

Ordinance No. 679 1999

An ordinance relating to the control of dogs, cats, domestic, livestock, and exotic animals. The ordinance provides for levels of animal control within the unincorporated areas of Clallam County that will protect human health and safety, and prevent injury to humans, animals or property. This amends C.C.C. 17.01, Dog Control and C.C.C. 17.02, Dangerous Dogs.

**Title 17
Animals**

Chapters:

17.01	General Provisions
17.02	Dogs and Cats
17.03	Potentially Dangerous and Dangerous Dogs
17.04	Livestock
17.05	Rabies and Quarantine
17.06	Impound Procedures
17.07	Enforcement and Penalties
17.08	Leash Control Area
17.09	Kennels and Catteries
17.10	Animal Cruelty
17.11	Inherently Dangerous Animals
17.12	Fees and Costs

Chapter 17.01
General Provisions

Sections:

17.01.010	Purpose
17.01.015	Definitions
17.01.020	Liability for Damages
17.01.030	Responsibility for Payment of Costs & Fees
17.01.040	Animal Shelter
17.01.045	Disposal of Animal Carcasses and Remains
17.01.050	Agreements
17.01.060	Severability
17.01.070	Effective Date

C.C.C. 17.01.010. Purpose. It is the public policy of Clallam County to secure and maintain such levels of animal control within the unincorporated areas of Clallam County as will protect human health and safety, and to the greatest degree practicable to prevent injury to property. To this end, it is the purpose of this Title to provide a means of controlling errant animal behavior so that it shall not become a public nuisance.

It is also the policy of Clallam County to prevent the inhumane treatment of animals. Therefore, it is also the purpose of this Title to provide for the humane use, care, and treatment of animals to the end that cruelty to such animals will be reduced or eliminated.

C.C.C. 17.01.015. Definitions. In construing the provisions of this Title, except where otherwise plainly declared or clearly apparent from the context, words used herein shall be given their common and ordinary meaning; in addition, the following definitions shall apply:

- (1) "Abandon" means to desert, leave behind, or quit providing for an animal.
- (2) "Abatement" means the termination of any violation by reasonable and lawful means determined by the Animal Control Officer in order that a person or persons presumed to be the owner shall comply with this Chapter.
- (3) "Abuse" means to mistreat or wrongfully use an animal.
- (4) "Adult Dog or Cat" means any dog or cat over the age of six (6) months.
- (5) "Agent of the Owner of Livestock" means any person who rents pasture to the owner of livestock, or any tenant of any person who rents pasture to the owner of livestock, or any person who is the caretaker of the pasture or livestock.
- (6) "Ameliorate" means to make or become better; improve.
- (7) "Animal" means any domestic animal as defined in Section 17.01.015(17), any inherently dangerous animal kept by any person as defined in Section 17.01.015(28) & (29), and all livestock as defined in Section 17.01.015(34).
- (8) "Animal Control Authority" means Clallam County, acting alone or in concert with other local governmental units for enforcement of the animal control laws of the County and state and the shelter and welfare of animals.
- (9) "Animal Control Officer" means any individual employed, contracted or appointed by the Animal Control Authority for the purpose of aiding in the enforcement of this Title or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals. Animal Control Officer

includes any state or local law enforcement officer, Deputy Sheriff, or other employee whose duties in whole or in part include assignments which involve the enforcement of animal control laws. Animal Control Officer also includes those Humane Society employees authorized by the court, pursuant to RCW 16.52.011 to enforce animal control laws.

(10) "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 a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

(11) "Bite" means the act of the animal's teeth seizing, or penetrating human or animal skin or clothing.

(12) "Canine" means a *Canis familiaris*, bred in a great many varieties, and includes both male and female, and hereafter referred to as dog.

(13) "Commercial Kennel or Cattery" means:

(a) Any establishment, person, or business which takes in for resale or boarding, another person's dogs or cats.

(b) Any establishment, person, or business which produces for sale, more than three (3) litters of cats or dogs per year.

(14) "Committed" means a notice of civil infraction was issued, and the infraction was not dismissed by the court, and the court entered a default judgment for the infraction or determined that the infraction was committed, regardless of the filing of any appeal by the violator, or the violator fails to respond to a notice of civil infraction.

(15) "Cruelty" means every act or failure to act which results in unnecessary physical pain or suffering to an animal.

(16) "Director" means the Sheriff of Clallam County or his/her designee.

(17) "Domestic Animal" means those domestic animals such as any dog, cat, rabbit, bird, or other such animal normally kept as a pet.

(18) "Equestrian" means a person who is riding or leading any horse.

(19) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness.

(20) "Feline" means a *Felis catus*, bred in a great many varieties, and includes both male and female, and hereafter referred to as cat.

(21) "Feral" means any wild animal or any animal having escaped from domestication and becoming wild.

(22) "Harboring" means allowing any animal to remain, be lodged, fed, or sheltered on the property one owns, occupies or controls, for more than twenty-four (24) hours.

(23) "Harboring of an inherently dangerous mammal and/or inherently dangerous reptile" means to allow an inherently dangerous mammal or inherently dangerous reptile to remain, lodge, be fed, or to be given

shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

(24) "Horse" means a domesticated Equine, bred in a great many varieties, and includes other animals such as mules and jackasses.

(25) "Hours of Darkness" means the hours from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of two hundred feet.

(26) "Humane Trapping" means capturing any animal without causing intentional injury or death to the animal, and providing reasonable protection and care for the animal until it is delivered to a shelter or turned over to the Animal Control Officer or owner.

(27) "Infraction" means an offense which is not a crime and is subject to the provisions of this Chapter.

(28) "Inherently Dangerous Mammal" means any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and which includes:

(a) Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, such as wolf hybrids, but not including domestic dogs (*Canis familiaris*).

(b) Felidae, including any member of the cat family not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).

(c) Ursidae, including any member of the bear family, or any hybrids thereof.

(29) "Inherently Dangerous Reptile" means any live member of the class reptilia which:

(a) is venomous, including, but not necessarily limited to, all members of the following families: Helodermidae (Beaded Lizards - Gila Monster, Mexican Beaded Lizard), Viperidae (Vipers and Adders), Crotalidae (Pit Vipers), Altractaspidae (Mole Vipers), Hydrophilidae (Sea Snakes), and Elapidae (Cobras); or

(b) is a "rear fanged" snake of the family Colobridae (rear fanged snakes) that are known to be dangerous to humans, including, but not necessarily limited to, all members of the following families: *Dispholidus typus* (Boomsnang Snake), *Thebtonis kirtlandii* (Twig Snake), and *Rhabdophis* spp. (Speckled Belly Keelback and Red Necked Keelback); or

(c) is a member of the order Crocodylia (crocodiles, alligators and caiman).

(30) "Lawful Fence" in addition to the description of lawful fence described in the Revised Code of Washington, lawful fence shall mean any fence or physical barrier with the capability of safely holding/restraining the animal(s) being secured within.

(31) "Leash" means a chain, rope, leather strip, nylon strip, or other device no longer than twenty (20) feet that is in good condition and capable of holding/restraining the animal to which it is attached.

(32) "Leash Control" means a dog is on a leash and under human control.

(33) "Leash Control Area" means an area designated by the County Commissioners in which all dogs off the owners' property must be leash controlled.

(34) "Livestock" means horses, mules, jackasses, cattle, sheep, llamas, goats, swine, poultry and rabbits.

(35) "Microchip" means a commercially sold and nationally recognized and registered with Clallam County, small, magnetic device commonly inserted under the skin of an animal and which contains a magnetic or electronic animal identification number.

(36) "Neglect" means the act of leaving an animal without food, water, or care in a situation where the conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

(37) "Notice of Violation" means a verbal warning, or a written warning, or a civil notice of infraction.

(38) "Notification" means the service of a notice on the animal's owner, any resident of the owner's residence, or the mailing of the notice by certified and regular mail.

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

(40) "Poultry" means chickens, turkeys, ratites, and other domesticated fowl.

(41) "Premises" means any house, dwelling unit, or building and the curtelage surrounding it.

(42) "Private Kennel or Cattery" means any establishment, person, or business having more than ten (10) adult dogs, ten (10) adult cats, or a combination thereof, and producing no more than three (3) litters of dogs or cats for sale per year.

(43) "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.

(44) "Public Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular traffic.

(45) "Quarantine" means the placing and restraining of any animal by agents in charge thereof, within a certain described and designated enclosure or area within the County, as may be directed by the Animal Control Officer.

(46) "Rabies Vaccination Certificate" means a rabies vaccination certificate issued by a licensed veterinarian. The certificate shall be signed by the veterinarian and shall indicate the expiration date of the vaccination and the type of vaccine used.

(47) "Ratite" means ostrich, emu, rhea, or other flightless bird.

(48) "RCW" means Revised Code of Washington.

(49) "Responsive to Voice Control" means immediately responsive to the owner by voice or other signal.

(50) "Right of Way" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(51) "Running At Large" means to be off the premises of the owner and not under the control of the owner or competent person authorized by the owner.

(52) "Running in Packs" means a group of three or more dogs running upon either public or private property not that of its owner in a state in which either its control or ownership is in doubt or cannot readily be ascertained, and when such dogs are not restrained or controlled.

