



Meeting Date: April 22, 2019
 Agenda Item No:

Kitsap County Board of Commissioners			
Office/Department: Commissioners Office			
Staff Contact & Phone Number: Eric Baker, MS-4, 337-4495			
Agenda Item Title: Ordinance amending Title 7 Regarding the Retail Sales of Cats and Dogs, Enforcement Penalties and Other Clarifying Edits			
Recommended Action: Recommend Board adopt the proposed Ordinance			
Summary:	A significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities referred to as "puppy mills" and "kitten factories". Often kitten factories include overcrowded cages, over breeding, absence of adequate sanitation, lack of vet treatment for serious health issues, lack of nutritious food and water and other neglectful conditions. To ensure the health of animals sold in unincorporated Kitsap County, this proposal limits the retail sales of dogs and cats to only those bred at the facility in which they are sold or are obtained in concert with an animal welfare organization. Additionally, the proposal designates what records must be maintained by commercial pet facilities and hobbyists for each animal and makes several clarifying edits regarding enforcement and license revocation.		
Attachments:	1. Ordinance		
Fiscal Impact for this Specific Action			
Expenditure required for this specific action:	\$0		
Related Revenue for this specific action:	\$0		
Cost Savings for this specific action:	\$0		
Net Fiscal Impact:	\$0		
Source of Funds:	NA		
Fiscal Impact for Total Project			
Project Costs:	\$0		
Project Costs Savings:	\$0		
Project Related Revenue:	\$0		
Project Net Total:	\$0		
Fiscal Impact (DAS) Review			
Departmental/Office Review & Coordination			
Department/Office	Elected Official/Department Director		
Administrative Services	Amber D'Amato		
Contract Information			
Contract Number	Date Original Contract or Amendment Approved	Amount of Original Contract Amendment	Total Amount of Amended Contract

ORDINANCE AMENDING TITLE 7 (ANIMALS) REGARDING THE RETAIL SALES OF CATS AND DOGS, ENFORCEMENT PENALTIES AND OTHER CLARIFYING EDITS

WHEREAS, Kitsap County is responsible for providing specific services to enforce Washington State animal control statutes; and

WHEREAS, Kitsap County historically has provided these and other animal control services for the betterment of the public's health, safety and welfare; promotion of animal welfare, humane breeding conditions, and community awareness of animal welfare; and protection of citizens purchasing and breeding cats and dogs in the County; and

WHEREAS, the County has established Kitsap County Code Title 7 (Animals) to direct animal regulations; and

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities referred to as "puppy mills" and "kitten factories," respectively; and

WHEREAS, the documented abuses endemic to puppy mills and kitten factories include overcrowded cages, over breeding, absence of adequate sanitation, lack of vet treatment for serious health issues, lack of nutritious food and water, neglectful conditions involved with mass breeding practices, lack of socialization, and inadequate exercise (*Report No: 33002-4-SF, Animal and Plant Health Inspection Service, Animal Care Program, Inspections of Problematic Dealers, Issued May 2010, www.usda.gov/oig/rptsauditsaphis.htm*); and

WHEREAS, the inhumane conditions in puppy mill and kitten factory facilities can lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops; and

WHEREAS, current federal regulations (the Animal Welfare Act), enforced by the US Department of Agriculture, do not adequately address the animal welfare issues as they apply to the sale of cats and dogs from pet shops and are not enforced sufficiently (The Office of Inspector General documented enforcement concerns such as leniency for repeated violations in *Report No: 33002-4-SF, Animal and Plant Health Inspection Service, Animal Care Program, Inspections of Problematic Dealers, May 2010, www.usda.gov/oig/rptsauditsaphis.htm*); and

WHEREAS, current Washington State regulations do not adequately address the animal welfare issues as they apply to the sale of cats and dogs from Kitsap County pet shops;

WHEREAS, this lack of animal welfare oversight has led over 290 local jurisdictions (such as Salt Lake County, UT; Camden County, NJ; and Montgomery County, MD) and two states (States of California and Maryland) in the United States to adopt ordinances banning pet store sales from "wholesale breeding" establishments by only allowing sales from animal rescue league or shelters and requiring recordkeeping to disclose where they originated; and

