



INFORMATIONAL MEMORANDUM

TO: Community Services and Safety Committee

FROM: Chief Eric Drever

BY: Commander Dale Rock

CC: Mayor Ekberg

DATE: February 6, 2023

SUBJECT: Changes to TMC Title 7

ISSUE

The Police Department is seeking committee approval to repeal ordinance numbers 2466 and 2651, as codified in Tukwila Municipal Code (TMC) Title 7, “Animals,” and reenact TMC Title 7 to adopt by reference King County Code Title 11 and retain two existing sections of Title 7.

BACKGROUND

The City of Tukwila contracts with King County Regional Animal Control for animal control services. TMC Title 7 has sections that are not consistent with King County Code Chapter 11. These inconsistencies make it difficult for Animal Control Officers to provide equitable and consistent services in the areas that they serve. Our objective is to ensure the TMC provides clear guidance to ensure that King County Regional Animal Control has the tools they need to appropriately regulate animals within the City.

DISCUSSION

King County Regional Animal Control provides animal control services for the city of Tukwila. Inconsistent laws between the City’s code and the County’s code (KCC Title 11) make it difficult for King County Animal Control to enforce violations in the city. By incorporating by reference the entirety of King County Title 11, Animal Control Officers will be able to provide consistent services throughout the city and King County.

Besides promoting consistency in the laws, TMC Title 7 has chapters that are obsolete, such as regulations specific to exotic animals and guard dogs, that should be repealed. Additionally, TMC Title 7 has a chapter on dangerous dogs and another on vicious animals which creates confusion and redundancy and makes it challenging for King County Animal Control to determine which chapter is applicable.

In a recently appealed decision of the King County Animal Control, the hearing examiner found for the appellant/dog owner because of inconsistencies between the TMC and KCC. The owner had been cited by King County Animal Control for letting his dog run at large, which under the KCC Title 11 is a violation. However, under TMC Title 7, which applied in this case as the dog was in Tukwila, the code only identifies “at large” violations to be in public parks, beaches, playgrounds, school, and food establishments. Since the dog had been cited for running “at large” generally, the hearing examiner overturned the citation. Clarifying these types of code inconsistencies by repealing the TMC and relying on the KCC ensures that the Animal Control Officers can easily and clearly enforce the code, which better ensures the safety of the public.

The two chapters that TPD proposes to retain are two sections that King County Animal Control does not regulate (existing TMC chapter 7.08 – Livestock, Small Animals and Fowl, and existing TMC chapter 7.30 – Animal Feces). TPD proposes to retain these chapters and renumber them to ensure city code enforcement officers, can enforce those provisions as needed.

FINANCIAL IMPACT

There is no financial impact by making changes to the Tukwila Municipal Code.

RECOMMENDATION

Request that the Committee approve the repeal of ordinance numbers 2466 and 2651, as codified in Tukwila Municipal Code (TMC) Title 7, “Animals,” and reenact TMC Title 7 as proposed, and forward to the 2/27/23 Committee of the Whole meeting and the 3/6/23 Regular meeting.

ATTACHMENTS

Ordinance with strike-through
Ordinance change request from King County

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, REPEALING ORDINANCE NOS. 2466 AND 2651, AS CODIFIED IN TUKWILA MUNICIPAL CODE (TMC) TITLE 7, "ANIMALS"; REENACTING TMC TITLE 7 TO ADOPT BY REFERENCE KING COUNTY CODE TITLE 11; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2015 the Tukwila City Council approved Ordinance No. 2466, which established City regulations for animals including for exotic animals, guard dogs, and dangerous dogs, as codified in Title 7, "Animals," of the Tukwila Municipal Code; and

WHEREAS, in 2021 the Tukwila City Council approved Ordinance No. 2651, which established additional enforcement procedures related to animal control; and

WHEREAS, the City contracts with Regional Animal Services of King County to provide animal control services; and

WHEREAS, the King County Council has separate regulations regarding animal care and control as codified in King County Code (KCC) Title 11; and

WHEREAS, Regional Animal Services of King County has requested that the City adopt the regulations codified in KCC Title 11 so as to provide for broader authority regarding animal control services; and

WHEREAS, the proposed revisions to Tukwila Municipal Code Title 7, "Animals," are necessary to align the TMC with current animal care and control regulations, as enforced by Regional Animal Services of King County, and is in the best interest of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Repealer. Ordinance Nos. 2466 and 2651, as codified in Tukwila Municipal Code (TMC) Title 7, "Animals," are hereby repealed in their entirety, thereby eliminating the following chapters of the Tukwila Municipal Code:

- Chapter 7.08 – Livestock, Small Animals and Fowl
- Chapter 7.10 – Exotic Animals
- Chapter 7.12 – Animal Care and Control Regulations
- Chapter 7.16 – Dangerous Dogs
- Chapter 7.18 – Guard Dogs
- Chapter 7.20 – Dogs at Large and Leashes
- Chapter 7.30 – Animal Feces

Section 2. TMC Title 7 Reenacted. TMC Title 7 is hereby reenacted to read as follows:

**TITLE 7
ANIMAL CARE AND CONTROL**

Chapters:

- 7.01 General Provisions
- ~~7.08~~7.05 Livestock, Small Animals and Fowl
- ~~7.10~~ ~~Exotic Animals~~
- ~~7.12~~ ~~Animal Care and Control Regulations~~
- ~~7.16~~ ~~Dangerous Dogs~~
- ~~7.18~~ ~~Guard Dogs~~
- ~~7.20~~ ~~Dogs at Large and Leashes~~
- ~~7.30~~7.10 Animal Feces

Section 3. TMC Chapter 7.01 Established. TMC Chapter 7.01 is hereby established to read as follows:

CHAPTER 7.01
GENERAL PROVISIONS

Sections:

- 7.01.010 Regulations

Section 4. TMC Section 7.01.010 Established. TMC Section 7.01.010 is hereby established to read as follows:

7.01.010 Regulations

All statutes of King County Code Title 11, as now in effect or as may be subsequently amended or recodified, are hereby adopted by reference.

Section 5. TMC Chapter 7.05 Established. TMC Chapter 7.08 is hereby reenacted and recodified as TMC Chapter 7.05, which shall read as follows:

**CHAPTER ~~7.08~~7.05
LIVESTOCK, SMALL ANIMALS AND FOWL**

Sections:

- ~~7.08.010~~7.05.010 Chapter compliance required

7.08.020 7.05.020	Livestock defined
7.08.030 7.05.030	Small animals and fowl defined
7.08.040 7.05.040	Animals kept as pets
7.08.050 7.05.050	Roosters prohibited
7.08.060 7.05.060	Enclosure construction
7.08.070 7.05.070	Maintaining swine within City limits
7.08.080 7.05.080	Minimum area for keeping animals
7.08.090 7.05.090	Number of animals per property area size
7.08.100 7.05.100	Distance from any dwelling
7.08.110 7.05.110	One building per parcel for housing
7.08.120 7.05.120	Nuisance prohibited
7.08.130 7.05.130	Manure removal
7.08.140 7.05.140	Enforcement
7.08.150 7.05.150	Exemptions

Section 6. TMC Section 7.05.010 Established. TMC Section 7.08.010 is hereby reenacted and recodified as TMC Section 7.05.010, which shall read as follows:

~~7.08.010~~[7.05.010](#) **Chapter compliance required**

It is unlawful for any person, persons, firm or corporation to keep or maintain livestock, small animals or fowl within the City limits, except as provided in this chapter and TMC Title 18. If there is a conflict between a provision of this chapter and a provision in TMC Title 18, the provision in TMC Title 18 shall control.

Section 7. TMC Section 7.05.020 Established. TMC Section 7.08.020 is hereby reenacted and recodified as TMC Section 7.05.020, which shall read as follows:

~~7.08.020~~[7.05.020](#) **Livestock defined**

“*Livestock*,” where used in this chapter, means and includes horses, mules, ponies, cattle, sheep, goats, llama, oxen and swine. “*Large livestock*,” where used in this chapter, means and includes cattle, goats, llama, oxen and swine. “*Small livestock*,” where used in this chapter, means and includes sheep and goats smaller than 24 inches at the shoulder and/or not more than 150 pounds in weight.

Section 8. TMC Section 7.05.030 Established. TMC Section 7.08.030 is hereby reenacted and recodified as TMC Section 7.05.030, which shall read as follows:

~~7.08.030~~[7.05.030](#) **Small animals and fowl defined**

“*Small animals and fowl*,” where used in this chapter means and includes rabbits, chinchillas, chickens, geese, ducks, turkeys, peafowl and pigeons.

