

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 1998 - 103

CLEARANCES	Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.: County Council	3/4/98		3/10/98	Introduction
Division Head:				
Dept. Head:	DBS			
Prosecutor:				
Budget:				
Executive:				

SUBJECT:

Ordinance amending Whatcom County Code Sec. 6.04, Animal Control

ATTACHMENTS

SUMMARY STATEMENT:

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N N	Requested Date:
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RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN:

1998 - 103 3/10/98: Introduction
 3/24/98: Held in Council for a Public Hearing
 4/7/98: Public Hearing Held. Amended & Adopted 7 - 0, Ord.
 #98-022

Related File Numbers:

Ordinance or Resolution Number (this item only):

Ord. 98-022

SPONSORED BY: Consent
PROPOSED BY: Nelson
INTRODUCTION DATE: March 10, 1998

ORDINANCE NO. 98-022

AMENDING WHATCOM COUNTY CODE
SECTION 6.04, ANIMAL CONTROL

WHEREAS, on June 26, 1990, the Whatcom County Council adopted Ordinance 90-53, deleting Section 6.04 of the Whatcom County Code and replacing it with new animal control regulations; and


WHEREAS, on August 7, 1990, the Whatcom County Council adopted Ordinance 90-82, amending Section 6.04 of the Whatcom County Code to provide clarification of the rules and regulations pertaining to animal control; and

WHEREAS, the Whatcom County Council finds it necessary to further amend the animal control regulations to clarify and update certain chapters of Whatcom County Code Section 6.04.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Section 6.04 of the Whatcom County Code be amended as indicated in Exhibit A to this ordinance.

ADOPTED THIS 7 DAY OF April, 1998

ATTEST:


Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:


Karen Frakes, Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Robert Imhof, Council Chair

APPROVED DENIED


Pete Kremen, County Executive

EXHIBIT A

Title

ANIMALS

Chapters:

- 6.04 Animal Control
- 6.08 Restriction of Livestock

Chapter 6.04

ANIMAL CONTROL

Sections:

- 6.04.010 Purpose.
- 6.04.020 Definitions.
- 6.04.030 Dog control zone established.
- 6.04.031 Administration and enforcement.
- 6.04.032 Dog control zones - Creation.
- 6.04.040 Applicability.
- 6.04.050 Dog licensing.
- 6.04.060 Nuisances - Infractions.
- 6.04.070 Exotic and/or wild animal - Permit required.
- 6.04.080 Crimes - Misdemeanors.
- 6.04.090 Dangerous and potentially dangerous dogs - Declaration.
- 6.04.100 Dangerous or potentially dangerous dog - Declaration - Appeal.
- 6.04.110 Potentially dangerous dogs - Requirements.
- 6.04.120 Dangerous dogs - Requirements.
- 6.04.130 Hearing on disposition of dangerous and potentially dangerous dog.
- 6.04.140 Control of rabid or potentially rabid animals.
- 6.04.150 Impound, redemption and disposition of animals.
- 6.04.160 Impounded animals - Fees for.
- 6.04.170 Disposition of animals.
- 6.04.180 Disposal.
- 6.04.190 Trapping or detaining destructive or nuisance animals.
- 6.04.200 Pickup and disposition fees.
- 6.04.220 Severability.
- 6.04.230 Law enforcement dogs - Exemption.
- 6.04.231 Penalties.

6.04.010 Purpose.

The purpose of this chapter is to provide regulations within the unincorporated areas of Whatcom County and specific controls within designated urban areas of Whatcom County to control animal conduct. Nothing in this chapter shall be intended nor construed to create any liability on the part of the county, its officers, employees, agents or contractors. It is not the purpose or intent of this chapter to create on the part of county agents any special duties to or relationships with specific individuals. This chapter has been enacted for the welfare of the public as a whole. (Ord. 90-53 (part)).

1 6.04.020 Definitions.

2 A. "Adult dog" means any dog, male or female, seven months of age or older.

3 B. "Allow" means to permit by neglecting to restrain or prevent.

4 C. "Animal" shall have its customary common meaning and shall include dogs where
5 applicable.

6 D. "Animal control authority department" means the agency or department authorized by
7 action of the county council to provide animal housing and control services for the
8 unincorporated areas of Whatcom County and whose employees are deputized by the Whatcom
9 County sheriff for the purpose of enforcing this title and laws of the state of Washington as they
10 pertain to animal control and welfare.

11 E. "Animal shelter" means a facility used to care for homeless, stray or unwanted animals
12 by a governmental entity or authorized animal welfare society, and may include more than one
13 location.

14 F. "Animal sanctuary" means a housing and living facility for non-domesticated animals
15 to live their lives free from abuse and neglect. The facility serves as an alternate to euthanasia
16 and provides a secure home where rescued animals can live with dignity and proper care.

17 GF. "At large" means to be off the premises of the owner and under the control of either
18 the owner or a person authorized by the owner.

19 HG. "Dangerous dog" means any dog that, according to the records of the appropriate
20 authority, (1) has inflicted severe injury on a human being without provocation on public or
21 private property, (2) has killed a domestic animal without provocation while off the owner's
22 property, or (3) has been previously found to be potentially dangerous, the owner having
23 received notice of such and the dog again aggressively bites, attacks, or endangers the safety of
24 humans or domestic animals.

25 IH. "Director" means the head administrative official of the animal control authority or
26 department, that has been authorized by the Whatcom County Council.