WHEREAS, this lack of animal welfare oversight has led three other Cities in Kitsap County (Cities of Bainbridge Island, Bremerton, and Poulsbo) to adopt ordinances prohibiting pet store sales from puppy mills/kitten factories by only allowing sales from animal rescue league or shelters (Poulsbo excludes small-scale breeders from the sale restrictions) and requiring recordkeeping to disclose where they originated; and

WHEREAS, the Board of Commissioners directed the County to assess these issues, local breeding and sales operations, and propose revised code if necessary; and

WHEREAS, the County interviewed stakeholder representatives from nearby local jurisdictions with adopted pet store sale restrictions to learn about best practices; and

WHEREAS, the County interviewed Kitsap County Human Society (animal control officers) to learn about enforcement concerns; and

WHEREAS, the County interviewed licensed hobbyist breeders, animal welfare advocates, a licensed commercial pet store to learn about their concerns regarding animal welfare; and

WHEREAS, the County reviewed best management practices, code provisions in other local jurisdictions, legal concerns, existing procedures, and stakeholder interview results in the development of a staff draft of code amendments; and

WHEREAS, the County drafted proposed code limiting retail sales of cats and dogs except from a certified animal welfare organization or bred and sold onsite at a hobbyist breeding facility; and

WHEREAS, legal staff at the County reviewed the code revisions and proposed additional amendments and clarifications regarding administration and enforcement; and

WHEREAS, Kitsap County provided the opportunity for interviewed stakeholders to review the proposed draft amendments and provide comment; and

WHEREAS, Kitsap County, after timely and effective notice, held a public hearing on April 22, 2019 to hear public testimony on the proposed revisions; and

WHEREAS, Kitsap County, after timely and effective notice, deliberated on _____ to consider the proposed code amendments.

BE IT ORDAINED, the Kitsap County Board of Commissioners amends Title 7 as follows:

Section 1. Kitsap County Code Section 7.04.020 is revised as follows:

7.04.020 Definitions.

The terms defined below have the meanings that follow unless the context in which they are used clearly indicates a different meaning:

- (1) "Adequate food and water" means food or feed appropriate to the species for which it is intended. Both food and water must be in sufficient quantity and quality to sustain the animal, and should be in containers designed and situated to allow the animal easy access.
- (2) "Adequate shelter" means a structure that is moisture- and wind-proof, allows the animal to turn around freely, sit, stand and lie without restriction, keeps the animal clean and dry, and by application does not cause the animal injury, disfigurement, or physical impairment.
- (3) "Adult cat" means a cat more than six months of age.
- (4) "Adult dog" means a dog more than six months of age.
- (5) "Animal control authority" means Kitsap Humane Society, the Kitsap County sheriff's office, or other organization contracted by the board of county commissioners to enforce the county's animal control provisions.
- (6) "Animal welfare facility" means any indoor or outdoor facility where pets are routinely housed or maintained by or for an animal welfare organization.
- (7) "Animal welfare organization" means any public or private organization registered with the Washington Secretary of State's Office as a not-for-profit organization, whose primary mission involves ensuring the welfare, protection, and humane treatment of animals. ~~whether called a kennel, cattery, shelter, society, or rescue, and includes the organization's officers, agents, and representatives when acting in the name or on behalf of the organization that controls, rescues, cares for, or disposes of pets as all or part of the purpose of the organization.~~
- (8) "At large" means an animal that is off the premises of the owner and not under physical restraint adequate for its size and nature or is sufficiently near its owner to be under its owner's direct control and is obedient to its owner's commands.
- (9) "Commercial pet facility" means any place or entity that is not an animal welfare organization, where pets are boarded ~~or bred~~ for the primary purpose of compensation, or where pets are housed for resale, such as pet shops, but not including a veterinary hospital where boarding is incidental to treatment.
- (10) "Dangerous animal" means any pet or livestock that, according to the records of the animal control authority:
 - (A) Has inflicted severe injury on a human being without provocation while on public or private property;

(B) Has killed a pet or livestock 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 animal again aggressively bites, attacks, or endangers the safety of humans, pets, or livestock.

(11) "Enthusiast" means any person or entity that is not an animal welfare organization and that ~~desires to~~ owns five or more spayed or neutered adult cats and/or five or more spayed or neutered adult dogs at the same location or residence, for primarily non-commercial purposes.

(12) "Enthusiast facility" means any indoor or outdoor facility where cats and/or dogs are routinely housed or maintained by or for an enthusiast.

