

Chapter 7.04

ANIMALS

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7.04.010 Title Created. This title of the Snohomish Municipal Code shall be entitled “Animal Control” and this Chapter shall be entitled “Animals”. (Ord. 1915, 1999)

7.04.020 Definitions. As used in this title, the terms defined in this section shall have the defined meanings unless the context requires otherwise.

“Abatement” means the termination of any violation of this title by lawful and reasonable means as determined by the authorized City of Snohomish Animal Control Officer in order that a person or persons presumed to be the owner of an animal comply with this title.

“Adult dog or cat” means any dog or cat over the age of six months.

“Altered” means sexually neutered, medically determined to be incapable of reproduction, or when the physical condition of an animal is certified by a licensed veterinarian to be unproductive. (Ord. 2193, 2010)

“Animal” means any live vertebrate and invertebrate creature, reptile, amphibian, or bird, except man.

“At large” means any animal off the property of its owner, unless restrained by leash, tether, or other physical control device not to exceed eight feet in length, and under the physical control of a responsible person, whether or not the owner of such animal, or which enters upon the property of another person without authorization of that person, shall be deemed at large.

“Animal Control Authority” means an entity acting alone or in connection with other local governmental units for enforcement of the animal control laws of the City, county, and state, and the shelter and welfare of animals.

“Animal Control Officer” means any individual employed, contracted with, or appointed by the Animal Control Authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

“Animal Exhibition” means public display of any living animal in the promotion of entertainment, education, advertisement, or any commercial enterprise.

“Kennel or Cattery.” The two types of kennels or catteries are defined as follows:

1. “Private kennel or cattery” means any residence where more than three licensed dogs or cats over six months of age, are harbored. The number of dogs and cats kept at the private kennel shall not exceed eight. No more than one litter of either puppies or kittens, not both, is allowed per year.

2. “Commercial kennel or cattery” means any residence or facility where dogs and/or cats are kept for the purpose of being sold for gain, provides facilities for breeding, boarding, transporting, exhibiting, grooming, including bathing or cosmetic care, or provides guard services. The Commercial kennel or cattery must have a business license. In addition to the Commercial kennel fee, each dog over six (6) months of age staying at the facility for more than one (1) month must be licensed. The Commercial kennel or cattery cannot keep/house more than twelve (12) dogs and/or cats over six (6) months of age and no more than two (2) litters per year of either puppies or kittens.

(Ord. 2193, 2010)

“Dangerous dog” means any dog that according to the records of the appropriate authority has (1) inflicted severe injury on a human being without provocation on a public or private property; (2) killed a domestic animal without provocation while off the owner’s property; or (3) been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. (Ord. 2100, 2005; Ord. 2193, 2010)

“Dog handler” means a law enforcement officer who has successfully completed training as prescribed by the Washington State Criminal Justice Training Commission in police dog handling.

“Euthanasia” means the putting to death of an animal in a humane manner.

“Exotic, wild or dangerous 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 domesticated animal which, because of its size, vicious nature or other similar characteristics, would constitute a danger to human life or property if not kept, maintained, or confined in a safe and secure manner. Incorporated by reference are the definitions contained within the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC). (Ord. 2193, 2010)

“Fecal Matter” means the solid excretory product evacuated from the bowels. (Ord. 2193, 2010)

“Fowl” includes birds such as chicken, or any of several other, usually ground feeding, domestic or game birds including, but not limited to duck, goose, peacock, turkey, or pheasant. (Ord. 2193, 2010)

“Harboring” means allowing any animal to remain, be lodged, fed, or sheltered on the property one owns, occupies, or controls for more than twenty-four hours.

“Hearing Officer/Examiner” means the individual that will hear appeals of the orders issued by the Animal Control Authority during the performance of enforcing the City of Snohomish Animal Control Code.

“License” means a tag that shall be purchased from the City of Snohomish that contains a license number and the year for which the tag was issued.

“Litter” means the number of young under six (6) months of age brought forth at birth. (Ord. 2193, 2010)

“Livestock” includes horses, mules, jackasses, cattle, sheep, llamas, goats, swine, and all ratites, which includes, but is not limited to, emus and ostriches.