27 IJ. "Dog" means any member, male or female, of the family canis familiaris or any dog
28 appearing animal that is kept as a domestic pet.

29 KJ. "Exotic animal" means any animal not native to or usually found as domestic pets in
30 the United States, including but not limited to lions, tigers, bears, gorillas, chimpanzees, lynx,
31 cougars, mountain lions, jaguars, venomous snakes, and includes "wild animals" such as but not
32 limited to wolves, raccoons, skunks, foxes, and coyotes, and hybrid wolves and coyotes.

33 LK. "Good animal husbandry" includes, but is not limited to the dehorning of cattle and
34 other horn bearing livestock, and castration or neutering of any animal, according to accepted
35 practices of veterinary medicine or normally accepted animal husbandry.

36 ML. "Harboring" or keeping an animal means providing food and care for the animal on
37 one's premises. An occupant of any premises will be presumed to be harboring or keeping an
38 animal within the meaning of this chapter when an animal remains on the premises or regularly
39 returns to the premises for food and care for a period of 14 days on which an animal remains or
40 to which it customarily returns daily for food and care for a period of 14 days is presumed to be
41 harboring or keeping the animal within the meaning of this chapter.

42 NM. "Livestock" means horses, cattle, sheep, goats, swine, donkeys, mules and domestic
43 fowl and rabbits.

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

1 **PO.** "Pet shop" is any establishment or premises maintained for the purchase, sale or
2 exchange of pets of any type.

3 **QP.** "Potentially dangerous dog" means any dog that when unprovoked: (1) inflicts bites
4 on a human or domestic animal either on public or private property, or (2) chases or approaches a
5 person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent
6 attitude of attack, or any dog with a known propensity, tendency, or disposition to attack
7 unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals.

8 **RQ.** "Psittacine bird" includes all birds commonly known as parrots, macaws, cockatoos,
9 lovebirds, parakeets and all other birds of the order psittaciformes.

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

12 **TS.** "Stray animal" means any unidentified dog, cat or other animal, whose owner is
13 unknown or who has no owner, is declared to be a nuisance, and any such stray may be seized
14 and impounded. For the purpose of this section, stray dog or stray animal means any dog, cat or
15 other animal appearing or remaining in a neighborhood or any public place without an apparent
16 home.

17 **UF.** "Under control" means that the owner, by means of a leash, restrains the dog to the
18 owner's immediate proximity, preventing the dog from trespassing upon property or annoying or
19 chasing other persons, animals, or vehicles of any sort.

20 **VU.** "Vicious animal" includes any whose temperament or habits create danger of injury
21 to persons or other animals or create a reasonable apprehension of injury to persons or other
22 animals.

23 **WV.** "Wild animal" means an animal living in its natural state and native to the United
24 States, but not normally domesticated, raised or bred by man. (Ord. 90-82 (part); Ord. 90-53
25 (part)).

26
27 **6.04.030 Dog control zone established.**

28 A. All of the unincorporated areas of Whatcom County are hereby declared to be dog
29 control zones except areas designated R-5, R-10, and AG. Planned unit developments (PUD's)
30 authorized for more than one house per five acres shall be included in this chapter's dog-control
31 zone creation. Further, in these exempt areas, residents may petition the council for areas to be
32 designated dog control zones. Within these exempt areas, all other provisions of this chapter
33 apply, except the under-control provisions.

34 B. An additional dog control zone, petitioned for by county citizens, is hereby declared to
35 exist in the Mosquito Lake Road and Mount Baker Highway areas, as hereinafter described:
36 Portions of Sections 9, 10, 15, 16, 21, 22, 27, and 28, Township 39 North, Range 5 East of
37 W.M., Whatcom County, Washington; said area is further described as all those portions of the
38 above described sections lying easterly of the Mount Baker Highway and westerly of the North
39 Fork of the Nooksack River and southerly of Coal Creek and northerly of the north line of the
40 south one-half of the south one-half of said Section 28, said north line running east and west
41 from a point approximately 700 feet south of the Mosquito Lake Road and Mount Baker
42 Highway intersection; and all those portions of the above described sections lying westerly of
43 and within one-half mile of the Mount Baker Highway and northerly of the north line of the
44 south one-half of the south one-half of said Section 28, said north line running east and west
45 from a point approximately 700 feet south of the Mosquito Lake Road and Mount Baker

1 Highway intersection, and southerly of a line projected westerly from the Mount Baker
2 Highway-Coal Creek Bridge. (Ord. 93-069 Exh. A; Ord. 90-82 (part); Ord. 90-53 (part)).

3
4 6.04.031 Administration and enforcement.

5 A. Sheriff. Administration and enforcement of this chapter shall be the responsibility of
6 the Whatcom County sheriff, his deputized agent (the animal control authority) or other official
7 designated by the county council and the county executive's office. The sheriff or deputized
8 designee shall be responsible for administration and enforcement of this chapter as to: (1)
9 Operate or cause to be operated an animal shelter; (2) If deemed necessary, select, train, hire, and
10 retain a qualified animal control officer or officers who shall enforce the provisions of this
11 chapter; (3) Investigate complaints pertaining to animal misconduct occurring in the
12 unincorporated areas.

13 B. County Executive. The county executive's office shall oversee the administration,
14 issuance, re-issuance and enforcement of license fees and other tax charges or penalties as
15 provided for in this chapter. (Ord. 90-82 (part)).

16
17 6.04.032 Dog control zones - Creation.

