

ORDINANCE NO. 124 -96

AN ORDINANCE RELATING TO THE CONTROL OF KENNELS AND ANIMAL SHELTERS; ESTABLISHING LICENSING REQUIREMENTS; ESTABLISHING STANDARDS FOR THE CONSTRUCTION AND OPERATION OF KENNELS AND ANIMAL SHELTERS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; AND PRESCRIBING PENALTIES FOR VIOLATIONS

WHEREAS, the unregulated operation of dog kennels and animal shelters within Wahkiakum County creates a risk to the health and safety of dogs and other domestic animals; and

WHEREAS, the unregulated operation of dog kennels and animal shelters within Wahkiakum County creates a public health risk; and

WHEREAS, the public health, safety and well-being of the County's citizens will be furthered by the adoption of an Ordinance relating to the control and licensing of dog kennels and animal shelters,

NOW, THEREFORE:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAHAKIAKUM COUNTY, WASHINGTON, as follows:

Section 1. Definitions.

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

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

(3) "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this Ordinance or any other law or Ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that cover the seizure and impoundment of any animal.

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

(5) "Board" means the Wahkiakum County Board of Commissioners.

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

(7) "Kennel" means (a) any premises used to conduct a business relating to the breeding, buying, selling or letting of dogs and/or cats for hire, boarding or training; or (b) any premises at which

eight (8) or more adult dogs are kept for any purpose, including an animal shelter, but excluding animal hospitals where animals are kept for treatment by licensed veterinarians, provided, the veterinarian does not solicit for boarding or animal sheltering.

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

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

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

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

(12) "Veterinary hospital" means any licensed establishment or premises operated or devoted to the medical treatment of domestic animals.

Section 2. Kennels and animal shelters--General standards.  
Every kennel and animal shelter located within unincorporated Wahkiakum County shall comply with the following standards:

(1) Animal housing facilities shall be provided for the animals. Such facilities shall be structurally sound, in good repair, and designed so as to protect the animals from injury and to restrict the escape of the animals housed therein and to restrict the entrance of other animals.

(2) Each animal shall be provided with adequate floor space to allow such animal to turn about freely and to stand, sit and lie in a comfortable normal position.

(3) Any electrical power shall be supplied in conformance with the applicable electrical codes and shall be adequate to supply heating and lighting as may be required by this Ordinance.

(4) Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.

(5) Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

(6) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.

(7) Washroom facilities, including sinks and toilets with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment. All such washroom facilities shall be connected to an approved public sanitary sewer system or to an on site sewage system which complies with all applicable rules and standards of the Wahkiakum County Health Department and the Washington State Board of Health.

(8) Sick, diseased or injured animals shall be separated from well animals, and if for sale, shall be removed from display and

sale or adoption and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

(9) Whenever a facility that sells, displays or offers animals for adoption is open to the public, it shall have an employee or keeper on duty who shall be responsible for the care and supervision of the animals.

(10) An employee, keeper or owner shall make provisions to feed, water and do the necessary cleaning of animals. Puppies and kittens shall be fed and watered no less than twice every twelve hours and adult dogs and cats shall be fed and watered no less than twice every twenty-four hours.

(11) No person shall misrepresent an animal to a consumer in any way.

(12) No person shall knowingly give for adoption or sell a sick or injured animal without disclosing the sickness or injury to the adopter or purchaser.

(13) Animals which are caged, closely confined or restrained shall be permitted daily exercise for an appropriate length of time, as determined by their size, age and species, in a yard or area suitable for that purpose.

(14) Each dog or cat kept in an animal shelter or kennel shall be tagged or otherwise marked with a unique identifying number.

(15) Each dog kept in an animal shelter or kennel shall be current in its vaccinations for DHLTTTC (distemper, hepatitis, leptospirosis, para-influenza, parvovirus, and coronavirus), Bordetella, and Rabies. Whether a dog is current in such vaccinations shall be determined according to the recognized standards of veterinary medicine as practiced in the State of Washington.

