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Title 16 STOCK RESTRICTED AREAS

Chapters:

Chapter 16.08 POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS

Sections:

16.08.005 PURPOSE.

The purpose of this chapter is to enforce minimum standards of conduct for dogs and dog owners. However, the highest and best standard of conduct is for each dog owner to keep his or her dogs on his or her own property and only allow them to leave the property under leash or other direct control.

(Ord. 145-06 § 1)

16.08.010 DEFINITIONS.

"Animal control authority" means the Wahkiakum County Sheriff's Department or its designee, acting alone or in concert with other local governmental units for enforcement of this chapter.

"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 cover the seizure and impoundment of any animal.

"Animal shelter" means the Cowlitz County Humane Society or other agency as designated as the place for the impounding of dogs.

"Dangerous dog" means any dog that according to the records of the appropriate authority: (a) has inflicted severe injury upon a human being without provocation on public or private property, (b) has killed a domestic animal without provocation while off the owner's property, or (c) has 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.

"District Court" means the District Court of the State of Washington in and for the County of Wahkiakum.

"Dog" shall include any member of the canine species, both male and female, sterilized or unaltered.

"Harbor" means to allow any animal to remain, be lodged, fed or sheltered on the property one owns, occupies or controls, for more than seventy-two hours.

"Health Department" means the Wahkiakum County Health Department.

"Owner" means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

"Potentially dangerous dog" means any dog that when unprovoked: (a) inflicts bites on a human or a domestic animal either on public or on private property, or (b) 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 to cause injury or otherwise threaten

the safety of humans or domestic animals, or (c) chases or approaches a person upon that person's own private property in a menacing fashion or apparent attitude of attack.

"Proper enclosure of a dangerous dog" means, while on the owner's property, a 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.

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

(Ord. 127-99 § 1; Ord. 121-24 § 1)

16.08.020 TRANSFER OF POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS—NOTIFICATION OF REMOVAL OR DEATH.

- A. It is unlawful for any person to sell or otherwise transfer the ownership of any dog previously declared to be as a potentially dangerous dog or a dangerous dog by the animal control authority unless such person shall, within five days of such transfer, notify the animal control authority of the disposition of such dog.
- B. It is unlawful for any person to purchase or otherwise receive the transfer of ownership or possession of any dog previously certified as a potentially dangerous dog or as a dangerous dog by any authorized jurisdiction in the State of Washington unless such person shall notify the animal control authority of the disposition of such dog within five days of such transfer.
- C. The owner of a potentially dangerous or dangerous dog shall notify the animal control authority prior to moving the dog from its registered address.
- D. If the potentially dangerous or dangerous dog has died, the owner must notify the animal control authority within seventy-two hours.

(Ord. 121-94 § 2)

16.08.030 RABIES CONTROL—QUARANTINE AND DISPOSAL—NOTIFICATION OF HEALTH DEPARTMENT.

- A. Any dog which bites a person shall be quarantined for ten days as may be ordered by the Wahkiakum County Health Department, or other health agency having jurisdiction. During quarantine, the dog shall be confined in a secure enclosure and shall be kept from contact with any other animal. The type of enclosure shall be approved by the Health Department. The Health Department may permit quarantine on the premises of the owner. If the Health Department requires other confinement, the owner shall surrender the dog for the quarantine period to an animal shelter or veterinary hospital at the expense of the owner. Any dog quarantined pursuant to this Section shall be vaccinated for rabies by a licensed veterinarian prior to such dog's release from quarantine, or alternatively the owner shall show proof of a current rabies vaccination by a licensed veterinarian. Any required vaccination shall be at expense of the owner of the dog. Proof of such vaccination shall be provided to the Wahkiakum County Health Department prior to release of the quarantine.
- B. No animal control officer or any other person shall knowingly, except in the reasonable effort to protect the officer or others, kill, or cause to be killed, any dog suspected of being rabid; provided, however, that if a veterinarian diagnoses possible rabies in any dog in quarantine, the dog shall be humanely killed and the head of the dog sent to the state laboratory for pathological examination and confirmation of the diagnosis.

- C. Whenever the animal control authority shall receive notice of any dog having inflicted a bite on any human being, whether or not the dog is suspected of being rabid, the animal control authority shall report all of the information it has received to the Wahkiakum County Health Department, or other health agency having jurisdiction.

(Ord. 132-01 § 1: Ord. 121-94 § 3)

16.08.035 NUISANCE DOGS—PENALTIES.

- A. A nuisance dog is a dog that:
1. Habitually leaves its owner's or custodian's property and runs after or barks at people traveling the county roads or other public thoroughfares or that runs after or chases livestock, fowls or wild animals; or
 2. By frequent or habitual howling, yelping or barking annoys or disturbs a neighborhood, or the quiet and repose of several households.
- B. It is unlawful to own, keep, or harbor a nuisance dog. Every day a nuisance dog exhibits the behavior described in subsection A of this section shall be a separate offense.

(Ord. 145-06 § 2)

16.08.040 POTENTIALLY DANGEROUS DOGS.

- A. It is unlawful for any owner of a dog that has been declared to be a potentially dangerous dog, to keep such dog within Wahkiakum County unless such owner has procured a currently valid certificate of registration from the Animal Control Authority.
- B. The owner of a potentially dangerous dog shall obtain a certificate of registration for such dog from the Animal Control Authority. A certificate of registration is valid for two years from the date of issuance.
- C. A Fifty-Dollar fee shall be charged for registration of a potentially dangerous dog pursuant to this section.
- D. It is unlawful for any person to cause, permit, or allow any potentially dangerous dog owned, controlled, or kept by him or her to roam, run or stray away from property he or she owns, rents, or otherwise controls. A potentially dangerous dog may be away from the property of its owner only if it is securely leashed and under the direct control and supervision of its owner or the owner's designee.

(Ord. 145-06 § 3: Ord. 121-94 § 4)

16.08.050 DANGEROUS DOGS.

- A. It is unlawful for an owner to have a dangerous dog in Wahkiakum County without having in effect a valid certificate of registration issued under this section. This section shall not apply to police dogs as defined in RCW 4.24.410.
- B. The animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the animal control authority sufficient evidence of:
1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog;

2. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least fifty thousand dollars payable to any person injured by the dangerous dog; or
 3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.
- C. A certificate of registration as required in this section shall be obtained from the animal control authority. The owner of a dangerous dog shall obtain a certificate of registration from the animal control authority, and shall be required to pay the fee for such certificate of registration in the amount set forth herein, or as hereafter amended. In addition, the owner of a dangerous dog shall pay an annual renewal fee for each dangerous dog registered under this section in the amount set forth herein, or as hereafter amended, and shall submit proof of compliance with subsection B of this section to obtain the annual renewal.
- D. The owner of a dangerous dog shall pay a fee for the initial certificate of registration in the amount of two hundred fifty dollars. The annual renewal fee for each dangerous dog registered under this section is one hundred dollars. A certificate of registration is valid for one year from the date of issuance.
- E. Any certificate of registration issued under this section shall lapse and become invalid upon the cancellation or renewal of the surety bond or liability insurance coverage required pursuant to subsection (B)(2) of this section.
- F. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(Ord. 121-94 § 5)

16.08.060 DANGEROUS OR POTENTIALLY DANGEROUS DOG—DECLARATION—NOTIFICATION—APPEAL.

- A. The animal control authority may issue a declaration that a dog is a potentially dangerous dog. Any such declaration shall be in writing and shall be served on the dog's owner. Service may be accomplished by any means authorized for service of process under the laws of the State of Washington, and may also be accomplished by mailing the declaration to the owner by certified mail, return receipt requested.
- B. The declaration shall, at a minimum:
1. State that the animal control authority has determined that the owner's dog is a potentially dangerous dog or a dangerous dog;
 2. Describe the dog;
 3. State the name and address of the owner of the dog if known;
 4. State the factual basis for the determination;
 5. Describe the legal requirements that the owner must comply with as a result of the declaration;
 6. State that a copy of the applicable legal requirements is available upon request from the animal control authority; and

7. State that the declaration may be appealed within fifteen days after service of the declaration by both filing a notice of appeal with the Wahkiakum County District Court and serving a copy on the animal control authority. The court shall not charge a filing fee for the filing of a notice of appeal hereunder.
- C. Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.
- D. The declaration shall be final unless within fifteen days of the date of the declaration was served, the dog owner both files a written notice of appeal with the Wahkiakum County District Court and serves a copy on the animal control authority. An appeal under this section shall be a civil action. The animal control authority shall have the burden of proof, by a preponderance of the evidence, that the dog is a potentially dangerous dog or a dangerous dog. If the Court finds sufficient evidence to support the declaration, it may impose court costs against the appellant, and may impose additional restrictions on the dog. If the Court finds that there is not sufficient evidence to support the declaration, the declaration shall be rescinded and the restrictions imposed therein shall be annulled. No court costs shall be assessed against Wahkiakum County or the animal control authority in any such proceeding.

(Ord. 121-94 § 6)

16.08.070 DANGEROUS OR POTENTIALLY DANGEROUS DOG—IDENTIFICATION.

- A. It is unlawful for any person to be an owner of a dog that has been declared to be a dangerous or potentially dangerous dog, unless the owner complies with the following requirements:
 1. Microchip. The owner of a dangerous or potentially dangerous dog shall have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by enforcement officers or their designees. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.
 2. Collar.
 - a. Any dangerous or potentially dangerous dog shall at all times wear a distinctive collar that denotes the dog's classification and that is approved by the Animal Control Authority.
 - b. Lost collar replacement fee shall be Twenty Dollars. The original identification collar shall be provided by the Animal Control Authority and its cost shall be covered by payment of the initial registration fee.
 3. Vaccination. Any dangerous or potentially dangerous dog shall at all times have a current rabies vaccination administered by a licensed veterinarian. Proof of such vaccination shall be filed with the Animal Control Authority. Any required vaccination shall be at the expense of the owner of the dog.
- B. The owner shall comply with the requirements prescribed by this section within fifteen days or receipt of the declaration issued by the Animal Control Authority or the final decision of the District Court in the case of an appeal timely made pursuant to Section 16.08.060(D), whichever date is later.

(Ord. 145-06 § 4: Ord. 132-01 § 2: Ord. 127-99 § 2: Ord. 121-94 § 7)

16.08.080 ENFORCEMENT.

- A. It shall be the duty of the County Sheriff and his deputies to enforce this chapter.

- B. For purposes of issuing a notice of corrective action or notice of civil infraction pursuant to Chapter 7.80 RCW for violations of this chapter, the following persons are designated "enforcement officers" and are authorized to enforce the civil provisions of this chapter: the Wahkiakum County Sheriff, and any Deputy Sheriff or Reserve Deputy Sheriff.
- C. No potentially dangerous dog or dangerous dog confiscated by the animal control authority shall be returned to any owner until such owner has paid all civil penalties and costs which have been assessed against such owner under this chapter.

(Ord. 121-94 § 8)

16.08.090 VIOLATIONS—PENALTIES.

- A. Any person violating the quarantine provisions of Section 16.08.030 is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail for not more than ninety days or to both such fine and imprisonment.
- B. Any person violating any of the provisions of Section 16.08.050 shall be subject to the punishments prescribed by Chapter 16.08 of the Revised Code of Washington, as now or hereafter amended.
- C. Except as provided in subsections A and B of this section, any violation of any provision of this chapter is a Class 1 civil infraction that will be heard and determined by Wahkiakum County District Court in accord with the provisions of Chapter 7.80 of the Revised Code of Washington, as now or hereafter amended. The maximum penalty and the default amount for a Class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments and costs of impoundment. In the case of a continuing violation of any provision of this chapter, each day's continuance shall be a separate and distinct violation.

(Ord. 121-94 § 9)

16.08.100 FAILURE TO PAY MONETARY PENALTIES—PUNISHMENT.

Whenever a monetary penalty is imposed by the Court pursuant to this chapter and Chapter 7.80 RCW, it is immediately payable. Wilful failure to pay the penalty constitutes a misdemeanor. If a penalty is not paid on or before the time established for payment, the Prosecuting Attorney may proceed to collect the penalty in the same manner as other civil judgments.

(Ord. 121-94 § 10)

16.08.110 VIOLATIONS—IMPOUNDMENT AND CONFISCATION—COSTS.

- A. The following dogs are subject to impoundment and confiscation:
 - 1. Any dog that has been declared to be a potentially dangerous dog or a dangerous dog and that is not in compliance with all of the requirements of Sections 16.08.040, 16.08.050 and 16.08.070;
 - 2. Any dog that does any act described in Section 16.08.100 of the Revised Code of Washington, as now or hereafter amended;
 - 3. Any dog which is not quarantined as required by Section 16.08.030;
 - 4. Any nuisance dog, the behavior of which has been the subject of three or more civil infraction tickets under RCWC 16.08.090(c).

- B. If any animal control officer has probable cause to believe that a dog is subject to impoundment under subsection A of this section, the officer may apprehend the dog. The officer may return the dog to its owner if the officer reasonably believes that doing so will not endanger the health, safety or property of any person, or endanger the dog. Otherwise, the officer shall impound the dog. Upon impoundment, the Animal Control Authority shall promptly make reasonable efforts to identify the dog's owner.
- C. If the dog's owner is identified, the Animal Control Authority shall promptly serve an impoundment notice on the owner. The notice shall:
1. Identify the dog;
 2. State the date and time the dog was impounded;
 3. State why the dog was impounded; and
 4. State what the owner must do to redeem the dog and the deadline for doing so, and what will happen to the impounded dog if the owner does not redeem the dog.

The notice may be served by any means authorized for service of process under the laws of the State of Washington, or by mailing the notice by certified mail, return receipt requested, or by posting the notice at the dog owner's residence.

- D. Any dog impounded pursuant to the provisions of this chapter may be redeemed upon payment to the Animal Control Authority of the costs of impoundment as herein provided and other applicable fees and charges, and upon evidence that the violation has been corrected. The correction of a violation includes, but is not limited to, the registration of any unregistered dog as required by this chapter. "Costs of impoundment" shall include the cost of apprehension and transportation, the cost of confinement and care of the dog at an animal shelter, and the actual cost of veterinary fees incurred by the County. Any registration fees or civil penalties due and owing shall be in addition to the costs of impoundment. The costs of impoundment may be recovered by the County in any civil or criminal action brought to enforce the provisions of this chapter.
- E. The Animal Control Authority shall cause an impounded dog to be held for at least ninety-six hours, excluding weekends and legal holidays as defined in RCW 1.16.050. If the dog's owner is unknown, the ninety-six hour period begins when the animal is apprehended. If the dog's owner is known, the ninety-six hour period begins when the owner is served with the impoundment notice. If the owner does not redeem the dog within the ninety-six hour period, the Animal Control Authority may have the animal destroyed in an expeditious and humane manner. The owner may redeem the animal at any time before the animal is destroyed.
- F. If a dog is suffering from a serious injury or disease, and destroying the dog is in the interest of public health and safety, or in the interest of the dog, the Animal Control Authority may immediately have the dog destroyed in an expeditious and humane manner.

(Ord. 145-06 § 5: Ord. 121-94 § 11)

16.08.120 IMMUNITY.

Wahkiakum County, the animal control authority and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this chapter, or for any failure to take action to enforce the provisions of this chapter. It is not the purpose or intent of this chapter to create on the part of Wahkiakum County or its agents any special duties or relationships with specific individuals. This chapter has been enacted for the well-being of the public as a whole.

(Ord. 121-94 § 12)

Chapter 16.24 STOCK RESTRICTED AREAS—DISTRICTS ONE & TWO

Sections:

16.24.010 STOCK RESTRICTED AREA DESIGNATED—DESCRIPTION.

Pursuant to the provisions of Chapter 16.24 R.C.W. the following described portion of Wahkiakum County, Washington, to-wit;

That portion of Wahkiakum County located within County Commissioner District No. 1 being more particularly described as follows:

Beginning at a point on the Lewis and Wahkiakum County line between Sections 4 and 5 Township 10 North, Range 5, West, W.M.; thence South on the section line between sections 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, and 32 and 33, said Township and Range, and Sections 4 and 5 of Township 9 North of said Range to the center line of said Sections 4 and 5; thence West on the line between the North and South halves of Sections 5 and 6 of said Township and Range, and Section 1 of Township 9 North, Range 6 West to the Section line between Sections 1 and 2, said Township and Range; thence South along the Section line between Sections 1 and 2 and 11 and 12, to the center line of said Sections 11 and 12; thence West on the line between the North and South halves of Sections 11 and 10, said Township and Range, to the section line between Sections 9 and 10; thence South along the section line between Sections 9 and 10, 15 and 16, and 21 and 22 to the common corner to Sections 21, 22, 27 and 28, said Township and Range; thence West on the section line between Sections 21, and 28 to a point West to a point in the Columbia River on the State boundary line between Washington and Oregon; thence in a Southerly, Easterly and Northerly direction on said State boundary line to the county line between Cowlitz and Wahkiakum Counties; thence North on said county line to the Northeast corner of Wahkiakum County on the Lewis and Wahkiakum County line; thence West on said Lewis and Wahkiakum County line to the place of beginning; all of said land in Commissioner District One lying and being in Townships 8, 9, and 10 of Ranges 4, 5 and 6, West of the Willamette Meridian, and includes Road District No. 1 and voting precincts of North Cathlamet, South Cathlamet, Elochoman, Rosedale, West Puget Island, and East Puget Island.

That portion of Wahkiakum County located within County Commissioner District No. 2, being more particularly described as follows:

Beginning at a point on the Lewis and Wahkiakum County line between Sections 4 and 5, Township 10 North, Range 5 West, W.M., thence South on the section line between Sections 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, and 32 and 33, said Township and Range, and sections 4 and 5 of Township 9 North of said Range to the center line of said Sections 4 and 5; thence West on the line between the North and South halves of Sections 4 and 5 of said Township and Range, and Section 1 of Township 9 North, Range 6 West to the section line between Sections 1 and 2, said Township and Range; thence South along the Section line between Sections 1 and 2 and 11 and 12 to the center line of said Sections 11 and 12; thence West on the line between the North and South halves of Sections 11 and 10, said Township and Range, to the section line between Sections 9 and 10; thence South along the section line between Sections 9 and 10, 15 and 16, and 21 and 22 to the common corner to Sections 21, 22, 27 and 28, said Township and Range; thence West on the section line between Sections 21 and 28 to a point in the Columbia River on the State boundary line between Washington and Oregon; thence in a Northerly, Westerly and Southerly direction on said State boundary line to a point on the line between Sections 17 and 18, Township 9 North, Range 7 West, W.M., thence North on said line extended and on the section line between Sections 17 and 18, 7 and 8, and 5 and 6 of said Township and Range, and Sections 31 and 32, and 29 and 30, Township 10 North, said Range, to the

common corner to Sections 19, 20, 29 and 30; thence East on the section line between Sections 20 and 29, 21 and 28, and 22 and 27, to the common corner to Sections 22, 23, 26 and 27; thence North on the section line between Sections 22 and 23; 14 and 15, 10 and 11, and 2 and 3 to the Pacific and Wahkiakum County line; thence East on said county line in Ranges 7 and 6 West and the Lewis and Wahkiakum County line in Ranges 6 and 5 West to the place of beginning; all of said land in Commissioner District Two lying and being in Township 9 and 10 North of Ranges 5, 6, 7 and 8 West of the Willamette Meridian, and includes road District No. 2 and the Skamokawa voting precinct;

is hereby designated, established and declared to be a stock restricted area in which it shall be unlawful to permit livestock of any kind to run at large.

16.24.020 PROVISIONS OF CHAPTER 16.24 RCW ADOPTED.

It is intended hereby to adopt the provisions of Title 16 R.C.W. relating to a stock restricted area, as defined therein, and any person, or any agent, employee or representative of a corporation violating any of the provisions of this Chapter shall be punished as provided by Chapter 16.24 R.C.W. and subsequent amendments thereto.

16.24.030 CONFLICTING ORDINANCES REPEALED.

That all ordinances or orders conflicting with the provisions of this Chapter are hereby repealed insofar as the same affect this Chapter.

(Ord. 66-1961; j.Ref. K-146; 7-3-61)

Chapter 16.28 STOCK RESTRICTED AREA—DISTRICT THREE

Sections:

16.28.010 DESCRIPTION OF AREA.

Pursuant to the provisions of Chapter 16.24 RCW the following described portion of Wahkiakum County, Washington, to-wit:

That portion of Wahkiakum County located within County Commissioner District No. 3 being more particularly described as follows:

Beginning at the Northwest corner of Wahkiakum County; thence South on the County line between Pacific and Wahkiakum Counties to a point in the Columbia River on the state boundary line between Washington and Oregon; thence in an Easterly and Northerly direction on said state boundary line to a point on the line between Sections 16 and 17, Township 9 North, Range 7 West W.M., extended into the Columbia River; thence North on said line extended and on the section line between Sections 17 and 18, 7 and 8, and 5 and 6 of said township and range, and Sections 31 and 32, and 29 and 30, Township 10 North, said range, to the common corner to sections 19, 20, 29 and 30; thence East on the section line between Sections 20 and 29, 21 and 28, and 22 and 27, to the common corner to Sections 22, 23, 25 & 27; thence North on the section line between Sections 22 and 23, 15 and 14, 10 and 11, and 2 and 3 to the Pacific and Wahkiakum County line; thence West on said county line in Ranges 7 and 8 West to the place of beginning; all of said land in Commissioner District Three lying and being in Townships 9 and 10 North of Ranges 7 and 8 West of the Willamette Meridian, which includes the voting precincts of Altoona, Rosburg, Grays River and Deep River,

is hereby designated, established and declared to be a stock restricted area.

16.28.020 STOCK AT LARGE IN AREA—UNLAWFUL.

No person owning or in control of any livestock shall wilfully or negligently allow such livestock to run at large in the stock restricted area designated in Section One of this Ordinance, nor shall any person owning or in control of any livestock allow such livestock to wander or stray upon the right-of-way of any public highway lying within said stock restricted area when not in charge of some person.

16.28.030 PENALTY.

Any person, or any agent, employee or representative of a corporation, violating any of the provisions of this Ordinance after the same shall have been published as provided in RCW 16.24.030, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$50.00, nor more than \$500.00, and/or imprisoned in the Wahkiakum County jail for not more than ninety (90) days, or both, no portion of which fines shall be suspended or deferred.

16.28.040 ALL OF COUNTY DECLARED CLOSED RANGE.

It is the intention of the Board of Wahkiakum County Commissioners that with the adoption of this Ordinance no portion of Wahkiakum County shall remain open range and that Wahkiakum County in its entirety shall be a stock restricted area.

16.28.050 REPEALER OF CONFLICTING ORDINANCES.

All ordinances or orders and parts of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

16.28.060 SEVERABILITY.

If any provision or provisions of this chapter, or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

(Ord. 84-1974; j.Ref. L-341; 11-18-74)

Chapter 16.52 KENNELS AND ANIMAL SHELTERS

Sections:

16.52.010 DEFINITIONS.

"Adult dog" means any dog having a set of permanent canine teeth, or six months of age or older.

"Animal control authority" means the Wahkiakum County Sheriff's Department or its designee, acting alone or in concert with other local governmental units for enforcement of this chapter.

"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 chapter 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 cover the seizure and impoundment of any animal.

"Animal shelter" means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals, and which is owned, operated or maintained by any person, a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

"Board" means the Wahkiakum County Board of Commissioners.

"Health officer" means the Wahkiakum County Health Officer or his/her designee.

"Kennel" means: (a) any premises used to conduct a business relating to the breeding, buying, selling or letting of dogs and/or cats for hire, boarding or training; or (b) any premises at which eight or more adult dogs are kept for any purpose, including an animal shelter, but excluding animal hospitals where animals are kept for treatment by licensed veterinarians, provided, the veterinarian does not solicit for boarding or animal sheltering.

"Owner" means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal, animal shelter, or kennel.

"Person" means any individual, firm, association, partnership, political subdivision, government agency, public or private corporation or any other human entity.

"Property" means anything of value, whether tangible or intangible, real or personal. Animals are personal property.

"Resident" means any person living in Wahkiakum County for thirty days or more.

"Veterinary hospital" means any licensed establishment or premises operated or devoted to the medical treatment of domestic animals. (Res. 124-96 § 1)

16.52.020 KENNELS AND ANIMAL SHELTERS—GENERAL STANDARDS.

Every kennel and animal shelter located within unincorporated Wahkiakum County shall comply with the following standards:

- A. Animal housing facilities shall be provided for the animals. Such facilities shall be structurally sound, in good repair, and designed so as to protect the animals from injury and to restrict the escape of the animals housed therein and to restrict the entrance of other animals.
- B. Each animal shall be provided with adequate floor space to allow such animal to turn about freely and to stand, sit and lie in a comfortable normal position.
- C. Any electrical power shall be supplied in conformance with the applicable electrical codes and shall be adequate to supply heating and lighting as may be required by this chapter.
- D. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.
- E. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.
- F. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.
- G. Washroom facilities, including sinks and toilets with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment. All such washroom facilities shall be connected to an approved public sanitary sewer

- system or to an on-site sewage system which complies with all applicable rules and standards of the Wahkiakum County Health Department and the Washington State Board of Health.
- H. Sick, diseased or injured animals shall be separated from well animals, and if for sale, shall be removed from display and sale or adoption and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.
 - I. Whenever a facility that sells, displays or offers animals for adoption is open to the public, it shall have an employee or keeper on duty who shall be responsible for the care and supervision of the animals.
 - J. An employee, keeper or owner shall make provisions to feed, water and do the necessary cleaning of animals. Puppies and kittens shall be fed and watered no less than twice every twelve hours and adult dogs and cats shall be fed and watered no less than twice every twenty-four hours.
 - K. No person shall misrepresent an animal to a consumer in any way.
 - L. No person shall knowingly give for adoption or sell a sick or injured animal without disclosing the sickness or injury to the adopter or purchaser.
 - M. Animals which are caged, closely confined or restrained shall be permitted daily exercise for an appropriate length of time, as determined by their size, age and species, in a yard or area suitable for that purpose.
 - N. Each dog or cat kept in an animal shelter or kennel shall be tagged or otherwise marked with a unique identifying number.
 - O. Each dog kept in an animal shelter or kennel shall be current in its vaccinations for DHLTTTC (distemper, hepatitis, lepto, para-influenza, parvo, and corona), Bordetella, and Rabies. Whether a dog is current in such vaccinations shall be determined according to the recognized standards of veterinary medicine as practiced in the State of Washington.
 - P. The owner or keeper of every animal or kennel subject to registration under this chapter shall maintain records showing the following information for each animal kept on the premises:
 - 1. Medical history showing status of vaccinations, disease history, and any medical treatment previously provided to the animal;
 - 2. Incident history recording any incidents where any animal has attacked, bitten, or chased any human being or any other domestic animal;
 - 3. All records shall identify the animal using the unique identifying number required pursuant to subsection (N) of this section;
 - 4. All records shall be maintained for a period of three years from and after the date when the animal was discharged from the kennel or animal shelter;
 - 5. All records maintained hereunder shall be open for immediate inspection by the Animal Control Authority or the health officers during regular business hours.

(Res. 124-96 § 2)

16.52.030 INDOOR FACILITIES—SPECIFIC CONDITIONS.

- A. In addition to the requirements of Section 16.52.020, indoor facilities of animal shelters and kennels shall:
 - 1. Be sufficiently heated or cooled when necessary to protect the animals from temperatures to which they are not accustomed, taking into consideration their age, size and species;

2. Be adequately ventilated to provide for the health of the animals and to remove foul odors. If ventilation equipment is used, it shall be designed so that the volume of air within any enclosed indoor facility or part thereof shall be replaced by fresh air three or more times per hour, and it shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts;
3. Have ample light, either natural or artificial, or both, of good quality and well distributed to provide for such illumination as is necessary to inspect and clean during the entire working period. Such facilities shall be placed so as to protect animals from excessive illumination. Sufficient lighting shall additionally be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers;
4. Have interior walls, ceiling and floor surfaces constructed of materials which are resistant to the absorption of moisture and odors, or that are treated with sealant or with paint. Floor surfaces shall not be made of unsealed wood. Interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris;
5. Contain a suitable system of drainage to facilitate the rapid elimination of excess water under any weather or temperature condition. Such system shall be connected to a sanitary sewer or on-site sewage system which shall conform with the standards of the Wahkiakum County Health Department and the Washington State Department of Health. If drains are used, they shall be maintained in a clean and sanitary condition;
6. Be maintained in a clean and sanitary condition, with the use of a safe and effective disinfectant in cleaning.

