

ORDINANCE NO. 1027

AN ORDINANCE PROVIDING FOR THE REASONABLE REGULATION OF THE OWNERSHIP, POSSESSION, CONTROL AND CARE OF ANIMALS UNDER THE POLICE POWERS OF THE CITY OF ZILLAH, WASHINGTON; PRESCRIBING CERTAIN ANIMALS TO BE PUBLIC NUISANCES AND PROVIDING FOR THE IMPOUNDING THEREOF; PROVIDING FOR THE HEALTH, SAFETY, WELFARE AND GENERAL PROTECTION OF BOTH THE HUMAN RESIDENTS AND ANIMALS OF THE CITY OF ZILLAH; PROVIDING FOR THE ENFORCEMENT HEREOF AND PRESCRIBING PENALTIES FOR VIOLATIONS; AND REPEALING ORDINANCES 48 (SECTIONS 1-3), 103-A (SECTIONS 1-5), 389 (SECTIONS 1-4), 619, 628, 666, 703, 757, 804 AND 910.

THE CITY COUNCIL OF THE CITY OF ZILLAH, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1 - Authority. The provisions of this ordinance shall be deemed an exercise of the police powers of the City for the reasonable regulations, utilization and treatment of animals while at the same time providing for the health, safety, welfare and general protection of the citizens of Zillah. Nothing contained in this ordinance shall create or otherwise establish or designate any particular class of group of persons who will or should be especially protected or benefited by this ordinance.

Section 2 - Definitions. As used in this ordinance, the following words shall be defined as follows;

- A. "Allow" means to grant, approved or permit by action or inaction.
- B. "Animal" means any living creature, domestic or wild, except man.
- C. "Animal control officer" means the person, association or corporation appointed or authorized (including contractual authorization) by the Mayor of the City to carry out the duties of the animal control officer and enforcement under this ordinance;
- D. "Animal shelter" means any facility operated by a humane society, municipal agency or other organization or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law.
- E. "Butchering" means the processing of animals or fowl for market and/or home use.
- F. "Domestic animals" means any animals that are usually tamed or bred for the uses of humans.
- G. "Kennel" means any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding dogs or any owner possessing four (4) or more like animals for more than a thirty-day period.
- H. "Kennel facility" means a structure consisting primarily of fence sufficient to enclose the dogs being kenneled. Each kennel facility must have enough individual pens so as to insure that no more than three (3) dogs will be enclosed in any one (1) fenced facility. Each kennel must also have facilities for water and for waste disposal to ensure that the kennels are kept clean and free from undue odors and from the accumulation of garbage and waste. Finally, kennel facilities must have a cover to ensure that all dogs maintained at the kennel will have shelter from rain and snow.

- I. "Killing" means destroying the life of any animal or fowl.
- J. "Owner" means any person, partnership, company, or corporation owning, keeping, possessing, having custody of or harboring one (1) or more animals in the city. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.
- K. "Person" means an individual, partnership, company or corporation.
- L. "Pet Shop" means any person, partnership, company or corporation, whether operated separately or in connection with another business enterprise, which buys, sells or boards any species of animal.
- M. "Public nuisance" means any animal or fowl which:
 - 1. Molests passerbys or passing vehicles;
 - 2. Attacks other animals;
 - 3. Trespasses on school grounds or private property;
 - 4. Is repeatedly at large;
 - 5. Damages private or public property; or
 - 6. Barks, whines, howls or makes any noise in an excessive, continuous or untimely fashion (See Section 21 for further description.)
- N. "Restraint," An animal shall be deemed to be under restraint if:
 - 1. The animal is on the property of its owner or another entrusted with its care by the owner and the property is fenced or enclosed in such a manner that the animal cannot leave the property; or
 - 2. The animal is on the property of its owner or another entrusted with its care by the owner and attached to an immovable object by a chain, leash, rope or other such substance, the length of which cannot permit the animal to leave the limits of the property. The material used must be of sufficient strength to prevent the escape of the animal; or
 - 3. It is off the property of the owner and on a leash, cord, rope or chain no longer than eight (8) feet and under the control of a person able to restrain the animal.
- O. "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian or maintained and operated for the diagnosis and treatment of diseases and injuries of animals.
- P. "Wild animal" means any animal that is not usually tamed or bred for the uses of humans.