18 A. The county council may, as the need arises and in accordance with the provisions of
19 RCW 16.10.020, establish dog control zones in areas not provided for in this chapter. The public
20 may initiate the procedure for establishing a dog control zone by submitting a petition to the
21 county council. The petition shall contain the names, addresses and signatures of no less than 50
22 persons of voting age residing within the proposed dog control zone. A map shall be attached to
23 each petition, which clearly and accurately designates the boundaries of the proposed zone. Said
24 boundaries shall be subject to modification and/or approval of the county council.

25 B. In determining whether a dog control zone should be established, the county council
26 shall call a public hearing, notice of which shall be published once a week for each successive
27 four weeks prior thereto in a newspaper of general circulation within the proposed zone. At such
28 a hearing, proponents and opponents of the proposed dog control zone may appear and present
29 their views. The final decision of the county council with respect to the establishment of such a
30 zone and its boundaries shall not be made until the conclusion of the hearing. (Ord. 90-82 (part)).

31
32 6.04.040 Applicability.

33 A. Dogs Off Premises to Be Under Control. It shall be unlawful for the owner or keeper
34 of any dog to cause, permit or allow his/her dog to run, stray or otherwise to be away from the
35 premises of the owner or keeper within a dog control zone and to be on public property or the
36 private property of another without their permission, unless such dog be under control by means
37 of a leash.

38 B. Exceptions. The under-control section shall not apply to dogs while engaged in one of
39 the following activities directly supervised by the owner or keeper so as to keep it from being a
40 nuisance or danger to people or domestic animals:

- 41 1. Sanctioned search and rescue missions operated by or through authority of the
42 sheriff's office;
- 43 2. Lawful herding of farm animals;
- 44 3. Lawful animal competition sanctioned by a nationally recognized organization
45 of a local chapter thereof;
- 46 4. Lawful hunting activities;

- 1 5. Lawful training in preparation for such herding, hunting, or competition
2 activities;
3 6. Dog obedience training with the owner or keeper in attendance. (Ord. 90-53
4 (part)).

5
6 6.04.050 Dog licensing.

7 It is unlawful to keep or harbor a dog over seven months of age anywhere in the unincorporated
8 areas of Whatcom County unless a dog license has been procured for the animal from the county
9 or the county's authorized agent or agency. Administration of licensing and fees shall be under
10 the direction of the county executive's office. Dogs at large anywhere in the unincorporated areas
11 of Whatcom County without a license are deemed nuisances and may be impounded. Any person
12 harboring, keeping or allowing an unlicensed dog to be at large when such dog should be
13 licensed is guilty of an infraction.

14 A. Owners, keepers, or businesses may obtain a kennel permit in lieu of individual
15 licenses. Those individuals or businesses with such a permit are exempt from this section,
16 provided that other stipulations are met as defined elsewhere in this chapter.

17 B. Licenses may be obtained and renewed from the animal control authority and
18 assistants, or from any licensed agency. The council may, ~~by ordinance,~~
19 ~~through the Whatcom County Unified Fee Schedule ordinance,~~ set the fee for such service.

20 C. All new dog licenses shall be good for one year from date of purchase. Renewal
21 licenses shall be due on the last day of the twelfth month following the date of purchase of the
22 previous license.

23 D. Any person failing to renew a license within 30 days of the date the license is first
24 required or expired, shall be assessed a five-dollar late fee. This section applies to first time
25 licensed dogs.

26 E. The annual dog license fee for each ~~sterilized dog, male or female, shall be 50% less~~
27 ~~than the annual dog license fee for each unsterilized dog, as set forth in the Whatcom County~~
28 ~~Unified Fee Schedule. unsterilized adult male or female dog over the age of seven months is~~
29 ~~\$16.00. The annual license fee for sterilized dogs, male or female, is \$8.00.~~

30 F. Any person may choose to pay a single annual multiple-dog license fee ~~as established~~
31 ~~in the Whatcom County Unified Fee Schedule. of \$50.00 in lieu of licensing individual dogs~~
32 ~~within their care or ownership.~~ Individual license tags for multiple-dog licensing shall be issued
33 at no additional charge for each dog ~~for the \$50.00 base rate. (Ord. 90-53 (part)).~~

34
35 6.04.060 Nuisances - Infractions.

36 Violations of any of the following requirements or standards constitute a nuisance and shall be
37 an infraction.

38 A. Except in exempt areas, the owner or keeper of any dog shall not allow it to be at large
39 and not under control.

40 B. The owner or keeper of any dog must license and renew the license for any dog in the
41 manner outlined in the licensing section.

42 C. No person, other than the owner or keeper or otherwise authorized person shall
43 remove the license tag from an animal required to be licensed.

44 D. All female dogs, while in season, shall be confined in a clean, dry place not accessible
45 to male dogs and kept there during that entire period, except for the purpose of planned breeding
46 and with knowledge of the owner of the male dog.

1 E. No owner or keeper of any dog shall allow it to bark continuously for more than a
2 reasonable amount of time.

3 F. No animal, whether confined, tethered or loose, shall be allowed on any public
4 property including school grounds and parks without the prior consent of the applicable agency.
5 Exemption: Dogs trained to aid the handicapped.

6 G. No animal may enter any place where food is prepared, served, stored or sold to the
7 public. Exemption: Dogs trained to aid the handicapped.

8 H. No person, other than the owner, keeper or other authorized person is permitted to
9 release the animal from confinement.