(Res. 124-96 § 3)

16.52.040 OUTDOOR FACILITIES—SPECIFIC CONDITIONS.

In addition to the requirements of Section 16.52.020, outdoor facilities of animal shelters and kennels shall:

- A. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, heat, cold or other elements;
- B. Be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein;
- C. Be constructed to provide a suitable system of drainage and prevent an accumulation of water, mud, debris, excreta or other material;
- D. Be enclosed by walls, fences, and/or vegetative screen sufficient to reduce noise and visual impacts of the kennel or animal shelter operation, to keep animals within, and prevent entrance of other animals; and
- E. Be designed and located to avoid any portion of the kennel facility or animal shelter, including runs, being closer than one hundred feet from a residence on another property.

(Res. 124-96 § 4)

16.52.050 ADDITIONAL SANITATION STANDARDS.

- A. In addition to the requirements set forth in Sections 16.52.020, 16.52.030 and 16.52.040, all animal shelters and kennels located within unincorporated Wahkiakum County shall strictly comply with the following sanitation standards:

1. Garbage, offal and manure shall be disposed of by incineration, burial, sanitary fill or other approved method, and within a time set by the health officer. Such material shall not be disposed of by being deposited in any ditch, gulch, ravine, river, stream, lake, pond, nor upon the surface of the ground, or on any highway or county road right-of-way.
2. The carcass of any dead animals shall be removed and disposed of by burial, incineration or other proper method within twenty-four hours after death. If the carcass is buried it shall be placed so that every part shall be covered by at least two feet of earth and at a location not less than one hundred feet from any well, spring, stream or other surface waters, and in a place not subject to overflow. In all cases of death from communicable disease, the carcass, if disposed of by burial, shall first be thoroughly enveloped in unslaked lime.
3. Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.
4. Dog droppings or excreta shall be disposed of in a manner such as burial which does not create a nuisance. Dog droppings or excreta may be disposed of into a public sewer if the system is served by a large treatment facility which will accept such waste. Large amounts of dog droppings should not be disposed of in an on-site sewage system unless such disposal is approved in writing by the health officer. When buried, dog droppings or excreta should be covered by at least two feet of earth and at a location not less than one hundred feet from a well, spring, stream or other surface waters, and in a place not subject to overflow.

(Res. 124-96 § 5)

16.52.060 INSPECTION AUTHORITY.

The Animal Control Authority shall have the authority to enter and inspect the premises of an animal shelter or kennel registered pursuant to this chapter at reasonable times to determine whether such facility is being operated in compliance with the provisions of this chapter.

(Res. 124-96 § 6)

16.52.070 REGISTRATION FOR ANIMAL SHELTERS AND KENNELS—INSPECTIONS—APPROVALS—STANDARDS—PENALTIES.

- A. It is unlawful for any person to own or operate a kennel or animal shelter within unincorporated Wahkiakum County without first obtaining a registration certificate pursuant to this section. Every person who owns or operates a kennel or animal shelter shall comply with the requirements of this section.
- B. Any person applying for an animal shelter or kennel registration certificate shall submit to the Animal Control Authority the following:
 1. The name, address and phone number of the owner of such facility;
 2. The name, address and phone number of the person having primary supervision of such facility;
 3. The address or location and phone number of such facility;
 4. The maximum number of animals which such facility will contain at any single time;
 5. An approved method of storing and disposing of food and animal wastes, bedding, dead animals and debris;

6. The name and address of the person designated by the applicant as agent for service of legal process or notices;
 7. A statement giving permission for the inspection of such facility at any reasonable time;
 8. The initial registration fee as prescribed in Section 16.52.090, which shall be nonrefundable;
 9. The cash deposit or surety bond in the form and amount prescribed by Section 16.52.090, which shall be returned to the applicant in the event that a registration certificate is not issued.
- C. Upon application for animal shelter or kennel registration, the Animal Control Authority and the health officer shall inspect the proposed facilities to see whether the facilities will comply with the requirements of this chapter. If it is found that they do not, the registration certificate shall not be issued, and the applicant shall be advised in writing as to why the application is denied. If the proposed facilities meet the requirements and standards of this chapter, the Animal Control Authority shall issue a registration certificate.
- D. The registration certificate shall be posted in a conspicuous place upon the premises.
- E. Registration certificates are nontransferable.
- F. Each registration certificate shall expire one year from the date of issuance. Registration certificate renewals shall be processed in the same manner as the original application.

(Res. 124-96 § 7)

16.52.080 KENNELS AND ANIMAL SHELTERS—REVOCATION, DENIAL OR REFUSAL TO RENEW.

Registration for any kennel or animal shelters may be revoked, denied or not renewed for failure to comply with the provisions of this chapter, and such action shall be final, unless within twenty days of receipt of written notification thereof, an appeal is filed with the Board of County Commissioners.

