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04/21/05

Ordinance 775

Amending portions of Chapters 17.01, 17.02, 17.03, 17.04, 17.05, 17.06, 17.07, 17.09 and 17.10 of Title 17, Animals, of the Clallam County Code

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Section 1.** Section 17.01.015 Definitions, is amended to read as follows:

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 subsection (19) of this section, any inherently dangerous animal kept by any person as defined in subsections (30) and (31) of this section, and all livestock as defined in subsection (36) of this section.
- (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) "Animal welfare agency" means a public or private agency, including an established humane society, organized primarily for the purpose of promoting animal welfare; accepting and/or housing unwanted, stray, or abandoned animals; promoting or conducting animal adoption; promoting or conducting spay/neuter; and/or other animal welfare activities. This definition does not include veterinary services.
- (12) "Bite" means the act of the animal's teeth seizing or penetrating human or animal skin or clothing.
- (13) "Canine" means a *Canis familiaris*, bred in a great many varieties, and includes both male and female, and hereafter referred to as dog.

(14) "Commercial kennel or cattery" means:

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

(b) Any establishment, person, or business that produces for sale more than ~~three~~ two (32) litters of cats or dogs per year.

(15) "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.

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

(17) "Dangerous dog" means any dog that inflicts severe injury or death on a human being without provocation; or kills a domestic animal without provocation while the dog is off the owner's property; or has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans.

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

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

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

(21) "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 which is performed according to the current American Veterinary Medical Association guidelines, and death during such loss of consciousness.

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

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

(24) "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.

(25) "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.

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

(27) "Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of 200 feet.

(28) "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.

(29) "Infraction" means an offense that is not a crime and is subject to the provisions of this chapter.

(30) "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.

(d) Bats, raccoons, skunks, or foxes.

(31) "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: Helodermodidae (beaded lizards – Gila monster, Mexican beaded lizard), Viperidae (vipers and adders), Crotalidae (pit vipers), Altractaspididae (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 (boomslang snake), Thebtonis kirtlandii (twig snake), and Rhabdophis spp. (speckled belly keelback and red necked keelback); or

(c) Is a member of the order Crocodilia (crocodiles, alligators and caimans).

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

(33) "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.

(34) "Leash control" means a dog is on a leash and under responsible human control.

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

(36) "Livestock" means horses, mules, jackasses, cattle, sheep, llamas, alpacas, goats, swine, poultry and rabbits, or other domestic farm-type animals kept or raised for use or pleasure.

(37) "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.

(38) "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.

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

(40) "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.

(41) "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.

(42) "Potentially dangerous dog" means any dog, when unprovoked, inflicts a bite(s) on a human or domestic animal, either on public or private property; or chases or approaches a person upon the street, sidewalk, 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 otherwise threaten the safety of humans or domestic animals.

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

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

(45) "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~~ one (31) litters of dogs or cats ~~for sale~~ per year.

(46) "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 an escape-proof floor and shall ~~also~~ provide protection from the elements for the dog.

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

(48) "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.

(49) "Rabies titer" means an antibody titer test substituted for rabies vaccination when a veterinarian has determined the animal experienced an allergic reaction to previous rabies vaccination, or that the vaccination would be inappropriate because of existing disease or potential for disease. The blood for this test shall be collected by a licensed veterinarian and processed by an accredited veterinary laboratory. The antibody titer level shall be adequate to indicate protection of the animal against rabies infection. This rabies titer test shall be valid for three (3) years from the day the blood was drawn.

(4950) "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, and an identifying description of the animal vaccinated.

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

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

(523) "Responsive to voice control" means immediately responsive to the owner by voice or other signal.

(534) "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.

(545) "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.

(556) "Running in packs" means a group of ~~three~~ two (32) 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.

(567) "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.

(578) "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.

(589) "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.

(5960) "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.

(601) "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.

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

**Section 2.** Section 17.01.040 ~~County~~ Animal shelter, is amended to read as follows:

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

(2) If so designated, the ~~County~~ 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) If so designated, the Animal Control Authority ~~shall~~ may operate said County shelter(s), or contract with a public, private, or nonprofit organization for shelter services.