Section 3 - License - Required. It is unlawful for any person to own any dog over the age of six (6) months within the city unless the owner has first procured a license therefor or unless no license is

required by this Ordinance. This provision does not apply to the keeping of cats, small caged birds and small aquatic animals and/or amphibians.

Section 4 - License-Exemption. The licensing provisions of this Ordinance shall not apply to the following dogs:

- A. Those whose owners are nonresidents temporarily within the city;
- B. Those brought into the city for the purpose of participating in any dog show;
- C. Seeing-eye dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place;
- D. Governmental police dogs;
- E. Hearing dogs properly trained to assist hearing-impaired persons when such dogs are actually being used by hearing-impaired persons for the purpose of aiding them in going from place to place; and
- F. Those dogs kept and intended for sale in licensed pet stores.

Section 5 - License-Application.

- A. Applications for the city dog licenses shall be made at City Hall. Upon payment to the City of the required license fee provided in this Ordinance, a license shall be issued. Upon such application being made and license fee being paid, there shall be issued a metal tag upon which shall be inscribed "Zillah (license number) Dog (year) Tag," which tag shall be worn by the dog at all times. Issuance of the dog tag shall occur following payment of the applicable fee and completion of forms provided by City Hall disclosing the owner's name, address, the name and type of the animal to be licensed, the age of the animal, its sex, and, if female, whether the animal has been spayed, or, if male, whether the animal has been neutered together with any other information the Animal Control Officer deems advisable. It shall be the duty of City Hall to keep and maintain a public list of all owners to whom licenses are issued, together with the number of the licensing tag issued to each owner. Application for a license must be made within thirty (30) days after obtaining a dog over six (6) months old. Failure to obtain a license as required within the time period specified in this section shall constitute a violation of this Ordinance. No person may use any license for any animal other than the animal for which it was issued.
- B. No person, partnership, company or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this Ordinance.
- C. The license period shall begin January 1 and end December 31 of each calendar year. Renewal application for licenses shall begin January 1 and end the last day of March of each calendar year. Application for a permit or a license to establish a new commercial animal establishment under the provisions of this Ordinance may be made at any time. If there is a change in ownership of a commercial animal establishment, the new owner must apply for a new permit.
- D. Every facility regulated by this Ordinance shall be considered a separate enterprise and requires an individual license or permit.

- E. No license fee may be required of any veterinary hospital, animal shelter or government-operated zoological park.
- F. Failure to obtain a license or permit before opening any facility covered under this Ordinance shall constitute a violation of this Ordinance and shall be punishable as indicated herein.

Section 6 - License-Proof of Rabies Vaccination. When purchasing a license, all owners shall file with City Hall a certificate from a licensed veterinarian showing proof of a rabies shot.

Section 7 - License-Fees. The annual license fee shall be as follows:

- A. For each dog, male or female, which is neutered or spayed, fifteen dollars (\$15.00); for each dog, male or female, unneutered or unspayed, thirty dollars (\$30.00);
- B. For any kennel or pet shop, covering all animals kept during the year, one hundred dollars (\$100.00);
- C. For any commercial zoo or similar place of exhibition animals, with fixed location in the city, covering all animals kept, one hundred dollars (\$100.00);
- D. For any abattoir, stockyard, hatchery, livestock auction or other place where livestock or poultry are regularly bred, kept, offered for sale or slaughtered for commercial purposes, covering all animals kept during the year, one hundred dollars (\$100.00).

