal advisory board established--duties. There is hereby established a Snohomish county animal advisory board, hereinafter referred to as "advisory board", to:

- (1) assist the licensing authority and animal control by reviewing and recommending policies relating to animal licensing and animal control;
- (2) advise and assist the licensing authority and animal control in making recommendations to the executive and the county council regarding revisions to Chapter 6.06 and Title 9, SCC;
- (3) make recommendations to the licensing authority regarding individual kennel license applications on matters with respect to which the licensing authority exercises its discretion;
- (4) serve as an appeals board regarding appeals submitted by an applicant or any person concerning the actions or decisions of the Animal Control Agency or Licensing Authority when exercising the discretionary provisions of Chapter 6.06; and
- (5) submit a written report to the County Council annually.

6.09.020 Membership. The advisory board shall be composed of the following members: six members who shall be licensed Snohomish County kennel owners; and three members who shall represent a broad range of interests relating to animal issues and shall reside within the county.

Appointments shall be pursuant to SCC 2.03.030 and 2.03.040.

6.09.025 Meeting and election of officers. The advisory board shall meet as necessary at the call of the licensing authority or chair. The advisory board shall adopt by-laws and elect its chair, vice-chair and secretary from within the board membership.

6.09.030 Terms of members. Subject to other provisions in this chapter, terms of the board members shall be for three years. Initial appointments shall be staggered terms as follows: two members shall be appointed to one-year terms, two members shall be appointed to two-year terms, and three members shall be appointed to three-year terms.

6.09.040 Vacancies. A positions shall become vacant upon expiration of the term, provided that the existing board member shall continue to serve until his or her successor is appointed. A position also shall become vacant upon the death, resignation, removal, or change of residence outside the geographic area of appointment of a members. vacancies shall be filled by appointment. An appointment to fill a vacancy for any reason other than the expiration of a term shall be only for the balance of the full term of the position being filled.

6.09.050 Removal. Any member of the advisory board may be removed by the council for neglect of duty or malfeasance in office, or pursuant to SCC 2.03.080.

Section 19. Snohomish County Code Section 9.01.030 last amended by ordinance 87-047, § 1 on July 8, 1987 is amended to read:

9.01.030 Definitions.

In construing the provisions as set out in this title all words not otherwise given special definitions herein or in SCC 6.06 shall be given their common and ordinary meaning, in addition, the following definitions shall apply:

(1) "Abatement" means the termination of any violation of this title by lawful and reasonable means as determined by the authorized Snohomish county animal control agency personnel in order that a person or persons presumed to be the owner of an animal comply with this title.

(2) "Adult dog or cat" means any dog or cat six months of age or older.

~~((3) "Agricultural pursuits" means where land is primarily used in the production of crops and livestock or fur farming.))~~

(3)((4)) "Animal" means ((for purposes of this title,)) any member of the classes: reptile, bird, or mammal, except ((man)) human.

(4)((5)) "Animal control agency" means the Snohomish county animal control agency created and perpetuated to enforce the provisions of the

Snohomish county code and laws of the state of Washington as they pertain to animal welfare.

(5)((6)) "Animal control officer" means any individual employed, contracted or appointed by the animal control agency for the purpose of enforcing this code or any other code, or the laws of the state of Washington.

~~((7)) "Animal run" means any fenced area commonly associated with a commercial or private kennel, providing a limited exercise area for cats and/or dogs which is accessible from the housing (not a dwelling unit) customarily provided for such animals.))~~

(6)((8)) "Certificate of registration for dangerous dog" means any document issued by the Snohomish county ~~((auditor))~~ licensing authority pursuant to chapter 16.10 RCW and SCC 9.10.040.

(7)((9)) "Certification authority" means the Snohomish county ~~((auditor))~~ licensing authority.

(8) "Certified service dog" means any dog, which is trained or being trained to aid a disabled person and is used for that purpose and is registered with a recognized service animal organization.

~~((10)) "Commercial kennel" means a place where three or more adult dogs, cats, or combination thereof whether or not for compensation, including facilities known and operated as animal shelters, but not including small animal hospitals where pets are kept for treatment only, pet shops, private kennels, or zoological parks.))~~

(9)((11)) "County" for the purposes of this title, means the unincorporated areas of Snohomish county.

