

ORDINANCE NO. 3925

**AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON
RELATING TO ANIMAL CONTROL AMENDING CHAPTER 6.04 OF THE
MUNICIPAL CODE.**

WHEREAS, the City Council of the City of Mount Vernon finds that revised measures are needed to effectively control animal behavior; and

WHEREAS, chapter 6.04 of the Mount Vernon Municipal Code (MVMC), which was last updated in 2005, is due for review; and

WHEREAS, there has been a longstanding trend toward noncompliance with licensing even though many licenses are issued at no cost; and

WHEREAS, the City does not currently have a database capable of easily entering, sorting, and locating records on licensed pets; and

WHEREAS, upgrading the computer program for licensing is likely to cost more than the revenue collected from registration fees; and

WHEREAS, commercially available microchip registries provide an alternate means of identification of a pet's owner; and

WHEREAS, the City's animal control officer has the experience and equipment to read microchips and use that information to locate an animal's owner; and

WHEREAS, requiring pet owners to microchip their dogs and cats provides a cost effective alternative to licensing; and

WHEREAS, a review of chapter 6.04 shows a need to update the ordinance to comply with changes in state law and to clarify other requirements related to animal control;

NOW, THEREFORE,

**THE CITY COUNCIL OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS
FOLLOWS:**

SECTION 1. Amendment. That Chapter 6.04 is hereby amended to read as follows:

Chapter 6.04
ANIMAL CONTROL AND PROTECTION

Sections:

- 6.04.010 Title.
- 6.04.020 Purpose.
- 6.04.030 Definitions.
- 6.04.040 Mandatory microchipping of dogs and cats.
- 6.04.050 Mandatory vaccination of dogs and cats.
- 6.04.060 Cats and dogs – Maximum number owned or kept.
- 6.04.070 Cats and dogs – Maximum number – Exception.
- 6.04.080 Guard dogs – Special requirements.
- 6.04.090 Animals running at large.
- 6.04.100 Leash requirements.
- 6.04.110 Dogs in season.
- 6.04.120 Animal noise control.
- 6.04.130 Animal waste.
- 6.04.140 Nuisance or destructive behavior.
- 6.04.150 Destruction of injured or diseased animal.
- 6.04.160 Destruction of dangerous animal.
- 6.04.170 Biting animals – Duty to report – Confinement – Penalty.
- 6.04.180 Rabies carriers.
- 6.04.190 Rabies vaccination.
- 6.04.200 Cruelty to animals.
- 6.04.210 Duty when striking domestic animal with motor vehicle.
- 6.04.220 Found stray animal.
- 6.04.230 Scientific experimentation.
- 6.04.240 Animals as prizes.
- 6.04.250 Police dogs – Exemption.
- 6.04.260 Exotic animals.
- 6.04.270 Designated animal control officer.
- 6.04.280 Designated animal control officer – Powers and duties.
- 6.04.290 Designated animal control officer – Obstruction.
- 6.04.300 Enforcement.
- 6.04.310 Complaints – Adjudication of grievances.
- 6.04.320 Presumption of ownership.
- 6.04.330 Habitual violator.
- 6.04.340 Impoundment.
- 6.04.350 Impoundment register.
- 6.04.360 Impounded animals – Custodian.
- 6.04.370 Impounded animals – Redemption.
- 6.04.380 Severability.
- 6.04.450 Violation – Penalty.

6.04.010 Title.

The ordinance codified in this chapter shall be designated and may be cited as the “City of Mount Vernon Animal Control and Protection Ordinance.”

6.04.020 Purpose.

It is hereby declared to be the public policy of the city of Mount Vernon to adopt and enforce those animal control measures deemed necessary for the protection of the health, welfare and safety of the residents and animals within Mount Vernon and to prevent damage to property and cruelty to animals. To this end, it is the purpose of the ordinance codified herein to provide a means of identifying dogs, cats, and licensing facilities; to register animals other than dogs and cats; to regulate animal behavior so that it will not constitute a nuisance; to prevent or curtail inhumane treatment of animals; and to prevent or curtail domestic animal overpopulation.

6.04.030 Definitions.

Within the provisions of this chapter, the following definitions shall apply:

- A. “Agent” means any public or private establishment authorized by the city of Mount Vernon to issue pet licenses.
- B. “Altered” shall hold the same meaning as “neutered.”
- C. “Animal” means any member of the classes reptile, amphibian, arachnid, bird, fish or nonhuman mammal.
- D. “Animal control officer” means any person who has been appointed by the mayor and whose work is directed by the chief of police for the purpose of administering and enforcing the provisions of this chapter and the provisions of RCW 16.08.070 through 16.08.100, including all persons granted such authority and responsibility by contract with the city. In addition, any city police officer shall be an ex officio animal control officer and have like enforcement authority.
- E. “Animal Services” means the department designated by the Mayor for the purpose of animal care and control and enforcement of this chapter.
- F. “Animal Welfare Organization” means a non-profit organization incorporated under state law and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.