(53) "Severe Injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery; or, multiple bites to a human.

(54) "Shelter Officer" means any individual employed by a shelter for the purpose of controlling and providing care for impounded and surrendered animals or destroying animals by euthanasia.

(55) "Under Control" means the animal is under and immediately responsive to competent voice and/or signal control and/or leash control so as to be thereby restrained from approaching any other person, other animal, or entering upon the property of another and from causing or being the cause of physical injury or property damage. Provided that dogs under proper supervision used to lawfully hunt predatory animals or game birds; or dogs under proper supervision engaged in agricultural activities, or dogs used by law enforcement agencies; or any animal when otherwise safely and securely confined or completely controlled within or upon any vehicle are considered under control.

(56) "Vehicle" means every device, including bicycles, capable of being moved upon a public or private roadway and in, upon, or by which any person may be transported.

(57) "Working Dog" means any dog which is trained to be used for the control, protection or herding of livestock for farming purposes and which is so engaged and behaving according to its training.

(58) "Zoonotic" means a disease communicable under natural conditions from animals to humans.

C.C.C. 17.01.020. Liability for Damages. The owner of any animal in violation of this Title shall be liable to the owner of any animal killed or injured, any property damaged, or to any person injured by such animal for the amount of damages sustained and costs of collection, to be recovered in a civil action.

Except that, this Section is not intended to place liability on the owner of any animal if the injury or damages were sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

C.C.C. 17.01.030. Responsibility for Payment of Costs & Fees. It is the responsibility of the owner of every animal treated, impounded, and/or destroyed under this Title to pay the costs of treatment, transportation, housing, impoundment, euthanasia and fees for such animal. Abandonment of the animal does not relieve the owner of such responsibility.

It is unlawful for the owner of animals treated, impounded, and/or adopted pursuant to the provisions of this Title to fail to or refuse to pay the impound fees, transportation, boarding, veterinary care, licensing, adoption, euthanasia costs, fines, restitution or other required fees or costs as set forth in this Title. Violations shall be a misdemeanor.

Any provider, other than Clallam County, of services under this Ordinance, including but not limited to transportation, medical veterinary services, boarding, or euthanasia, shall seek payment directly from the owner of the animal and shall not seek or be entitled to payment from Clallam County, except that, the provider may seek payment from Clallam County when the animal is referred to the provider by the county and the owner is unknown. In cases where the animal is referred to the provider by the county and, the animal is not wearing a license tag,

scanning for microchip is unsuccessful, and no owner is known, medical care may be limited by the county to providing humane euthanasia of the animal.

C.C.C. 17.01.040. Animal Shelter.

(1) There shall be one or more animal shelters within the County for detaining animals surrendered to or apprehended by the Animal Control Officer.

(2) The Animal Shelter shall have facilities for housing animals that are injured or ill, or possibly contagious with infectious disease; facilities for housing dogs and cats under quarantine; and facilities for the humane destruction of animals by euthanasia.

(3) The Animal Control Authority shall operate said shelter(s), or contract with a public or private or non-profit organization for shelter services.

(4) Shelter Officers employed by the County shelter shall have the authority to collect license fees as set forth in Section 17.12.010, and impound fees and costs as set forth in Section 17.12.020.

(5) No animal at the County shelter shall be used, sold, loaned or given away for medical or research purposes whether the animal is dead or alive.

C.C.C. 17.01.045. Disposal of Animal Carcasses. It shall be unlawful to dispose of or dump dead animals, animal carcasses, or animal parts on public property or private property other than one's own, without the permission of the owner. It shall be unlawful for a commercial establishment charging for the disposal of animals to dispose of animals by dumping or burying without proper permits. Violation of this section shall be a misdemeanor.

C.C.C. 17.01.050. Agreements. The Board of Clallam County Commissioners may enter into agreements with any veterinarian, governmental agency, city, corporation or individual it deems necessary to carry out the provisions of this Title.

C.C.C. 17.01.060. Severability. If any portion of this Title is held invalid, it is the intent of the Board of County Commissioners that such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Title.

C.C.C. 17.01.070. Effective Date. This Title shall take effect ten days after adoption, except that the mandatory licensing requirements contained in Chapter 17.02.015 shall take effect on July 1, 1998.

**Chapter 17.02
Dogs and Cats**

Sections:

17.02.010	Dog Control Zone
17.02.015	Dog Licensing -- Regulations
17.02.020	Dog Licensing -- Civil Violations
17.02.025	Dog(s) Kept Outside
17.02.030	Control of Dogs -- Civil Violations
17.02.035	Unlawful Release
17.02.040	Animal Waste - Owner Responsibility
17.02.045	Voluntary Cat Licensing -- Regulations
17.02.050	Control of Cats -- Civil Violations
17.02.075	Humane Trapping or Catching of Dogs and Cats -- Procedure

C.C.C. 17.02.010. Dog Control Zone. All of unincorporated Clallam County, except national parks and tribal lands, shall be designated a dog control zone in accordance with Chapter 16.10 RCW.

C.C.C. 17.02.015. Dog Licensing -- Regulations.

(1) All dogs over the age of six (6) months shall be licensed. A rabies vaccination certificate must be presented when purchasing a dog license. A license is valid for the same period of time as the rabies vaccination. A late penalty shall be added if the owner fails to renew an expired license within thirty (30) days of license expiration. There shall be a fee for replacement of any lost license tag. License fees may be paid to either "county" or "private" licensing outlets as designated by the Director. A service charge in addition to the regularly set fees may be collected and retained by all "private" licensing outlets designated by the Director for each dog license issued. Upon payment of the license fee, the licensing outlet shall give to the owner of such dog, a license and metallic tag for each dog licensed and shall transmit the license form to the Animal Control Authority who shall maintain records of all licenses.

(2) All licenses issued pursuant to this Chapter shall be dated and numbered, and shall bear the name of Clallam County, the name and address of the owner of the dog, and a description of the dog. A metallic tag bearing a serial number corresponding to the number of the license, and the County or part thereof will be issued to the owner. If the owner presents proof that the dog is microchipped, the microchip number will be recorded on the license.

(3) It shall be the duty of every owner to attach the valid metallic license tag to the collar worn by his/her dog when the dog is off the owner's property. A dog with permanent, readily scannable microchip identification shall not be required to wear a collar with the metallic license tag attached. Except that neither the County nor the animal shelter shall be liable for the failure of a scanner to detect the presence of a microchip.

(4) Upon the sale or other transfer of ownership of any dog, the dog shall be relicensed by the new owner.

(5) All license fees, late penalties, and service charges collected under the provisions of this Section, other than civil penalties and criminal fines, are set forth in Section 17.12.010. The animal control authority may, at its discretion, temporarily reduce license or other fees at special events or clinics held to encourage compliance with this ordinance.

(6) Exceptions: Licenses are not required in the following circumstances:

(a) Nonresidents temporarily residing in Clallam County for a period less than sixty (60) days.

(b) Dogs held for rehabilitation by a recognized rescue organization except that such dogs cannot be bred or held for longer than ninety (90) days without licensing.

C.C.C. 17.02.020. Dog Licensing -- Civil Violations. The following dog licensing regulations are designed to protect public health and safety and welfare of dogs. The owner of a dog shall license his/her dog as required in Section 17.02.015. The violation of Subsections (3) or (4) or (5) is a Class 1 civil infraction. It is unlawful for any person to violate any of the following regulations:

- (1) Owning an unlicensed dog over the age of six (6) months.
- (2) Owning a dog over the age of six (6) months that is off its owner's property while not wearing a collar with a current valid metallic license tag attached, or is not otherwise permanently identified with a microchip that can be correlated with a license number, as provided for in Section 17.02.015(3);
- (3) Owning a dog wearing a license tag registered to another dog;
- (4) Removing a license tag from any dog without the authorization of the owner of the dog;
- (5) Falsely representing whether any dog is neutered, non neutered, spayed, non spayed, or microchipped for the purpose of securing a dog license.

C.C.C. 17.02.025. Dog(s) Kept Outside. Every dog kept or left outdoors shall have food, water, and shelter available.

- (1) Food and water shall be available daily.
- (2) Shelter shall be available at all times and shall consist of a structure which has a water tight roof and is capable of protecting the dog from the elements. The structure must be large enough for the dog to enter, be able to stand up, turn around, and lay inside.

C.C.C. 17.02.030. Control of Dogs -- Civil Violations. The following dog control regulations are designed to protect public health and safety and welfare of dogs. The owner of a dog is strictly liable to control his/her dog as required herein. This means that the penalty for violation of these regulations is imposed without regard to any wrongful intention of the violator. The violation of subsection (1) of this Section is a Class 1 civil infraction. It is unlawful for the owner of a dog to fail to prevent said dog from:

- (1) Inflicting a bite on a human or animal (except poultry, rabbits, and cats that are allowed to roam off their owner's property);
- (2) Running at large;
- (3) Not being under control while off the owner's property;
- (4) Entering any place where food is stored, prepared, served or sold to the public, or any public building or hall. This Section shall not apply to any dog serving the blind or deaf; or to dogs used by armored car services, private security companies, or law enforcement agencies;
- (5) Being accessible to other dogs, while in heat, for purposes other than controlled or planned breeding;
- (6) Chasing, running after or jumping at vehicles using public roadways;

(7) Snapping, growling, snarling, barking in a threatening manner, jumping upon, chasing or otherwise threatening persons while the dog is not restrained and is off the property of the owner;

(8) Howling, yelping, whining, barking, or making other noises in such a manner as to disturb any person or groups of persons to an unreasonable degree except that working dogs as defined in section 17.01.015 are exempted. The following examples constitute prima facia evidence of disturbing a person or group to an unreasonable degree provided, however, these examples are not exclusive.