(10)((12)) "Dangerous dog" means any dog that according to the records of the county, (a) has inflicted severe injury on a human being without provocation on public or private property, (b) has killed a domestic animal without provocation while off the owner's property, or (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals; but, dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

(11)((13)) "Domesticated animal" means any animal including dogs, cats, rabbits, horses, mules, assess, cattle, lambs, sheep, or other animals made to be domestic.

(12)((14)) "Euthanasia" means the humane destruction of an animal by a method that is painless to such animal either by causing instant painless unconsciousness and subsequent death or immediate death.

~~((15)) "Grooming parlor" means any establishment, public or private, where animals are bathed, clipped, combed for a consideration, for purposes of enhancing their aesthetic value.))~~

(13) "Junior dog" means any dog under the age of 6 months.

(14) "Licensing Authority" means the Snohomish county auditor or his or her duly authorized representative.

(15)((17)) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(16)((18)) "Pack of dogs" means a group of three or more dogs running upon land, either public or private, not that of their owner, when such dogs are not restrained or controlled.

(17)((19)) "Person" means any individual, partnership, corporation, trust, estate, or other legal entity.

~~((20) "Pet shop" means person or establishment that acquires animals for the purpose of resale to the public.))~~

(18)((21)) "Potentially dangerous dog" means any dog that when unprovoked: (a) inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, or to cause injury, or otherwise threaten the safety of humans or domestic animals.

~~((22) "Private kennel" means a place at or adjoining a private residence where three but not more than 10 adult dogs, cats, or combination thereof, owned by the natural persons residing on said property, are kept for the purpose of hunting, training, exhibition for organized shows, for field work and obedience trials or for the enjoyment of the species. If three or more adult dogs, cats, or combination thereof owned by the natural persons are kept on land other than adjoining the private residence of their owner they shall constitute a commercial kennel. If more than 10 adult dogs, cats, or combination thereof are kept, they shall constitute a commercial kennel. Cats kept for pest or vermin control and in conjunction with an agricultural pursuit as defined, shall not be subject to this provision. No advertising displays shall be permitted.))~~

(19)((23)) "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog and comply with all applicable provisions of the Snohomish county building and zoning code.

(20)((24)) "Running at large" means to be off the premises of the owner and not under control of either the owner or competent person authorized by the owner.

(21)((25)) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(22)((26)) "Under control" means the ~~((dog is either under voice, signal, or physical control so as to be restrained from approaching a bystander, from entering~~

~~private property, or from causing damage to property.))~~ animal is under competent voice and/or signal control so as to be thereby restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off of a leash or off the premises of the owner. Said ~~((dog))~~ animal is presumed not to be under control if injuries, damages, or trespass result.

~~(23)((27)))~~ "Vicious" means acting in an unruly manner or the propensity to do any act which might endanger the safety of any person, animal, or property of another.

Section 20. Snohomish County Code Section 9.04.020 last amended by Ordinance 91-154 on November 6, 1991 is amended to read:

9.04.020 Exemptions.

(1) The provisions of this chapter do not apply to:

(a) Dogs kept in duly licensed commercial kennels, ~~((exhibitor/breeding kennels.))~~ pet shops and animal shelters or in the custody of a veterinarian;

(b) Dogs brought into unincorporated areas of the county for a period not to exceed 30 days for the sole purpose of competing in a show or competition or for breeding purposes;

(c) Dogs whose owners are nonresidents temporarily visiting within the county for a period not to exceed 30 days;

(d) Dogs duly licensed by a municipality located within the county.
(2) In this section, "commercial kennel" ~~((and "exhibitor/breeding kennel" have))~~ has the meaning~~((s))~~ given ~~((them))~~ in Title 6 SCC.

Section 21. Snohomish County Code Chapter 9.08 is repealed in its entirety.