G. "Animal shelter" means a facility used to temporarily house or contain stray, homeless, abandoned or unwanted animals, for a period of time not to exceed six months, and which is owned, operated or maintained by a public body, an established humane society, animal welfare organization, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

H. "At large" means off the premises or outside the vehicle of the owner or keeper of the animal and not under restraint by a leash, tether or other physical control device.

I. "Cat colony" – See MVMC 6.10.010.

J. "Domestic animal" means any animal other than livestock, as defined in chapter 16.57, that lives and breeds in a tame condition. For the purposes of this chapter, domestic animal generally refers to dogs and cats.

K. "Exotic animal" means any member of the animal kingdom which is not commonly domesticated or which is not common to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any animal except livestock and domesticated animals which due to size, habits, natural propensities, instinct, handling or training presents a danger or potential danger to human beings, animals or property if not kept, maintained or confined in a safe and secure manner.

L. "Feral" means any animal, normally classified as domestic, which is not socialized or no longer socialized to humans and often characterized as wild, untamed, or homeless.

M. "Grooming parlor" – See MVMC 6.06.010.

N. "Guard dog" means any type of dog specifically trained and used for the purpose of defending, patrolling or protecting property or life. The term "guard dog" shall exclude police dogs and dogs used primarily for handling and controlling livestock or farm animals.

O. "Intact" cat or dog means the animal has not been spayed or neutered.

P. "Keeper" means any person, including an owner, who provides animals with food, water and general care.

Q. "Licensed veterinarian" means any person licensed to practice veterinary medicine in the state of Washington.

R. "Microchip" means a passive electronic device, often referred to as an electronic animal identification device (EAID), that functions as a permanent piece of identification injected under the skin containing an identification number registered in the pet owner's name and contact information within a national database that may be read by a scanner available at vet clinics and animal shelters.

S. "Necessary food," "necessary medical attention," "necessary sanitation," "necessary shelter," and "necessary space" shall have the same meaning as defined in RCW 16.52.011.

T. "Neutered" means medically determined to be incapable of reproduction or when the physical condition of an animal is certified by a licensed veterinarian to be such as would prohibit performance of such medical procedure to render it incapable of reproduction.

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

V. "Person" means any individual, firm, partnership, corporation, trust or association of persons.

W. "Pet" shall hold the same meaning as "domestic animal."

X. "Police dog" means a dog used by a law enforcement agency and specially trained for law enforcement work.

Y. "Rabies quarantine" means the keeping of a biting animal or the suspected biting animal separate and apart from other animals and people for a period of at least 10 days.

Z. "Service dog" means a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service dog must be directly related to the individual's disability.

AA. "Spayed" shall hold the same meaning as "neutered."

BB. "Stray" means any dog or cat wandering or roaming without an apparent owner or home.

CC. "Wild animal" shall hold the same meaning as "exotic animal."

6.04.040 Mandatory microchipping of dogs and cats.

A. Except as otherwise provided in this section, it is unlawful for any person to keep or maintain a dog or cat unless that animal has been implanted with a microchip.

B. The owner of a dog or cat that has been implanted with microchip identification shall register the microchip number and the owner's contact information with a microchip registration company.

C. When the contact information of the owner of a microchipped dog or cat changes, the owner shall provide the new contact information to the applicable microchip registration company no later than thirty days after the change in contact information occurs.

D. When there is a transfer of ownership of a dog or cat that has been implanted with microchip identification:

1. The transferring owner must inform the new owner of the microchip registration company with which the dog's or cat's microchip is registered; and
2. The new owner must provide the microchip registration company with the new owner's contact information not later than thirty days after the transfer of ownership.

E. The microchipping requirements of this Section do not apply to:

1. An animal whose owner has resided within the City fewer than thirty days;
2. An animal that has been brought into the City temporarily and exclusively for the purpose of entering the animal in a show or exhibition, where the animal is not allowed to run at large;
3. An animal whose age is under 160 days;
4. An animal being held for adoption by Animal Services or an animal welfare organization;
5. An animal that qualifies for a medical exception from a licensed veterinarian due to a significant health reason where microchipping would cause further injury to the animal; or
6. An animal owned by a person who is not a resident of the city and is staying in the city for fewer than 60 days.

F. It is a defense to prosecution under subsections A and D that the person charged produces to the court proof of a registered microchip showing the dog or cat was implanted with a microchip or that the required contact information had been updated at the time the citation was issued or not later than 20 days after the citation was issued.

6.04.050 Mandatory Vaccination of Dogs and Cats.

A. Except as otherwise provided in this section, it is unlawful for any person to keep or maintain a dog or cat if:

1. The animal does not have a current rabies vaccination or rabies booster vaccination;
2. The animal is not wearing a collar or harness with a current rabies tag securely attached to it; or
3. The person fails to show a current certificate of vaccination and rabies tag for the animal upon request by an animal control officer or commissioned law enforcement officer.