(4) Shelter officers employed by the ~~County~~ animal shelter shall have the authority to collect license fees and impound fees and costs as set forth in CCC 5.100.

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

**Section 3.** Section 17.02.015 Dog licensing – Regulations, is amended to read as follows:

(1) All dogs over the age of six (6) months shall be licensed. A rabies vaccination certificate or certification by a veterinarian of rabies immunity determined by rabies antibody titer must be presented when purchasing a dog license. A license is valid for ~~a calendar one (1) year~~ from the date of purchase, except that, the county may establish a license for microchipped and spayed or neutered dogs that is valid for the life of the dog. A late penalty may 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 ~~"the County,"~~ Humane Society, a contractor, or a "private" licensing outlet, or other outlet 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 ~~Chapter CCC 5.100-CCC~~. 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 chapter.

(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.

**Section 4.** Section 17.02.025 Dog(s) kept outside, is amended to read as follows:

Every dog kept or left outdoors shall have fresh, clean food; fresh, clean water; and shelter available.

(1) Fresh, clean food and fresh, clean water shall be available at all times~~daily~~.

~~(2) Adequate food shall be available daily.~~

~~(23)~~ Shelter shall be available at all times and shall consist of a structure which has a watertight 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

**Section 5.** Section 17.02.030 Control of dogs – Civil violations, is amended to read as follows:

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). Any such bite may result in a declaration of the dog being potentially dangerous pursuant to ~~Chapter CCC 17.03-CCC~~;

(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, or 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 CCC 17.01.015 are exempted. The following examples constitute prima facie evidence of disturbing a person or group to an unreasonable degree; provided, however, these examples are not exclusive:

(a) Two (2) or more complaints from different complainants within a ~~twenty-four (24)~~ hour period;

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

(c) Prolonged barking between the hours of 10:00 p.m. and 7:00 a.m.;

(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 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.

**Section 6.** Section 17.02.045 Cat licensing – Regulations, is amended to read as follows:

(1) All cats over ~~threesix~~ (36) months of age are required to be licensed by their owner. A rabies vaccination certificate or certification by a veterinarian of rabies immunity determined by rabies antibody titer shall be presented when purchasing a cat license. A license is valid for a calendar one (1) year from the date of purchase, except that, the county may establish a license for microchipped and spayed or neutered cats that is valid for the life of the cat. A late penalty may 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 "the County Humane Society," a contractor, or a "private" licensing outlet, or other outlet 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 CCC Chapter 5.100-CCC.

(3) It shall be the duty of every owner to attach the valid metallic license tag to the collar worn by his/her cat when the cat is off the owner's property. A cat 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 cat, the cat 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 CCC 5.100. 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 chapter.

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

- (a) Non-residents temporarily residing in Clallam County for a period less than 60 days.
- (b) Cats held for rehabilitation by a recognized rescue organization except that such cats cannot be bred or held for longer than 90-days without licensing.

**Section 7.** A new section is added to Chapter 17.02 titled Cat licensing – Civil violations, reading as follows:

The following cat licensing regulations are designed to protect public health and safety, and the welfare of cats. The owner of a cat shall license his/her cat as required in CCC 17.02.045. The violation of this section is a Class 1 civil infraction. It is unlawful for any person to violate any of the following regulations:

- (1) Owning an unlicensed cat over the age of six (6) months;

(2) Owning a cat 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 CCC 17.02.015(3);

(3) Owning a cat wearing a license tag registered to another cat;

(4) Removing a license tag from any cat without the authorization of the owner of the cat;

(5) Falsely representing whether any cat is neutered, non-neutered, spayed, non-spayed, or microchipped for the purpose of securing a cat license.

**Section 8.** Section 17.02.0560 Control of cats – Civil violations, is amended to read as follows:

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

**Section 9.** Section 17.02.05570 Adopted dogs and cats, is amended to read as follows:

All animal shelters and/or animal welfare agencies operating in Clallam County shall develop and maintain procedures to ensure that all dogs and cats adopted from their shelter or agency are spayed or neutered, vaccinated for rabies, and licensed upon adoption. 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 civil violation and may result in the impound of the adopted animal and loss of adoption, spay or neuter fees, vaccination fees, and/or license fees.

