

**COBI ANIMAL CODE  
RECOMMENDED CHANGES**  
Submitted by Kitsap Humane Society  
June 4, 2018

City of Bainbridge Island officials asked Kitsap Humane Society’s Animal Control Division to submit recommendations for amending the City’s animal ordinances to be more consistent with surrounding jurisdictions (e.g. Kitsap County Code). Our recommendations are consistent with best practices in animal welfare and animal control. This page provides an executive summary of the proposed changes. Additional pages provide specific code language illustrations.

Category/Section	Rationale for Change	Summary of Specific Proposed Changes
1. Potentially Dangerous Animals	Restrictions on Potentially Dangerous Animals are intended to protect public safety. COBI’s enforcement options against owners of Potentially Dangerous Animals (PDA) who do not comply with restrictions previously placed on the animal(s) are more limited than elsewhere. Proposed changes are consistent with Kitsap County’s code and would provide a stronger deterrent for failure to comply with restrictions.	Proposes amending BIMC 6.04.053, Failure to control an animal declared potentially dangerous. Consistent with Kitsap County Code, give Animal Control the authority to impound an animal(s) where the owner has failed to comply with PDA restrictions.
2. Adding various infractions and enforcement options	COBI’s current code does not include infractions for various offenses that are illegal in other jurisdictions, specifically: <ul style="list-style-type: none"> <li>• Owning an excess number of dogs or cats</li> <li>• Operating or maintaining a “hobbyist” facility without a valid license, or operating such facility in a fashion contrary to code requirements</li> <li>• Failure to license a cat or dog</li> <li>• Animal bites (separate from a PDA)</li> <li>• Failure to notify the Animal Control Authority of change of ownership, custody or residence of an animal that has been declared Potentially Dangerous or Dangerous</li> <li>• Sale, barter or transfer of pets in public places, unless sanctioned</li> <li>• Failure to provide adequate care for pets or livestock</li> <li>• Confinement of an animal in a wheeled vehicle (where the pet’s life is at risk)</li> <li>• Pets chasing livestock</li> </ul>	Proposes additional infractions under Chapter 6.04 BIMC, for the items listed to the left, consistent with the Kitsap County Code.
3. Disposition of impounded animals not redeemed	Only 25% of stray animals brought to the Kitsap Humane Society shelter get redeemed (reclaimed) by their owner. Of those animals who are redeemed, most redemptions occur in the first two days after impoundment, reflecting the attachment most owners have with their pet. But for pets not reclaimed within a day or two, KHS takes on the humane and costly responsibility of trying to adopt out each pet. Several years ago, Kitsap County reduced the time that an adult animal could be redeemed from 96 hours to 72 hours, to allow those animals to find a new home sooner. At the same time, animals with a license are held for 7 days to allow KHS more time to locate the owner.	Reduces the redemption period from 96 hours to 72 hours, but increases the redemption period for animals that are licensed.
4. Pet licensing	Standardization (i.e. per Kitsap County and other local jurisdictions) would make pet licenses required for cats as well as dogs. Currently, a pet license for a cat is “optional” per the code. Very few lost cats are returned to their owners – licenses and microchips would help increase the success rate.	Remove “optional” from licensing of cats.

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**SECTION 1: POTENTIALLY DANGEROUS ANIMALS – RECOMMENDED CHANGE**

**THESE WOULD TAKE THE PLACE OF COBI CODE CHAPTER 6.04.053 – FAILURE TO CONTROL AN ANIMAL DECLARED POTENTIALLY DANGEROUS**

**THIS LANGUAGE IS FROM KITSAP COUNTY’S CODE – CHAPTER 7.12.020**

NOTE: BI’s approach to Potentially Dangerous Animals is somewhat different from Kitsap County, in that that the BI Code defines different levels of PDA, with different specified restrictions, e.g. physical restraints, liability insurance, secure enclosures (i.e. fencing, muzzling, etc. COBI may wish to review the entire Kitsap County code section on PDA’s and consider whether it wants to revamp the entire section to be consistent. If so, here is the link to the Kitsap County section on PDA: <http://www.codepublishing.com/WA/KitsapCounty/#!/Kitsap07/Kitsap0712.html#7.12>