Section 9. TMC Section 7.05.040 Established. TMC Section 7.08.040 is hereby reenacted and recodified as TMC Section 7.05.040, which shall read as follows:

~~7.08.040~~[7.05.040](#) **Animals kept as pets**

Dogs, cats, guinea pigs, hamsters, ferrets, fish, parrots, parakeets and similar animals kept as household pets within a dwelling unit will not be subject to the limitations of this chapter. Dogs and cats are regulated by TMC Section ~~7.12~~ [7.01.010](#).

Section 10. TMC Section 7.05.050 Established. TMC Section 7.08.050 is hereby reenacted and recodified as TMC Section 7.05.050, which shall read as follows:

~~7.08.050~~[7.05.050](#) **Roosters prohibited**

The keeping of roosters within the City limits is prohibited.

Section 11. TMC Section 7.05.060 Established. TMC Section 7.08.060 is hereby reenacted and recodified as TMC Section 7.05.060, which shall read as follows:

~~7.08.060~~[7.05.060](#) **Enclosure construction**

All livestock, small animals and fowl shall be kept within an enclosure adequately built and maintained to prevent the livestock, small animals and fowl from breaking through, out, over or under the same. All pens, coops, hutches and housing of any kind used for the housing of livestock, small animals and fowl must be built to include siding or shakes or their equivalent, and must be painted or stained to appear presentable.

Section 12. TMC Section 7.05.070 Established. TMC Section 7.08.070 is hereby reenacted and recodified as TMC Section 7.05.070, which shall read as follows:

~~7.08.070~~[7.05.070](#) **Maintaining swine within City limits**

Swine may be kept or maintained within the City limits provided they are kept within an enclosure as herein described, the outside limits of which shall be not less than 200 feet from the nearest residence.

Section 13. TMC Section 7.05.080 Established. TMC Section 7.08.080 is hereby reenacted and recodified as TMC Section 7.05.080, which shall read as follows:

~~7.08.080~~[7.05.080](#) **Minimum area for keeping animals**

With the exception of chickens, no horses, mules, ponies, small livestock, small animals or fowl shall be kept on any property within the City limits where the parcel does not contain a minimum of 10,000 square feet of area, or other minimum area as set forth in this chapter. Chickens may be kept as an accessory to any legal use regardless of the area of the parcel. No large livestock shall be kept on any property within the City limits where the parcel does not contain a minimum of 43,560 square feet (one acre) of area. At least 20,000 square feet of pasture area is required for keeping a horse, mule or pony in the City.

Section 14. TMC Section 7.05.090 Established. TMC Section 7.08.090 is hereby reenacted and recodified as TMC Section 7.05.090, which shall read as follows:

~~7.08.090~~[7.05.090](#) **Number of animals per property area size**

A. Small animals and fowl shall be permitted in numbers as follows:

1. Twelve rabbits, twelve chinchillas, twelve pigeons or any combination of rabbits, chinchillas or pigeons, not to exceed a total of twelve collectively, for 10,000 square feet of property.

2. The number of rabbits, chinchillas or pigeons may be increased by 1/10th for each additional 1,000 square feet of property.

3. Six geese, six ducks, six peafowls, six turkeys or any combination of geese, ducks or turkeys, not to exceed a total of six collectively for 10,000 square feet of property.

4. The number of geese, ducks, peafowls or turkeys may be increased 1/10th for each additional 1,000 square feet of property.

5. One chicken per every 1,000 square feet of property.

6. At no time shall the total number of small animals or fowl exceed a total of twelve for each 10,000 square feet of property.

B. Livestock shall be permitted in numbers as follows:

1. Not more than one horse, mule or pony for each 20,000 square feet of stable and pasture area, but not more than a total of two of the above-mentioned animals shall be allowed on the same lot.

2. Two large livestock for each 43,560 square feet (one acre) of property. Additional large livestock requires an additional 43,560 square feet (one acre) of property.

3. Not more than 3 small livestock for each 10,000 square feet of property, but not more than a total of 6 of the above-mentioned animals shall be allowed on the same lot.

Section 15. TMC Section 7.05.100 Established. TMC Section 7.08.100 is hereby reenacted and recodified as TMC Section 7.05.100, which shall read as follows:

~~7.08.100~~7.05.100 **Distance from any dwelling**

Enclosures for the housing of small animals and fowl shall be built and located not less than 10 feet from any dwelling and property line. The roaming area for the small animals and fowl shall be fenced and located not less than 10 feet from any dwelling.

