

Olympia Municipal Code
Chapter 5.50
PET SHOPS

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05.50.010 - License required

A. No person, firm, partnership, corporation or other entity shall own, maintain or operate a pet shop as defined in this chapter without first obtaining a pet shop license issued pursuant to this chapter. Currently operating pet shops must procure a license on the renewal date set forth below.

B. An application for a pet shop license shall contain the following information:

1. The name, address, telephone number and emergency telephone number of the person, firm or corporation owning the pet shop;
2. The name, address, phone number and emergency phone number of the person managing, operating or otherwise having supervision of the pet shop;
3. The business name, address and location of the pet shop;
4. A statement that the pet shop will maintain and make available care and nutritional requirements for all animals for sale at the pet shop;
5. The name and address of one or more licensed veterinarians who will care for any animals which become sick or injured while at the pet shop;
6. The applicant must attach to the application any necessary approvals from the county health department which are required to assure that adequate provisions for sanitary facilities will be provided;
7. The applicant shall be required to pay a nonrefundable license fee upon filing the application;
8. Within five days after receipt of an application for a pet shop license, the administrative services department shall transmit copies of such application to the planning department and to the director of joint animal control;
9. Within thirty days of receipt of an application for a pet shop license, the license shall be issued unless the planning department has advised that the use or proposed use of the premises is not in

conformity with the city zoning code or other applicable land use laws and regulations or that the buildings upon the subject premises fail to meet the requirements of the building, fire, mechanical or plumbing codes applicable to the proposed use or the director of joint animal control has determined that the applicant has previously been convicted of cruelty to animals or a similar offense or that a pet shop or other similar license held by such applicant has been revoked or renewal refused either pursuant to the terms of this chapter or by any other licensing jurisdiction;

10. The pet shop license shall expire on February 28th of each year and must be renewed annually.

(Ord. 5176 §1(part), 1991).

05.50.020 - License renewal

Pet shop licenses must be renewed annually. All license renewals shall be processed in the same manner as the original application except that the written statement from the health department and referral to the planning department shall not be necessary.

(Ord. 5176 §1(part), 1991).

05.50.030 - Revocation or nonrenewal of license

If the director of joint animal control determines that a licensee has failed to substantially comply with this chapter after notices set forth in Section 5.50.080 and such failure results in neglect or abuse of any animal in the possession or control of the licensee or a danger to the public health and safety, the director of joint animal control may petition the director of administrative services to revoke said license or deny renewal of said license. The nature of said petition, its processing and determination shall be as follows:

A. The petition shall set forth the specific violations upon which it is based.

B. The director of administrative services shall set a date for hearing said petition which date shall not be less than fourteen days after service of said petition on the licensee.

C. A copy of the petition and notice of the hearing date shall be served either personally or by certified mail, return receipt requested, upon the licensee. Service shall be deemed effective on the date of personal service or three days after such service was deposited in the United States Postal System.

D. If the director of administrative services determines upon the basis of the evidence presented at such hearing that it is necessary in order to provide for the humane care and treatment of animals or to protect the public health and safety that such license should be revoked, or renewal of said license be denied, the director of administrative services shall so revoke or deny the renewal of such license. If the director of administrative services finds that there have been violations of this chapter, but that such violations do not warrant the revocation of the license, the director may set forth such lesser conditions for continued operation as shall be appropriate in order to promote humane care and treatment of animals or to better protect the public health and safety. Such remedy may include civil fines not to exceed one hundred dollars.

E. If the licensee wishes to appeal the decision of the director, said licensee shall file with the director a

written request for review of the director's decision within ten days after the receipt of the decision.

F. If review is requested within the time limit set forth above, the decision of the director shall be reviewed by the city council at a hearing to be held not more than thirty days after the filing of such request for review. The decision of the director shall be held in abeyance pending such review hearing. The council may affirm, reverse or modify the decision of the director.

(Ord. 5176 §1(part), 1991).

05.50.040 - Definitions

The following words and phrases shall have the following meanings for purposes of this chapter:

A. "Pet animal" means dogs, cats, monkeys and other primates, rabbits, birds, guinea pigs, hamsters, mice, snakes, iguanas, turtles, fish and any other species of animal sold or retained for the purpose of being kept as a household pet.

