

KITSAP COUNTY CODE TITLE 7 REVISIONS

RETAIL SALES OF ANIMALS



CHAPTER 7.04 GENERALLY

7.04.010 Declaration.

The ordinance codified in this title is enacted to enhance the public health, safety, welfare and convenience through the regulation of animal behavior to the end that offensive animal behavior will be reduced or eliminated. Furthermore, this title contains standards for the use, care and treatment of animals to the end that cruelty to animals will be reduced or eliminated.

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 ~~owns~~ ~~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.

7.04.030 Authority to animal control authority.

(a) The county may grant to the animal control authority the authority within Chapters [16.08](#), [16.10](#) and [16.52](#) RCW, and may further vest in the animal control authority the primary responsibility for animal control and for securing compliance with this title. The county may grant these authorities and responsibility through written contract approved by the board of commissioners.

(b) Employees of the animal control authority over the age of twenty-one, who are commissioned as Washington Humane Officers by the superior court, may be commissioned as special deputies by the county sheriff. When so commissioned, the officer shall thereby be charged with the enforcement of all ordinances, statutes and regulations relating to the care, treatment, control, impoundment, and licensing of animals. Such commissions may be issued and revoked in the discretion of the sheriff.

7.04.040 Animal control zone established.

All of the unincorporated area of Kitsap County is declared to be a single animal control zone.

7.04.050 Construction.

This title shall be liberally interpreted and construed to secure the public health, safety, morals and welfare and the rules of strict construction shall have no application.

CHAPTER 7.08 LICENSES AND LICENSING REQUIREMENTS

[CODE SECTIONS 7.08.010-7.08.030 ARE UN-EDITED AND NOT SHOWN]

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.

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.

7.08.060 Grooming parlors (Repealed)*.

* **Editor's Note:** Section [7.08.060](#), Grooming Parlors, was repealed by Section 7 of Ordinance 266 (2002). Relevant provisions have now been incorporated into Section [7.08.040](#).

7.08.065 Enthusiast.

(a) **License Required.** Enthusiasts 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.** Enthusiast licenses issued under this section shall expire one calendar year from the date of issuance.

(c) **License Fee.** No fee if licensed pursuant to the timelines established in subsections (a) and (b) of this section, except applicable service charge(s).

(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 an enthusiast 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 facility are devoted; and
- (3) The maximum number of cats and/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, if all cats and/or dogs owned by applicant are licensed as required by Section [7.08.010](#), and if the existing or proposed enthusiast 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 enthusiast 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 enthusiast facility within the foregoing standards.

(g) Operation and Facility Requirements for Enthusiasts. Enthusiasts 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 facilities in a healthful and sanitary manner;
- (3) Alter all animals; and
- (4) Meet all county licensing requirements.

(h) Limitation Upon Number of Cats and Dogs. No enthusiast 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 enthusiast facility. Permission to have more than ten spayed or neutered adult cats and/or dogs may be granted unless such increased number would make the enthusiast 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 (g) of this section.

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

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.

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.

[CODE SECTIONS 7.10-7.12 ARE UN-EDITED AND NOT SHOWN. THERE IS NO CHAPTER 7.13]

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.

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.~~

7.14.030 Infractions.

The following are declared to be Class 1 civil infractions:

(1) Animal at Large. For the owner of a pet or livestock to suffer or permit such animal to leave the premises of the owner, unless the animal is under physical restraint adequate to the size and nature of the animal or is sufficiently near its owner to be under its owner's direct control and is obedient to its owner's commands. Exceptions to this restriction are pets engaged in formal training, hunt or competition, or service dogs engaged in an activity for which they are trained or in service. Animals may be returned to their owners by the animal control authority without formal impound if the authority can determine its owner through license, microchip or other methods. The board of county commissioners by resolution shall establish a fee for returning an animal under these circumstances;

(2) Animal Noise.

A) Animal Noise Disturbances – Prohibited. For any person to keep or own any animal which by its barking, howling, baying, squealing, crowing, crying, bleating, screeching, or making any other noise that, by its volume or frequency, unreasonably disturbs or interferes with the peace of any person for more than fifteen minutes of any one-hour period of any day, on three or more separate days during a sequential seven-day period. This subsection shall not apply if the owner or keeper of the animal can substantiate that such animal noise was caused by an illness or injury to the animal, the torment or abuse of the animal by others, or by willful trespass on the property by others. This subsection also shall not apply to farms in permitted zones (as defined and described in Sections [17.455.020](#) and [17.455.030](#)), commercial pet facilities, animal welfare facilities, veterinary hospitals, or grooming parlors, provided those entities are otherwise in compliance with the Kitsap County Code including, but not limited to, Section [7.08.040](#).

(B) Animal Noise Disturbances – Enforcement. Enforcement action for violations of subsection (2)(A) of this section shall only be undertaken when:

(i) Animal control officers have directly witnessed an animal noise disturbance by personally observing the three required intervals of animal noise during the sequential seven-day period;

(ii) Animal control officers have received separate complaints from at least two neighboring property owners or residents, each of whom has personally witnessed three or more animal noise disturbances during the same thirty-day period, and each of whom has provided animal control officers with a written ledger documenting the times, dates, and durations of the separate intervals of animal noise that collectively comprise the three animal noise disturbances; or

(iii) Animal control officers have received a complaint from a single neighboring property owner or resident who has personally witnessed five or more animal noise disturbances during a sixty-day period, and has provided animal control officers with a written ledger detailing the times, dates, and durations of each separate interval of animal noise that collectively comprise the five animal noise disturbances. Where such a complaint has been received, animal control officers will first provide a written warning to the keeper or owner of the animal. If the complaining neighboring property owner or resident subsequently submits ledgers documenting two or more additional

animal noise disturbances that occurred during the sixty-day period following the issuance of the warning, animal control officers may take enforcement action.