10 I. No dog may jump at or upon, or otherwise threaten persons using sidewalks, streets,
11 alleys or other public ways.

12 J. No dog may chase, bite or harass livestock or other domestic animals, except for
13 herding purposes. (Ord. 90-53 (part)).

14
15 6.04.70 Exotic and/or wild animal - Permit required.

16 A. **Permit:** A permit from the animal control authority shall be required for any
17 person, firm, corporation or business to own or maintain any wild or exotic animal for the
18 creation of a sanctuary. No person shall be permitted to own, harbor, or maintain any wild or
19 exotic animal for any purpose other than the creation of a sanctuary. Distribution, sale, trade,
20 breeding, allowing reproduction, or release of any wild or exotic animal is prohibited.

21 1. A permit to own and maintain any wild or exotic animal will be issued
22 only if it can be demonstrated that the applicant will house the animals in animal enclosures that
23 comply with current American Zoo Association standards and will care for the animals in
24 accordance with these standards. The permit holder must provide the animal control authority
25 access to all records concerning the animals and provide proof of continued involvement of a
26 veterinarian to monitor the health, nutrition, and well being of all permitted animals.

27 2. Prior to issuance of a permit, an applicant must show proof of liability
28 insurance in the amount of \$1 million.

29 3. No owner of a permitted sanctuary shall provide public access to the
30 sanctuary.

31 4. The annual permit fee to own or maintain any wild or exotic animal shall
32 be established in the Whatcom County Unified Fee Schedule.

33 B. **Inspections:** Sanctuary facilities and enclosures are subject to inspection by the
34 animal control authority at any time upon providing notice at least 24 hours in advance of
35 inspection.

36 C. **Permit Revocation:** A permit may be revoked for any violation of this chapter.
37 In addition, a refusal to allow an inspection upon proper notice shall be grounds for revocation.
38 If said permit is revoked, the animals shall immediately be removed from the county.

39 D. **Transportation:** Each incident of wild or exotic animal transportation will be
40 pre-approved by the animal control authority and notification will be given to the Whatcom
41 County Sheriff's Department.

42 E. **Exemptions:** Exempt from the permit requirement of this section are: (1)
43 Circuses and zoos staying within the county for a limited time of no more than 30 days provided
44 that proper safeguards are taken to protect the public and the animal control authority is notified
45 of their arrival, all locations used to keep the animals, and duration of stay. (2) State Registered

1 ~~Wildlife Rehabilitation Centers, sanctioned by the Washington State Wildlife Department. (3)~~
2 ~~Existing wolf and coyote hybrids.~~

3
4 ~~——— A. A permit from the animal control authority shall be required for any person, firm,~~
5 ~~corporation or business to own or maintain any wild or exotic animal.~~

6 ~~——— B. A permit to own and maintain any wild or exotic animal will be issued only if it can be~~
7 ~~demonstrated that public safety is not at risk and proper animal enclosures exist to ensure the~~
8 ~~public's safety. Facilities and enclosures for wild and/or exotic animals are subject to inspection~~
9 ~~at any time upon providing notice at least 24 hours in advance of inspection. Failure to submit to~~
10 ~~such inspections shall be sufficient grounds for permit revocation.~~

11 ~~——— C. Any person having said permit revoked for violations of this chapter shall immediately~~
12 ~~remove said animals from the county.~~

13 ~~——— D. Exempt from the permit requirement of this section are: (1) Circuses and zoos staying~~
14 ~~within the county for a limited time of no more than 30 days provided that proper safeguards are~~
15 ~~taken to protect the public and the animal control authority is notified of their arrival, all~~
16 ~~locations used to keep the animals, and duration of stay. (2) State Registered Wildlife~~
17 ~~Rehabilitation Centers, sanctioned by the Washington State Wildlife Department.~~

18 ~~——— E. The annual permit fee to own or maintain any wild or exotic animal shall be 20 for~~
19 ~~each approved location, regardless of the number(s) of said wild animals.~~

20 ~~——— F. No person shall be permitted to own, harbor, or maintain any lion, tiger, bear, gorilla,~~
21 ~~lynx, cougar, mountain lion, jaguar or venomous snake.~~

22 ~~——— G. No person shall have, keep or maintain any exotic or wild animal unless specially~~
23 ~~permitted. (Ord. 90 53 (part)).~~

24
25 **6.04.080 Crimes - Misdemeanors.**

26 The following are misdemeanors:

27 A. Possessing an Exotic and/or Wild Animal Without a Permit. It shall be a misdemeanor
28 for a person to own or maintain any wild and/or exotic animal without a valid permit from the
29 animal control authority.

30 B. Refusal to Quarantine. It shall be a misdemeanor for an owner or keeper to refuse to
31 quarantine or permit the quarantine of any animal when and as required by State Law and this
32 chapter.

33 C. Interfering with Impounding and Other Animal Control, Duties and Enforcement. It is
34 a misdemeanor for any person to prevent, obstruct or hinder the impoundment of an animal or
35 other enforcement duties of officers pursuant to this chapter.

36 D. Damage. It is a misdemeanor for the owner or keeper of any domesticated animal to
37 allow it to enter upon private or public property, so as to damage or destroy any real or personal
38 property, including livestock and other animals of value.

39 E. Cruelty to Animals. The following acts and omissions constitute cruel treatment to
40 animals; therefore, it shall be a misdemeanor for any person, firm or corporation to:

41 1. Willfully or cruelly kill, injure, poison, torture or torment any animal by any
42 means causing it fright or pain; or

43 2. Lay out or expose any kind of poison or leave exposed any poisoned food or
44 drink for man, animal or fowl, or any substance of fluid whatever, whereon or wherein there is or
45 shall be deposited or mingled any kind of poisonous or deadly substance or fluid whatever, on
46 any premises, or abet any person in so doing, unless in accordance with the RCW 16.52.190; or

1 3. Neglect or fail to provide minimum care to any animal within his care, custody
2 or control. For the purpose of this section, "minimum care" means that in each period of 24
3 hours, food and water of sufficient quantity and quality will be provided, that allows for the
4 maintenance of body weight and for an immature animal, normal growth and to otherwise
5 preserve the health and well-being of the animal; or

6 4. Tether, confine or restrain any animal in such a way as to permit said animal to
7 become frequently entangled in such tether, or render said animal incapable of consuming food
8 and water for more than 24 hours; or

9 5. Abandon or leave any animal on a street, road or highway or in public place or
10 on private property; or

11 6. Confine and leave unattended an animal within or on a motor vehicle or other
12 closure or structure under conditions that endanger the health and well being of the animal. Such
13 conditions include, but are not limited to dangerous temperatures and lack of food and water; or

14 7. Intentionally run down or otherwise abuse any animal with a bicycle or motor
15 vehicle, including motorcycles and motorbikes; or

16 8. Intentionally trap any domestic animal with a device other than a humane live
17 animal trap. Any practice of good animal husbandry as defined in Section 6.04.020 is not a
18 violation of this section. (Ord. 90-53 (part)).

19
20 6.04.090 Dangerous and potentially dangerous dogs - Declaration.

21 A. The animal control authority may find and declare a dog dangerous or potentially
22 dangerous if there is probable cause to believe that the animal falls within the definition set forth
23 in Section 6.04.020G and P, respectively. The finding will be based on:

24 1. The written complaint of a citizen who is willing to testify that the animal has
25 acted in a manner which causes it to fall within the definition of dangerous or potentially
26 dangerous under Section 6.04.020G and P; or

27 2. Dog bite reports filed with the animal control officer required by the city or
28 county ordinance or state law; or

29 3. Actions of the dog witnessed by any animal control officer or other law
30 enforcement officer; or

31 4. Other substantial evidence which may include the previous history of the dog.

32 B. The declaration of dangerous or potentially dangerous dog shall be in writing, and
33 shall be served by the animal control authority on the owner or keeper by one of the following
34 methods:

35 1. Certified mail to the owner or keeper's last known address; or

36 2. Personally; or

37 3. If the owner or keeper cannot be located by one of the first two methods after
38 reasonable attempts, by publication in a newspaper of general circulation in the area of the
39 incident.

40 C. The declaration shall state at least the following information:

41 1. A description of the animal;

42 2. The name and address of the owner or keeper of the animal;

43 3. The last known whereabouts of the animal if it is not in the custody of the
44 owner or keeper;

45 4. The facts upon which the declaration of dangerous or potentially dangerous dog
46 is based;

1 5. Notice of the owner's or keeper's right to a hearing to contest the declaration, if
2 the request is made within five days;

3 6. The restrictions placed on the animal as a result of the declaration of dangerous
4 or potentially dangerous dog;

5 7. The penalties for violation of the restrictions. A complete copy of the
6 applicable laws shall be included with each declaration not served by publication. (Ord. 90-53
7 (part)).

8
9 **6.04.100 Dangerous or potentially dangerous dog - Declaration - Appeal.**

10 Following service of a declaration of dangerous or potentially dangerous dog, the owner or
11 keeper may, within five business days of receipt of the declaration, or within five days of the
12 publication of the declaration pursuant to Section 6.04.080B.3, request in writing a hearing
13 before the director of animal control.

14 A. Such request shall contain:

15 1. A brief statement that protests the action and stating reasons it should be
16 reversed or modified; and

17 2. The names, phone numbers and addresses of any witnesses who will appear on
18 the dog owner's behalf; and

19 3. Current day phone number where owner, keeper or his representative can be
20 contacted.

21 B. A time and place will be named for the hearing within seven days of receipt of the
22 appeal, with effort to reasonably accommodate all parties involved. All witnesses will be notified
23 by phone or letter of the hearing date.

24 If appellant or appellant's representative fails to appear for the hearing, excepting verifiable
25 emergency, the original determination stands. The hearing will take place within 30 days of the
26 director receiving the request for hearing, unless all parties agree to a continuance.

27 C. At the hearing, the animal control officer will give a full report of the actions and
28 reasons leading to the declaration. Any witnesses who were a part of the determination and
29 declaration shall be present and asked for their testimony. The burden is on the animal control
30 department to show by a preponderance of the evidence that the dog is dangerous or potentially
31 dangerous as defined in Section 6.04.020G or P. The dog owner, keeper or his representative and
32 any witnesses on behalf of the dog or its owner will then be asked for their testimony and be
33 given an opportunity to present any other pertinent evidence.

34 D. The director of animal control, having heard from both sides will render either an
35 immediate decision or a decision within 48 hours if new information is presented that may have a
36 bearing on the decision.

37 E. The decision will: (1) Uphold the original declaration and terms imposed; or (2)
38 Reverse the entire decision; or (3) Uphold the original declaration but modify the terms and
39 restrictions; or (4) Downgrade a declaration of dangerous to potentially dangerous with
40 appropriate terms and restrictions.