B. The vaccination requirements of this section do not apply to an animal whose age is under 120 days.

C. It is a defense to prosecution under Subsection A that:

1. The person charged produces to the court proof of vaccination from a licensed veterinarian showing the dog or cat was vaccinated at the time the citation was issued or not later than 20 days after the citation was issued; or
2. The person charged submits admissible evidence, provided by a veterinarian licensed in the State of Washington, to the court that establishes that the animal is unable to be vaccinated due to health reasons which will be worsened if vaccinated. Any such stay from vaccination ends upon termination of the adverse health reason.

D. A licensed veterinarian who vaccinates a dog or cat for rabies shall issue to the owner of the animal a current rabies tag and a certificate of vaccination and shall maintain a record of the vaccination in the animal's medical record.

6.04.060 Cats and dogs – Maximum number owned or kept.

No person shall own or keep within the city more than three dogs, more than six cats, or more than six dogs and cats in any combination of which not more than three of the animals may be dogs.

6.04.070 Cats and dogs – Maximum number – Exception.

The following shall be exempt from the provisions of MVMC 6.04.060

- A. A total of two additional cats and dogs in any combination of cats and/or dogs may be kept for up to six months when unforeseen or emergency circumstances require providing temporary shelter.
- B. One litter of puppies or kittens, within any two calendar years, from any female cat or dog owned by the person may be kept for up to 10 weeks after birth.
- C. Any person intending to own or keep more than three dogs, six cats, or six total cats and dogs, as referred to in MVMC 6.04.060, or intending to have more than

one litter of puppies or kittens in any 24 months period, shall do so only as a properly licensed commercial kennel, cattery, veterinary clinic or similar use.

6.04.080 Guard dogs – Special requirements.

Guard dog owners, users of guard dogs, and guard dog services, as applicable, shall:

A. Register, annually, all guard dogs used within the city, regardless of owner address with Animal Services. The registration shall include:

1. Proof of ownership and identification of the business that owns the guard dog;
2. Microchip type and number;
3. Proof of vaccination against rabies and not place any unvaccinated animal in service as a guard dog; and

B. Immediately report the escape or disappearance of a guard dog to Animal Services.

C. Allow, as a condition of registration, animal control officers the right to enter the premises, at any reasonable time without notice, to inspect all animal health records, dogs, and kennels housing guard dogs and other premises where such dogs are kept. Refusal to allow inspection shall be prima facie evidence of a violation of this chapter.

D. Mark every vehicle used to transport a guard dog with a clear sign showing that it is transporting an aggressive dog. A compartment separate from the driver is required and shall be arranged to ensure maximum ventilation for the animal. No guard dog shall be transported in the trunk of a car or on an open bed truck.

E. Provide adequate fencing or some other confining structure to keep the guard dog within the enclosed area of a business which hires or uses a guard dog to patrol the premises after business hours.

F. Ensure that each business which hires or uses a guard dog that is present during business hours shall have the dog confined in such a manner that allows the animal reasonable freedom of movement, water, and a place to rest out of inclement weather while not posing a danger to the public. Confinement shall, at a minimum, prevent deliberate or inadvertent physical contact between the dog and the public.

G. Post a sign at each entry point and at each 50-foot interval along a fence perimeter, if applicable, that includes the words “Guard Dog” in three inch letters. All entry points to the fenced area shall be double-gated.

H. Post all entry points with a sign that includes the telephone number of the dog's handler and/or owner in case of an emergency.

I. Provide dogs used for guarding businesses a humane existence, including adequate shelter, food, water and exercise. Dogs confined to a cage or kennel shall be able to stand freely and turn without restriction and shall be permitted daily exercise for an appropriate length of time, as determined by their size and age in a yard or other area suitable for that purpose.

J. Not use any dog as a guard dog that has been declared a dangerous dog by any agency, court, or jurisdiction in the United States or other country or nation or which has been trained or used for dog fighting.

6.04.090 Animals running at large.

It is unlawful for any person being the owner or keeper of any animal to permit such animal to be at large upon the private property of another within the city except with the permission of the owner or custodian of such private property.

6.04.100 Leash requirements.

It is unlawful for the owner or keeper of any dog or cat to allow such animal to roam, stray or be away from the premises of the owner or keeper, or to be in or on any public place or property unless such animal is physically controlled by the owner or keeper or other competent and authorized person by means of a physical control device, including a leash or carrying cage; except, that in a public place, no physical control device is required while the animal is present within the boundaries of a city-owned or sanctioned off-leash dog park or while participating in an organized exhibition or training session; provided, that the control device requirements of this section shall not apply to a police dog while in the performance of a law enforcement function.

6.04.110 Dogs in season.

Every female dog in season shall be confined in a well-ventilated and adequately sized closed structure so that the dog cannot come into contact with an intact male dog except for planned breeding.

6.04.120 Animal noise control.

It is unlawful for any person to cause or allow to originate from the property frequent, repetitive, or continuous howling, barking, or other noises made by any animal covered by this chapter which disturbs the peace and quiet of the surrounding area. Sounds made in pet shops, veterinary clinics, grooming parlors, commercial kennels and catteries licensed under this chapter and in compliance with MVMC Title 17, shall be exempt under this subsection; provided, however, that it is an affirmative defense under this subsection that the animal was intentionally provoked to bark or make any other noise by

the injured person or any other person; provided, that the enactment of this provision shall in no way nullify any other provision of the municipal code concerning animal noise.