“Micro-chipping” means the implantation of an identification microchip or similar electronic identification device to establish the identity of an individual animal.

“Owner” means any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.

“Police dog” means a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

“Potentially dangerous dog” means:

1. Any dog that, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise threaten the safety of humans or domestic animals; or
2. Any dog that, when unprovoked, inflicts bites on a human or a domestic animal either on public or private property.
(Ord. 2100, 2005; Ord. 2193, 2010)

“Proper enclosure of a potentially dangerous or dangerous dog” means, while on the owner’s property, a potentially dangerous or dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

“Proper shelter” means a structure with at least four walls, a roof, a floor which is raised off the ground, and a door opening

properly shielded from the wind and rain, with size commensurate to the size of the inhabiting animal.

“Sanitary manner” means the method in which the handling of waste is done with regard to cleanliness and precautions against diseases. Fecal waste shall be disposed of by double bagging. (Ord. 2193, 2010)

“Service dog/animal” which includes “guide dog,” means a dog/animal that is trained for the purpose of assisting or accommodating a disabled person related to the person’s disability. (Ord. 2193, 2010)

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

“Sexually neutered” See “Altered.” (Ord. 2193, 2010)

“Shelter” means a facility which is maintained expressly for impounded and/or stray animals and that provides the necessary associated services.

“Small animal” means animals which are kept indoors as household pets in aquariums, terrariums, cages, or similar containers including, but not limited to animals such as rabbits, hamsters, mice, gerbils, guinea pigs, non venomous snakes, exotic birds, small non venomous reptiles and amphibians, and fish. (Ord. 2193, 2010)

“Small livestock” includes domesticated animals such as sheep, goat, and swine. (Ord. 2193, 2010)

“Valid license” means a current tag from the jurisdiction in which the animal resides.

“Vicious” means acting in an unruly manner or the propensity to do any act which might endanger the safety of any person, animal, or property of another. (Ord. 1915, 1999)

7.04.030 Fees Set by Resolution. All licensing, permitting, fines, and penalties shall be adopted by resolution. (Ord. 1915, 1999)

7.04.040 Licensing. All dogs within the City of Snohomish shall be licensed. Unlicensed dogs shall be subject to impoundment pursuant to SMC Section 7.12.030. (Ord. 1915, 1999; Ord. 2021, 2003)

Kennels, catteries, shelters, and boarding facilities shall be licensed pursuant to SMC Chapter 7.12.

7.04.050 Exotic Animals/Potentially Dangerous Wild Animals.

A. No person shall possess, breed, import, export, barter, buy, sell, or attempt to buy or sell any exotic animals or “potentially dangerous wild animals” as defined by the Washington Administrative Code (WAC) and the Revised Code of Washington (RCW), including but not limited to RCW 16.30.010. Not all exotic animals are prohibited. Refer to RCW and WAC for prohibited exotic animals or “potentially dangerous wild animals” including but not limited to RCW Ch. 16.30.

B. All other species to be determined by the City.

C. Exotics must be housed in accordance to specie/breed specific living standards. The reference used for living standard will be the most recent edition of both Reptile Medicine and Surgery by Douglas R. Mader MS DVM for reptiles and Exotic Companion Medicine Handbook for Veterinarians by Cathy A. Johnson-Delaney for other species. (Ord. 1915, 1999; Ord. 2193, 2010)

7.04.060 Livestock. (Ord. 1915, 1999)

A. The keeping of livestock as an accessory use must meet the following conditions:

1. A minimum lot size of forty thousand (40,000) square feet for every four (4) animals. One additional animal is permitted for each ten thousand (10,000) square feet of lot area in excess of forty thousand (40,000) square feet.
2. Small livestock, including but not limited to sheep, goats, and swine, shall be kept on a minimum lot size of twenty thousand (20,000) square feet for every four (4) animals. One additional animal is permitted for each five thousand (5,000) square feet of lot area in excess of twenty thousand (20,000) square feet.
3. Suitable structures or fences shall be provided to comply with applicable regulations and controls to restrain animals from leaving the premises.
4. The lot upon which the animals are kept shall be maintained in a sanitary condition and shall be free of objectionable noises and odors.
5. Animals shall be contained on the lot owned or leased by the animal owner.
6. Animals shall be maintained in a humane manner and condition.
7. All livestock, large or small, shall be kept away from critical area buffers associated with wetlands, streams, rivers, lakes, and habitat conservation areas.
8. All shelter buildings, including stables, barns, aviaries, and coops that are in excess of one hundred (100) square feet, shall be kept a minimum setback sixty (60) feet from any property line.