Section 16. TMC Section 7.05.110 Established. TMC Section 7.08.110 is hereby reenacted and recodified as TMC Section 7.05.110, which shall read as follows:

~~7.08.110~~7.05.110 **One building per parcel for housing**

Not more than one building for the housing of livestock, small animals or fowl shall be allowed on any one parcel.

Section 17. TMC Section 7.05.120 Established. TMC Section 7.08.120 is hereby reenacted and recodified as TMC Section 7.05.120, which shall read as follows:

~~7.08.120~~7.05.120 **Nuisance prohibited**

No livestock, small animals or fowl shall be kept in such a manner that a condition resulting from same shall constitute a nuisance.

Section 18. TMC Section 7.05.130 Established. TMC Section 7.08.130 is hereby reenacted and recodified as TMC Section 7.05.130, which shall read as follows:

~~7.08.130~~7.05.130 **Manure removal**

A. All enclosures, confinement areas, and/or open run areas shall be kept clean. Provision shall be made for the removal of animal waste and food waste so that the areas are kept free from infestation of insects, rodents or disease, as well as to prevent obnoxious or foul odors. Animal waste shall be properly disposed of and any accumulated animal waste must not be stored within the parcel setback area. Any storage of animal waste must not constitute a nuisance.

B. Manure shall not be allowed to collect in any place where it can prejudicially affect any source of drinking water.

C. Manure, when used as a fertilizer, must be plowed or spaded under within 24 hours after application.

Section 19. TMC Section 7.05.140 Established. TMC Section 7.08.140 is hereby reenacted and recodified as TMC Section 7.05.140, which shall read as follows:

~~7.08.140~~7.05.140 **Enforcement**

Code Enforcement Officers for the City or any law enforcement officer shall be authorized to enforce this chapter, unless otherwise provided.

Section 20. TMC Section 7.05.150 Established. TMC Section 7.08.150 is hereby reenacted and recodified as TMC Section 7.05.150, which shall read as follows:

~~7.08.150~~7.05.150 **Exemptions**

A Residents may keep all animals legally owned and kept prior to the effective date of this ordinance, provided they do not constitute a nuisance.

B. Any person, persons, firm or corporation who discontinues the keeping or reduces the number of livestock, small animals or fowl for a period of more than 90 days, or who sells or transfers his property, shall then become subject to all the provisions of this chapter.

Section 21. TMC Chapter 7.10 Reenacted. TMC Chapter 7.30 is hereby reenacted and recodified as TMC Chapter 7.10, which shall read as follows:

**CHAPTER ~~7.30~~7.10
ANIMAL FECES**

Sections:

~~7.30.010~~7.10.010 Definitions

~~7.30.020~~7.10.020 Animal Feces – Unlawful Accumulation and Requirement for Removal

~~7.30.030~~7.10.030 Penalties Enforcement

Section 22. TMC Section 7.10.010 Reenacted. TMC Section 7.30.010 is hereby reenacted and recodified as TMC Section 7.10.010, which shall read as follows:

~~7.30.010~~7.10.010 **Definitions**

A. “City” shall mean the City of Tukwila.

B. “Owner” means any person, firm, corporation, organization or department having an interest in or right of possession to an animal, or having control, custody or possession of an animal, including temporary possession or possession by reason of the animal being seen residing consistently at a location.

C. “Person” means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

Section 23. TMC Section 7.10.020 Reenacted. TMC Section 7.30.020 is hereby reenacted and recodified as TMC Section 7.10.020, which shall read as follows:

~~7.30.020~~7.10.020 **Animal Feces – Unlawful Accumulation and Requirement for Removal**

A. It shall be a violation of this chapter for any owner to cause, permit or allow the accumulation of animal feces in any open area, run cage or yard wherein those animals are kept, or to fail to remove or dispose of feces at least once every seven days. The accumulation of animal feces in any quantity that constitutes a hazard to the health, safety or convenience of any persons, or that interferes with the use of or enjoyment of any neighboring property as a result of odors, visual blight, or attraction of insects or pests, constitutes a nuisance.

B. It shall be a violation of this chapter for any person to fail to remove and properly dispose of the fecal matter deposited by a dog or other animal in his or her possession on public property such as park property, school grounds, public rights-of-way, or public easements or on private property that does not belong to the animal’s owner or the person currently in possession of the animal.