(13) "Feral cat" means any cat that has no apparent owner or identification and is apparently wild, untamed, unsocialized, unmanageable, and unable to be approached or handled. A feral cat is not considered a pet per this title.

(14) "Grooming parlor" means any place or entity, public or private, stationary or mobile, where pets are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and for which a fee is charged.

(15) "Hearing examiner" means a person(s) employed by the Board of County Commissioners to officiate over potentially dangerous animal appeals, pursuant to Section [7.12.010](#).

(16) "Hobbyist" means any person or entity that is not an animal welfare organization and that ~~desires to own~~ or maintains five or more adult cats and/or five or more adult dogs at the same location or residence, ~~for primarily non-commercial purposes~~, where one or more of such animals is not spayed or neutered.

(17) "Hobbyist facility" means any indoor or outdoor facility where cats and/or dogs are routinely housed or maintained by or for a hobbyist.

(18) "Hybrid(s)" means the offspring of two animals of different species, such as the offspring resulting from breeding a domesticated dog (*Canis familiaris*) with a wolf (*Canis lupus*).

(19) "Impoundment" means when an animal is placed under the control or custody of the animal control authority.

(20) "Juvenile cat" means a cat under six months of age.

(21) "Juvenile dog" means a dog under six months of age.

(22) "Livestock" means animals including, but not limited to, all equine (horse, mule), bovine (cattle), porcine (swine), caprine (goats), ovine (sheep), camelid (camel, llama, alpaca), ratitae (ostrich, emu, rhea), domesticated poultry, game birds and waterfowl (as authorized by the state of Washington), or

federally permitted fowl and other pen raised fowl, or other animals raised primarily for use as food or fiber for human utilization or consumption.

(23) "Owner" means any person or entity which controls, maintains, possesses, has custody of, or otherwise provides care, shelter, protection, restraint, refuge, food, or nourishment in such a manner as to control an animal's activities.

(24) "Pet" means any animal maintained by a person or entity for the primary purpose of personal enjoyment, exhibition, companionship or service including, but not limited to, domesticated animals, such as cats and dogs, and non-domesticated animals suitable to living in companionship with humans, such as some birds and mammals.

(25) "Pet shop" means a commercially licensed retail establishment where dogs and cats are sold, exchanged, bartered, or offered for sale to the general public. Such definition shall not include animal welfare facilities or hobbyists. ~~"Pet shop" means a commercial establishment that requires pets for the purpose of resale.~~

(26) "Potentially dangerous animal" means any animal that when unprovoked:

- (A) Inflicts a bite(s) on a human, pet, or livestock either on public or private property;
- (B) Chases or approaches a person upon the streets, sidewalks, or any other public grounds or private property in a menacing fashion or apparent attitude of attack; or
- (C) Any animal with a known propensity, tendency, or disposition to attack unprovoked, or to cause injury or otherwise threaten the safety of humans, pets, or livestock on any public or private property.

(27) "Provoke" means to intentionally agitate, harass, or excite an animal.

(28) "Service dogs" means any guide or signal dog individually trained to provide assistance to an individual with a disability or that serves public or tribal law enforcement, as well as any dog enrolled in a recognized formal training program for those types of services.

(29) "Wheeled vehicle" means any wheeled conveyance intended for use as a means of transport of persons or goods.

Section 2. Kitsap County Code Section 7.08.040 is revised as follows:

7.08.040 Commercial pet facilities, grooming parlors and animal welfare facilities.

(a) License Required. Commercial pet facilities, grooming parlors, and animal welfare facilities shall be licensed annually or no less than thirty calendar days prior to commencement of operation.

(b) License Expiration. Licenses issued under this section shall expire one calendar year from the date of issuance.

(c) License Fees. License fees shall be established no more often than once annually by resolution of the board of county commissioners. This may occur concurrently with the contract with the animal control authority.

(d) Additional License Fee. Additional license fees shall be established no more often than once annually by resolution of the board of county commissioners. This may occur concurrently with the contract with the animal control authority. If all license requirements are not met by the designated renewal date, there shall be an additional license fee per location for commercial pet facilities and grooming parlors.

(e) License Application. A license applicant shall provide the following to the animal control authority for each commercial pet facility, grooming parlor, or animal welfare facility location:

- (1) Name, address, and telephone number of the owner or operator of the facility and the name and address of the facility;
- (2) The type of license sought and a brief description of the magnitude and nature of the contemplated operation; and
- (3) A written statement from the county's department of community development or other satisfactory proof that the contemplated operation conforms to the county's zoning regulations.