Section 8 - License-Additional Charges. In the case of animals previously licensed or required to be licensed, there shall be an additional fee of ten dollars (\$10.00) for each animal license, which is purchased on or after March 31 of each calendar year. In the case of a lost tag for a licensed animal in the same calendar year that it was purchased, there will be a fee of five dollars (\$5.00) for a replacement tag.

Section 9 - License-Revocation-Authority. The licensing authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this Ordinance, regulations promulgated by the licensing authority or any law governing the protection and keeping of animals.

Section 10 - License-Revocation-Disposal of Animals. Any person whose permit or license is revoked shall, within ten (10) days thereafter, remove from the city all animals owned, kept or harbored by such person; and no part of the permit or license fee shall be refunded.

Section 11 - License-Inspection a Condition of Issuance. It shall be a condition of the issuance of any permit or license to a kennel, pet shop, commercial zoo or similar place of exhibition of animals and any abattoir, stock yard, hatchery, livestock auction or other place where livestock or poultry is regularly bred, kept, offered for sale or slaughtered for commercial purposes, that the animal control officer be permitted to inspect all animals and the premises where animals are kept at any time; and if permission for such inspection is refused, the animal control officer shall revoke the permit or license of the refusing owner.

Section 12 - License-Revocation for False Information. If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or license.

Section 13 - License-Cruelty Cause for Nonissuance. No person who has been convicted of cruelty of animals shall be issued a permit or a license to operate a commercial animal establishment.

Section 14 - License-Reapplication upon Denial. Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a fee of Ten dollars (\$10.00).

Section 15 - Officer-Appointment. The animal control officer shall be appointed by the Mayor of the City to enforce laws and ordinances relating to dogs and other animals and fowl. The Mayor may contract with the Yakima County Humane Society for an animal control officer.

Section 16 - Officer-Duties. The animal control officer shall enforce all Ordinances pertaining to the regulation, control and licensing of dogs and other animals and fowl in the city, concurrently with the Police Department. For that purpose, the animal control officer and assistants are vested with authority to impound animals when required and are authorized to issue notices to persons whom they have reason to believe have violated such Ordinances, to sign formal complaints for the issuance of warrants by the court for violations of such Ordinances, to cooperate with the health officer exercising jurisdiction in the city regarding the investigation of dog bites and the quarantine of dogs for rabies examination and, with authority, to otherwise perform duties imposed by such Ordinances.

Section 17 - Officer-Impoundment Authority. The animal control officer may detain and impound any animal found to be in violation of any provision of city Ordinances.

Section 18 - Restraint Required. All dogs shall be kept under restraint.

Section 19 - Proper Care and Control Required. No owner shall fail to exercise proper care and control of his animals to prevent him or her from becoming a public nuisance.

Section 20 - Confinement of Female Dogs. Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

Section 21 - Noise Violation. It is unlawful for any person in the city to keep or harbor any animal which, by frequent or habitual howling, yelping, barking or making of other noises shall annoy or disturb a neighborhood. Any such animal is declared to be a nuisance and may be seized and impounded as provided in this ordinance. For the purpose of this section, no action may be taken for a violation hereof except upon the written complaint of one or more persons residing in separate residences within the immediate neighborhood.

Section 22 - Injury to Property. It is unlawful for any person owning or having the control of any animal to permit the same to trespass upon private or public property so as to damage or destroy any property or thing of value, and any such animal is declared to be a nuisance and may be seized and impounded as provided in this ordinance.

Section 23 - Jumping or Barking at Pedestrians. It is unlawful for any person to keep or harbor any animal that frequently or habitually snarls and growls at, snaps or jumps upon or threatens persons lawfully upon the public sidewalks, streets, alleys or public places of the city; the same is declared to be a nuisance and any such animals may be seized or impounded as provided in this Ordinance.