(Ord. 2193, 2010)

B. The keeping of fowl, rabbits, or similar mammals raised for domestic, noncommercial use shall be permitted on lot sizes smaller than twenty thousand (20,000) square feet provided:

1. The minimum lot size shall be no less than five thousand (5,000) square feet.
2. All animals kept outside shall be cooped or kept in hutches, pens, or appropriate enclosures that have a minimum setback of ten (10) feet from all property lines.
3. A total of no more than five (5) female fowl, weighing less than five (5) pounds shall be kept on a single lot between five thousand (5,000) and nineteen thousand, nine hundred, and ninety-nine (19,999) square feet. No fowl shall be kept on lots less than five thousand (5,000) square feet.
4. It shall be unlawful for any person to harbor a rooster on any lot in the City.

(Ord. 2193, 2010)

C. The keeping of a Potbelly Pig (*Sus scrofa bittatus*) in the City as a household pet:

1. The type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*) is not subject to the small livestock requirements. A Potbelly Pig may be kept as a household pet, provided that no swine is greater than twenty-two (22) inches in height at the shoulder or more than one hundred fifty (150) pounds in weight. Multi dwelling units are prohibited from housing Potbelly Pigs.

2. No more than one (1) Potbelly Pig may be kept as a household pet.
(Ord. 2193, 2010)

D. Beekeeping shall follow these additional requirements pursuant to the Land Use Code, SMC Title 14:

1. Beekeepers shall register with the State Department of Agriculture as provided by law.
2. Beehives shall not be kept for commercial purposes (i.e., for the purpose of selling honey).
3. No more than four hives, each with only one swarm, shall be kept upon a City lot.
4. Beehives will be located either twenty-five (25) feet or more away from any property line, or the hives will be elevated on a platform not less than eight (8) feet above grade, or a solid fence, six (6) feet in height, will be provided along any property line less than twenty-five (25) feet from the hive.
5. Colonies shall be re-queened following any swarming or aggressive behavior.
6. Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated immediately.

(Ord. 2193, 2010)

07.04.065 Number of Animals Allowed.

The following table establishes the number of animals that may be kept in conjunction with the provisions specified by Title 7 SMC:

Number of Animals Allowed (Maximum Number of Animals)

| Type of Animal | Size of Property (square feet) | | | |
|-----------------------------------|---|---|---|--|
| | < 5,000 | 5,000-19,999 | 20,000-39,999 | ≥ 40,000 |
| Beehive | 0 | 4 | 4 | 4 |
| Dog, Cat, or Potbelly Pig | 3 dogs, 4 cats, 1 potbelly pig with a combined maximum of 5 | 3 dogs, 4 cats, 1 potbelly pig with a combined maximum of 5 | 3 dogs, 4 cats, 1 potbelly pig with a combined maximum of 5 | 3 dogs, 4 cats, 1 potbelly pig with a combined maximum of 5 Private kennel: 8 plus 1 litter per year. Commercial kennel: 12 plus 2 litters per year. |
| Exotic animal | 1 | 1 | 1 | 1 |
| Female fowl under 5 pounds | 0 | 5 | 5 plus 1 additional fowl for each 5,000 sq. ft. over 20,000 sq. ft. | 5 plus 1 additional fowl for each 5,000 sq. ft. over 20,000 sq. ft. |
| Livestock | - | 0 | 0 | 4 plus 1 additional animal for each 10,000 sq. ft. over 40,000 sq. ft. |
| Rooster | 0 | 0 | 0 | 0 |
| Small Livestock | 0 | 0 | 4 plus 1 additional animal for each 5,000 sq. ft. over 20,000 sq. ft. | 8 plus 1 additional animal for each 5,000 sq. ft. over 40,000 sq. ft. |

