

ORDINANCE NO. O2022-024

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Tumwater Municipal Code Chapter 6.04, Dogs, Cats and Other Pets, relating to community cats (amending Ordinance Nos. O2014-017, O2006-003, O99-020 and O95-044) as more particularly described herein.

WHEREAS, in 1996 the Tumwater City Council adopted county-wide uniform regulations for the keeping of dogs, cats and other pet animals which has been updated over the years consistent with a regional approach to animal services; and

WHEREAS, the cities of Olympia, Lacey, and Tumwater and Thurston County are parties to an interlocal agreement for joint animal services operations, including operating of the animal shelter and the conduct of animal protection and control activities; and

WHEREAS, the Joint Animal Services Commission (JASCOM) adopted a 5-year Strategic Plan for 2022-2026; and

WHEREAS, Goal 2 of the Strategic Plan is to “Expand and improve animal care and programming to support our community’s pets and people”; and

WHEREAS, under this goal and strategy, JASCOM recommends updating definitions and language of the Tumwater Municipal Code (TMC) to support a new, lifesaving cat program called the Community Cat Program; and

WHEREAS, the City Council finds it is in the best interest of the residents of Tumwater, and supports health, safety and welfare to adopt the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 6.04.030, Definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

A. “Abandon” means:

1. 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

2. Failure to respond to notification of impoundment of an animal.

B. “Animal” means any nonhuman mammal, bird, reptile, or amphibian.

C. “Animal services” means the agency designated to enforce this chapter 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 or bicycle or vehicular movement or causes reasonable affront or alarm to a person or if injury or damage has been caused by the pet animal, or a 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 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. “Dangerous dog” means a dog that according to the records of animal services has committed serious offenses as more fully set forth in TMC [6.04.070](#).

G. “Director” means the director of animal services, or his/her designee.

H. “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.

- I. “Euthanasia” means the humane killing of an animal.
- J. “Exotic animal” means an animal such as, but not limited to, venomous or constrictor type reptiles or primates.
- K. “Feral” means a wild animal, or a domestic animal that is wild.
- L. “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 premises or property.
- M. “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.
- N. “Impound” means to seize or take control of any animal pursuant to the terms of this chapter, whether by an animal services officer, a police officer, or other commissioned person, for purposes of impoundment and further administrative or judicial action. This term includes animals brought to the shelter by members of the general public.
- O. “Kennel” has the same meaning as defined in TMC Chapter [18.04](#).
- P. “Leash” means a cord, thong or chain by which a dog is controlled by the person accompanying it.
- Q. “License” means the dog, cat or other pet animal license issued for registration and identification.
- R. “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 him or herself 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.
- S. “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.

T. “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 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.

U. “Officer” means any animal services officer, police officer, or other commissioned person designated by the city of Tumwater 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.

V. “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 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 years of age shall be deemed the owner for the purposes of this chapter.

W. “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.

X. “Potentially dangerous dog” means a dog that according to the records of animal services has committed serious offenses as more fully set forth in TMC [6.04.070](#).

Y. “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.

Z. “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.

AA. “Severe injury” means any physical injury that results in broken bones or lacerations requiring sutures or cosmetic surgery.

BB. “Sterilized” means the animal is surgically rendered incapable of reproduction by means of castration or an ovariectomy.

CC. “Stray” means a domestic or pet animal at large.

DD. “Substantial bodily harm” means substantial bodily harm as defined in RCW [9A.04.110](#), incorporated herein by reference.

EE. “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.

FF. “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.

(Ord. O2013-025, Amended, 01/07/2014; Ord. O2006-003, Amended, 01/17/2006; Ord. O95-044, Added, 05/07/1996)

Section 2. Section 6.04.040, Licensing and registration requirements, of the Tumwater Municipal Code is hereby amended to read as follows:

A. ~~Failure to License a Dog or Cat~~ 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 considered a pet animal in the city of Tumwater unless the person has procured a license. Failure to license a dog or cat considered a pet animal is a class 3 civil infraction. Provided, however, the infraction of anyone cited hereunder may be dismissed if, within fourteen days of the date of issuance, evidence of licensing of the subject animal is submitted to the court.

B. Issuance of License Tag. Animal services or its agents is the licensing agency for all animals in Thurston County. It shall be the responsibility of the owner of a dog to keep a collar or harness on the animal with the license tag firmly 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 is acceptable auxiliary means of identification but does 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. Annual License Fees. License fees shall be established by resolution of the city council.

F. Date Due. All licenses granted under this chapter shall be valid for one year from 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 permit for a kennel or cattery, as defined in TMC Title [18](#), may be granted for those zones where such use is not prohibited.

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.

(Ord. O2006-003, Amended, 01/17/2006; Ord. O99-020, Amended, 09/21/1999; Ord. O95-044, Added, 05/07/1996)

Section 3. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 5. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 6. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this _____ day of _____, 20__.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____