(C) If the disturbance is not directly witnessed by an animal control officer, the complainant may be asked to testify at any subsequent enforcement hearing on the alleged violation. Multiple violations within a calendar year may require the seizure and impound of the animal, pursuant to Section [7.10.010](#);

(3) Damaging Property. For the owner of a pet or livestock to suffer or permit the animal to leave the premises of the owner and thereafter cause damage to any thing of value or any other pet or livestock;

(4) Disturbing Pedestrians. For the owner of a pet or livestock, when off the property of the owner or in a wheeled vehicle, to suffer or permit the animal to disturb people lawfully on public ways;

(5) Chasing Vehicles. For the owner of a pet or livestock to suffer or permit the animal to chase or run at or after vehicles lawfully on public ways;

(6) Reporting and Releasing Stray Animals. For any person to fail to notify the animal control authority that a stray pet or livestock is in the person's possession, or to refuse to release such stray animal to the animal control authority upon demand;

(7) Releasing Animal. For any person except the owner or other authorized person to release any pet or livestock from confinement;

(8) Excess Number of Cats and/or Dogs. To own five or more adult cats and/or dogs at the same place or residence without a valid commercial pet facility, animal welfare facility, hobbyist or enthusiast license;

(9) No Valid License. To operate or maintain a hobbyist facility or enthusiast facility without a valid license;

(10) Failure to License. To fail to license a cat or dog as required by Section [7.08.010](#);

(11) Regulatory Violations. To operate a hobbyist facility or enthusiast facility in a fashion contrary to that required by Sections [7.08.050](#) and [7.08.065](#);

- (12) Animal Bites. To own a pet or livestock that bites a person while such person is on public property or lawfully on private property;
- (13) Agitating an Animal. To intentionally agitate, harass, or provoke a pet or livestock;
- (14) Failing to Notify Animal Control Authority of Change of Ownership, Custody, and/or Residence. For any owner of an animal that has been declared dangerous or potentially dangerous to sell, barter, or otherwise transfer the ownership, custody, or residence of such an animal without notifying the animal control authority within fourteen calendar days of the change as required by Section [7.12.010\(n\)](#) or to otherwise fail to comply with the requirements of that section;
- (15) Sale, Barter, or Other Transfer of Pets in Public Places Prohibited. It is unlawful to sell, barter, or otherwise transfer for the purpose of changing ownership any pet in an area open to the public, unless such activity is pursuant to Section [7.08.040](#), or occurs at a sanctioned dog or cat show;
- (16) Failure to Provide Adequate Care. For any owner of a pet or livestock to fail to:
- (A) Provide adequate food and water for any pet or livestock, as defined in Section [7.04.020\(1\)](#);
 - (B) Provide adequate shelter for any pet or livestock, as defined in Section [7.04.020\(2\)](#), except as may be appropriate for short term medical requirements or generally accepted livestock husbandry practices such as swine farrowing;
 - (C) Provide appropriate habitat and medical care; or
 - (D) Maintain facilities housing pets in a healthful, sanitary, and safe manner;
- (17) Confinement of an animal in a wheeled vehicle. No person shall confine any pet or livestock in a wheeled vehicle in such a manner that places the animal in a life- or health-threatening situation by exposure to a prolonged period of heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of such animal, an animal control authority employee or law enforcement officer who has probable cause to believe that this section is being violated shall have the authority to enter such vehicle to remove such animal by any reasonable means under the circumstances after making a reasonable effort to locate the owner. No law enforcement officer or animal control authority employee shall be held

liable for any damage to property resulting from actions taken under this section or pursuant to Chapter [16.52](#) RCW;

(18) Transporting a pet or livestock in the open bed of a pickup truck or other outside part of a vehicle unless a suitable harness, cage, or enclosure is utilized and attached so as to protect such animal from falling or being thrown from the vehicle, and would not by its design or application cause injury to the animal;

(19) Pets Chasing Livestock. For the owner of a pet to permit that animal to harass or chase another owner's livestock, when not engaged in the specific work of herding approved by the owner of the livestock;

(20) Animal Waste. For the owner of a pet to fail to remove deposits of fecal material originating from the owner's animal from public or private property unless the owner of such property has given permission for such material to be deposited. This shall not authorize such deposits as are otherwise governed by public health regulations or other provisions of this code.

7.14.040 Infraction penalty.

The base penalty for any infraction specified in Section [7.14.030](#) shall be \$76.00 for the first violation, \$142.00 for the second infraction committed within one calendar year, and \$192.00 for the third and subsequent infractions committed within one calendar year. In addition to the base penalty, a public safety and educational assessment and any other assessments required by statute shall be imposed. Each and every day or portion thereof in which an infraction is committed shall constitute a separate and distinct infraction. Provided, that if a person cited for failure to license a dog or cat under Section [7.14.030](#)(11) presents evidence of a valid license to the district court, the citation shall be dismissed without cost, except that the court may assess court administration costs of \$25.00 at the time of dismissal.

7.14.050 Infraction procedure.

Infractions under this title shall, insofar as possible, be charged and processed pursuant to justice court traffic infraction rules as now or hereafter amended.

7.14.060 Enforcement by civil action.

Any action or inaction by any animal or the owner or keeper thereof which is contrary to the provisions of this title, regardless if such constitutes a crime or infraction hereunder, shall be, and the same are declared to be unlawful and a public nuisance and compliance with this title may be enforced by an action for abatement or injunction brought by an affected citizen or by the prosecuting attorney.