(a) Two or more complaints from different complainants with a 24 hour period.

(b) Barking, howling, yelping, or whining for more than one hour.

(c) Prolonged barking between the hours of 10 PM and 7 AM.

(9) Entering upon another person's property without the authorization of that person;

(10) Being kept, harbored or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian;

(11) Running in packs while off the owner's property;

(12) Damaging or destroying the property of another person, including destroying wildlife that has purposefully been attracted to the person's property;

(13) Being staked, tethered or kept on public property for longer than one (1) hour without prior consent of the Animal Control Officer.

(14) Entering another's property and injuring or killing any poultry or rabbits that are housed in an adequate enclosure or cats that are on their owner's property.

C.C.C. 17.02.035. Unlawful Release. It is unlawful for a person to release any animal not belonging to them from a tether line, run, chain, fenced area, or any other means used to restrain/secure the animal. The only exception would be if failure to release the animal would result in injury or death to the animal.

C.C.C. 17.02.040. Animal Waste - Owner Responsibility. The owner of any dog which defecates while off its owner's property shall pick up, bag, and properly dispose of the waste.

C.C.C. 17.02.045. Voluntary Cat Licensing -- Regulations.

(1) Any cat may be licensed at the option of the owner. License fees may be paid to either "County" or "private" licensing outlets as designated by the Director. A service charge in addition to the regularly set fees may be collected and retained by all "private" licensing outlets designated by the Director for each cat license issued. Upon payment of the license fee, the licensing outlet shall give the owner of such cat a license and metallic tag for each cat licensed.

(2) All license fees and service charges collected under the provisions of this Section are set forth in Section 17.12.010.

C.C.C. 17.02.050. Control of Cats -- Civil Violations. The following cat control regulations are designed to protect public health and safety and welfare of cats. The owner of a cat is strictly liable to control his/her cat as required herein. This means that the penalty for violation of these regulations is imposed without regard to any wrongful intention of the violator. It is unlawful for the owner of a cat to fail to prevent said cat from:

- (1) Being accessible to other cats, while in heat, for purposes other than controlled or planned breeding;
- (2) Being kept, harbored or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian;
- (3) Being a threat to the safety of humans and/or other domestic animals;
- (4) Inflicting a bite on a human;
- (5) Damaging or destroying the property of another person, including destroying wildlife that has purposefully been attracted to the person's property.

C.C.C. 17.02.075. Humane Trapping or Catching of Dogs and Cats -- Procedure. Any person eighteen (18) years of age or older may humanely trap or catch any dog or cat that has entered the premises of that person's property without the authorization of that person. After trapping or catching any dog or cat, the person shall deliver it to the County shelter or turn it over to the animal's owner or the Animal Control Officer within twenty-four (24) hours.

Chapter 17.03
Potentially Dangerous and Dangerous Dogs

Sections:

17.03.010	Potentially Dangerous Dog -- Reasons to Declare
17.03.020	Dangerous Dog -- Reasons to Declare
17.03.030	Declaration of Potentially Dangerous or Dangerous Dog -- Notice, Hearing and Appeal
17.03.040	Potentially Dangerous Dog -- Registration, Requirements, Annual Fee
17.03.050	Dangerous Dog -- Certificate of Registration, Requirements
17.03.060	Potentially Dangerous Dog -- Requirements for Restraint and Enclosure
17.03.070	Dangerous Dog -- Requirements for Restraint and Enclosure
17.03.080	Potentially Dangerous or Dangerous Dog -- Ownership
17.03.090	Potentially Dangerous or Dangerous Dog -- Violations and Penalties
17.03.100	Provocation as a Defense
17.03.110	List of Potentially Dangerous and Dangerous Dogs

C.C.C. 17.03.010. Potentially Dangerous Dog -- Reasons to Declare. The Animal Control Officer may declare as potentially dangerous any dog that:

- (1) When unprovoked inflicts a bite on a human or domestic animal or livestock (except poultry, rabbits and cats that are allowed to roam off the owner's property); or
- (2) When unprovoked chases or threatens a person upon the streets, sidewalks, any public grounds or upon private property other than the owner's in a menacing fashion or apparent attitude of attack; or
- (3) Has been declared potentially dangerous by any other governmental jurisdiction for similar violations of state statutes or local ordinances;
- (4) Chases, harries or harasses, livestock or game animals while off the owners property.

Except that:

(5) Dogs shall not be declared potentially dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful 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.

C.C.C. 17.03.020. Dangerous Dog -- Reasons to Declare. The Animal Control Officer may declare as dangerous any dog that:

- (1) Has inflicted severe injury on a human being without provocation;
- (2) Has killed a domestic animal or livestock (except poultry, rabbits or cats that are allowed to roam off the owner's property); or
- (3) Has been previously found to be potentially dangerous, the owner having received notice of such and the dog again bites, attacks, or endangers the safety of humans or domestic animals; or
- (4) Has been declared dangerous by any other governmental jurisdiction for similar violations of state statutes or local ordinances.

C.C.C. 17.03.030. Declaration of Dangerous or Potentially Dangerous Dog -- Notice, Hearing and Appeal.

(1) Whenever the Animal Control Officer finds any dog in violation and determines that said dog should be declared dangerous or potentially dangerous, the officer shall prepare a notice declaring said dog to be a dangerous or potentially dangerous dog, and serve the notice as required for a summons on the owner of the dog, except that, if the summons cannot be served it may be posted on the residence. The notice shall contain the following:

(a) The name and address of the owner of the dog being declared potentially dangerous;

(b) The breed, color, sex, and license number (if known) of said dog;

(c) The facts upon which the determination of potentially dangerous dog is based;

(d) That the dog shall immediately be restrained as required in Section 17.03.060 or 17.03.070;

(e) That the dog shall be registered within ten (10) days of receiving the notice unless a hearing is requested as provided for in subsection (g);

(f) In the case of a potentially dangerous dog, that if there are future similar problems with the dog, the dog could be declared a dangerous dog pursuant to Section 17.03.020, and required to be registered as provided for in Section 17.03.050;

(g) That the notice constitutes a final determination that the dog is dangerous or potentially dangerous, unless the owner of the dog requests a hearing in writing within ten (10) days of service of the notice.

(2) In the event the owner of a dog requests a hearing as provided for in Subsection (1)(g), a hearing shall be held within thirty (30) days of the receipt of the request for hearing, unless it is continued for good cause. The Animal Control Officer shall notify the owner of the date, time and place of the hearing, as well as the right to present evidence as to why the dog should not be declared dangerous or potentially dangerous. The hearing shall be held before the District Court of Clallam County. The hearing shall be informal and open to the public. At the hearing, the records of the Animal Control Officer shall be admissible evidence as to whether the dog is a dangerous or potentially dangerous dog; the owner of the dog may require the officer compiling the record to be present at the hearing; the owner of the dog may present evidence and examine witnesses present; and the burden shall be on the Animal Control Officer to establish by a preponderance of the evidence that the dog is a dangerous or potentially dangerous dog.

(3) The District Court judge shall notify, in writing, the owner of the dog of his/her decision within ten (10) days of the hearing. The District Court decision may be appealed as provided under the general laws of the State of Washington.

(4) If the potentially dangerous or dangerous dog declaration is upheld the owner has ten (10) days from the notification date to comply with the registration requirements.

(5) A finding that a dog is not a potentially dangerous or dangerous dog shall not prevent the Animal Control Officer from seeking to have the dog declared dangerous or potentially dangerous as the result of any subsequent action by the dog.

C.C.C. 17.03.040. Potentially Dangerous Dog -- Registration, Requirements, Annual Fee.

(1) The owner of a dog declared potentially dangerous shall register said dog and pay the initial registration fee as set forth in Section 17.12.015(1) within ten (10) days of notification as provided for in Section

17.03.030: PROVIDED, that if the owner requests a hearing within the ten (10) day period the owner shall not be required to pay such registration fee until after the hearing officer makes a determination that said dog is potentially dangerous.

(2) The owner of a dog being declared potentially dangerous may be required by the County to have the dog equipped with a microchip. This can be done through a local veterinarian. Proof of microchip being done and the microchip number shall be presented when licensing the dog.

(3) The owner of a dog declared potentially dangerous shall renew the registration annually and pay the renewal fee for the calendar year as set forth in Section 17.12.015(2).

(4) A dog license fee already paid by the owner, as set forth in Section 17.12.010, shall not be applied toward the cost of the initial registration; however, on the second and subsequent calendar years, the cost of renewal shall include licensing.

C.C.C. 17.03.050. Dangerous Dog -- Certificate of Registration, Requirements.

(1) The owner of a dangerous dog must obtain a certificate of registration for such animal from the Animal Control Authority within ten (10) days of final determination of dangerous dog as provided in Section 17.04.030. The certificate of registration shall be issued only if the owner of the dangerous dog presents sufficient proof of the following:

(a) A proper enclosure to confine a dangerous dog and posting of the premises with a clearly visible sign that displays a warning symbol that informs children of the presence of a dangerous dog;

(b) The owner of a dog being declared dangerous shall have the dog equipped with a microchip. This can be done through a local veterinarian. Proof of microchip being done and the microchip number shall be presented when licensing the dog.

(c) 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 (\$50,000), payable to any person injured by the dangerous dog; or

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 (\$50,000), insuring the owner or keeper for any personal injuries inflicted by the dangerous dog.

(2) The owner of a dangerous dog shall pay an initial registration fee as set forth in Section 17.12.015(3) and thereafter pay an annual registration fee for the calendar year as set forth in Section 17.12.015(4). A dog license fee already paid by the owner, as set forth in Section 17.12.010(1) and (2), shall not be applied toward the cost of the initial registration; however, on the second and subsequent calendar years, the cost of registration shall include licensing.

(3) Any dangerous dog for which a certificate of registration or renewal has not been obtained by its owner is subject to being impounded by the Animal Control Authority.

(4) This Section shall not apply to police dogs as defined in Section 4.24.410 RCW.

C.C.C. 17.03.060. Potentially Dangerous Dog -- Proper Restraint and Enclosure.

(1) The owner of a potentially dangerous dog shall restrain his/her dog, as required herein, immediately upon being notified that said dog has been declared potentially dangerous by the Animal Control Officer, regardless of the owner's intent to request a hearing or file any appeal.

(2) A dog declared potentially dangerous shall be restrained as follows: (a) while on the owner's property, a potentially dangerous dog shall be restrained by a fence, kennel or sufficiently strong chain, leash or other confinement suitable to prevent said dog from leaving the owner's property and restrained in such a manner as to keep the dog at least 25 feet from the normally used path of entrance to any occupied building, residence, or utility meter (water, electric, etc.); or (b) while off the owner's property, a potentially dangerous dog shall be under physical restraint of the owner or other responsible person.

(3) While restrained on the owner's property, a potentially dangerous dog shall be provided with a structure which provides protection from the elements.

C.C.C. 17.03.070. Dangerous Dogs --Requirements for Restraint and Enclosure.

(1) 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 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 a dog.

(2) While outside the enclosure, a dangerous dog shall be muzzled and restrained by a substantial chain or leash and under physical restraint of the owner or other 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.

(3) The owner shall post the premises with a clearly visible warning sign that displays a warning symbol that informs children of the presence of a dangerous dog.

C.C.C. 17.03.080. Potentially Dangerous or Dangerous Dog -- Ownership. The owner of a potentially dangerous or dangerous dog shall not transfer ownership or move said dog without first notifying the Animal Control Authority and obtaining authorization to do so. Prior to destroying any potentially dangerous or dangerous dog, the owner shall give notification to the Animal Control Authority, or shall provide proof of destruction within 48 hours of the death of the dog.

C.C.C. 17.03.090. Potentially Dangerous or Dangerous Dog -- Violations and Penalties. Violation of any Section of this Chapter shall be a misdemeanor.

(1) It shall be unlawful for the owner of a potentially dangerous dog to:

a. Transfer ownership, move, or destroy said dog without first complying with the provisions of 17.03.080.

b. Fail to provide proper restraint and/or enclosure for dogs declared potentially dangerous as defined in 17.03.060.

c. Fail to maintain registration and license for potentially dangerous dogs.

(2) It shall be unlawful for the owner of any dangerous dog to:

a. Fail to secure the liability insurance coverage or bond required hereunder;

b. Fail to post a clearly visible sign that displays a warning symbol that informs children of the presence of a dangerous dog;

c. Fail to maintain the dog inside the dwelling of the owner or inside a proper enclosure;

d. Fail to keep dog under physical restraint of a responsible person and muzzled when outside the dwelling or enclosure;

e. Transfer ownership, move, or destroy said dog without first complying with the provisions of Section 17.03.080.

C.C.C. 17.03.100. Provocation as a Defense. Proof that the injured person provoked the attack shall be a complete defense to an action for damages.

C.C.C. 17.03.110. List of Potentially Dangerous and Dangerous Dogs. A list of potentially dangerous and dangerous dogs shall be maintained by the Animal Control Authority. The list shall be made available to the public for normal copying costs. The list shall include the general description of the dog and the address at which the dog is normally kept.

Chapter 17.04
Livestock

Sections:

17.04.020	Stock Restricted Area
17.04.030	Stock at Large in Restricted Area
17.04.040	Stock on Highway Right-of-Way -- Violations
17.04.050	Livestock at Large -- Violations
17.04.060	Riding Horses -- Violations

C.C.C. 17.04.020. Stock Restricted Area. All of Clallam County, except national park lands and tribal lands, is designated a stock restricted area.

C.C.C. 17.04.030. Stock at Large in Restricted Area. No person owning or in control of any livestock shall willfully or negligently allow such livestock to run at large in any stock restricted area or to wander or stray upon the right-of-way of any public highway lying within a stock restricted area when not in the charge of some person.

C.C.C. 17.04.040. Stock on Highway Right-of-Way -- Violations. It shall be unlawful for any person to herd or move any livestock over, along, or across the right-of-way of any public highway, or portion thereof, within any stock restricted area, without having in attendance a sufficient number of persons to control the movement of such livestock and to warn or otherwise protect vehicles traveling upon such public highway from any danger by reason of such livestock being herded or moved thereon.

C.C.C. 17.04.050. Livestock at Large -- Violations. Any person who owns or has possession, charge, or control of livestock shall not allow them to run at large.

(1) Livestock escaping from or being outside of any area fenced to restrain them more than three (3) times in a six month period shall constitute prima facie evidence of inadequate fencing.

(2) It shall not be necessary for any person to fence against such animals, and it shall be no defense to any action or proceeding brought pursuant to this Chapter.

C.C.C. 17.04.060. Riding Horses -- Violations. The following regulations are designed to protect public health and safety as well as the welfare of equines. It is unlawful for the equestrian to violate any of the following regulations:

(1) Riding or leading any horse within the unincorporated areas of the County on any paved public roadway during the hours of darkness unless equipped with lighting equipment as defined in RCW 46.61.780 or the rider has ready at hand a flashlight or other lantern which is exhibited to prevent collision, or unless the rider and horse are wearing front and rear reflective safety strips;

(2) Riding or leading any horse that is not under control on any public roadway.

**Chapter 17.05
Rabies and Quarantine**

Sections:

17.05.015	Dogs and Cats -- Rabies Vaccination Required -- Regulations
17.05.020	Dogs and Cats -- Rabies Vaccination Required -- Civil Violation
17.05.025	Quarantine of Animals -- Procedures
17.05.030	Quarantine at the Shelter -- Procedures
17.05.040	Quarantine Upon the Premises of a Licensed Veterinarian -- Procedures
17.05.045	Wolf Hybrids
17.05.050	Failure to Comply - Civil Violation
17.05.075	Bitten Animals
17.05.080	Animal Rabies Control

C.C.C. 17.05.015. Rabies Vaccination Required -- Regulations.

(1) All mammals kept as pets shall be vaccinated against rabies in accordance with the standards contained in the Compendium of Animal Rabies Control as amended, published by the National Association of State Public Health Veterinarians, Inc.

(2) The Animal Control Officer may issue a notice of infraction to the owner of any dog or cat, if the officer has reasonable cause to believe said dog or cat is not vaccinated against rabies.

(3) Failure or refusal by the owner to produce a rabies vaccination certificate for his/her dog or cat, upon request by the Animal Control Officer, shall be reasonable cause for the officer to issue a notice of infraction to the owner for violation of Section 17.05.020.

C.C.C. 17.05.020. Dogs and Cats -- Rabies Vaccination Required -- Civil Violation. The following regulation is designed to protect public health and safety as well as the welfare of dogs and cats. The penalty for violation of this regulation is imposed without regard to any wrongful intention of the violator. It is unlawful for the owner of any dog or cat over the age of six (6) months to fail to have said dog or cat vaccinated against rabies in accordance with the standards described in Section 17.05.015(1).

C.C.C. 17.05.025. Quarantine of Animals -- Procedures.

(1) Whenever the Animal Control Officer suspects that any animal capable of transmitting rabies is infected with such disease or the animal has bitten, inflicting a bite wound where the skin is perforated, he/she shall immediately impound and hold the animal until the Director, his designee, or the Shelter Officer reviews pertinent details as follows:

- (a) Rabies vaccination status;
- (b) History of other incidents;
- (c) Provocation of attack;
- (d) Need for quarantine;

If, after examination of the above details, the need for quarantine is established, the Animal Control Officer shall prescribe procedures for, and a period for quarantine, not to exceed ten (10) days and he/she shall notify the owner in writing. At the discretion of the Animal Control Officer, such animal shall be quarantined at the shelter or upon the premises of any licensed veterinarian where conditions of quarantine are strictly kept.

(2) The quarantined animal shall not be released from quarantine until after the period of quarantine has expired, the animal has been examined by a licensed veterinarian and found free from any signs or symptoms of rabies or other zoonotic disease, the required vaccinations are obtained, and the owner has paid the cost of quarantine and examination. Animals found to be affected by rabies shall be humanely destroyed.

C.C.C. 17.05.030. Quarantine at the Shelter -- Procedures.

(1) If the animal becomes sick or dies or shows any signs or symptoms of rabies during the quarantine period, the Shelter Officer shall immediately notify the Animal Control Officer. Upon notification, the Shelter Officer shall make arrangements to have the animal examined by a licensed veterinarian at the owner's expense. If the veterinarian determines or suspects that the animal is infected with rabies or other zoonotic disease, he/she shall immediately notify the Animal Control Officer and any other government authority as required by law. Upon notification, the Animal Control Officer shall notify any person bitten by the animal of the findings of the veterinarian.

(2) At the end of the quarantine period, and within five (5) days thereafter, the Shelter Officer shall make arrangements to have the animal examined by a licensed veterinarian at the owner's expense. The veterinarian shall examine the animal and report his/her findings as provided for in Section 17.05.040(2)(a) and (b).

(3) Any animal impounded and/or quarantined at the shelter shall not be released until the owner or other authorized person pays impound fees and costs as set forth in Section 17.12.020. The owner or other authorized person redeeming an unlicensed dog over the age of six months shall also pay the license fee, and late penalty fee, if applicable, as set forth in Section 17.12.010.

(4) Any animal surrendered by its owner may be humanely destroyed by euthanasia after the end of the quarantine period and after examination by a licensed veterinarian. The owner shall pay impound fees and costs as set forth in Section 17.12.020.

C.C.C. 17.05.040. Quarantine Upon the Premises of a Licensed Veterinarian -- Procedures.

(1) If the animal becomes sick or dies or shows any signs or symptoms of rabies during the quarantine period, the veterinarian shall immediately implement normal rabies procedures, notify the Animal Control Officer and any other government authority as required by law. Upon notification, the Animal Control Officer shall notify any person bitten by the animal of the findings of the veterinarian.

(2) At the end of the quarantine period, and within five (5) days thereafter, the veterinarian shall examine the animal and update required vaccinations at the owner's expense, and report his/her findings as follows:

(a) If the veterinarian determines or suspects that the animal is infected with rabies or other zoonotic disease, he/she shall immediately notify the Animal Control Officer and any other government authority as required by law. Upon notification, the Animal Control Officer shall notify any person bitten by the animal of the findings of the veterinarian;

(b) If the veterinarian determines that the animal is healthy, he/she shall provide a signed statement (on a form provided by the Animal Control Authority) indicating that the animal was examined and found free from any signs or symptoms of rabies or other zoonotic disease. The veterinarian shall deliver or mail the statement to the Animal Control Officer. Upon receipt of the statement, the Animal Control Officer shall file the statement with his/her report and notify any person bitten by the animal of the findings of the veterinarian.

C.C.C. 17.05.045. Wolves and Wolf Hybrids. The owner of any dog which has been declared, by a veterinarian or by acceptable documentation, as a wolf or wolf hybrid and has inflicted a bite on a human or domestic animal or livestock shall, notify the Animal Control Officer of the bite. The Animal Control Officer shall impound the animal pursuant to Chapter 17.06.

Any wolf or wolf hybrid that has bitten shall be euthanized by a veterinarian and shall be tested for rabies. The owner of the wolf or wolf hybrid impounded by the Animal Control Officer will be liable for all expenses incurred.

C.C.C. 17.05.050. Failure to Comply - Civil Violation. The preceding regulation is designed to protect public health and safety. The penalty for violation of Section 17.05.045 is imposed without regard to any wrongful intention of the violator. Violation of Section 17.05.045 is a Class 1 civil violation.

C.C.C. 17.05.075. Bitten Animals. The procedures outlined in the Compendium of Animal Rabies Control, as amended, published by The National Association of State Public Health Veterinarians, Inc. shall be followed when an animal is bitten by another animal found to be rabid.

C.C.C. 17.05.080. Animal Rabies Control. Any questions left unanswered in this Section will be referred to the Compendium of Animal Rabies Control, as amended, published by the National Association of State Public Health Veterinarians, Inc.

Chapter 17.06
Impound Procedures

Sections:

17.06.010	Impounding Authorized
17.06.020	Notification of Owner After Impounding
17.06.030	Requirements for Holding of Animals After Notification
17.06.040	Redemption of Impounded Animals
17.06.050	Disposition of Animals
17.06.060	Fees and Payment

C.C.C. 17.06.010. Impounding Authorized. The Animal Control Officer may impound any animal under the following conditions:

- (1) Any dog or cat that has been humanely trapped as provided for in Section 17.02.025.
- (2) Any animal found in violation of the provisions of this Title if the owner is unknown, or if known, if the owner is not readily available.
- (3) Any animal neglected or abandoned by its owner.
- (4) Any animal that is sick or injured and the owner is not present or able to take charge of the animal.
- (5) Any animal remaining at the scene of a crime or accident and the owner has been incarcerated or hospitalized.
- (6) Any animal seized by the court.
- (7) Any potentially dangerous or dangerous dog, inherently dangerous mammal, or inherently dangerous reptile found in violation of the provisions of this Title.
- (8) Any inherently dangerous mammal or inherently dangerous reptile which has inflicted a bite or is found running at large.

C.C.C. 17.06.020. Notification of Owner After Impounding. The Animal Control Officer upon impounding an animal shall make a complete record, entering the description of each animal. If the owner of the animal is known or if the animal is identifiable by license or other identification, the Shelter Officer shall attempt to notify the owner within forty-eight (48) hours by service or posting of notice that his/her animal has been impounded and where it may be redeemed. The reading of a license tag or the scanning for a microchip shall constitute reasonable attempts to identify the animal. The County or Animal Shelter shall not be liable for the failure of a scanner to detect the presence of a microchip.

C.C.C. 17.06.030. Requirements for Holding of Animals After Notification.

- (1) If the owner is known, the animal shall be held at least ninety-six (96) hours after the attempt to notify is accomplished.
- (2) If the owner is unknown, the animal shall be held at least seventy-two (72) hours after the time of impound.
- (3) If the animal has been impounded pursuant to a quarantine and has not been found to be suffering from rabies, the animal shall be held at least seventy-two (72) hours after the end of the quarantine period and examination by a licensed veterinarian.

C.C.C. 17.06.040. Redemption of Impounded Animals. In addition to other fees required by this Chapter, persons redeeming animals must pay fees as required for impound, transportation, boarding, vaccination, veterinary care, licensing, and adoption.

(1) Any dog or cat impounded pursuant to the provisions of Section 17.02 may be redeemed by the owner or other authorized person upon payment of the impound fees and costs as set forth in Section 17.12.020. The owner or other authorized person redeeming an unlicensed dog over the age of six months shall pay twice (two times) the license fee, any late penalty fee if applicable, and a twenty-five dollar (\$25.00) deposit for animals for which rabies vaccinations are not current. The deposit will be refunded when the animal is vaccinated and proof of vaccination is presented to the Shelter Officer.

(2) Prior to redemption of a dog that has been declared dangerous, the owner shall present proof of insurance coverage or bonding, notices, registration, and the existence of a proper enclosure.

C.C.C. 17.06.050. Disposition of Animals.

(1) Animals not redeemed within the time periods as set forth in Section 17.06.030 may be adopted, or humanely destroyed by euthanasia at the discretion of the Shelter Officer except those animals known to have bitten or which have been found dangerous or potentially dangerous shall not be adopted. Livestock not redeemed within the time limits may also be sold. Provided that no such animals will be adopted, sold, or destroyed if the owner is known to be physically or mentally incapacitated due to injury or serious illness and therefore incapable of handling his/her affairs.

(2) Upon receipt of written permission from the owner, animals may be adopted or humanely destroyed by euthanasia without regards to the holding periods outlined in Section 17.06.030.

(3) Any animal as may be determined by the Shelter Officer or licensed veterinarian to be suffering from serious injury or disease may be humanely destroyed by euthanasia.

(4) Any animal as may be determined by the Shelter Officer to be feral may be humanely destroyed by euthanasia.

(5) Any previously declared dangerous dog that has bitten shall be humanely destroyed by euthanasia after the quarantine period.

(6) Inherently dangerous animals and/or inherently dangerous reptiles which have bitten or been found running at large, shall be humanely destroyed by euthanasia or transferred to a suitably licensed facility such as a zoo.

C.C.C. 17.06.060. Fees and Payment. Housing fees shall be established by the Director for each animal. Such fees shall include all costs of housing such animals regardless of whether such costs are incurred at a County owned or operated facility, a contracted facility, or by a private person or facility.

**Chapter 17.07
Enforcement and Penalties**

Sections:

17.07.020	Enforcement Power
17.07.025	Obstructing the Animal Control Officer
17.07.040	Rules and Procedures -- Infractions
17.07.060	Violation as Constituting a Public Nuisance
17.07.070	Penalties

C.C.C. 17.07.020. Enforcement Power.