41 F. If the decision is reversed, written recommendations and/or warning concerning the
42 dog's actions may be issued by the director and will become a permanent part of the history of
43 the case.

44 G. Within seven days of the hearing, the director shall prepare a final written decision
45 including his/her findings and conclusions. A copy shall immediately be sent to all applicable
46 parties. Upon receipt of said written decision, the owner may appeal to the superior court by

1 filing written notice thereof within 30 days. Such appeals shall be governed by the provisions of
2 the Administrative Procedure Act (RCW Chapter 34.04). (Ord. 90-53 (part)).

3
4 6.04.110 Potentially dangerous dogs - Requirements.

5 A. Following a declaration of potentially dangerous dog, it is unlawful for an owner or
6 keeper to permit it:

7 1. To be other than securely confined inside a locked building, kennel, pen or
8 other structure having secure sides, bottom and top while on the premises of the owner or keeper;
9 and

10 2. To be away from the premises of the owner or keeper unless the dog is securely
11 muzzled and leashed, and under the control of a person at least 15 years of age and physically
12 able to restrain and control the animal; or

13 3. To fail to comply with any court ordered restrictions on keeping said
14 potentially dangerous dog; or

15 4. To fail to notify the agency of change of ownership, custody or residence of the
16 dog within 10 days of such change.

17 B. Following a declaration of potentially dangerous dog pursuant to this chapter, the
18 owner or keeper shall be guilty of a gross misdemeanor if:

19 1. Said dog inflicts a bite or bites upon a human or a domestic animal,
20 unprovoked, either on public or private property; or

21 2. Said dog chases or approaches a person upon the streets, sidewalks, or other
22 public grounds in a menacing fashion or apparent attitude of attack, or causes injury to or
23 otherwise threatens the safety of humans or animals. This section shall not preclude any
24 immediate criminal prosecution under RCW 16.08.100(3), in a situation causing severe injury or
25 death of any human.

26 C. No violation of the provisions of the above section may be disposed of by forfeiture of
27 bail without a court appearance. (Ord. 90-53 (part)).

28
29 6.04.120 Dangerous dogs - Requirements.

30 A. RCW 16.08.070, .080, .090, and .100 are adopted and incorporated herein by this
31 reference.

32 B. The annual registration fee for dangerous dogs shall be \$100.00 established in the
33 Whatcom County Unified Fee Schedule. This registration fee is in addition to regular applicable
34 dog license fees.

35 C. Within 15 days of receipt of an application for certificate of registration, an animal
36 control officer shall make an on-site inspection of the applicant's site for keeping the dangerous
37 dog to ensure that the site is properly enclosed and posted.

38 D. Certificate of Registration of Dangerous Dog - Issuance.

39 1. The Whatcom County animal control authority shall issue the certificate of
40 registration if the registration fee is paid and the application and site inspection show that the
41 applicant meets the requirements of this section and applicable state law. The certificate of
42 registration shall contain its date of expiration and a statement of the applicable state criminal
43 penalties for failing to comply.

44 2. Prior to renewal of a certificate of registration, the animal control authority
45 shall inspect the premises where the dangerous dog is kept at a time mutually convenient. The
46 purpose shall be to ascertain that the site remains in compliance with this section. Said inspection

1 shall occur within 30 days prior to the expiration date of the certificate. A renewal of the
2 certificate of registration shall not be issued without such an inspection. (Ord. 90-53 (part)).
3

4 6.04.130 Hearing on disposition of dangerous and potentially dangerous dog.

5 If there is reasonable cause to believe a dangerous dog or a dog which has been declared
6 potentially dangerous is in violation of any provision of either this ordinance or RCW Chapter
7 16.08, the animal control officer may request a hearing before the district court regarding one or
8 more dangerous or potentially dangerous dogs. Upon said request:

9 A. The owner or keeper of the animal(s) shall be served with notice of a pending hearing
10 before the district court within 48 hours of the incident or filing of the request for hearing. If the
11 owner or keeper cannot be located for service within the time specified, the court shall give
12 written direction to the animal control officer on how to proceed.

13 B. Pending hearing under this section, and any appeals to a court of competent
14 jurisdiction, the animal or animals may be seized and impounded at the cost of the owner or
15 keeper, as provided by this chapter.

16 C. Attendance at a hearing under this section is mandatory. Failure of the owner or
17 keeper of the animal to appear after being served with notice is a misdemeanor.

18 D. Following the hearing, the court may rule that:

19 1. There is insufficient evidence of the violation, whereupon the animal will be
20 released to its owner subject to any restrictions imposed upon it previously; or

21 2. The animal be promptly disposed of by the animal control officer; or

22 3. Under special circumstances, and subject to the restrictions of RCW 16.08, the
23 owner or keeper may be allowed to permanently remove the animal from the county; provided
24 that adequate security or assurance against its return is given, and the court is convinced that the
25 animal will be kept in such a manner that it is no longer a danger to persons, property or other
26 animals. (Ord. 90-53 (part)).
27

28 6.04.140 Control of rabid or potentially rabid animals.

29 A. A domestic animal of a species which may transmit disease through its bite, which
30 bites and breaks the skin of any person shall be quarantined for a 10-day period to determine if
31 the animal is infected with a disease. The place of quarantine shall be established by the animal
32 control authority, and the animal control authority may, in its discretion, allow the owner and/or
33 keeper of the animal to maintain the quarantine.