¹ See SMC 7.04.050

(Ord. 2193, 2010)

**Maximum Number of Animals Per Dwelling Upon Property
Developed With More Than One Dwelling**

| Type of Animal | Type of Dwelling/Property | | |
|-----------------------------------|---|--|--|
| | Dwelling with < 120 sq. ft. adjacent, private yard area | Dwelling located at ground level with 120 – 1,999 sq. ft. of adjacent, private yard area | Dwelling located at ground level with ≥ 2,000 sq. ft. of adjacent, private yard area |
| Beehive | 0 | 0 | 0 |
| Dog or Cat | 2 dogs or 2 cats with a combined maximum of 2 | 2 dogs or 3 cats with a combined maximum of 3 | 2 dogs, 3 cats, with a combined maximum of 4 |
| Exotic animal | 1 | 1 | 1 |
| Female fowl under 5 pounds | 0 | 0 | 0 |
| Livestock | 0 | 0 | 0 |
| Rooster | 0 | 0 | 0 |
| Small Livestock | 0 | 0 | 0 |

¹ See SMC 7.04.050

(Ord. 2193, 2010)

7.04.070 Prohibited Conduct.

A. Offenses Relating to Safety and Sanitation. It is unlawful for any person to:

1. Allow the accumulation of animal feces in any open area, run, cage, or yard wherein animals are kept and to fail to remove or dispose of feces at least once every twenty-four hours in a sanitary manner;
2. Fail to remove the fecal matter deposited by his/her animal on public or private property of another before the owner and/or animal leaves the immediate area where the fecal matter was deposited;
3. Fail to have in his/her possession the equipment necessary to remove his/her animal's fecal matter when accompanied by said animal on public property or public easement;
4. Have possession or control of any animal sick or afflicted with any infectious or contagious disease and fail to provide treatment for such disease, or suffer or permit such diseased or infected animal to run at large, or come in contact with other animals, or drink at any public or common watering trough or stream accessible to other animals; or
5. Owners of duly licensed "service dogs" are exempted from subsections (A)(2) and (3) of this section.

B. Offenses Relating to Control. It shall be unlawful for any person to:

1. Permit any animal to be at large, except domestic cats. No animal except domestic cats shall be allowed to run at large during any hour of the day or night upon any

unenclosed lands, public or private, within the limits of the City, or upon any public street, avenue, alley, or other public place in the City.

2. Permit an animal to be unattended on public premises, property or right-of-way except in those areas specifically designated to permit animals. Animals must be confined to such restricted areas. Domestic cats are exempted. (Ord. 2193, 2010)
3. Fail to keep every female dog or cat in heat confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
4. Be in possession of property and knowingly permit frequent, continuous, or repetitive barking or noise made by any animal, which originates from the property, and which unreasonably disturbs or interferes with the peace, comfort, and repose of property owners or possessors, except that such sounds made in animal shelters, or veterinary hospitals licensed under and in compliance with this Chapter and Land Use Code Title 14, shall be exempt from this subsection.
5. Permit any animal to damage public property or the private property of another. (Ord. 1915, 1999, Ord. 1935, 1999)

C. Offenses Relating to Cruelty. It is unlawful for any person to:

1. Abandon an animal by intentionally, knowingly, recklessly, or with criminal negligence leave a domesticated animal at a location

without providing for the animal's continued care. It is no defense to abandonment to abandon an animal at or near an animal shelter, veterinary clinic, or other place of shelter if reasonable arrangements for the care of the animal were not made by the person abandoning the animal.

2. Fail to provide an animal with sufficient good wholesome food and a constant source of clear potable water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
3. Leave an animal unattended for more than twenty-four consecutive hours.
4. Beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans. Anyone who permits such conduct on premises under his control, and any person present as a spectator at such exhibition, shall also be deemed a violator of this subsection and subject to punishment thereof.
5. Give away any live animal as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such animals as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.
6. As the operator of a motor vehicle, which strikes a domestic animal, fail to stop at once and render such assistance as may be possible and fail to immediately report such injury

or death to the animal's owner. In the event that the owner cannot be ascertained and located, such operator shall at once report the accident to the Snohomish Police Department.