(1) Animal Control Officers are authorized to take such lawful action as may be required to enforce the provisions of this Title and the laws of the State of Washington as they pertain to animal cruelty, shelter, welfare and enforcement of control. Animal Control Officers employed by the Clallam County Sheriff shall be specially commissioned by the Sheriff to issue a notice of infraction/citation when the civil infraction/misdemeanor occurs in the officer's presence or if the officer has reasonable cause to believe that a civil infraction/misdemeanor was committed.

Animal Control Officers authorized by the court pursuant to RCW 16.52.011 to enforce animal control laws act under the authority from the authorizing court.

(2) Animal Control Officers, unless authorized by the owner thereof, shall not enter a building designated for and used for private purposes, unless a proper warrant has first been issued upon a showing that the officer has reasonable cause to believe an animal is being maintained in the building in violation of this Title or the laws of the State of Washington.

(3) Animal Control Officers, while in hot pursuit of any animal in violation of this Title, may enter upon any public or private property, except any building designated for and used for private purposes, for the purpose of abating the animal violation being pursued.

(4) Animal Control Officers, while checking on the welfare of any animal, may enter upon any public or private property, except any building designated for and used for private purposes, for the purpose of aiding any animal that is sick, injured, abandoned or neglected, and the owner or other authorized person is not present or able to take charge of the animal.

(5) Animal Control Officers may humanely euthanize any injured animal in the field if, in the judgment of the Animal Control Officer, the animal has received injuries that will result in acute and prolonged pain, debilitating injuries or death, or has extensive internal or external injuries. Prior to euthanizing any animal where the owner is known, Animal Control Officers will cause an attempt to be made to contact the owner. Animal Control Officers shall not be liable for improper euthanasia of injured animals if the decision to euthanize was made in good faith.

C.C.C. 17.07.025. Obstructing the Animal Control Officer.

(1) Every person who: (a) in any such statement or report shall make any knowingly untrue statement to the Animal Control Officer; or (b) shall knowingly hinder, delay, or obstruct the Animal Control Officer in the discharge of his/her official duties; shall be guilty of a misdemeanor.

(2) Every person who shall knowingly deny, prevent, obstruct or attempt to deny, prevent or obstruct the Animal Control Officer from pursuing any animal observed in violation of this Title shall be guilty of a misdemeanor.

(3) Every person who shall fail or neglect, after a proper warrant has been presented, to promptly permit the Animal Control Officer to enter private property to perform any duty imposed by this Title shall be guilty of a misdemeanor.

C.C.C. 17.07.040. Rules and Procedures -- Infractions. Rules and procedures relating to the processing of infractions shall be as stated in RCW Chapter 7.80 now or as hereinafter amended.

C.C.C. 17.07.060. Violation as Constituting a Public Nuisance. In addition to the foregoing remedies, the violation of any provision of this Title shall constitute a public nuisance, and may be abated in any manner authorized by Chapters 7.48 and 9.66 RCW.

C.C.C. 17.07.070. Penalties. The provisions of this Title shall be enforced without regard to the wrongful intention of the violator. The progressive enforcement detailed below is intended for multiple violations of any provision of this Title, not necessarily multiple violations of the same provision. Unless otherwise noted in this Title, enforcement and penalties for violations shall be as follows:

(1) The first violation of any provision of this Title not otherwise classified shall be a Class 3 civil violation.

(2) The second violation of any provision of this Title not otherwise classified shall be a Class 2 civil violation. Any violation listed as a Class 2 civil violation shall be a Class 1 civil violation if it is the second violation and as a misdemeanor if it is the second or subsequent violation of any provision of this Title.

(3) The third violation of any provision of this Title not otherwise classified shall be a Class 1 civil violation. Any violation listed as a Class 1 civil violation shall be a misdemeanor if the violation is the second or subsequent violation of any provision of this Title.

(4) The fourth and any subsequent violation of any provision of this Title not otherwise classified shall be a misdemeanor.

Penalties for civil infractions and misdemeanors specified in this Title shall be as defined in the Revised Code of Washington now or as hereinafter amended.

Chapter 17.08
Leash Control Area

Sections:

- | | |
|-----------|--|
| 17.08.020 | Prohibited Behavior in a Leash Control Area |
| 17.08.030 | Creation or Deletion of a Leash Control Area |

C.C.C. 17.08.020. Prohibited Behavior in a Leash Control Area. In addition to other violations defined in this Title, and unless otherwise defined in the description of a leash control area, it shall be unlawful for any person, while within the boundaries of any leash control area contained in Addendum A to:

- (1) Allow a dog off the owner's property while not on a leash.
- (2) Walk any dog from outside a leash control area into a leash control area without placing the dog on a leash.
- (3) Remove a dog from a leash, for any reason, while in a leash control area and off the owner's property.
- (4) Introduce any dog into a leash control area, that is not restrained in a vehicle, without it being on a leash.

C.C.C. 17.08.030. Creation or Deletion of a Leash Control Area.

(1) The creation, dissolution or modification of the boundaries of an existing leash control area may be initiated by petition or by Board of Clallam County Commissioners proposal. Petitions requesting the Board to create a leash control area or to dissolve an existing area or modify the boundaries of an existing area shall be filed with the Clerk of the Board. Petitions shall contain the signatures of at least fifty (50) percent plus one (1) of the property owners of the area under consideration. Verification of signatures shall be accomplished by the Auditor.

(2) Petitions submitted to the Board shall contain, at a minimum, the following information:

- (a) The description of the property to be designated or undesignated and a sketch of the proposed boundaries. The description shall include a map which depicts parcels and parcel sizes within the proposed boundaries.
- (b) The name, address, telephone number, and tax parcel number of the primary sponsor of the proposal.
- (c) The name, address, and tax parcel number of each property owner signing the petition, and each owner of property within the proposal.

(3) At the first regular meeting following verification of the petition or upon proposal by the Board, the Board shall call for a public hearing on the proposal. Notice of public hearing shall be given by publication of a notice in a newspaper of general circulation in the County at least once, not less than ten (10) days prior to the date set for the hearing.

(4) After the public hearing is closed, the Board may establish the proposed leash control area if it determines the proposal meets the following criteria:

- (a) The proposed leash control area is a minimum of twenty (20) acres in area and contains at least twenty (20) legal lots of record as defined by the Clallam County Zoning Code, Title 33 Clallam County Code.

(b) The average size of lots within the proposed leash control area is such that allowing dogs to roam freely without a leash will significantly increase danger to the safety of the general public and other property owners within the area and that the majority of parcels within the boundaries are one acre or less in size.

(5) At the conclusion of the hearing the Board may:

- (a) Approve or disapprove the creation of a leash control area.
- (b) Adjust the boundaries of the proposed area.

(6) For all leash control areas created on or after the effective date of this Chapter, the primary sponsor shall cause to be posted and maintained at or near the boundary along all roadways used by the public for ingress and egress an appropriately sized sign which contains the language indicated below. Owners of property on the perimeter of a designated area may post their section of the boundary, at their option, with like signs. The signs shall read:

"Leash Control Area.
Clallam County Code 17.08"

It shall be unlawful for any person(s) to deface or remove any sign placed pursuant to this Chapter. All provisions of this ordinance shall be enforceable regardless of the presence or absence of signs.

**Chapter 17.09
Kennels and Catteries**

Sections:

17.09.020	Commercial Kennels and Catteries
17.09.030	Private Kennels and Catteries
17.09.040	Denial, Revocation, or Suspension of License
17.09.050	Violations
17.09.060	Exemptions

C.C.C. 17.09.020. Commercial Kennels and Catteries.

(1) Commercial kennels and catteries located in Clallam County shall be licensed as required by this Section. Commercial licenses shall be per calendar year. The fee for a commercial license is payable to the Clallam County Animal Control. An additional fee shall be paid if the license is not renewed by January 31st of each calendar year. Upon applying for license the requester must provide proof of their business license.

(2) Applications for commercial licenses shall be made to the Clallam County Animal Control. Each application shall be made on forms developed by Clallam County Animal Control.

(3) The following operation standards shall be observed in connection with a commercial kennel/cattery:

(a) Suitable shelter, food, water, medical attention, and exercise of animals shall be provided;

(b) Food shall be stored in a fashion which prevents spoilage and infestation;

(c) The facilities shall be maintained and operated in a healthful, sanitary manner, free from disease, infestation and foul odors;

(d) Sick animals shall be isolated from healthy ones in quarters adequately ventilated to prevent contamination of healthy animals;

(e) Animals shall receive adequate food, water and care on days when the facility is not open for business;

(f) Animals shall be immunized from disease as is usual and customary for the animals' age and species;

(g) Maintain a written record of all animals born, sold, immunized (to include type of immunization) or which die, and the cause of death.

(i) Dead animals shall be properly disposed of by freezing and holding for pick-up, incineration in a crematorium, or through contract with the Clallam County Humane Society;

(h) Animal feces shall be properly bagged, sealed, and disposed of.

(4) The Animal Control Officer or his or her agents may inspect existing or proposed kennels/catteries in connection with its licensing investigation, upon receipt of a complaint, or when inspections are necessary to ensure compliance with this ordinance.

C.C.C. 17.09.030. Private Kennels and Catteries.