34 B. Quarantine procedure:

35 1. Any animal that has bitten a human and broken the skin, regardless of
36 provocation or previous inoculation for diseases, shall be confined for a period of not less than
37 10 days, in such a manner that it is segregated from any other animals and the possibility of
38 coming into contact with other animals and humans except for the caretaker.

39 2. If the owner and/or keeper is unable or unwilling to confine the animal, or if the
40 animal control authority determines from the prior history of the animal that confinement is not
41 likely, the animal may be quarantined at the animal shelter or a veterinarian and/or boarding
42 kennel of the owner's choice, provided that the costs to board the animal shall be borne by the
43 owner, if in a location other than the owner's residence.

44 3. Should the animal during the observation period manifest any unusual behavior
45 or develop symptoms of illness or die, the owner or veterinarian shall immediately notify the
46 animal control authority or the health department of that condition.

1 C. In all cases where any animal which has bitten a person or caused an abrasion or
2 puncture of the skin, is slain by any person or dies by other means, and a period of 10 days has
3 not elapsed since the day of the bite, it shall be the duty of any person slaying such animal or the
4 owner to forthwith deliver intact the head of such animal to the county health officer. The animal
5 control authority shall be notified in such cases.

6 D. It shall be the duty of every medical doctor, hospital, or other applicable health official
7 to report all dog bites that break the skin, regardless of provocation factors or previous
8 inoculations record of the animal. Such report shall be made to the animal control authority, as
9 promptly as possible so that quarantine procedures can be instituted in a timely fashion. (Ord.
10 90-53 (part)).

11
12 6.04.150 Impound, redemption and disposition of animals.

13 A. Animals may be impounded and taken into the care and custody of the animal control
14 authority in the following situations:

15 1. When a dog is off the premises of its owner or keeper and not under the control
16 of its owner, keeper or other authorized person;

17 2. If the animal is an adult dog and it has no current license tag;

18 3. If any animal is on public property or the private property of another and the
19 caretaker or said private property owner requests in writing that the animal be removed; provided
20 that the owner or keeper of the animal(s) cannot be located in a timely manner or is unknown.
21 Such written request shall state the reason why removal is requested;

22 4. When an animal is brought to the animal shelter by a private citizen who has
23 found the animal;

24 5. When a dog has been declared potentially dangerous or dangerous pursuant to
25 this chapter and/or state law, and the dog is again at large, or has otherwise violated the
26 restrictions placed upon it;

27 6. When any animal has been subjected to cruel treatment as defined by RCW
28 16.52.070 and/or the provisions of this chapter, provided that removal is necessary for the
29 immediate safety and well being of the animal;

30 7. When the animal's owner or keeper is incapable or unable to continue to care
31 for it because of incarceration, severe illness, death, house fire or other emergency circumstances
32 and an agent for the owner cannot be readily located. These animals will be deemed impounded
33 for safekeeping;

34 8. When an animal has bitten a person, breaking or puncturing the skin, and the
35 owner and/or keeper is unable, incapable or unwilling to provide the 10-day quarantine
36 requirements. If such a dog is found at large the owner will be deemed unable to quarantine and
37 it can be impounded.

38 B. Forthwith, following impoundment, the animal control authority shall notify the owner
39 or keeper, if known, of its impoundment, using whatever reasonable means possible. If the
40 animal's owner is unknown or cannot be located, the information and description of the animal
41 shall be available at the animal shelter during regular business hours.

42 C. All owners or keepers claiming impounded animals of any kind shall provide
43 identification and shall sign a statement that verifies they are the owner, keeper or authorized
44 agent of the owner. Names, street or road addresses, city and phone numbers will be required.
45 (Ord. 90-53 (part)).

46

1 6.04.160 Impounded animals - Fees for.

2 For every animal impounded pursuant to this chapter, there shall be paid to the animal control
3 authority, by the owner, keeper or their authorized representative claiming such animal, the total
4 of the following fees before the animal is released from impoundment:

5 A. For dogs:

6 1. For the first impoundment in any 12-month period, see the Whatcom County
7 Unified Fee Schedule;

8 2. For the second impoundment of same dog in any 12-month period, see the
9 Whatcom County Unified Fee Schedule; and

10 3. For the third and subsequent impoundments within any 12-month period, see
11 the Whatcom County Unified Fee Schedule;

12 4. Exception: Fees for second, third and subsequent impoundment shall apply
13 only to dogs in violation of Section 6.04.150(A)(1) and (A)(2).

14 B. For animals other than dogs:

15 1. For any impoundment of cat or other small domestic pet, see the Whatcom
16 County Unified Fee Schedule;

17 2. For any impoundment of livestock such as sheep, goats, swine, cattle or horses,
18 see the Whatcom County Unified Fee Schedule.

19 C. Impoundment fee can be waived or reduced at the discretion of the director of the
20 animal control authority in case of animals impounded pursuant to Section 6.04.150(A)(3),
21 (A)(4), or (A)(7), if it can be determined that the owner did not otherwise violate the terms of
22 this chapter.

23 D. A charge for the boarding and care of the animals after the first 24 hours will be made
24 which will be:

25 1. For dogs, cats, other small domestic pets and small livestock, see the Whatcom
26 County Unified Fee Schedule;

27 2. For large livestock, see the Whatcom County Unified Fee Schedule.

28 E. In addition, any necessary additional expenses incurred by the animal control authority
29 to care for the pet shall be assessed. These may include but are not limited to necessary
30 veterinary care and special transportation for livestock. Actual copies of these special bills will
31 be made available to the owner.