Section 24 - Maintenance in Offensive Enclosure. It is unlawful for any person to keep, harbor or maintain any animal in any pen, kennel, yard enclosure or building in which animals are kept in the city in such a manner as to be nauseating, foul or offensive and any such animal or condition or manner of maintenance is declared to be a nuisance. For the purpose of this section, no action may be taken for a violation hereof except upon the written complaint of one or more persons residing in separate residences within the immediate neighborhood.

Section 25 - Vicious Animal - Harboring.

- A. It is unlawful for any person to keep, harbor or maintain on or off his premises in a manner liable to endanger the safety of persons or property lawfully upon said premises or upon any public way or place immediately adjoining said premises, any vicious, menacing or dangerous animals.
- B. It is the duty of any person who keeps, harbors or maintains any vicious, menacing or dangerous animal to secure such animal or to secure the premises where such animal is kept, harbored or maintained so as to prevent such animal from wandering onto the private property of another or onto any street, alley, sidewalk, way, boulevard, park, public playground, school ground or any other public place. Every vicious animal, as determined by the licensing authority, shall be securely muzzled or caged whenever off the premises of its owner. It is unlawful for any person who keeps, harbors or maintains any such vicious, menacing or dangerous animal to fail to perform the duty imposed by this subsection.
- C. Any vicious, menacing or dangerous animal which is kept, harbored or maintained in such a manner so as to violate section 19 or which is found on the private property of another or on any public street, alley, sidewalk, way, boulevard, park, public playground, school ground or in any other public place in violation of subsection B. of the section is declared to constitute a public nuisance subject to immediate impoundment under the provisions of this ordinance. Upon the conviction of any person charged with violating this section and section 19 through 25 and 27, if the court finds any dog or other animal to be vicious, menacing or dangerous as provided in this section, then the court may in its discretion order the dog or other animal to be killed or otherwise disposed of by the animal control officer with the cost thereof to be taxed and collected in the same manner as other costs in the case.

Section 26 - Kennel Management

- A. It is the duty of any person who keeps a kennel to maintain required kennel facilities as defined in this Ordinance. Kennelled animals shall be kept at all times within the kennel facilities, other than when the animal is under the direct control and supervision of the kennel owner, kennel employee or the animal's owner.
- B. It is also the duty of any person maintaining a kennel to keep the kennel facilities clean and free from undue odor and free from undue accumulations of garbage and/or waste.

Section 27 - Impoundment - Disposition of Nuisance Animals. Any animal found to be in violation of any provision of city ordinances may be taken by the police or animal control officer and impounded in an animal shelter and there confined in a humane manner subject to the other provisions of this ordinance and the regulations of the agency confining such animals and/or fowl, including humanely destroying such animals and/or fowl. All sick or injured animals shall be impounded when

- C. If the owner is unknown to the animal control officer and cannot be readily determined by him, the animal control officer shall post at the city police station and the city hall a notice in substantially the form prescribed in subsection B. of this section.

Section 31 - Impoundment-Alternative Action. Notwithstanding the provisions of Section 27, if animals subject to impound is found at large and its owner can be identified and located, such animal need not be impounded but may instead be taken to the owner. The animal control officer shall serve upon the owner a citation and notice to appear for a violation of the ordinance.

Section 32 - Redemption Period.

- A. The owner, or owner's agent, of any dog or other animal impounded pursuant to provisions of this ordinance may redeem the impounded dog or animal by 4:00 p.m. on or before the third day, excluding Saturdays, Sundays and holidays, after the day of the impoundment and the mailing or posting of notice of impoundment.