(f) License Issuance. The animal control authority shall issue the license or renewal thereof if the license fee is paid, if the application meets the requirements of subsection (e) of this section, and if, upon inspection, the operation or contemplated operation meets or will meet the requirements of subsection (g), (h) or (i) of this section as appropriate. The license shall contain its date of expiration and shall be prominently displayed at the place of operation. For license renewals, the license applicant shall meet the above requirements no less than thirty calendar days prior to the date of expiration of the existing license.

As part of a commercial pet facility license, the licensee shall receive a license tag for each adult dog, adult cat, juvenile dog, and juvenile cat owned by the licensee or possessed by the licensee for resale. No further licensing is required for such pets. It is the responsibility of the licensee to transfer to the licensing agent the new owner information at the time of sale.

(g) Operation Requirements for Commercial Pet Facilities and Animal Welfare Facilities.

- (1) Adequate food and water for each species, pursuant to Section [7.04.020\(1\)](#), and proper habitat and medical attention, if needed, shall be provided during normal business hours and when the facilities are not open for business;
- (2) Food shall be stored in a fashion that prevents contamination or infestation;

(3) The facilities shall be maintained and operated in a healthful and sanitary manner, free from disease, infestation, and foul odors;

(4) Sick animals shall be isolated from healthy ones in quarters adequately ventilated to prevent contamination of healthy animals;

(5) Sick or injured animals shall receive appropriate medical treatment by or under the auspices of a licensed veterinarian. ~~Records shall be maintained reflecting treatment, care, dates of veterinary visits, and the name of the veterinarian and veterinarian clinic providing treatment.~~ Sick or injured animals shall not be sold, bartered, or otherwise transferred from a commercial pet facility ~~or animal welfare facility~~ to a new owner until the illness or injury is substantially healed, unless such transfer is to an animal welfare organization that assumed all responsibility for providing the appropriate medical treatment;

(6) Cats and dogs shall receive age-appropriate vaccines and anthelmintics. ~~Records of such shall be maintained for each animal and made available to the animal control authority and the Bremerton-Kitsap County health district, including the name and address of the attending veterinarian, if applicable;~~

~~(7) A copy of all medical records including, but not limited to, the records described in subsections (g)(5) and (6) of this section shall be provided to new owners at the time the ownership of the animal is transferred, or to the animal control authority upon request.~~

(7) Medical records shall be maintained for all dogs and cats bred or obtained by the facility for a minimum of two years after the animal's birth or acquisition. These records shall include documentation of all surgeries, known illnesses, medical treatments, medications administered, and the identity of the treating veterinarians or clinics. For dogs and cats acquired from other sources, the facility must maintain documentation of the name, organization, address, and contact information of that source. A dog or cat's medical and acquisition records must be made available to all potential customers prior to sale of the animal, and to the animal control authority or the health district upon request.

(h) Facility and Individual Housing and Habitat Requirements for Commercial Pet Facilities and Animal Welfare Facilities.

(1) Indoor and outdoor animal housing facilities shall be in good repair, protect the animals from injury, and shall provide sufficient security to contain the animals while preventing entry by unwanted animals. Also, the habitat shall provide species-specific requirements including, but not limited to, temperature, humidity, and light.

(2) Indoor facilities shall:

(a) Provide the animal with adequate space for movement and ability to sit, lie, stand, and stretch without touching the sides or top of housing;

- (b) Be heated or cooled to protect the animals from temperatures to which they are not acclimated;
- (c) Be adequately ventilated;
- (d) Have interior walls, ceilings, and floors that are sealed and are resistant to absorption of moisture or odors;
- (e) Have flooring with a surface that can be sanitized and treated to minimize growth of harmful bacteria;
- (f) Have a waste collection and removal system that facilitates cleaning and permits maintaining the facility in a sanitary condition; and
- (g) Have available a washroom with sink for hot and cold running water.

(3) Outdoor facilities shall:

- (a) Provide adequate shelter and protection from adverse weather;
- (b) Provide sufficient room for adequate exercise and movement; and
- (c) When no indoor facility is available, outdoor facilities shall also:
 - (i) Have flooring with a surface that can be sanitized and treated to minimize growth of harmful bacteria;
 - (ii) Have a waste collection and removal system that facilitates cleaning and permits maintaining the facility in a sanitary condition; and
 - (iii) Have available a washroom with sink for hot and cold running water.