Section 22. Snohomish County Code Section 9.12.060 last amended by Ordinance 93-049 on July 7, 1993 is amended to read:

9.12.060 Enforcement-Nuisance-Abatement. It shall be unlawful for any person, firm or corporation to cause, allow, permit or participate in any of the following, which are, singly or together, defined as a public nuisance:

(1) Frequent, repetitive, or continuous sounds made by any animal which unreasonably disturb or interfere with the peace comfort, and repose of property owners or possessors, except:

~~((a) Such sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or grooming parlors shall be exempt under this subsection.))~~

~~(a)((b)))~~ Such sounds made by pigs, cattle, sheep, horses, goats and poultry, whether from commercial or noncommercial activities in unincorporated areas outside of the area bounded by Puget Sound on the west, the Snohomish

county/King county line on the south, 164th Street SE on the north and the Bothell Highway (SR 527) on the east shall be exempt under this subsection.

(2) Any domesticated animal which enters upon private or public property, so as to damage or destroy any real property or personal property thereon.

(3) Any domesticated animal which chases, runs after or jumps at vehicles, using the public streets and alleys.

(4) Any domesticated animal which habitually snaps, growls, snarls, jumps, at or upon, or otherwise threatens persons lawfully using public sidewalks, streets, alleys or other public ways.

(5) Any nondomesticated animal, either predatory or nonpredatory, in the custody, possession or control of any person within the county, which due to its size, habits, natural propensities or instincts represents a danger or potential danger to people or property, not reasonably confined, restricted or restrained.

(6) Animals running in packs.

(7) A female domesticated animal, whether licensed or not, while in heat, not confined and accessible to other animals for purposes other than controlled and planned breeding.

(8) Any domesticated animal, whether licensed or not, which runs at large in any park or enters any public beach, pond, fountain or upon any public playground or school ground; PROVIDED, HOWEVER, That this section shall not apply to dogs being walked or exercised while on an automatic retractable leash or leash of ~~((40))~~ 8 feet or less; to any blind person using a Seeing Eye dog; to animal shows or exhibitions; or organized dog training classes where approval is secured from the Snohomish county ~~((board of commissioners))~~ Parks Department after giving reasonable advance notice.

(9) Any animal which enters any place where food is prepared, served, stored or sold to the public; PROVIDED, HOWEVER, That this section shall not apply to any ~~((blind))~~ person using a ~~((Seeing Eye))~~ certified service dog or duly authorized law enforcement officers, security guards or postmen using guard dogs in performance of their duties.

(10) Animals confined, staked, or kept on public property without prior consent of the applicable agency.

(11) Animals kept, harbored or maintained and known to have a contagious disease, unless under the treatment of a licensed veterinarian or being kept for medical research.

(12) Animals on public property not under the control of the owner or other competent person and without the consent of the applicable agency.

(13) The ownership, harboring, or keeping of any species of animal designated by the state board of health pursuant to WAC 248-100-450, together with amendments thereto, as dangerous to the public including any skunk, fox or raccoon, except as lawfully authorized for fur farming.

(14) Any vicious animal or animal with vicious propensities which runs at large at any time, or such animal when off or outside of the owner's premises, not under the physical restrictions of a person of suitable age and discretion to control such animal.

(15) The taking from the wild, or the holding in captivity, or the having in one's possession, or the exportation from or importation into the county of any species designated in WAC 232-12-015 and 232-12-030 and 232-12-040 together with amendments thereto, as protected wildlife, as furbearing animals, or as game fish, birds, or animals except as lawfully authorized.

(16) Any dog (~~in an established leash law zone~~) found in violation of the provisions of chapter 9.14 SCC.

(17) Any animal violating or involved in a violation of the provisions of chapter 9.08 SCC.

(18) Any dangerous dog or potentially dangerous dog as defined in chapter 9.10 SCC that is not restrained as required by that chapter either on the premises of the owner or off the premises of the owner.

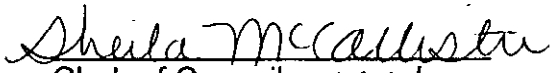
Section 23. Effective date. This ordinance shall take effect on July 1, 1997.

PASSED this 7th day of May, 1997.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:

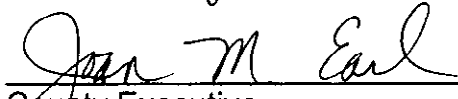

Clerk of Council, *asst.*

(☒) APPROVED

(☐) VETOED

(☐) EMERGENCY

DATE: May 9, 1997


County Executive

JOAN M. EARL
Deputy Executive

ATTEST:

