City of Seattle
Department of Finance and Administrative Services

Fred Podesta, Director, Finance and Administrative Services

Michael Patrick McGinn, Mayor

Applicant:	Page:	Supersedes:
City of Seattle Department of Finance and Administrative Services Seattle Animal Shelter	1 of 5	N/A
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Director's Rule: R-9.25.030A Live Animal Trapping Permit	Code and Section Reference: SMC 9.25.030A(14); 9.25.060F	
	Type of Rule: Legislative	
	Ordinance Authority: SMC 3.02.060; 9.25.030A(14) and 9.26.050F	
Approved: Fred Podesta, Director	August 30, 2013 Date	

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Rule R-9.25.030.A
Live Animal Trapping Permit

I. Ordinance Authority for this Administrative Rule

Pursuant to Seattle Municipal Code Section 9.25.030A(13), the Director of Finance and Administrative Services is authorized to:

A. Appoint persons experienced in the humane trapping of animals to set and bait a trap or use other devices that do not physically harm an animal trapped, when, in the judgment of the Director, such action will protect the public peace, health, safety and welfare; or is in the best interest of an animal.

B. Issue live animal trapping permits as authorized by the Director by rule.

II. Delegation of Responsibilities

The Director of Finance and Administrative Services hereby delegates to the Division Director (hereinafter "Director") of the Seattle Animal Shelter and its Humane Law Enforcement Officers (hereinafter "Officers") the authority to:

A. Set and bait traps or use other devices to capture animals as determined necessary by the Director;

B. Train individuals to set and bait traps; and

C. Issue live animal trapping permits to citizens when the Officers determine the trapping is appropriate and can be accomplished humanely.

III. Repeal of Prior Administrative Rule(s)

It is herby acknowledged that no prior administrative rule(s) regarding Animal Trapping exists.

IV. Intent

It is the policy of the Seattle Animal Shelter Division of the Department of Finance and Adminstrative Services to provide Seattle citizens with live humane animal traps and guidelines for their use to capture dogs, cats, potbelly pigs, miniature goats and other animals which threaten public peace, health, safety and welfare; or otherwise damage private property, create a sanitation problem, are injured or ill; or are otherwise in violation of the Seattle Municipal Code or the King County Board of Health Regulations.

V. Applicability

It is unlawful for any person to set or bait any trap, except for rats or mice, unless the person has obtained a permit pursuant to the provisions of this Administrative Rule (SMC Section 9.25.081C) or unless otherwise permitted by law.

A violation of SMC Section 9.25.081C constitutes a gross misdemeanor subject to the provisions of Section 12A.02.010 and 12A.02.020 of the Seattle Municipal Code and any person convicted thereof may be punished by a fine of not more than Five Thousand Dollars ($5,000) or by imprisonment for no more than three hundred sixty-four (364) days, or by both such fine and imprisonment.

The Washington State Department of Fish and Wildlife (WDFW) has jurisdiction over wildlife within the Seattle city limits. As Ex Officio wildlife agents for WDFW, the Director of the Seattle Animal Shelter or his/her designees, in cooperation with WDFW, may set and bait traps for wildlife when the Director deems that such action is necessary to protect the peace, health or safety of the public or is in the best interest of the animal.

VI. Responsibilities of the City and of the Requesting Party

A. Responsibility of the City

1. Authorized Officers shall investigate and determine whether to issue a requested live humane trap permit. The basis for the determination shall include the following:
   a. The animal to be trapped is causing or has caused property damage;
   b. The animal to be trapped is causing or has caused a sanitation problem;
   c. The animal to be trapped is injured or ill;
   d. The presence or conduct of the animal to be trapped is in violation of the Seattle Municipal Code and/or the King County Board of Health Regulations; or
   e. The trapping of the animal is in the best interest of the animal as so determined by the Director.

2. The authorized Officer shall record all findings in an investigative report.

3. If the identity of the owner of the dog, cat, potbelly pig, miniature goat or other animal is known, the Officer shall make reasonable attempts to contact the owner, to educate and/or take necessary enforcement to abate the violation prior to issuance of the live humane trap permit. The Officer's efforts shall be documented in the investigative report.

4. Prior to approving a live humane trapping permit, the Officer shall review each requirement of the permit with the requesting party.

5. The City of Seattle shall issue animal trap permits for a period not to exceed thirty (30) days, unless the Director expressly approves a longer permit period.