(16) The owner or keeper of every animal or kennel subject to registration under this Ordinance shall maintain records showing the following information for each animal kept on the premises:

(a) Medical history showing status of vaccinations, disease history, and any medical treatment previously provided to the animal.

(b) Incident history recording any incidents where any animal has attacked, bitten, or chased any human being or any other domestic animal.

(c) All records shall identify the animal using the unique identifying number required pursuant to subsection (14) of this Section.

(d) All records shall be maintained for a period of three (3) years from and after the date when the animal was discharged from the kennel or animal shelter.

(e) All records maintained hereunder shall be open for immediate inspection by the Animal Control Authority or the health officers during regular business hours.

### Section 3. Indoor facilities--Specific conditions.

(1) In addition to the requirements of Section 2, indoor facilities of animal shelters and kennels shall:

(a) Be sufficiently heated or cooled when necessary to protect the animals from temperatures to which they are not accustomed, taking into consideration their age, size and species.

(b) Be adequately ventilated to provide for the health of the animals and to remove foul odors. If ventilation equipment is used, it shall be designed so that the volume of air within any enclosed indoor facility or part thereof shall be replaced by fresh air three or more times per hour, and it shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts.

(c) Have ample light, either natural or artificial, or both, of good quality and well distributed to provide for such illumination as is necessary to inspect and clean during the entire working period. Such facilities shall be placed so as to protect animals from excessive illumination. Sufficient lighting shall additionally be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers.

(d) Have interior walls, ceiling and floor surfaces constructed of materials which are resistant to the absorption of moisture and odors, or that are treated with sealant or with paint. Floor surfaces shall not be made of unsealed wood. Interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris.

(e) Contain a suitable system of drainage to facilitate the rapid elimination of excess water under any weather or temperature condition. Such system shall be connected to a sanitary sewer or on site sewage system which shall conform with the standards of the Wahkiakum County Health Department and the Washington State Department of Health. If drains are used, they shall be maintained in a clean and sanitary condition.

(f) Be maintained in a clean and sanitary condition, with the use of a safe and effective disinfectant in cleaning.

#### Section 4. Outdoor facilities--Specific conditions.

In addition to the requirements of Section 2 of this Ordinance, outdoor facilities of animal shelters and kennels shall:

(1) Be constructed to provide shelter from excessive sunlight, rain, snow, wind, heat, cold or other elements.

(2) Be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein.

(3) Be constructed to provide a suitable system of drainage and prevent an accumulation of water, mud, debris, excreta or other material.

(4) Be enclosed by walls, fences, and/or vegetative screen sufficient to reduce noise and visual impacts of the kennel or animal shelter operation, to keep animals within, and prevent entrance of other animals; and

(5) Be designed and located to avoid any portion of the kennel facility or animal shelter, including runs, being closer than one hundred feet from a residence on another property.

#### Section 5. Additional Sanitation Standards.

(1) In addition to the requirements set forth in Sections 2, 3, and 4 of this Ordinance, all animal shelters and kennels located within unincorporated Wahkiakum County shall strictly comply with the following sanitation standards:

(a) Garbage, offal and manure shall be disposed of by incineration, burial, sanitary fill or other approved method, and within a time set by the health officer. Such material shall not be disposed of by being deposited in any ditch, gulch, ravine,

river, stream, lake, pond, nor upon the surface of the ground, or on any highway or county road right-of-way.

(b) The carcass of any dead animals shall be removed and disposed of by burial, incineration or other proper method within 24 hours after death. If the carcass is buried it shall be placed so that every part shall be covered by at least two feet of earth and at a location not less than 100 feet from any well, spring, stream or other surface waters, and in a place not subject to overflow. In all cases of death from communicable disease, the carcass, if disposed of by burial, shall first be thoroughly enveloped in unslaked lime.

(c) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

(d) Dog dropping or excreta shall be disposed of in a manner such as burial which does not create a nuisance. Dog dropping or excreta may be disposed of into a public sewer if the system is served by a large treatment facility which will accept such waste. Large amounts of dog droppings should not be disposed of in an on site sewage system unless such disposal is approved in writing by the health officer. When buried, dog droppings or excreta should be covered by at least two feet of earth and at a location not less than 100 feet from a well, spring, stream or other surface waters, and in a place not subject to overflow.