**KHS immediate focus/recommendations:** KHS Animal Control’s more immediate concern is effective enforcement of PDA restrictions. Restrictions that accompany a PDA are intended to ensure public safety. We have seen many situations where public safety has been placed at risk because owners have failed to fully comply with restrictions. Our recommendations are intended to provide Animal Control with the additional option of a more direct and immediate consequence for failure to comply with PDA restrictions. We believe this will also serve as a deterrent to owners who avoid or skirt restrictions.

**Recommendation #1:** Add a section that allows for the Animal Control Authority to impound the animal(s). Kitsap County Code Chapter 7.12.010(n) states the following:

(n) Failure to Abide by Restraints. Failure on the part of the owner(s) of a potentially dangerous animal to abide by the restraints placed upon the owner(s) or their animal by the animal control authority, hearing examiner, or district court may result in impoundment of the potentially dangerous animal by the animal control authority, pursuant to Section [7.12.020\(c\)](#).

**Recommendation #2:** We recommend the code language contain a more clear statement that a misdemeanor may be charged directly through the BI Code for failure to comply with PDA restrictions. Kitsap County Code Chapter 7.12.020 states the following:

**7.12.020 Failure to control an animal declared potentially dangerous – Declaration of animal as dangerous.** 

(a) Misdemeanor. When an animal has been declared potentially dangerous pursuant to Section [7.12.010](#), the owner of the potentially dangerous animal shall be guilty of a misdemeanor if such animal is thereafter found:

- (1) At large;
- (2) To have, when unprovoked, inflicted a bite(s) upon a human, pet, or livestock either on public or private property;

(3) To have chased or approached a person upon the streets, side-walks, or any other public grounds in such a manner as to significantly threaten the safety of humans, pets, or livestock; or

(4) To have caused injury to or otherwise threatened the safety of humans, pets, or livestock. This section shall not preclude immediate criminal prosecution under RCW [16.08.100](#) in a first bite situation causing severe injury or death of any human.

**Recommendation #3:** We recommend under Section 2 below that COBI adds an infraction for Animal Bites. The relevance to the PDA issue is that the BI Code defines an animal as a Level 3 PDA if it has bitten a human or domestic animal. A more typical practice in Animal Control enforcement is that if an animal has no prior history of biting, and it is a first offense, and the bite is mild versus a severe attack, officers will have discretion to enforce the violation at a level that is below the severity of a Potentially Dangerous Animal declaration. Kitsap County Code has the following ordinance under Section 7.14.030(12):

#### **7.14.030 Infractions.**

The following are declared to be Class 1 civil infractions

(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;

**Recommendation #4:** We believe there are situations where it is warranted to remove a PDA label from an animal. Oftentimes, the PDA is as much, if not more, the result of poor owner management. We found language in a code in Clallam County that speaks to this. We intend to propose such amendments to the County, the City of Bremerton and other local jurisdictions:

#### **17.03.130 Inactive potentially dangerous dog.**

If, after 24 months, no violations of this title or the Clallam County Code have occurred, the owner of a potentially dangerous dog may request review of the designation. The request shall be made in writing and submitted to the County Animal Control Authority.

Review and notification to the owner of the outcome will be made within 30 days of the written request.

Reclassification of a potentially dangerous dog means that it will no longer have to be restrained as required in CCC [17.03.060](#) nor will it have to be licensed per CCC [17.03.040](#). The requirements of CCC [17.03.080](#) still apply.

Any dog on the inactive potentially dangerous list that violates the reasons to declare a dog potentially dangerous will be immediately reclassified to potentially dangerous and may be reclassified to dangerous per CCC [17.03.020](#)(3).