**Section 10.** Section 17.03.030 Declaration of dangerous or potentially dangerous dog – Notice, hearing and appeal, is amended to read as follows:

(1) Whenever an 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 CCC 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 (1)(g) of this section;



(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 CCC 17.03.020, and required to be registered as provided for in CCC 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) of this section, 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 responsible 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 responsible 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/County 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.

**Section 11.** Section 17.03.040 Potentially dangerous dog – Registration, requirements, annual fee, is amended to read as follows:

(1) The owner of a dog declared potentially dangerous shall register said dog and pay the initial registration fee as set forth in ~~Chapter CCC 5.100 CCC~~ within ten (10) days of notification as provided for in CCC 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~~ Animal Control Authority to have the dog equipped with a microchip. This can be done through a local veterinarian. Proof of microchipping 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 ~~Chapter CCC 5.100 CCC~~.

(4) A dog license fee already paid by the owner, as set forth in ~~Chapter CCC 5.100 CCC~~, 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.

(5) Any person that brings a dog or animal into Clallam County that has been declared dangerous or potentially dangerous by another jurisdiction is required to register such dog or animal with the Animal Control Authority within 24 hours or on the first business day following bringing the animal into the County limits and further to comply with all requirements as set forth by the Animal Control Authority and Chapter 17.03.

(6) The owner of a dog declared potentially dangerous shall have the dog neutered or spayed within 30-days post declaration or appeal of declaration of a potentially dangerous dog. Owner must notify County of intent to appeal declaration of dangerous dog within 30-days of declaration.

**Section 12.** Section 17.03.050 Dangerous dog – Certificate of registration, requirements, is amended to read as follows:

(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 CCC 17.03.040. 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 brightly colored and 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 microchipping 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 \$250,000, 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 RCW Title 48 in the amount of at least \$250,000, 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 ~~Chapter CCC 5.100~~ and thereafter pay an annual registration fee for the calendar year as set forth in ~~Chapter CCC 5.100~~. A dog license fee already paid by the owner 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 RCW 4.24.410

(5) The owner of a dog declared dangerous shall have the dog neutered or spayed within 30-days post declaration or appeal of declaration of a dangerous dog. Owner must notify County of intent to appeal declaration of dangerous dog within 30-days of declaration.

**Section 13.** Section 17.04.040 Stock on roadway right-of-way – Violations, is amended to read as follows:

It shall be unlawful for any person to herd or move any livestock over, along, or across the right-of-way of any public roadway, 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 ~~high~~roadway from any danger by reason of such livestock being herded or moved thereon.

**Section 14.** Section 17.05.015 Rabies vaccination required – Regulations, is amended to read as follows:

(1) All ~~mammals~~dogs and cats 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. A rabies titer may be substituted if a veterinarian determines the animal experienced an allergic reaction to previous rabies

vaccination or vaccination would be inappropriate because of existing disease or potential for disease.

(2) An 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 an Animal Control Officer, shall be reasonable cause for the Officer to issue a notice of infraction to the owner for violation of CCC 17.05.020.

**Section 15.** Section 17.06.040 Redemption of impounded animals, is amended to read as follows:

(1) Any dog or cat, except dangerous dogs, potentially dangerous dogs, and inherently dangerous mammals or reptiles, impounded pursuant to the provisions of CCC Chapter 17.02 ~~CCC~~ may be redeemed by the owner or other authorized person upon payment of the impound fees and costs as set forth in Chapter CCC 5.100 ~~CCC~~. The owner or other authorized person redeeming an unlicensed dog over the age of six (6) months shall pay twice ~~(two (2) times)~~ the license fee, any late penalty fee if applicable, and a \$50 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) If a dog is impounded more than three (3) times within one year from the date of the first infraction, the owner may be required to surrender the dog to the shelter.

(23) 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.

(4) Any dangerous dog, potentially dangerous dog, or inherently dangerous mammal or reptile found in violation of this title may be held at the shelter at the owner's expense until adjudication by the court.