(i) Operation and Facility Requirements for Grooming Parlors. Grooming parlors shall:

- (1) Not board animals;
- (2) Provide restraining straps for animals to prevent injury while being groomed;
- (3) Sterilize grooming equipment after each use;
- (4) Not leave animals unattended when placed before a dryer;
- (5) Not prescribe or administer treatment or medicine or otherwise engage in veterinary practice as defined in RCW [18.92.010](#);
- (6) Not confine more than one animal in the same cage unless so requested by the owner of the animals;

- (7) Be structurally sound and in good repair, designed to protect the animals from injury, and provide sufficient security to contain the animals while preventing entry by unwanted animals;
- (8) Have grooming and animal containment areas with walls, ceilings and floors that are sealed and resistant to absorption of moisture and odors; and
- (9) Be cleaned and sanitized on a regular basis.

(j) Inspections. The animal control authority shall inspect existing or proposed commercial pet facilities, animal welfare facilities, and grooming parlors in connection with its licensing investigation and when inspections are necessary to ensure compliance with this title. Such inspections shall be made during regular business hours.

Section 3. Kitsap County Code Section 7.08.050 is revised as follows:

7.08.050 Hobbyist.

(a) License Required. Hobbyists shall be licensed annually or within thirty calendar days of when the number of cats and/or dogs maintained at the same place or residence exceeds four adult cats and/or four adult dogs.

(b) License Expiration. Hobbyist licenses issued under this section shall expire one calendar year from the date of issuance.

(c) License Fee. License fees shall be established no more often than once annually by resolution of the board of county commissioners. This may occur concurrently with the contract with the animal control authority.

(d) Additional License Fee. Additional license fees shall be established no more often than once annually by resolution of the board of county commissioners. This may occur concurrently with the contract with the animal control authority. If all license requirements are not met by the designated renewal date, there shall be an additional license fee per location.

(e) License Application. An application for a hobbyist license shall be made to the animal control authority and shall contain the following:

- (1) Name, address, and telephone number of applicant;
- (2) A description of the uses to which the properties surrounding the proposed hobbyist facility are devoted; and
- (3) The maximum number and breed of cats or dogs for which the license is sought.

(f) License Issuance. The animal control authority shall issue the license or renewal thereof if the license fee is paid, if the application meets the requirements of subsection (e) of this section and if the existing or proposed hobbyist facility is not unreasonably incompatible with the uses of property in the surrounding area, would not create a burdensome annoyance to those in the vicinity, and would not cause a significant risk to human or animal health. For license renewals, the license applicant shall meet the above requirements no less than thirty calendar days prior to the date of expiration of the existing license.

In the application of the foregoing standards, the animal control authority may consider such things as the layout and construction of the hobbyist facility including, but not limited to, setbacks, fencing, screening and soundproofing, as well as the number of animals, breed and risk to human or other animal health. A license may be issued subject to conditions in the nature of physical alterations and improvements if such would bring the hobbyist facility within the foregoing standards. As part of a hobbyist license, the licensee shall receive a license tag for each adult cat and adult dog, and each juvenile cat and juvenile dog owned by the licensee. No further licensing is required for such cats and/or dogs.

(g) Requirements for Hobbyists Participating in Breeding. Each hobbyist participating in breeding must ~~agree to:~~

(1) Provide verification of all age-appropriate vaccines and anthelmintics, with an agreement to accept back any animal found to be unhealthy or defective; provided, that the animal is examined by a licensed veterinarian within seventy-two hours of transferred ownership, and to provide a full refund for the cost of the unhealthy or defective animal;

(2) Maintain medical records for all dogs and cats bred or obtained by the facility for a minimum of two years after the animal's birth or acquisition. These records shall include documentation of all surgeries, known illnesses, medical treatments, medications administered, and the identity of the treating veterinarians or clinics. For dogs and cats acquired from other sources, the facility must maintain documentation of the name, organization, address, and contact information of that source. A dog or cat's medical and acquisition records must be made available to all potential customers prior to sale of the animal, and to the animal control authority or the health district upon request.