C. Any law enforcement officer shall have the authority to issue civil infractions under this provision.

Section 24. TMC Section 7.10.030 Reenacted. TMC Section 7.30.030 is hereby reenacted and recodified as TMC Section 7.10.020, which shall read as follows:

~~7.30.030~~7.10.030 **Penalties Enforcement**

~~—A. Violation, civil penalty. In addition to any other penalty provided in this title or by law, any person whose dog is maintained in violation of this title shall incur a civil penalty plus billable costs of the animal control authority. The penalty shall be \$50 for~~

~~the first notice of violation, \$75 for the second violation in any one-year period, and \$200 for each successive violation.~~

~~— B. Civil penalty, collection. The civil penalty described in TMC Section 7.30.030(A) is the personal obligation of the dog owner. The animal control authority, on behalf of King County, and the City Attorney, on behalf of the City, may collect the civil penalty by use of all appropriate legal remedies.~~

~~— C. Cost of enforcement, collection. In addition to the costs and disbursements provided for by statute, the prevailing party in a collective action under this chapter may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The City Attorney is authorized to seek such costs, interest, and reasonable attorney's fees on behalf of the City or County when the City is the prevailing party.~~

Code Enforcement Officers for the City or any law enforcement officer shall be authorized to enforce this chapter pursuant to the provisions in TMC Chapter 8.45.

Section 25. Corrections by City Clerk or Code Reviser Authorized. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 25. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 26. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2023.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____

Office of the City Attorney



King County

Regional Animal Services of King County (RASKC)

21615 64th Ave. South | Kent, WA 98032

206-296-7387 | pets@kingcounty.gov

www.kingcounty.gov/pets

TTY Relay: 711

To : Commander Rock, Tukwila PD
From : Tim Anderson, Lead Animal Control Sergeant, Regional Animal Services of King County
Date : January 25, 2023
RE : Tukwila Municipal Code 7

Regional Animal Services of King County (RASKC) respectfully requests the City to adopt King County title 11 by reference. RASKC has identified definition challenges between TMC and KCC which have an impact on enforcement cases, additionally adopting title 11 by reference will simplify enforcement for RASKC animal control officers and help community members with one consistent code.

I would recommend the City keep 7.08 which applies to number of animals, lot size, prohibition of roosters and fowl (often this type of language is under zoning in other cities as well as KC) my interpretation is enforcement of this section is done by Tukwila code enforcement or police officers.

TMC 7.10 applies to exotic animals. Proposed KCC would align with state law and provide progressive enforcement starting with civil penalties appealable through KC Hearing Examiner escalating to a misdemeanor. Proposed code addresses impounding exotic animals.

Regulations for pet shops, groomers and kennels are referenced in proposed code but these types of businesses are licensed and inspected by Seattle/King County Public Health under the health code. I've met with public health to address any code cross over or concerns in this portion of the code as well as rabies/quarantine for biting animals. I do not see a need for the City to maintain language in this portion of the code related to these type of businesses.

RASKC keeps hobby kennels and catteries with minor changes, I'd recommend adopting proposed KCC.

Potentially dangerous and dangerous dogs were not previously part of KCC instead these animals were identified as vicious. Adding potentially dangerous and dangerous dog to KCC is the largest and most significant change. The proposed changes align with state law as well as surrounding jurisdictions. The appeal process would fall to King County Hearing Examiner instead of the Tukwila Hearing Examiner as it is currently written under TMC 7.16. The proposed KCC goes more in depth than TMC as currently written with additional definitions, addressing provocation as a defense, increased insurance amounts for the keeping of a dangerous dog as well as annual registration for potentially dangerous and dangerous dogs.

KCC and TMC currently have language in regard to guard dogs. We currently have no guard dog permits nor have we had any in the twelve years I've been at RASKC, we've struck what seems to be antiquated language.

I've added a poop scoop code to the proposed KCC but it applies only to a dog owner who fails to remove feces from a public place. TMC 7.30 includes removing from a public place but also extends to animal waste accumulation on an owner's property. The city may want to keep this in place but if you'd like RASKC to enforce I believe an addition to 7.30.020 C to include animal control officers would be necessary. It currently reads "C. Any law enforcement officer shall have the authority to issue civil infractions under this provision.", I'd suggest "C. Any law enforcement officer or animal control officer shall have the authority to issue civil infractions or civil penalties under this provision."

Please let me know if you have any questions or concerns regarding this request.