6.04.130 Animal waste.

A. It is unlawful for the owner or keeper of any dog or other animal, either willfully or by failure to exercise due care, to permit such animal to commit a public nuisance by defecating upon private property without the permission of the owner or custodian thereof, upon the public sidewalk, in or upon any public street or any other public place. It shall be a defense to a charge under this section that the owner or keeper of the animal possessed the appropriate device for removal of waste and did immediately remove and properly dispose of the waste, provided that this subsection shall not apply to a person whose visual or physical condition is an impediment to compliance with this subsection.

B. It is unlawful for any owner or keeper to allow waste to accumulate on said owner's or keeper's property to the extent that neighbors are adversely affected by odor or runoff.

6.04.140 Nuisance or destructive behavior.

A. It shall be unlawful for an owner or keeper to permit an animal to chase, run after or jump at vehicles lawfully using the public streets, alleys and ways, or to permit any animal to trespass on public or private property so as to damage or destroy any lawn, garden, or other property or thing of value.

B. Any animal causing an owner to be in violation of any of the provisions of this section is declared to be a public nuisance and may be immediately seized and impounded;

C. It shall be a defense to a charge under this section that the animal which chased, jumped, trespassed or damaged property had been intentionally provoked to perform the nuisance or destructive behavior by a person other than the animal's owner or keeper.

6.04.150 Destruction of injured or diseased animal.

Any animal suffering from serious injury or disease may be humanely destroyed by the impounding authority with the assistance of a licensed veterinarian, when practicable, provided that the impounding authority shall make reasonable effort to locate and notify the owner prior to destroying the animal by searching licensing records and attempting telephone contact with the owner, if known.

6.04.160 Destruction of dangerous animal.

If any dangerous, vicious, or depredatory animal or any animal known to have rabies cannot be safely taken up and impounded, such animal may be immediately destroyed by an animal control officer.

6.04.170 Biting animals – Duty to report – Confinement – Penalty.

A. When any cat, dog or ferret has bitten or attacked any person, it shall be immediately reported to the animal control officer. Bites occurring in a veterinary hospital or clinic, or any business or shelter addressed in Chapter 6.06 MVMC, are not subject to mandatory reporting to the animal control officer; however, this does not relieve the owner or keeper of reporting requirements of the Skagit County health department.

B. It is unlawful for the owner of any animal, when notified that such animal has bitten any person or has injured any person such as to cause an abrasion of the skin, to sell or give away such animal or permit such animal to be taken beyond the limits of the city except to a veterinary hospital. It shall be the duty of such owner upon receiving such notice of the animal's injurious acts to immediately place such animal in a duly licensed veterinary hospital for confinement for a period of at least 10 days or to deliver such animal to an animal control officer for such placement or similar confinement. No person shall release or remove any animal from its place of confinement to another place without the consent of and upon the conditions imposed by the animal control officer. Upon authorization of the animal control officer, an animal may be released from confinement to the custody of its owner upon the owner's undertaking to keep the same confined to the premises of the owner and segregated from other animals during such observation period.

C. In the event that the officer has reason to suspect that the animal is rabid, the appropriate officials of the Skagit County health department shall be notified, and the officer shall coordinate any further activities with such department. The health department shall have jurisdiction over any matter possibly involving rabies. WAC 246-100-197, together with amendments thereto, are incorporated in this chapter by reference and prevail over any conflicting provision of this chapter in any suspected rabies matter.

D. It shall be a violation of this chapter for any owner or keeper to whom an order of rabies quarantine is issued to knowingly, recklessly or with criminal negligence permit the order of rabies quarantine to be broken. Should the order of quarantine be broken, the animal may be impounded and held by the city at the owner and/or keeper's expense for the remainder of the quarantine period.

E. No person shall refuse to surrender any animal for quarantine when demand is made by order of an animal control officer.

F. Redemption of the animal is subject to payment of any fees authorized under this chapter.

G. Any person refusing or failing to comply with the provisions of this section or with the order or directives of an animal control officer relating thereto shall be guilty of a misdemeanor and shall be punishable by the laws of the state and MVMC 1.20.010.

H. A publicly owned police dog with a current rabies vaccination shall be exempt from quarantine unless ordered by the county health officer.

6.04.180 Rabies carriers.

It is unlawful to own, keep or harbor within the city bats or any species of animals designated as unlawful by the Washington State Department of Health pursuant to WAC 246-100-197 by reason of such species being a transmitter of rabies to human beings, including any bat, skunk, fox, coyote or raccoon, except under circumstances permitted by said WAC 246-100-197, which is incorporated herein by reference.

6.04.190 Rabies vaccination.

Rabies vaccinations shall be kept current as long as the animal remains in the city. A durable and traceable rabies tag provided by the veterinarian shall be securely affixed to a collar and worn by the animal when outside or away from the owner's home or other enclosure.