B. Responsibility of the Requesting Party.

Any person requesting a humane live animal trapping permit pursuant to SMC Section 9.25.030A(13) shall have the following responsibilities:

1. The requesting party shall complete and sign an application for issuance of a humane live animal trapping permit, on the form provided by the Director. Such form shall include a statement releasing the City of Seattle from any liability associated with the issuance of the humane live animal trapping permit and the trapping of an animal.
2. Any person issued a humane live animal trapping permit shall regularly monitor the trap at least once every 8 hours, and notify the Seattle Animal Shelter immediately whenever an animal is captured in the trap.
3. Any person issued a humane live animal trapping permit will take all appropriate action to protect the safety and welfare of any trapped animal up to the time the animal is collected by personnel from the Seattle Animal Shelter, including but not limited to keeping the trap with the captured animal in an area protected from the elements.
4. Any person issued a humane live animal trapping permit agrees to appear as a witness in court, if summoned.
5. Any person who takes possession of a City-owned humane live animal trap as a condition of a humane live animal trapping permit shall return the trap to the City of Seattle in the same condition as it was issued, and will be responsible for payment to the City of the replacement cost of damaged or stolen traps.
6. Any person using a humane live animal permit pursuant to SMC Chapter 9.25.030A(13) and these Administrative Rules shall, at all times, comply with all applicable animal cruelty laws.
7. Any person trapping nuisance wildlife in accordance with the regulations set forth in the RCW, WAC or rules and regulations set forth by the Washington State Department of Fish and Wildlife shall monitor and empty the trap at least once every 24 hours.

VII. Permit Fee & Exemptions

A. The fee for a humane live animal trapping permit shall be assessed in accordance with SMC 9.25.060F and shall be due upon issuance of the permit.
B. Persons who are participating in the trapping of free-roaming cats who do not have an owner pursuant to SMC 9.25.022B for the purpose of "trap-neuter-release" or "trap-spay-release" shall be exempt from the live animal trapping permit fee.

C. Persons who are trapping wildlife in accordance with the regulations set forth in the RCW, WAC or rules and regulations set for by the Washington State Department of Fish and Wildlife shall be exempt from the humane live animal trapping permit fee.
D. At the discretion of the Director, persons requesting a humane live animal trap for an animal that has bitten, is in need of immediate medical care or is otherwise creating an immediate threat to public safety shall be exempt from the humane live animal trapping permit fee.
E. At the discretion of the Director, persons requesting a trap for the purpose of trapping their own animal which has become injured or lost shall be exempt from the humane live animal trapping permit fee.
F. The Director shall have the authority to exempt other persons from the live animal trapping permit fee as so determined by the Director.

[Effective September 1, 2013]

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NOTICE OF PROPOSED RULE MAKING HEARING

AND OPPORTUNITY TO COMMENT

The City of Seattle's Director of the Department of Finance and Administrative Services, acting under the authority of Seattle Municipal Code Chapters 3.02; and 9.25.030A(14) proposes to adopt a rule to implement a humane live animal trapping permit and related fee pursuant to SMC 9.26.050F.

The draft rule is available for review at the City of Seattle's Animal Shelter, 2061 15th Ave. W., Seattle, WA 98119, from 8:00 a.m. – 5:00 p.m. Monday through Friday. To request a copy please call 206-386-4286 or submit a request to Seattle Animal Shelter Director Don Jordan at the address or email listed below.

PUBLIC HEARING AND COMMENT: The Department of Finance and Administrative Services has scheduled a public hearing on the proposed rules for 10:00 a.m. – Noon on Tuesday, August 27, 2013. The hearing will be held in the conference room at the Seattle Animal Shelter, located at 2061 15th Ave. W., Seattle, WA 98119.

All interested persons are invited to attend and present data, views, or arguments regarding the proposed rule, either orally at the hearing or prior to the hearing in writing. Written comments must be received no later than at 5:00 p.m. on August 26, 2013. Written comments may be emailed, mailed, or delivered to:

Department of Finance and Administrative Services
Seattle Animal Shelter
Attn: Don Jordan, Director
2061 15th Avenue West
Seattle, WA 98119
don.jordan@seattle.gov

Oral comments presented at the hearing will be limited to 3 (three) minutes per person. Groups are encouraged to appoint a spokesperson to present their comments.

Interpretation services are available upon request. Please contact Don Jordan at 206-386-4286 or email at don.jordan@seattle.gov no later than close of business on Friday, August 16th , to make the necessary arrangements.

Fred Podesta
Director, Department of Finance and Administrative Services

By: Don Jordan, Director
Seattle Animal Shelter