~~(2)~~(3) Obtain no convictions for animal cruelty and/or neglect pursuant to Chapter 16.52 RCW;

~~(3)~~(4) Refrain from engaging in the sale to the public of more than ~~two litters or~~ twenty cats, ~~and/or~~ dogs, or combination thereof, whichever is greater, during a consecutive twelve-month period, ~~as not to be included in the definition of a commercial pet facility;~~

~~(4)~~(5) Advise new owner at time of sale of county licensing requirements.

(h) Operation and Facility Requirements for Hobbyists. Hobbyists shall:

- (1) Provide adequate food and water, proper habitat and appropriate medical attention for each animal. Food shall be stored in a fashion that prevents contamination or infestation;
- (2) Maintain and operate breeding facilities in a healthful and sanitary manner; and
- (3) Meet all county licensing requirements.

(i) **Limitation Upon Number of Cats and Dogs.** No hobbyist shall have more than ten adult cats and/or dogs without the written consent of the animal control authority. A person desiring more than ten adult cats and/or dogs must seek permission therefor in writing from the animal control authority. In considering such a request, the animal control authority may consider the characteristics of the breed and the layout and surroundings of the hobbyist facility. Permission to have more than ten adult cats and/or dogs may be granted unless such increased number would make the hobbyist facility unreasonably incompatible with the uses of property in the surrounding area, and as long as the license applicant has met all of the requirements of subsections (e) through (h) of this section.

(j) **Inspections.** The animal control authority reserves the right to inspect the premises of a hobbyist facility during regular business hours upon receipt of a written complaint alleging that the hobbyist facility is out of compliance with the provisions of this section.

Section 4. NEW SECTION. Kitsap County Code Section 7.08.070 is adopted as follows:

7.08.070 Revocation of commercial pet facility, hobbyist, and enthusiast licenses.

(a) The animal control authority may revoke a commercial pet facility, hobbyist, or enthusiast license, under the following circumstances:

(1) An owner or operator has been found guilty of any criminal offense listed in KCC 7.14.010;

(2) An owner or operator has been found to have committed two or more civil infractions listed in KCC 7.14.030, during a single calendar year;

(3) The animal control authority has observed, documented, and provided written notification to the licensee, of an ongoing violation of an applicable license requirement in KCC 7.08.040, KCC 7.08.050 or KCC 7.08.065, and the licensee has failed to cure that ongoing violation within ten days of receiving the notification; or

(4) The animal control authority has observed, documented, and provided written notification to the licensee of any violation of the applicable license requirement in KCC 7.08.040, KCC 7.08.050 or KCC 7.08.065 (regardless of whether the violation is ongoing and curable), which the animal control authority reasonably believes presents a substantial risk to the health or safety of any animal.

(b) The animal control authority shall provide the licensee with a written decision describing the grounds for revoking the license, via certified mail sent to the licensee at the address contained in the most recent application. The revocation decision shall be final unless review is sought by filing an action in a court of competent jurisdiction within twenty days of the animal control authority's decision.

Section 5. NEW SECTION. Kitsap County Code Section 7.09.010 is added as follows:

CHAPTER 7.09 RETAIL SALES OF DOGS AND CATS

7.09.010 – Limitations on the sale of dogs and cats

(a) No commercial pet facility or hobbyist shall sell or offer to sell any dog or cat, unless that dog or cat was:

(1) Bred on the hobbyist facility's premises; or

(2) Obtained from an animal welfare organization.

(b) No commercial pet facility, hobbyist, or animal welfare organization shall sell, offer to sell, or offer for adoption, any dog or cat that is fewer than eight weeks old.

(c) Nothing in this section shall prohibit a commercial pet facility from displaying a dog or cat that is more than eight weeks old on its premises, in order to facilitate that animal's adoption from an animal welfare organization.

Section 6. Kitsap County Code Section 7.14.010 is revised as follows:

CHAPTER 7.14 MISDEMEANORS, INFRACTIONS, AND PENALTIES

7.14.010 Misdemeanors ~~–Gross Misdemeanors.~~

(a) The following are declared to be misdemeanors ~~and/or gross misdemeanors,~~ unless otherwise provided by state law:

(1) Removing Identification. For a person other than an owner or other authorized person to remove the license tag or other form of identification from a pet required or permitted to be licensed pursuant to this title;

(2) No valid License. To operate a commercial pet facility, animal welfare facility, or grooming parlor, without a valid license;