6.04.200 Cruelty to animals.

A. It is unlawful for any person within the city to intentionally, knowingly, recklessly or with criminal negligence commit, singly or together, any of the following acts or omissions or to aid or abet another person in the commission of such acts or omissions, which are deemed to constitute cruel treatment of animals;

1. To cause or allow any animal to endure pain, suffering, injury or to fail or neglect to aid or attempt to alleviate pain, suffering or injury which the person has caused to any animal. Such aid shall include provision of needed veterinary care:

2. To fail to provide minimum care for any animal within the person's care, custody or control for the purpose of this section, "minimum care" means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner or keeper includes, but is not limited to, the following requirements:

(a) In each period of 24 consecutive hours, to provide food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;

(b) In each of 24 consecutive hours, to provide open or adequate access to potable water in sufficient quality to satisfy the animal's needs. Neither ice nor snow is an adequate water source;

(c) In the case of domestic animals, to provide a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun, and which has adequate bedding to protect against cold or dampness;

(d) To provide veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease, and;

(e) To provide space for exercise necessary for the health of the animal and allow access to a dry place for the animal to rest at all times. The air temperature in any confinement area must be suitable for the animal involved. Confinement areas must be kept reasonably clean and free from excess mud, waste or other contaminants which could affect the animal's health;

(f) To provide the animal with necessary food, water, shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure.

3. To tether, confine or restrain any animal in such a way as to permit said animal to become frequently entangled in such tether, or to render such animal incapable of consuming food or water or of using shelter provided for it, or to otherwise deny any animal adequate space for freedom of movement.

4. To abandon any animal by dropping off or leaving such animal on a street, road or highway, or in a public place, or on the private property of another person.

5. To confine an animal within or on a motor vehicle or other structure or enclosure at any location when unattended and under such circumstances as may endanger the health and well-being of the animal. Such conditions include, but are not limited to, dangerous temperature, lack of food or water and confinement with a vicious animal.

6. To transport or confine any living animal on the outside part of a motor vehicle except where attached to the vehicle by a suitable harness, leash, cage or other enclosure that protects the animal from falling or being thrown therefrom and which prevents the animal from leaving the vehicle while unattended. The outer part of the vehicle includes the running board, fender, or hood of any motor vehicle, the flat bed of a truck; and/or the open portion (bed) of a pickup truck.

7. To place any food, drink or other substance of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to domestic animals. Care shall be taken to avoid open containers or spills of antifreeze or other toxic substances.

8. To knowingly and intentionally, whether for amusement of self or others or for financial gain, cause any animal to fight or injure any other animal, cause it to be fought or be injured by any animal, or to train or keep for the purpose of training any animal with the intent that the animal shall be exhibited combatively with any other animal. Anyone who permits such conduct on premises under that person's control, and any person present as a spectator at that exhibition, shall be considered a violator of this subsection.

9. To sell or offer for sale or to give away any living baby rabbits, chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to have an artificial color; provided, that this shall not prohibit the sale or display of natural baby rabbits, chicks, ducklings or other fowl in proper brooder facilities or stores engaged in selling them for commercial purposes.

10. To abandon or transfer to another person by gift, sale or exchange for consideration, any animal in or upon any sidewalk, street, alley, lane, public right-of-way, park or any other public property except when the transfer takes place to a sale conducted by a public body or public officer, when the transfer takes place at an animal show or exhibition conducted by or for persons who regularly engage in the practice of breeding animals for show or exhibition, or when one of the parties to the transfer is a member of an animal welfare organization and is acting on behalf of the animal welfare organization.

B. Violation of any of the provisions of this section under circumstances not amounting to animal cruelty in the first degree (RCW 16.52.205) shall constitute a misdemeanor and may be punished by the laws of the state and MVMC 1.20.010.

C. In any prosecution of animal cruelty other than in the first degree, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence that the defendant's failure was due to economic distress beyond the defendant's control.

6.04.210 Duty when striking domestic animal with motor vehicle.

Any person while operating a motor vehicle strikes a domestic animal shall stop at the first safe opportunity and immediately report such injury or death to the animal's owner or to a city animal control officer or police officer. This section shall not be construed as requiring the person striking the animal with a motor vehicle to be financially responsible for the injury or death of the animal.

6.04.220 Found stray animal.

It is the duty of any person who takes a stray animal, as defined in this chapter, into his or her possession to notify the city animal control officer at once, and to release such animal to said officer upon demand and without charge. The intent of this section shall be satisfied by providing a telephonic or electronic message when notification occurs after business hours.

6.04.230 Scientific experimentation.

It shall be unlawful for any person to deliver, sell, offer or give any live animal for scientific experimentation which involves any cruel or inhumane treatment. It shall be unlawful for any person to conduct scientific experimentation on live animals which involves any cruel or inhumane treatment.

6.04.240 Animals as prizes.

It shall be unlawful for any person whether for profit, nonprofit, charity or any other purpose to offer an animal as a prize in response to participation in a game, contest, drawing of chance or any other similar event; provided, it shall not be unlawful for a nonprofit organization to offer for sale an animal at auction wherein there is a willing seller and buyer.