B. "Pet shop" means any store, place or establishment within the city limits of the city where pet animals are held for sale either at wholesale or retail with the intent of making a profit. The term shall not include hobby kennels as defined by this code.

(Ord. 5176 §1(part), 1991).

05.50.050 - Facility requirements

Any building used for a pet shop shall meet the following requirements:

A. Animal housing shall be structurally sound and designed to prevent the pet animals from injury and shall provide sufficient security to contain the pet animals while preventing entry of unwanted pets.

B. The facilities shall include a washroom with sinks for hot and cold running water.

C. Heating, air cooling and shade shall be provided to protect the pet animals from temperatures to which they are not acclimated.

D. Adequate ventilation shall be provided.

E. A smoke and/or fire detection and alarm system shall be required; provided that any pet shop operating prior to adoption of the ordinance codified in this chapter shall have until April 30, 1992, to comply with this requirement.

(Ord. 5176 §1(part), 1991).

05.50.060 - Operational requirements

Any person, firm or corporation owning, operating or maintaining a pet shop shall do so in accordance with the following requirements:

A. The license issued in accordance with Section 5.50.010 of this chapter shall be prominently displayed on the premises at all times;

B. A statement that the pet shop will maintain and make available care and nutritional requirements for all animals for sale at the pet shop;

C. No species of pet animals shall be sold or maintained on the premises which are prohibited from such sale or possession by state or federal law;

D. Suitable food and bedding and adequate potable water shall be provided. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, use and size of the animal. The animal feeding schedule shall be posted on the pet shop premises;

E. Food shall be stored in a manner which prevents contamination or infestation;

F. Provision shall be made for the timely removal of animal excreta, food wastes, soiled bedding, dead animals and debris. Disposal facilities shall be maintained so as not to be a health hazard;

G. Sick animals shall be separated from those appearing healthy and normal and shall be removed from display and sale. Timely veterinary care shall be provided for sick or injured animals;

H. There shall be an employee on duty at all times during any hours a pet shop is open whose responsibilities shall include the care and welfare of the animals in the facility. An employee or owner shall feed, water and perform the necessary cleaning of pet animals on each day that the pet shop is closed;

I. Pet animals shall be immunized from disease as is usual and customary for the animal's age and species. Records of vaccination shall be subject to inspection and shall be provided to a buyer;

J. Reasonable care shall be taken not to place for sale, trade or adoption any pet animal which is diseased or injured.

(Ord. 5176 §1(part), 1991).

05.50.070 - Inspection

It shall be a condition of the issuance of a license that animal control officers shall be permitted to inspect all animals and the premises where the animals are kept at reasonable times to protect the health and safety of the animals and the community. Such right of inspection shall extend not only to the pet shop, but to any place within the joint animal control's jurisdiction where pet animals held for sale through said pet shop are located or kept. If permission for such inspection is refused, a correction notice shall be issued.

(Ord. 5176 §1(part), 1991).

05.50.080 - Correction notice

If an animal control officer determines that a licensee has violated any provision of this chapter the officer shall issue a correction notice requiring such violation to be remedied within seven days; provided that, if such violation endangers the immediate health or safety of an animal in the possession or under the control of the licensee, such correction shall be required within twenty-four hours. If the

violation identified in the inspection notice is not timely corrected, the license may be revoked under the procedures of this chapter.

(Ord. 5176 §1(part), 1991).

05.50.090 - Impoundment

An animal control officer may impound any animal if a licensee fails to comply with a correction notice issued under Section 5.50.080 and said animal control officer determines that any animal in the possession or under the control of the licensee to be disabled or diseased due to the neglect or abuse, or the condition of any animal that constitutes a threat or danger to the public health or safety. The animal being impounded shall be taken to a veterinarian designated in the licensee's application for treatment. The licensee shall be responsible for the veterinary bill.

(Ord. 5176 §1(part), 1991).

05.50.100 - Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction

A. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

B. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC Chapter 4.44, Uniform Code Enforcement.

(Ord. 6081 §13, 2001; Ord. 5176 §1(part), 1991).