- (3) Regulatory Violations. To operate a commercial pet facility, animal welfare facility, or grooming parlor, in a fashion contrary to that required by Section [7.08.040](#);
- (4) Failure to Respond. To fail to respond to a notice of infraction issued pursuant to Section [7.14.030](#);
- (5) Abandonment of Animal. For an owner to place an animal under circumstances which manifest or constitute a willful intent to abandon it, or to abandon an animal by leaving it on the street, road, or highway or in any public place or on private property without the property owner's permission;
- (6) Selling an Ill or Injured Animal. For an owner to sell an animal knowing it to be ill or injured;
- (7) Refusal to Quarantine. For an owner to refuse to quarantine or permit the quarantine of an animal when and as required by Section [7.10.020](#);
- (8) Interfering with Impounding. For a person to prevent, obstruct, or hinder the impoundment of an animal pursuant to Section [7.10.010](#);
- (9) Possession of any Creature that is Venomous/Poisonous or Other Wild Animal. For a person to own or maintain any lion, tiger, bear, primate, cougar, mountain lion, badger, wolf, hybrid (except as provided for in Section 7.12.020), coyote, fox, lynx, alligator, crocodile, or venomous/poisonous creature, or other wild animals; provided, that circuses, zoos, licensed trappers and animal welfare organizations are exempt from this regulation if proper safeguards are taken, as required in the event permitting process, to protect the public and that the animal control authority is notified of their arrival and duration of stay in the unincorporated portion of the county. Provided further, that state-registered wildlife rehabilitation centers are exempt from this section with regard to care and rehabilitation of those wild animals that are indigenous to North America;
- (10) Failing to First Obtain Written Court Approval. For an owner of an animal declared dangerous to sell, barter, or otherwise transfer the ownership, custody, or residence of the animal without first obtaining written court approval from the court or authority which declared the animal dangerous;
- (11) Obstructing a Law Enforcement Officer/Animal Control Authority. For any person to willfully hinder, delay, or otherwise obstruct any law enforcement officer including, but not limited to, any animal control authority employee in the discharge of the employee's official powers or duties;
- (12) Making False or Misleading Statements to a Public Servant. For any person to knowingly make a false or misleading material statement to a public servant including, but not limited to, any animal control authority employee;

- (13) Non-compliance with Hybrid Ownership Regulations. For the owner of a hybrid to not comply with Section [7.12.040](#). Any such hybrid animal may be impounded by the animal control authority;
- (14) Failure to Control an Animal Declared Potentially Dangerous Pursuant to Section [7.12.020](#). Any such potentially dangerous animal may be impounded by the animal control authority;
- (15) Habitual Violators. Any owner receiving two or more convictions, singularly or in combination, of crimes relating to animals within a five-year period, or four or more infractions, singularly or in combination, pursuant to Section [7.14.030](#) found to be committed by the district court within a five-year period;
- (16) Failure to Report Striking of an Animal with a Vehicle. Any person who fails to report the striking of an animal to the animal control authority or law enforcement. No person shall be held liable for the injury or death of an animal under this section unless found to have committed a crime pursuant to the provisions of RCW [16.52](#) or this section;
- (17) Ownership by a person under the age of eighteen years old of any dangerous or potentially dangerous animal.

Section 7. Kitsap County Code Section 7.14.020 is revised as follows:

7.14.020 Misdemeanor penalty.

Any person, firm or corporation violating any provision of Section [7.12.020](#) and/or Section [7.14.010](#) shall be guilty of a misdemeanor ~~or gross misdemeanor~~, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of Section [7.12.020](#) and/or Section [7.14.010](#) is committed, continued or permitted. Upon conviction of any misdemeanor violation, such person, firm or corporation shall be punished by a fine of not more than \$1000.00 or by imprisonment for not more than ninety days, or by both such fine and imprisonment. ~~Upon conviction of any gross misdemeanor violation, such person, firm or corporation shall be punished by a fine of not more than \$5000.00 or by imprisonment for not more than one year, or by both such fine and imprisonment.~~

Section 8. Effective Date. This ordinance is effective immediately upon approval.

Section 9. Severability. If any provision of this ordinance or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance or the application of the provision(s) to other persons, entities or circumstances is not affected.

DATED this ____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

EDWARD E. WOLFE, Chair

CHARLOTTE GARRIDO, Commissioner

ATTEST:

Dana Daniels
Clerk of the Board

ROBERT GELDER, Commissioner

Approved as to form:

Deputy Prosecuting Attorney