(1) Private kennels and catteries located in Clallam County shall be licensed as required by this Section. Private licenses shall be per calendar year. The fee for a private license is payable to the Clallam County Animal Control. An additional fee shall be paid if the license is not renewed by January 31st of each calendar year.

(2) Applications for private licenses shall be made to the Clallam County Animal Control. Each application shall be made in writing on forms developed by Clallam County Animal Control.

(3) The following standards shall be observed in connection with a private kennel/cattery:

(a) The animals must have an adequate supply of drinking water, sanitary sleeping quarters, and adequate shelter and exercise areas appropriate to their size, breed characteristics and climate;

(b) All animals shall be supplied with sufficient food and water as often as the feeding habits of the respective animals require, but not less than, in the case of puppies or kittens under four months of age, three times every twenty-four hours; and in the case of adults, once every twenty-four hours;

(c) All animals shall be maintained so as to eliminate excessive and nighttime noise;

(d) All animal feces shall be properly bagged, sealed, and disposed of.

(4) The Animal Control Officer or his or her agents may inspect existing or proposed kennels/catteries in connection with its licensing investigation, upon receipt of a complaint, or when inspections are necessary to ensure compliance with this ordinance.

C.C.C. 17.09.040. Denial, Revocation, or Suspension of License.

(1) The Clallam County Animal Control Authority may refuse issuance or renewal of a license, or revoke or suspend said license, upon finding after such investigation or hearing as it deems necessary that:

(a) The license fee has not been paid;

(b) The application is not complete;

(c) Upon the inspection by the Animal Control Officer or his or her authorized agent, the business does not meet the operational standards for a kennel/cattery as set forth in this Chapter;

(d) Such license was issued illegally, or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts, or that any of the material facts contained in the application are false;

(e) Any person owning an interest in, or sharing in the profits of the business, has, within a two-year period, been:

(i) Guilty of two (2) or more violations of this Title; or

(ii) Guilty of a violation of any provisions of Chapter 16.52 Revised Code of Washington; or

(iii) Guilty of any other misconduct, or improper, fraudulent, or wrongful behavior relating to the operation of a kennel/cattery;

(f) Any servant, agent, employee or representative of a commercial kennel/cattery has been guilty of any act or omission while on the premises of the commercial kennel/cattery, where said act constitutes a criminal violation of this Chapter, or Chapter 16.52 Revised Code of Washington; or has been guilty of any misconduct or improper, fraudulent or wrongful behavior relating to the operation of a commercial kennel/cattery if:

(i) The circumstances surrounding any of the foregoing acts or omissions are such as to establish that such act was knowingly allowed by any person sharing in profits of said business, or, if a corporation, any officer or director thereof, or of any person acting as a proprietor, manager, or person in charge of such business; or

(ii) In any event, if three (3) or more such acts or omissions have occurred on the premises within a two-year period.

(g) The operation of the kennel/cattery constitutes a public nuisance.

(2) Any applicant who has duly made application for a commercial license under the provisions of this Section and has been denied such license, or any person holding a license which is revoked or suspended under the provisions of this Section, may file a petition with the Director or his designee demanding a hearing for the purpose of contesting such denial, revocation or suspension, provided that such petition must be filed within ten (10) days following notification of such denial, revocation or suspension. Such denial, revocation or suspension shall be stayed upon the filing of such petition pending final determination of the Director. The Director shall set a date, no less than ten (10) days following the mailing of notice thereof for a hearing, of which all interested parties shall be notified. All evidence bearing on the questions of whether such denial, revocation or suspension is proper under the provisions of this Section may be received at that hearing. If the Director shall determine upon such hearing that such denial, suspension or revocation is not proper under the provisions of this Chapter, they shall notify the Clallam County Animal Control, which shall cause the license to be issued or reinstated forthwith. If the Director determines upon such hearing that such license should be denied, suspended or revoked under the provisions of this Section, they shall issue such order in writing. An appeal of such an order may be made in the District Court of Clallam County in the manner provided under the general laws of the State of Washington.

C.C.C. 17.09.050. Violations.

(1) Operation of a private or commercial kennel or cattery without obtaining a valid license is a Class 1 civil violation.

(2) Failure to observe operational standards of commercial kennels or catteries shall be a misdemeanor.

(3) Failure to observe operational standards of private kennels or catteries shall be a Class 1 civil violation.

(4) Refusal to allow inspection of any kennel or cattery by an Animal Control Officer or his or her agent is a misdemeanor.

C.C.C. 17.09.060. Exemptions. Medical facilities, veterinarian clinics, Humane Societies, government operated shelters, game farms, zoological facilities, and state and federally licensed research facilities are exempt from the provisions of this Chapter.

**Chapter 17.10
Animal Cruelty**

Sections:

17.10.020	Unlawful Acts
17.10.030	Cruelty, Responsibility For
17.10.040	Ownership, Trespass - Not a Defense
17.10.050	Exclusions
17.10.060	Limitations on Application of Section
17.10.070	Penalties

C.C.C. 17.10.020. Unlawful Acts. Unlawful behavior shall include, but not be limited to, any of the following:

- (1) Torturing, beating, maiming, poisoning, mutilating, injuring, or crippling any animal.
- (2) Failure to provide any animal in one's charge with access to food, water, shelter, space, veterinary care, air and ventilation, sanitation, sunlight, exercise, protection from extreme heat or cold sufficient to maintain the animal's proper weight, nutrition, and health.
- (3) Keeping, using, owning, or possessing any property, paraphernalia, or animals for the purpose of animal fighting or animal baiting; giving, receiving, or wagering money in relation to any animal fighting or baiting; causing an animal to fight; or training an animal to fight other animals.
- (4) Tormenting or abusing any animal.
- (5) Abandonment or neglect of any animal over whom a person has ownership, charged care, custody, or possession. Abandonment shall include the leaving unattended of animals at a commercial or public establishment in an effort to give away or sell such animal.
- (6) Confinement, placement, or transport of an animal in any vehicle in a manner that jeopardizes the safety of the animal or the public or which could subject the animal to injury or suffering.
 - (a) When transporting any living animal on the outside part of any vehicle, such animal shall be caged, harnessed, or enclosed, keeping such animal from falling or being thrown from the vehicle transporting it.
- (7) Driving or working an animal when such animal is unfit for such driving or labor.
- (8) Driving, working, or loading an animal in any manner or quantity so as to cause suffering to the animal.
- (9) Dyeing or artificially coloring any animal with any toxic paint or chemical or with intent to alter the identity of any animal for unlawful purposes or administering or purposefully exposing any animal to caustic, noxious, or poisonous substance.
- (10) Any violation as defined by RCW 16.52.

C.C.C. 17.10.030. Cruelty, Responsibility For.

- (1) In addition to any other penalties, a person charged with animal cruelty, based on probable cause, shall pay all costs necessary to restore the animal(s) injured to good health or to otherwise ameliorate the effects of the cruelty. In addition, the charged person shall pay all costs incurred for boarding and caring for any animal cruelly treated by the charged person.

(2) In addition to any of the penalties, the Court may prohibit any person charged under this Section from owning any interest in, or possessing or having care or control of any animal, or any species of animals designated by the Court, for a period of time to be determined by the Court. The Court may also require forfeiture to the County of any animals owned, possessed, or in the care or custody of a person charged under this Section.

(3) The owner of an animal which is subjected to an act of cruelty by a person or persons in violation of this Section, may bring a civil action to recover the damages sustained by such owner.

C.C.C. 17.10.040. Ownership, Trespass - Not a Defense.

(1) It shall not be a defense to the crime of cruelty to animals for the person committing the cruel act(s) to assert that he is the owner of the animal(s) that were the victim(s) of the alleged cruelty.

(2) Trespass shall not be a defense to any action under this Section.

C.C.C. 17.10.050. Exclusions. Nothing in this Section is intended to prohibit accepted practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof, or the use of animals in the normal and usual course of rodeo events, animal shows, or to the customary use or exhibiting of animals in normal and usual events at fairs as defined in RCW 15.76.120. Nothing in this Section is intended to prohibit the humane and sanitary procedures performed by a veterinarian to meet commonly accepted breed standards. All neutering of livestock must be performed using commonly accepted and humane procedures.

C.C.C. 17.10.060. Limitations on Application of Section. No part of this Section shall be deemed to interfere with any of the laws of this State known as the "game laws". Nor shall it interfere with the right to kill animals to be used for food or with any properly conducted scientific experiments or investigations, when such experiments or investigations are performed under the authority of the facility of some regularly incorporated college or university of the State of Washington or a research facility registered with the Department of Agriculture and regulated by 7 U.S.C., Section 2131 et seq.

C.C.C. 17.10.070. Penalty. The penalty for violation of this Section is imposed without regard to any wrongful intention of the violator. Violation of Section 17.10.020(1), (2), or (3) shall be a misdemeanor. Violation of any other Section shall be a Class 1 civil infraction.