6.04.250 Police dogs – Exemption.

All police dogs owned by a public law enforcement agency and being used for duty or training shall be exempt from all provisions of the Mount Vernon Municipal Code relating to animal control. If a police dog is voluntarily quarantined, such dog will be remanded to the control of its agency.

6.04.260 Exotic animals.

A. No person shall possess within the city any of the following animals:

1. Any nonhuman primates;
2. Any cat of the family Felidae and its hybrids, except for the domestic cat *Felis catus*;
3. Any member of the Ursidae family, including but not limited to bears;
4. Any wild carnivores of the family Canidae and its hybrids, except for the domestic dog *Canis familiaris*;
5. Any venomous reptiles, fish, amphibians or arachnids;
6. Any constrictor snake of six feet or more in length;
7. Any members of the order Crocodylia, including, but not limited to, alligators, crocodiles, and caiman families; and
8. Any animal defined as a potentially dangerous wild animal under state law, RCW 16.30.010.

B. It is unlawful for any person to bring into the city or to keep or harbor within the city any wild or exotic animal, other than those prohibited above, unless the animal has been properly registered with the city and fees required by this chapter have been paid. An exotic animal registration application, to include a photograph of the animal, shall be completed and a fee of \$100.00 per animal shall be paid at the time of registration. An exotic animal registration is nontransferable. The animal control officer shall inspect the quarters where the animal is intended to be contained. Registration shall not be allowed,

and the animal shall not be brought into the city or retained in the city if, in the judgment of the animal control officer, the quarters intended for the animal are inadequate to safely and humanely contain the animal. If registration is allowed, the quarters where an exotic animal is kept shall be subject to inspection at any reasonable time by the animal control officer or police officer. If an exotic animal escapes or if it appears from such inspection or otherwise that an exotic animal might escape, an order may be given by an animal control officer or police officer that such quarters be immediately repaired or improved and, if this is not done, the animal may be impounded and held at the owner's expense until such repairs or improvements are made. The city may move to destroy or adopt the animal if not claimed within 72 hours. An aggrieved owner or keeper may request a hearing pursuant to MVMC 6.04.370 prior to any action by the city. It is the duty of any person or keeper with an exotic animal registered under this section to at all times keep convenient to the quarters all appropriate equipment necessary to recapture such animal should it escape.

C. Any person licensed to sell exotic animals other than those prohibited by subsection A of this section shall within 24 hours of the time of sale place in the mail to the police department a statement indicating the type of animal sold, name of the purchaser, address and telephone number of the purchaser, and address of the property or residence where the animal will primarily be kept.

D. Any persons who should possess or bring into the city any of the animals listed in subsection A of this section shall register said animal with Animal Services. The animal control officer shall specify the conditions under which the animal must be kept while the owner arranges to remove the animal from the city. Removal must occur within 30 days of registration. Failure to timely register, comply with the conditions of registration, or remove an exotic animal listed in subsection A of this section shall constitute a violation of this chapter.

E. The provisions of this section shall not apply to wild or exotic animals listed in subsection A of this section when such animals are safely and continuously contained during uninterrupted transport through the city or to a veterinary hospital within the city.

F. The provisions of this section shall not apply to raptors possessed under a state or federal authorization that expressly authorizes the person to possess the raptor for hunting.

G. Violation of subsection A or D of this section shall constitute a misdemeanor and shall be punishable as set forth in MVMC 1.20.010.

6.04.270 Designated animal control officer.

It shall be the jurisdiction of the police department to enforce any provisions of this chapter or of any other city ordinance or state law relating to animal welfare, cruelty and animal control by any lawful means including, but not limited to arrest, the issuance of criminal citation, notice of civil infraction, order to abate, or issuance of warnings.

6.04.280 Designated animal control officer – Powers and duties.

A. The animal control officer is authorized to take such lawful actions as may be required to enforce the provisions of this chapter and other city ordinances relating to animal welfare, cruelty prevention and animal control. The animal control officer, while pursuing any animal observed by such officer to be in violation of this title or being treated cruelly in violation of this title, may enter upon public or private property, for the purposes of enforcing the code provision violated; provided, that entry into a building designated for and used for private purposes may be accomplished only with the consent of the owner or lawful occupant of said premises or upon the issuance of a proper search or arrest warrant.

B. If a law enforcement officer or an animal control officer has probable cause to believe an animal is in imminent danger or is suffering serious physical injury or infirmity, or needs immediate medical attention, the officer may enter onto private property without a warrant to: (i) render emergency aid to the animal; or (ii) seize the animal without a warrant. Any animal seized without a warrant shall immediately be brought to a veterinarian licensed in the state of Washington to provide medical attention and to assess the health of the animal.

C. A law enforcement officer or an animal control officer is not liable for any damages for entry onto private property without a warrant under this section, provided that the officer does not use any more force than is reasonably necessary to enter upon the property and remove the animal.