B. Fees.

1. A redemption fee shall be paid by Owner or Owner's agent as condition to release of the impounded animal. Redemption fee for each animal shall be twenty-five dollars (\$25.00) for the first impoundment, thirty (\$30.00) for the second impoundment and fifty dollars (\$50.00) for the third impoundment during any twelve-month period. In the event such an impoundment occurs at any time other than between 9:00 a.m. and 5:00 p.m. on weekdays or between 10:00 a.m. and 4:00 p.m. on Saturdays or if the impoundment occurs on a legal holiday, the basic impoundment fee shall be increased by Five Dollars (\$5.00) per impoundment. In addition to the redemption fee provided by this subsection, a person redeeming an unlicensed dog shall also pay for and obtain a current city license before the dog is redeemed. In addition to the redemption fee, an additional charge of five dollars (\$5.00) per day shall be imposed for the period of time that the impounded dog is kept in the pound after impounding.
2. In the case of large or other animals requiring special equipment for transportation or otherwise (any equipment larger than a pickup or panel delivery truck or for additional storage area, feed, etc.), the basic impounding fees shall be increased by Five Dollars (\$5.00) per impoundment. In the event such an impoundment occurs at any time other than between 9:00 a.m. and 5:00 p.m. on weekdays or between 10:00 a.m. and 4:00 p.m. on Saturdays or if the impoundment occurs on a legal holiday, the basic impoundment fee shall be thirty dollars (\$30.00). An additional charge of not less than five dollars (\$5.00) per day shall be paid for the care and feeding of such animals. Additionally, the owner shall pay any and all actual expenses and costs for the handling, transportation, boarding and impoundment of larger animals.

- C. If an impounded dog, cat or other animal is not redeemed by its owner within the three (3) days following the date of mailing or posting of the notice of impoundment, then within the discretion of the animal control officer, any such impounded dog, fowl or other animal may be humanely destroyed or otherwise disposed. In the case of any horses, mules, cattle, hogs and other stock animals impounded when running at large within the city, the animal control officer shall follow

the procedure established by the laws of the state in RCW Chapter 16.24 relative to the care and sale of strays.

- D. Any animal not reclaimed by its owner within the applicable three (3) day period shall become the property of the local government authority or humane society and may be placed for adoption in a suitable home or humanely euthanized.
- E. The owner of any animal, impounded or not, shall remain liable for any violations of this ordinance.
- F. The licensing authority may review all licenses issued to animal owners against whom three (3) or more ordinance violations have been assessed in a twelve-month period.
- G. If a fowl or animal other than a dog or cat has been impounded, the owner must redeem said fowl or animal within a three (3) day period following mailing, posting or notification of impoundment. The owner then has forty-eight (48) hours to present evidence that said animal or fowl has been removed from within the city limits.

Section 33 - Abatement of Nuisance Behavior.

- A. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, howling, molesting passersby, viciousness, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, trespassing upon private property in such a manner as to damage property, causing undue annoyance or making noises shall be deemed a public nuisance. If an animal has been impounded on more than three (3) separate occasions during a twelve-month period, said animal shall be deemed a public nuisance.
- B. Whenever it shall be affirmed in writing by one (1) or more persons having separate residences or regularly employed in the neighborhood, that any animal is a public nuisance, the animal control officer shall serve notice upon the owner that such nuisance must be abated within twenty-four (24) hours, after which the animal control officer shall determine whether such nuisance has been abated; and, if not, the owner may be proceeded against for violation of this ordinance.
- C. All animals not licensed under the provisions of the ordinance or who do not exhibit the metal identification tag provided for in this ordinance are declared to be public nuisances. Such animals may be impounded in accordance with the provisions of this ordinance and disposed of in the manner provided by this ordinance.

Section 34 - Humane Care and Treatment. No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and humane care and treatment. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans. No owner of an animal shall abandon such animal.

Section 35 - Actions upon Striking with Vehicle. Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be

ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

Section 36 - Poisoning Unlawful. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same is liable to be eaten by any animal; *provided*, that it shall not be unlawful for a person to expose on his own property common rat poisoning mixed only with vegetable substances.

Section 37 - Keeping Remnants of Dead Animals Unlawful. The keeping of or allowing to be and remain in any building, yard, enclosure, alley, street, avenue, park, public place or any place within the limits of the city any unsound, putrid or unwholesome bones, meat, hides, skins or the whole or any part of any dead animal or fish or any unsound, putrid or unwholesome substance or the offal, garbage or other offensive parts of any animal is declared to be a nuisance.