Chapter 17.11
Inherently Dangerous Animals

Sections:

17.11.010	Purpose
17.11.020	Running at Large
17.11.030	Harboring/Owning Inherently Dangerous Mammal and/or Inherently Dangerous Reptiles
17.11.040	Exemptions
17.11.050	Violations

C.C.C. 17.11.010. Purpose. It is the public policy of Clallam County to prevent the harboring or housing of inherently dangerous mammals and inherently dangerous reptiles within Clallam County. To this end, it is the purpose of this Chapter to prevent such animals from being kept within Clallam County while allowing any such animals that may be housed in Clallam County at the time of adoption of this ordinance to continue to be so housed.

C.C.C.17.11.020. Running at Large.

(1) No person owning or harboring, having custody, control, or possession of an inherently dangerous mammal and/or any inherently dangerous reptile shall permit or allow the same to run at large upon any highway, street, lane, alley, court, or any other place, public or private, or within the premises of such person, in such manner as to endanger any person lawfully entering such premises.

(2) An inherently dangerous mammal and/or inherently dangerous reptile found to be running at large shall be impounded and humanely destroyed by euthanasia or transferred to a suitably licensed facility such as a zoo at the expense of the owner.

C.C.C.17.11.030. Harboring/Owning Inherently Dangerous Mammal and/or Inherently Dangerous Reptiles.

(1) It shall be unlawful for any person to harbor, house, and/or own any inherently dangerous mammal and/or any inherently dangerous reptile within the unincorporated portions of Clallam County, except that:

(2) Any person harboring, housing, and/or owning any inherently dangerous mammal and/or any inherently dangerous reptile within the unincorporated portions of Clallam County on the effective date of this ordinance may continue to harbor, house, and/or own such animal if such animal is registered with an animal control authority within 120 days from the effective date of this ordinance. Provided further, that such animal(s) may not be used for breeding and any offspring must immediately be reported to the animal control authority and removed from Clallam County.

C.C.C.17.11.040 Exemptions. The following are exempt from all provisions in this Chapter:

- (1) Any facility accredited by the Association of Zoos and Aquariums (AZA);
- (2) Any licensed or accredited research or medical institutions.
- (3) Licensed or accredited educational institutions;
- (4) Veterinary clinics in possession of inherently dangerous mammals or inherently dangerous reptiles for treatment or rehabilitation purposes;
- (5) Traveling circuses or carnivals so long as the inherently dangerous mammals or reptiles are under the direct supervision of these circuses or carnivals;

(6) Persons temporarily transporting inherently dangerous mammals or inherently dangerous reptiles through the County provided that the transit time shall not be more than three (3) days. And that they will be transported out of the county within the three (3) day period; and

(7) Any facility licensed by the United States Department of Agriculture (USDA) under the Animal Welfare Act; and

(8) Any person having a valid Wildlife Rehabilitation Permit from the Washington State Department of Fish and Wildlife as a Wildlife Rehabilitator;

Although the above are exempt from the provisions of this Chapter, they must comply with all other applicable federal, state and local regulations, including but not necessarily limited to Chapter 16.52 RCW, concerning the prevention of cruelty to animals.

C.C.C.17.11.050 Violations. Any violation of this Chapter shall be a misdemeanor.

**Chapter 17.12
Fees and Costs**

Sections:

- 17.12.010 License Fees
- 17.12.015 Registration Fees
- 17.12.020 Impound Fees and Costs
- 17.12.025 Reasonable Costs -- Determination
- 17.12.030 Waiver of Fees and Costs
- 17.12.035 Adopted Dogs and Cats

C.C.C. 17.12.010. License Fees. The following fees shall be charged for each license:

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|------|--|---------------------------------|
| (1) | Neutered or Spayed Dog -- One (1) Year License | \$5.00 |
| (2) | Non neutered or Non spayed Dog -- One (1) Year License | \$10.00 |
| (3) | Neutered or Spayed Dog -- Three (3) Year License | \$10.00 |
| (4) | Non neutered or Non spayed Dog -- Three (3) Year License | \$25.00 |
| (5) | Spayed or Neutered Dog - Lifetime License
(Free renewal every three (3) years with proof of rabies vaccination.) | \$25.00 |
| (6) | Spayed or Neutered and Microchipped Dog, or Certified Assist
Dog for the Disabled -- Lifetime License
(Free renewal every three (3) years with proof of rabies vaccination.) | No Cost |
| (7) | Impounded Dogs (Unlicensed) | Two (2) times licensing fee |
| (8) | Cats -- One (1) Year License | \$5.00 |
| (9) | Cats -- Current Rabies Certificate presented at time of licensing
(Free renewal for spayed and neutered cats with proof of rabies
vaccination.) | \$2.00 |
| (10) | Late Penalty (All Licenses) | \$5.00 |
| (11) | Additional Fee for Replacement Tag -- | \$3.00 |
| (12) | Service Fee (Private Licensing Outlet) | \$2.00 |
| (13) | Commercial Kennel or Cattery, Per Year | \$75.00 |
| (14) | Private Kennel | No fee except each dog licensed |
| | Private Cattery (more than 10 cats) | \$2.00/cat |

License fees may be reduced, upon the request of the owner at the time the license is purchased, by fifty (50) percent upon presentation of an AKC good citizenship certificate for the animal.

C.C.C. 17.12.015. Registration Fees. The following fees shall be charged annually for each dog registered:

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|-----|---|---------|
| (1) | Potentially Dangerous Dog -- Initial Registration | \$50.00 |
|-----|---|---------|

(2)	Potentially Dangerous Dog -- Renewal	\$25.00
(3)	Dangerous Dog -- Initial Registration	\$100.00
(4)	Dangerous Dog -- Renewal	\$50.00
(5)	Late Penalty	\$20.00
(6)	Additional Fee for Replacement Tag	\$3.00

C.C.C. 17.12.020. Impound Fees and Costs. The following fees and costs shall be charged for each animal impounded:

(1)	Impound Fees	
(a)	1st redemption within a 12 month period	\$25.00
(b)	2nd redemption within a 12 month period	\$50.00
(c)	3rd or subsequent redemption within a 12 month period	\$75.00
(d)	Potentially Dangerous Dog	\$50.00
(e)	Dangerous Dog	\$100.00
(f)	Livestock per each animal	\$100.00
(g)	Inherently Dangerous animals	(Costs - \$100.00 minimum)
(2)	Transportation Costs	
(a)	Animals transported by the Animal Control Officer	No Charge
(b)	Animals transported by others.	Reasonable Costs
(3)	Daily Boarding Costs	
(a)	Animals boarded at the County shelter	Not more than \$12.00
(b)	Animals requiring specialized care	Not more than \$20.00
(c)	Animals boarded by others.	Reasonable Costs
(4)	Euthanasia Costs	
(a)	Animals humanely euthanized at the County shelter	Not more than \$45.00
(b)	Animals humanely euthanized by others	Reasonable Costs
(5)	Disposal Costs	
(a)	Animals disposed of at the County shelter	Not more than \$35.00

- | | | |
|-----|---|--|
| (b) | Animals disposed of by others | Reasonable Costs |
| (6) | Veterinarian Costs (includes medications) | Reasonable Costs |
| (7) | Rabies Vaccination | As negotiated with local veterinarians |

C.C.C. 17.12.025. Reasonable Costs -- Determination. The Director shall have the authority to determine what transportation, boarding, euthanasia, disposal, and veterinarian costs are reasonable in connection with services provided to the County by any agent of the Animal Control Authority.

C.C.C. 17.12.030. Waiver of Fees and Costs. The Director or his/her designee shall have the authority to waive licensing fees, registration fees, and impound fees and costs, in whole or in part, when to do so would further the goals of the Animal Control Authority and be in the public interest. In determining whether a waiver should apply, the following elements must be taken into consideration:

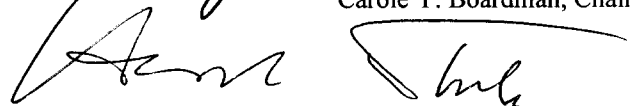
- (1) The reason the animal was impounded;
- (2) The reason or basis for the violation, the nature of the violation, the duration of the violation, and the likelihood the violation will not recur;
- (3) The total amount of the fees charged as compared with the gravity of the violation;
- (4) The effect on the owner, the animal's welfare and the Animal Control Authority if the fees or costs are not waived and no payment is received.

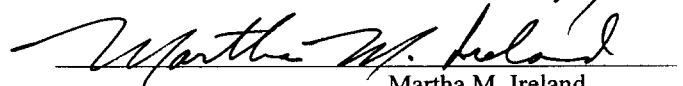
C.C.C.17.12.035. Adopted Dogs and Cats. The Animal Shelter shall develop and maintain procedures to ensure that all adopted dogs and cats are spayed or neutered, vaccinated for rabies, and licensed. It shall be the responsibility of each adopter to spay or neuter, vaccinate, and license each adopted dog and/or cat. Failure of the adopter to comply within fifteen (15) days of adoption or when the adopted animal reaches the age of six (6) months, shall be a misdemeanor violation, shall result in forfeiture of license and vaccination fees paid, and may result in the impound of the adopted animal.

PASSED AND ADOPTED THIS 23rd DAY OF November, 1999.

BOARD OF CLALLAM COUNTY COMMISSIONERS


 Carole Y. Boardman, Chair


 Howard V. Doherty


 Martha M. Ireland

ATTEST:


 Trish Perrott, Clerk of the Board