(Res. 124-96 § 8)

16.52.090 KENNEL AND ANIMAL SHELTERS REGISTRATION FEES AND BOND.

- A. The following registration fees and bond amounts are hereby established:
1. The initial kennel/animal shelter registration fee shall be:
 - a. A base fee of One Hundred Dollars.
 - b. For kennels or animal shelters designed to house in excess of ten animals, an additional fee of Ten Dollars per animal for each additional designed space.
 2. The annual renewal fee for animal shelters and kennels shall be:
 - a. A base fee of Fifty Dollars.
 - b. For kennels or animal shelters designed to house in excess of ten animals, an additional fee of Five Dollars per animal for each additional designed space.
 - c. For late renewals a late registration penalty of Twenty-Five Dollars shall be assessed.
 3. The owner of any dog kennel or animal shelter located within unincorporated Wahkiakum County shall at the time of application for initial registration provide to the Animal Control Authority a cash deposit or surety bond in the following amounts:

- a. No cash deposit or surety bond shall be required for kennels and animal shelters designed to keep ten or fewer animals.
- b. For kennels and animal shelters designed to keep more than ten animals, the required amount of the bond shall be Two Hundred Fifty Dollars for each additional designed space in excess of ten.
4. The Animal Control Authority shall be entitled to forfeit all or a portion of the bond or cash deposit required hereunder in the event that the Animal Control Authority incurs expenses for caring for animals because of a violation of the provisions of this chapter.
5. The health officer shall be entitled to forfeit all or a portion of the bond or cash deposit required hereunder in the event that the health officer incurs expenses for environmental cleanup because of a violation of the provisions of this chapter.
6. Upon closure of a kennel or animal shelter, the person who posted the security under subsection (A)(3) of this section shall be entitled to a refund of such portion of said security not subject to forfeiture hereunder.

(Res. 124-96 § 9)

16.52.100 ENFORCEMENT.

- A. The Animal Control Authority and the Health Officer are authorized to enforce this chapter.
- B. If a law enforcement officer or animal control officer has probable cause to believe that any animal is in danger as a result of violations of this chapter, and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.
- C. If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused as a result of a violation of this chapter by a veterinarian to determine whether the level of neglect or abuse is sufficient to require removal of the animal.
- D. Any owner whose animal is removed pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.
- E. The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. PROVIDED, HOWEVER, this provision shall not be construed to limit the authority of the health officer to order the restriction and destruction of dogs and cats pursuant to WAC 246-100-191. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (1) petitioning for the immediate return subject to court-imposed conditions, or (2) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal,

the court shall order the owner to renew a bond or security for the agency's continuing costs for the animal's care.

- F. If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court of the county where the animal was removed for the animal's return. The petition shall be filed with the court, with copies served to the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must deliver the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the animal is returned, the petition shall be joined with the criminal matter.
- G. In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.
- H. The health officer may bring an action to enjoin any violation of the provisions of this chapter which constitutes a threat to the public health, or may bring any legal proceeding authorized by law, including, but not limited to, the special proceedings authorized in Title 7 RCW, in the Superior Court for Wahkiakum County. Continuing violations of this chapter which constitute a threat to the public health are declared to be a public nuisance. The health officer may commence a civil action for abatement of such public nuisances in the Superior Court for Wahkiakum County.

(Res. 124-96 § 10)

16.52.110 VIOLATIONS—PENALTIES.

- A. Any person violating any provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than One Thousand Dollars or to imprisonment in the county jail for not more than ninety days, or to both such fine and imprisonment. In the case of a continuing violation of any provision of this chapter, every day's continuance shall be a separate and distinct violation and shall be subject to punishment as such.
- B. In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal or animals if the court deems the animal's treatment to have been cruel or inhumane and likely to reoccur. If forfeiture is ordered, the owner shall be prohibited from owning or caring for any similar animals for a period of two years.
- C. In addition to fines and court costs, the defendant upon conviction, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, public health authorities or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, environmental cleanup, and the animal's care, euthanization, or adoption.

(Res. 124-96 § 11)

16.52.120 IMMUNITY.

Wahkiakum County, the animal control authority and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this chapter, or for any failure to take action to enforce the

provisions of this chapter. It is not the purpose or intent of this chapter to create on the part of Wahkiakum County or its agents any special duties or relationships with specific individuals. This chapter has been enacted for the well-being of the public as a whole.

(Res. 124-96 § 12)

16.52.130 SEVERABILITY.

The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

(Res. 124-96 § 13)

16.52.140 EFFECTIVE DATE.

- A. This chapter is necessary for the immediate preservation of the public health and safety and shall take effect immediately upon its adoption.
- B. Any kennel or animal shelter in operation as of October 8, 1996 shall be deemed to be pre-existing and shall be licensed by the owner within sixty days following October 8, 1996. Such pre-existing kennels and animal shelters shall be in full compliance with all provisions of this chapter within sixty days following October 8, 1996. At the time of initial licensing, pre-existing kennels and animal shelters shall be subject to the registration fees and bond amounts set forth in Section 16.52.090(A)(1) and (A)(3).

(Res. 124-96 § 14)