6.04.290 Designated animal control officer – Obstruction.

It is unlawful for any person, without lawful reason, to knowingly hinder, resist, delay or obstruct any animal control officer or police officer in the performance of their duties. Obstruction of an animal control officer or police officer is a misdemeanor, punishable as set forth in MVMC 1.20.010.

6.04.300 Enforcement.

A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. It is the specific intent of this chapter that neither provision nor any term used in this chapter is intended to impose any duty whatsoever

upon the city or any of its officers, employees, agents, or volunteers, for whom the implementation and enforcement of this chapter shall be discretionary and not mandatory.

B. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees, volunteers, or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees, volunteers or agents. Any and all liability and consequential damage resulting from any official performing the functions of an animal control officer and enforcement of this chapter is hereby disclaimed and governmental immunity as provided by law is retained.

6.04.310 Complaints – Adjudication of grievances.

Any owner or keeper aggrieved as the result of an impoundment, condition for redemption, or deprivation pursuant to the provisions of this chapter, may request a hearing before the municipal court judge to determine the justification of such classification, or the requirements imposed as a condition of redeeming the animal, per impoundment, or any determination, that the animal has been cruelly treated, neglected or abandoned. In the event the court confirms the classification and/or requirements, or determination that the animal has been cruelly treated, neglected or abandoned, the owner or keeper shall pay the costs of such hearing including the filing fee and the fees for witnesses called in support of the official action.

6.04.320 Presumption of ownership.

A presumption of ownership shall exist if a stray animal is kept, sheltered, fed or harbored for more than five consecutive days (120 hours) provided that a cat colony caretaker, as defined in Chapter 6.10 MVMC, shall not be deemed an owner when providing daily care for colony animals.

6.04.330 Habitual violator.

In addition to any other legal remedies available under the provisions of this chapter, an animal control officer may order and direct in writing delivered by regular mail to the last known address of the owner or keeper of the animal or by personal service to the owner or keeper of any animal which is the subject of more than three criminal citations, notices of civil infraction or any combination of the same within any 12-month period to abate and remove such animal or animals from the city within seven days from the date of service of the order or the tenth day from the date of mailing the order to abate the habitual violator. Such order to abate shall:

A. State that a hearing in the Mount Vernon municipal court may be requested appealing the order and the method of appealing as provided for in MVMC 6.04.310;

B. That if no hearing is requested within seven days of the date of mailing order or date of service of the order the owner or keeper must abate and remove the animal from the city;

C. Bear the notation that any appeal must be filed before closure of the seventh day following the date of mailing or service of the order;

D. Clearly state and identify the grounds of which the animal has been declared a habitual violator; and

E. Clearly identify the animal which has been declared a habitual violator by identifying such animal by species and breed, coloring and markings, age, gender, and name when such information is available.

If such animal is found to be kept in violation of the order after 10 days have elapsed from the date of mailing or seven days have elapsed from the date of service of the order, or the date and hour of affirmance of such order if a timely appeal is filed, such animal may be abated and removed by impoundment by an animal control officer, subject to all impoundment and redemption procedures; provided, however, such animal may not be returned to the residence or property from which it was impounded or resided.

6.04.340 Impoundment.

A. An animal control officer may apprehend any animal committing or involved in any acts in violation of this chapter or in any other ordinance or which is being subjected to cruel treatment as defined in this title. After such an animal is apprehended, the animal control officer shall determine whether the animal is licensed, registered or otherwise identifiable, and may return the animal to its owner, or if the animal control officer finds it necessary for the protection of the animal or of the public to keep the animal in custody, the animal control officer shall notify the owner of the animal within a reasonable time by telephone, regular mail, personal contact or by posting at the residence of the owner that the animal has been impounded, the reasons therefor, and whether and/or how it may be redeemed.

B. Any animal not displaying a traceable license tag or other form of identification impounded pursuant to this chapter shall be held for its owner at least 72 hours commencing with the apprehension.

C. Any animal displaying a traceable license tag or other form of identification impounded pursuant to this chapter shall be held for its owner at least 120 hours commencing with notification.

D. All impound periods shall continue to run during nonbusiness hours, weekends and holidays.

E. The animal control officer or the staff of a city designated animal shelter may cause to have provided necessary vaccinations against contagious diseases to any impounded animals.

F. Any impounded animal not redeemed by its owner during the prescribed period, or which is suffering from a serious injury or disease as determined by the animal control officer or the person in charge of a city designated animal shelter, may be humanely destroyed. Any impounded animal not redeemed by its owner during the prescribed period may be made available for adoption or, in the discretion of such custodian, may be held for a longer period. Redemption of an impounded animal by its owner or adoption by any other person, after being held for the prescribed period, may be conditioned upon payment of reasonable medical fees, registration fees if applicable, impound and holding costs, and any other chargeable fees.

G. Any dog or cat impounded by the animal control officer and made available for adoption by the city designated animal shelter shall be neutered prior to adoption. Except that the procedure may be stayed for any animal deemed by a licensed veterinarian to be suffering any condition making it unsuitable for neutering until the animal's conditions improve. Expenses of neutering shall not be borne by the city except as permitted by MVMC 6.10.030.