7. Lay out or expose any kind of poison for animals or leave exposed any poisoned food, drink, or any substance or fluid whatsoever, whereon or wherein there is or shall be deposited or mingled any kind of poison, or poisonous or deadly substance or fluid whatsoever, on the premises of another, or in any unenclosed place, or to aid or abet any person in so doing. This does not apply to homeowner or home occupant use of household products or chemicals, including lawn and garden chemicals and fertilizers, in accordance with the manufacturer's recommendations for the use of the product or chemical. This also does not apply to State-licensed pest control operators performing within the scope of employment.
8. Permit an animal exhibition or circus to perform in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.
9. Confine, without adequate ventilation, any animal in any box, container or vehicle.
10. Confine an animal within or on a motor vehicle at any location under such conditions as may endanger the health or well being of the animal, including but not limited to extreme temperatures, lack of food, water or

attention, or confinement with a dangerous animal. Any animal control or police officer is authorized to remove any animal from a motor vehicle, at any location, when he/she reasonably believes it is confined in such conditions as described above. Any animal so removed shall be delivered to the animal control shelter after the removing officer leaves written notice of such removal and delivery, including the officer's name, in a conspicuous location on or within the vehicle.

11. Tease, tantalize, or provoke any animal with the intent to cause fear or anger.
12. Tether or confine any animal in such a manner or such a place as to cause injury or pain or to endanger an animal; or to keep an animal in quarters that are injurious to the animal due to inadequate protection from heat or cold, or that are of insufficient size to permit the animal to move about freely.
13. Tether or confine an animal in such a manner that it can become entangled so that it cannot move freely, cannot reach shelter or water, or such that it can become entangled with another animal. The area where the animal is tethered or confined must be free of extraneous material that may cause it injury (such as, but not limited to, glass, sharp metal, nails, etc.). Tether must be a minimum length of three times the length of the animal as measured from the tip of its nose to the base of its tail.
14. Transport an animal in or on a vehicle in such a manner that it can exit the vehicle while the vehicle is in motion. The animal must be

contained or secured in a manner so as to prevent the possibility of an inadvertent exit by the animal from the vehicle. It is further unlawful for any person to transport any living animal on the running board; fenders; hood; unrestrained in a convertible, in an unenclosed bed of a pickup or flatbed truck, or other outside part of any vehicle, unless suitable harness, cage or enclosure is provided and so attached as to protect the animal from falling or being thrown therefrom.

15. To possess cockspurs, slashers, gaffs, or other tools, equipment, devices or training facilities for the purpose of training and/or engaging an animal in combat with another animal.
16. Set out any leg hold traps in the City unless approved by animal control. (Ord. 1915, 1999)

7.04.080 Penalties. Any person, firm, or corporation convicted of a violation of this Chapter except sections 7.04.070 C 1, 7.04.070 C2, 7.04.070 C4 or 7.04.070 C16, shall be guilty of a civil infraction and punished by a fine of not to exceed one hundred dollars. Any person, firm or corporation convicted of a violation of sections 7.04.070 C1, 7.04.070 C2, 7.04.070 C4 or 7.04.070 C16 of this Chapter shall be guilty of a misdemeanor and punished by a fine not to exceed \$500 and or imprisonment not to exceed 90 days. Each day of operation in violation hereof shall constitute a separate offense. (Ord. 1915, 1999)

7.04.090 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of

the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Snohomish hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional. (Ord. 1915, 1999)

7.04.100 Third Party Liability. It is expressly the purpose of this ordinance 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 ordinance. (Ord. 1915, 1999)

7.04.110 Statutes Incorporated by Reference. The provisions of the following state statutes are incorporated by reference in this chapter: RCW 16.52.207 Animal cruelty in the second degree. (Ord. 2229, 2011)