Section 38 - Unsanitary Premises. Any person who erects, constructs, keeps, uses or maintains within the city any pen, lot, place or premises in which animals are confined or kept in such a manner as to be nauseating, foul or offensive or to be any annoyance to the neighborhood because of being improperly cared for is declared to be a nuisance.

Section 39 - Quarantine - Confinement Provisions. Any animal, which bites a person, shall be quarantined for ten (10) days if ordered by the director of public health. During quarantine, the animal shall be securely confined and kept from contact with any other animals. At the discretion of the director of Public Health, the quarantine may be on the premises of the owner. If the Director of Public Health requires other confinement, the owner shall surrender the animal to an animal shelter for the quarantine period or shall, at his own expense, place it in a veterinary hospital.

Section 40 - Quarantine - Destruction of Animal. No person shall unnecessarily kill or cause to be killed any animal suspected of being rabid except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

Section 41 - Quarantine - Impoundment and Disposal. During the period of any quarantine made under the provisions of this ordinance, no owner or keeper of any animal so quarantined shall allow said animal to come in contact with any other animal or person or permit such animal to run at large on any street, highway, other property in the city or upon the premises where quarantined unless the premises are enclosed by a secure fence; nor shall such owner or keeper remove or cause such animal to be removed from the premises without the consent of the animal control officer. These restrictions shall continue until the animal shall have been released from quarantine. Any animal subject to these restrictions found running at large as defined herein, or which has been removed from the premises upon which quarantined, shall be impounded and, unless claimed and redeemed by its owner within two (2) days after the expiration of the quarantine period, may be humanely disposed of by the proper authorities.

Section 42 - Quarantine - Treatment of Exposed Animals. Any animal known to have been bitten or otherwise exposed to a rabid animal must be destroyed or given anti-rabies (Pasteur) treatment or confined for a period of not less than six (6) months but not less than thirty (30) days prior to exposure, in which case such animal shall remain under surveillance for six (6) months. If anti-rabies (Pasteur)

treatment is given to such exposed animal, confinement and surveillance may be reduced to three (3) months following exposure.

Section 43 - Quarantine - Hazard Declaration. Whenever rabies or hydrophobia is declared by the animal control officer and/or the Director of Public Health to be a hazard to public health, it is unlawful for any owner, keeper or handler of any animal to keep or harbor the same within the city, unless such animal is securely confined at all times by leash or kept in a tight enclosure from which said animal cannot escape. Any animal found running at large in the city during such period shall be impounded and, unless claimed and redeemed by its owner within two (2) days after such impounding, may be humanely disposed of by the proper authorities.

Section 44 - Quarantine - Publication of Hazard Notice. Whenever rabies or hydrophobia is considered by the animal control officer to be a hazard to public health, that officer shall have a notice published in the local newspaper announcing such hazard; this notice shall run for three (3) consecutive days. The provisions of this ordinance pertaining to rabies (sections 40, 42, and 43) shall be applicable for a period not to exceed ninety (90) days beyond the last date the notice was published; provided that the animal control officer be allowed authority to extend the quarantine when, in his judgment, such an extension or renewal of the quarantine and treatment period is necessary.

Section 45 - Keeping of Wild Animal Unlawful.

- A. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
- B. No person shall keep or permit to be kept any wild animal as a pet.

Section 46 - Keeping of Fowl Unlawful. No person shall keep within the city any fowl of any kind, nature or description including, but not limited to, any chickens, ducks, turkeys, geese, guineas or like fowl.

Section 47 - Running at Large Unlawful. No person shall permit or allow any horse, mule, cow, hog, sheep, goat or any other stock to run or be at large within the city.

Section 48 - Maximum Dogs per Household. The maximum number of dogs over the age of three (3) months permitted per household within the city limit shall be three (3), unless said household has obtained a kennel license.

Section 49 - Performing Animal Exhibitions.

- A. No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner that will cause or is likely to cause physical injury or suffering.
- B. All equipment used on a performing animal shall fit properly and be in good working condition.

Section 50 - Exemption for School or Community Events. School projects on school property, parades and other community events subject to the prior approval of the City Council may be exempted from the provisions of this Ordinance.

Section 51 - Pet Shop Zoning. Pet shops may be permitted in the local business zone; provided that the business conducted on the premises shall be limited to the retail selling of pet-shop supplies and small pets, such as birds, mice, fish guinea pigs, lizards, turtles, dog puppies under the age of three (3) months and other pets of like nature not exceeding fifty (50) pounds in weight, excluding poisonous creatures; provided, further, that no creatures shall be displayed or kept outside the building at anytime.

Section 52 - Animal Waste Removal. The owner of every animal shall be responsible for the removal of any excreta deposited by his animals on public walks, streets, recreation areas or private property.

Section 53 - Butchering of Domestic Animals. No person shall kill any animal or fowl within the city limits. Butchering of animals and/or fowl shall be conducted inside buildings and in such a manner so as to eliminate any and all potential for public viewing. No carcasses and/or parts thereof shall be in public view within the city limits, except for regulated butcher shops and/or lockers approved by city, state and/or federal authorities. No person shall dispose of carcasses and/or parts thereof in any manner other than in a type of container, which prevents any and all accessibility by other animals and/or viewing by the public.

Section 54 - Nuisance Abatement. Any person violating any of the provisions of this Ordinance in the keeping or maintaining of any nuisance as herein defined shall, in addition to the fine or imprisonment or both herein provided for, by order of the court in such action be ordered to forthwith abate and remove said nuisance; and if the same is not done by such offender within twenty-four (24) hours thereafter, the same shall be abated and removed under the direction of the officer authorized by the order of the court, which order of abatement shall be entered upon the docket of the court and made a part of the judgement in said action. Any such person shall be liable for all costs and expenses of abating the same when such nuisance has been abate by an officer of the City.

Section 55 - Officer - Obstruction Unlawful. The animal control officer shall have police powers in the enforcement of this ordinance. It is unlawful for any person to obstruct, interfere with, hinder, delay or abuse any animal control officer or law enforcement officer in the exercise of his lawful duties or in the enforcement of this ordinance.

Section 56 - Violation - Penalty. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than five hundred dollars (\$500.00) per incident, which penalty shall be in addition to any other penalties, impoundment fees redemption fees and other charges provided for herein. If any violation shall be continuing, each day's violation shall be deemed a separate violation. If any person shall be found guilty by a court of violating Section 34, 36, 37, or 38, his permit to own, keep, harbor or have custody of animals shall be automatically revoked; and no new permit may be issued for a period of one (1) year.

Section 57 - Repeal of Prior Ordinances. Upon the effective date of this Ordinance, Ordinance Nos. 48 (section 1-3), 103-A (sections 1-5), 389 (sections 1-4), 619, 628, 666, 703, 757, 804, and 910 shall be and hereby are repealed; *provided, however,* that the repeal of such ordinances shall not affect any offense or violation committed, penalty or forfeiture incurred, order issued or entered or action taken prior to the effective date of this Ordinance.

Section 58 - Severability. If any provision of this ordinance or its application to any person is held to be invalid, the remainder of this ordinance or application thereof to any other person shall not be affected.

Section 59 - Effect. This Ordinance shall take effect five (5) days after the date of the publication of this Ordinance or a summary of the content thereof as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF ZILLAH, WASHINGTON, this 20th day of December, 2004.

CITY OF ZILLAH, a municipal corporation

Gary Clark, Mayor

Attest:

Ret Stewart, Finance Director

Approved as to form:

Jamie Carmody, City Attorney

Date Published: 12-22-04

Effective Date: 12-27-04