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#### **SECTION 2: Adding various infractions and enforcement options**

**THESE WOULD ADD INFRACTIONS UNDER COBI CHAPTER 6,04.**

**THIS LANGUAGE IS FROM KITSAP COUNTY'S CODE – CHAPTER 7.14.030**

We would be glad to provide more discussion on WHY it is beneficial for the community to have these infractions be listed as unlawful activity.

#### **7.14.030 Infractions.**

The following are declared to be Class 1 civil infractions:

- (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 (i.e. hobby kennel under COBI) 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 (i.e. hobby kennel under COBI) 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;
- (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;

(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;

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**SECTION 3: DISPOSITION OF IMPOUNDED ANIMALS NOT REDEEMED – RECOMMENDED CHANGE**  
**THESE WOULD TAKE THE PLACE OF COBI CODE CHAPTERS 6.12.050, 060, 070)**  
**THIS LANGUAGE IS FROM KITSAP COUNTY'S CODE – CHAPTER 7.10.010(f)**

RATIONALE: The best practice in animal welfare is to find a permanent, loving home for all lost pets, with the exception of pets too sick or injured to be saved, or animals too dangerous to adopt out. Our initial goal is to find the existing owner of a lost pet. Unfortunately, less than 25% of stray animals that come to KHS get reclaimed by their owners. And among the animals that do get reclaimed (redeemed) by their owners, most come to find their pet within a day or two after that pet has arrived at KHS. If an owner does not show up in 2-3 days, and we do not have contact information regarding the owner, it is a more humane practice to attempt to adopt that animal out as soon as possible, rather than have the pet languish in the shelter waiting for an owner that is not showing up. Several years ago, we worked with Kitsap County and other jurisdictions to agree to reduce the time that an adult animal could be redeemed from 96 hours to 72 hours, to allow those animals to find a new home sooner. At the same time, we allow for animals with a current pet license to be held up to 7 days – so that we can attempt to find the owner via the identifying information from the license. As a result, this law provides a greater incentive for pet owners to license their pet – it is an added “insurance policy.” The following is the current language from the Kitsap County Code

(f) Disposition of Impounded Animals Not Redeemed.

(1) When a pet is not redeemed within the following time periods, the animal control authority may give or adopt the animal to an animal welfare organization or qualified person, or euthanize the animal.

(A) Seventy-two hours for unlicensed adult cats and dogs.

(B) Seven days for licensed adult cats and dogs.

(C) Forty-eight hours for juvenile cats or dogs.

(D) Twenty-four hours for litters of juvenile cats or dogs under seven weeks of age.

(2) Impounded horses, mules, donkeys, or cattle shall be addressed as set forth by Chapter [16.24](#) RCW. When all other livestock is not redeemed, no sooner than seventy-two hours following impoundment, the animal control authority may give or adopt the animal to an animal welfare organization or qualified person, or may commence to auction the animal to the highest bidder that can provide the animal with a suitable environment, or euthanize the animal. Notice of the auction and a description of the livestock to be auctioned shall be published at least seven calendar days prior to the sale in the official county newspaper. Such notice shall also be mailed to the owner of the livestock, if known.

(3) When a feral cat is not redeemed, no sooner than twenty-four hours following impoundment, the animal control authority may give or adopt the animal to an animal welfare organization or qualified person, or euthanize the animal.

By adding the new stray hold for “feral cat”, BI would need to add a definition of feral cat to your definitions section. This is what Unincorporated KC has under their definitions:

(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.

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**SECTION 4 : DISPOSITION OF IMPOUNDED ANIMALS NOT REDEEMED – RECOMMENDED CHANGE**  
**THESE WOULD AMEND COBI CHAPTER 6.08 – LICENSING OF DOGS AND CATS – TO BE CONSISTENT WITH ALL OTHER JURISDICTIONS IN KITSAP COUNTY**

COBI makes it optional (Chapter 6.08.010) for owners of cats to have a pet license for their cat. BI is the only local jurisdiction to make that distinction.