**Section 16.** Section 17.09.020 Commercial kennels and catteries, is amended to read as follows:

(1) Commercial kennels and catteries located in Clallam County shall be licensed as required by this chapter. 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) The animals must have an adequate supply of fresh, clean drinking water; fresh, clean food; 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 no less time than every twenty-four (24) hours. In the case of puppies or kittens under 3 months of age, 3 times every 24-hours and in the case of adult, once every 24-hours.

(c) Food shall be stored in a fashion that prevents spoilage and infestation.

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

(e) All animals shall be maintained so as to eliminate excessive and nighttime noise.

(f) Animals with a contagious disease shall be isolated from healthy ones in quarters adequately ventilated to prevent contamination of healthy animals.

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

(gh) Animals shall be immunized from disease as is usual and customary for the animal's age and species.

(hi) Maintain a written record of all animals born, sold, immunized (to include type of immunization) or that die, and the cause of death that includes:

(i) Immunizations, including specific types, and rabies vaccination dates for all animals boarded;

(ii) Any births or deaths, including the cause of death;

(iii) Any animals sold, including any immunizations given, date sold, and new owner's name and address).

(j) Dead animals shall be properly disposed of by freezing and holding for pickup, incineration in a crematorium, or through contract with the Clallam County Humane Society.

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

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

~~(5) Commercial kennels and catteries may only house animals currently licensed according to the requirements of CCC 17.02.015 and 17.02.045.~~

**Section 17.** Section 17.09.030, Private kennels and catteries, is amended to read as follows:

(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. In addition to the kennel/cattery fee, all dogs and cats must be licensed in accordance with CCC 17.02.015 and 17.02.045.

(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 fresh, clean drinking water; fresh, clean food; 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 (4) months of age, three (3) times every ~~twenty-four (24)~~ hours; and in the case of adults, once every ~~twenty-four (24)~~ hours;

(c) Food shall be stored in a fashion that prevents spoilage and infestation;

(d) All animals shall be maintained to eliminate excessive and nighttime noise;

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

(4) An Animal Control Officer or his/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 chapter.

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

**Section 18.** Section 17.10.030 Cruelty, responsibility for, is amended to read as follows:

(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 ~~eruelly treated by the charged person~~ necessary to restore the animal's health resulting from the act(s) of cruelty. Once the animal is restored to health, and based on probable cause, a person charged with animal cruelty may be required to permanently surrender the animal to the shelter.

(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) In addition to any other penalties, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the cost of the program or treatment.

(34) The owner of an animal that 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.

**Section 19.** Section 17.10.050 Exclusions, is amended to read as follows:

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 the normal and usual events at fairs as defined in RCW 15.76.120.

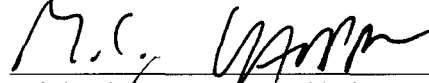
Nothing in this section is intended to prohibit the humane and sanitary procedures performed by a veterinarian to meet commonly accepted breed standards. All neutering of livestock must be performed using commonly accepted and humane procedures

**Section 20.** Section 17.10.070 Penalty, is amended to read as follows:

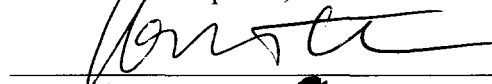
The penalty for violation of this chapter is imposed without regard to any wrongful intention of the violator. ~~Violation of CCC 17.10.020(1), (2), or (3) shall be a misdemeanor. Violation of any other section this Chapter shall be a misdemeanor Class 4 civil infraction.~~ Nothing in this chapter shall prevent prosecution pursuant to Chapter 16.52 RCW.

ADOPTED this twenty-first day of June 2005

BOARD OF CLALLAM COUNTY COMMISSIONERS



Michael C. Chapman, Chair

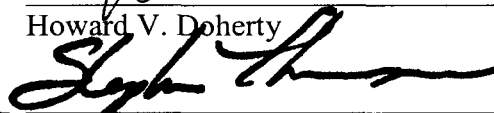


Howard V. Doherty

ATTEST:



Trish Perrott, CMC, Clerk of the Board



Stephen P. Tharinger