32 F. Charges for boarding and care can be reduced at the discretion of the director if special
33 circumstances exist or in the case of several animals belonging to the same owner, such as a litter
34 of pups or kittens; provided that such reduction will be allowed the same owner only once in any
35 12-month period.

36 G. For all dogs impounded and currently licensed, the current license fee shall be
37 assessed the owner or keeper before the dog is released from impoundment. (Ord. 93-080 Exh. S;
38 Ord. 90-53 (part)).

39
40 6.04.170 Disposition of animals.

41 A. Any unlicensed or unidentified domestic animal impounded pursuant to this chapter
42 shall be held for at least 72 hours, not including Sundays or legal holidays.

43 B. For any licensed or otherwise identified domestic animal, the holding period shall be
44 120 hours, not including Sundays or legal holidays, during which time reasonable attempts will
45 be made to locate and notify the owner or keeper.

1 C. All livestock impounded pursuant to this chapter shall be held for at least 120 hours,
2 not including Sundays or legal holidays. If not claimed by the owner, the brand inspector for
3 Whatcom County shall be notified and disposition will be at his discretion as pursuant to RCW
4 Chapter 16.57.

5 D. Should any impounded animal be suffering from serious injury, illness or disease that
6 would endanger the other sheltered pets or cause the animal to endure unnecessary pain and
7 suffering if left untreated, or if any impounded animal is feral or wild and thereby humane care
8 and confinement is not possible or poses a threat to caretakers, the animal may be destroyed
9 before the expiration of the required holding period. Such cases must be carefully documented in
10 writing by the animal control authority and be approved by either a licensed veterinarian or by
11 the director. (Ord. 90-53 (part)).

12
13 6.04.180 Disposal.

14 A. Any animal not redeemed by its owner during the prescribed period, may be humanely
15 destroyed by an approved method, or placed for adoption to a new owner, provided that new
16 owner agrees in writing to surgically sterilize any dog or cat within one month or upon maturity
17 and to provide proper licensing in the case of a dog.

18 B. The director of the animal control authority shall have the right to deny adoption to
19 any person of any unredeemed animal if it can be determined that placement would not be in the
20 best interest of the animal or the community.

21 C. No live animal shall be used, sold or donated for experimental purposes. (Ord. 90-53
22 (part)).

23
24 6.04.190 Trapping or detaining destructive or nuisance animals.

25 A. Upon the written complaint of any party that any cat or other living creature, other
26 than man is trespassing upon the premises or property of the complaining party and thereon
27 doing substantial damage to property, trees, shrubs, lawns or gardens, or creating a substantial
28 nuisance that disturbs the repose of any person and upon the animal control officer finding
29 probable cause exists that the complaint is valid, the animal control officer may humanely trap or
30 detain such cat or animal or allow the owner of the property to humanely trap or detain such cat
31 or other animal.

32 B. Such trapped animals shall be impounded by the animal control authority and disposed
33 of in accordance with this chapter or in accordance with RCW 77.16.230 if a game animal,
34 provided that the State Game Department will be notified before wild animals are trapped if
35 other than opossum or skunk. (Ord. 90-53 (part)).

36
37 6.04.200 Pickup and disposition fees.

38 A. A fee as set forth in the Whatcom County Unified Fee Schedule shall be imposed
39 when the owner or keeper of any dog or cat requests and receives disposition service from the
40 county; if more than one pick-up is requested by the owner or keeper in the same service call, the
41 fee for the second or subsequent pick-up shall be as set forth in the Whatcom County Unified
42 Fee Schedule. In hardship cases the director may reduce or waive the fee.

43 B. Pickup fees for animals other than dogs and cats will be decided by the director.

44 C. If an animal cannot be released by owner for discretionary disposition by the animal
45 control authority due to holding requirements such as dogs being quarantined, an additional

1 boarding fee as set forth in the Whatcom County Unified Fee Schedule will be assessed. (Ord.
2 93-080 Exh. S; Ord. 90-53 (part)).

3
4 6.04.220 Severability.

5 If any section, subsection, sentence of this chapter or amendment thereto or its application to any
6 person or circumstance, is held invalid, the remainder or application to other persons or
7 circumstances shall not be affected. (Ord. 90-53 (part)).

8
9 6.04.230 Law enforcement dogs - Exemption.

10 The provisions of this chapter shall not apply to any dog kept by any law enforcement agency for
11 law enforcement purposes. (Ord. 90-82 (part); Ord. 90-53 (part)).

12
13 6.04.231 Penalties.

14 A. Infractions. Violations of this chapter constituting an infraction shall subject the
15 violator to a penalty of not more than \$50.00.

16 B. Misdemeanors. Violations of this chapter constituting a misdemeanor shall subject the
17 violator to a fine not to exceed \$500.00 and/or by imprisonment in the county jail for a period
18 not to exceed 90 days. (Ord. 90-82 (part)).

19
20 Chapter 6.08
21 RESTRICTION OF LIVESTOCK

22 Sections:

23 6.08.010 Stock restricted area.

24
25 6.08.010 Stock restricted area.

26 Under authorization of RCW Chapter 16.24 the Whatcom County council orders the whole
27 territory of Whatcom County, excepting therefrom all Indian reservation land, designated as
28 stock restricted area, and further orders that it is unlawful to permit livestock of any kind to run
29 at large in or upon said territory. (Ord. 93-048 (part); prior code 5.20.010).