H. No live animal impounded pursuant to this chapter shall be used, donated or sold for experimentation purposes.

I. The owner of any animal impounded pursuant to the provisions of this chapter may redeem the animal according to the procedures set out in this chapter; provided, that subject to the appeal procedures of this chapter, redemption may be denied to an owner who has cruelly treated an animal as defined in this chapter or to an owner of an animal believed to have engaged in nuisance or destructive behavior as defined in MVMC 6.04.140. Such owner may appeal from a denial of redemption by filing an appeal with the municipal court before closure of such office on the seventh business day following service of the notice of the denial. If service of the notice of denial of redemption is made by mail, the service shall be deemed complete upon the third day following the day upon which notice is placed in the mail.

J. Animals delivered for impoundment by animal control officers or police officers that have been removed from the possession of persons detained or incarcerated for a crime shall be held for not less than 120 hours. Notice of the impoundment, including instruction for redemption, shall be delivered to the person's place of confinement with instructions to deliver the notice to the detained person. An officer should make a reasonable attempt to place the animal with a responsible person, family member of the detained person, or animal rescue service; however, failure to successfully place the animal shall not relieve the animal owner from the responsibility for all reasonable fees associated with impoundment.

6.04.350 Impoundment register.

The police department and city designated animal shelter shall maintain a register of all animals impounded pursuant to this chapter and such register shall show, as applicable:

- A. The animal's identification tag number and/or microchip number;
- B. The animal's species and breed;
- C. The animal's description by coloring and markings;
- D. Time and date of impoundment;
- E. Name of person impounding the animal;
- F. Area in which the animal was picked up;
- G. Method and time of notifying the owner, if known, of redemption procedures;
- H. Final disposition of the animal; and
- I. Date and time of disposition.

6.04.360 Impounded animals – Custodian.

The city council may, pursuant to contract for animal shelter services, designate one or more custodians of animals impounded pursuant to this title. The designated animal custodian(s) shall follow the provisions of this chapter and other city ordinances relating to animal control and shall be subject to all terms and conditions of such ordinances and to the terms and conditions of the contracts which have been or in the future will be executed with the city. Nothing in this section shall prevent the city from obtaining all or any part of animal-related services from its own employees and facilities.

6.04.370 Impounded animals – Redemption.

Any animal impounded pursuant to the provisions of this chapter or other city animal control ordinances may be redeemed upon payment by its owner of all redemption fees as set out below and upon evidence satisfactory to the animal control officer or shelter that the violation has been corrected or by order of the court following an appeal and hearing as set out in this chapter. Redemption fees may include the following:

- A. Actual boarding costs for the animal;
- B. Actual cost of quarantine, if applicable;

C. Emergency medical expenses due to illness, disease, or injury;

D. Distrain fee of \$20.00; and

E. Other authorized fees, if applicable.

All redemption fees are the obligation of the owner even if the animal is implicitly abandoned or expressly relinquished.

6.04.380 Severability.

In the event any term or condition of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this chapter which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this chapter are declared severable.

6.04.450 Violation – Penalty.

A. Unless otherwise specifically provided, any person violating any of the provisions of this chapter shall have committed a civil infraction and shall be subject to a civil penalty as follows:

1. Upon the first violation in a 12-month period, a fine of \$50.00;
2. Upon a second violation in a 12-month period, a fine of \$100.00;
3. Upon a third violation in a 12-month period, a fine of \$150.00;
4. Upon a fourth violation in a 12-month period, a fine of \$500.00, plus removal of the animal per MVMC 6.04.390.

B. The provisions of Chapter 46.63 RCW for the disposition of traffic infractions apply to the disposition of all civil infractions set forth in this chapter except as follows:

1. The provisions in Chapter 46.63 RCW relating to the provision of records to the Department of Licensing in accordance with RCW 46.20.270 are not applicable to this chapter;
2. The provisions in Chapter 46.63 RCW relating to the imposition of sanctions against a person's driver's license are not applicable to this chapter.

C. Any person violating any of the provisions of MVMC 6.04.230, 6.04.260, 6.04.290, 6.04.320(A) or (D), or 6.04.350 is guilty of a misdemeanor and shall be punished as set forth in MVMC 1.20.010.

D. In addition to any civil penalty or criminal sentence as provided by this chapter, the owner of the animal, whether the animal is licensed or not, shall be liable for actual expenses for boarding the animal, including any reasonable charges by the impounding authority, and if necessary, for the cost of its destruction.

SECTION 23. Severability

If any section, subsection, sentence, clause, chapter, provision, or phrase of this ordinance or its application to any person or circumstance is found to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or the application or the provisions to other persons or circumstances.

PASSED AND ADOPTED this 12th day of November, 2025.

SIGNED AND APPROVED this 19th day of November, 2025.



Peter Donovan, Mayor

Attest:



Becky Jensen, City Clerk

Approved as to form:



Kevin Rogerson, City Attorney

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