Section 6. Inspection authority. The Animal Control Authority shall have the authority to enter and inspect the premises of an animal shelter or kennel registered pursuant to this Ordinance at reasonable times to determine whether such facility is being operated in compliance with the provisions of this Ordinance.

Section 7. Registration for animal shelters and kennels--Inspections--Approvals--Standards--Penalties.

(1) It is unlawful for any person to own or operate a kennel or animal shelter within unincorporated Wahkiakum County without first obtaining a registration certificate pursuant to this Section. Every person who owns or operates a kennel or animal shelter shall comply with the requirements of this Section.

(2) Any person applying for an animal shelter or kennel registration certificate shall submit to the Animal Control Authority the following:

(a) The name, address and phone number of the owner of such facility;

(b) The name, address and phone number of the person having primary supervision of such facility;

(c) The address or location and phone number of such facility;

(d) The maximum number of animals which such facility will contain at any single time;

(e) An approved method of storing and disposing of food and animal wastes, bedding, dead animals and debris;

(f) The name and address of the person designated by the applicant as agent for service of legal process or notices; and

(g) A statement giving permission for the inspection of such facility at any reasonable time;

(h) The initial registration fee as prescribed in Section 9 of this Ordinance, which shall be non refundable;

(i) The cash deposit or surety bond in the form and amount prescribed by Section 9 of this Ordinance, which shall be returned to the applicant in the event that a Registration Certificate is not issued.

(3) Upon application for animal shelter or kennel registration, the Animal Control Authority and the Health Officer shall inspect the proposed facilities to see whether the facilities will comply with the requirements of this Ordinance. If it is found that they do not, the registration certificate shall not be issued, and the applicant shall be advised in writing as to why the application is denied. If the proposed facilities meet the requirements and standards of this Ordinance, the Animal Control Authority shall issue a registration certificate.

(4) The registration certificate shall be posted in a conspicuous place upon the premises.

(5) Registration certificates are nontransferable.

(6) Each registration certificate shall expire one year from the date of issuance. Registration certificate renewals shall be processed in the same manner as the original application.

Section 8. Kennels and Animal Shelters--Revocation, denial or refusal to renew. Registration for any kennel or animal shelters may be revoked, denied or not renewed for failure to comply with the provisions of this Ordinance, and such action shall be final unless within twenty days of receipt of written notification thereof an appeal is filed with the Board of County Commissioners.

Section 9. Kennel and Animal Shelters Registration Fees and Bond.

(1) The following registration fees and bond amounts are hereby established:

(a) The initial kennel/animal shelter registration fee shall be:

(i) A base fee of One Hundred Dollars (\$100.00).

(ii) For kennels or animal shelters designed to house in excess of ten animals, an additional fee of Ten Dollars (\$10.00) per animal for each additional designed space.

(b) The annual renewal fee for animal shelters and kennels shall be:

(i) A base fee of Fifty Dollars (\$50.00).

(ii) For kennels or animals shelters designed to house in excess of ten animals, an additional fee of Five Dollars (\$5.00) per animal for each additional designed space.

(iii) For late renewals a late registration penalty of Twenty-Five Dollars (\$25.00) shall be assessed.

(c) The owner of any dog kennel or animal shelter located within unincorporated Wahkiakum County shall at the time of application for initial registration provide to the Animal Control Authority a cash deposit or surety bond in the following amounts:

(i) No cash deposit or surety bond shall be required for kennels and animal shelters designed to keep ten (10) or fewer animals.

(ii) For kennels and animal shelters designed to keep more than ten (10) animals, the required amount of the bond shall be Two Hundred Fifty Dollars (\$250.00) for each additional designed space in excess of ten (10).

(d) The Animal Control Authority shall be entitled to forfeit all or a portion of the bond or cash deposit required hereunder in the event that the Animal Control Authority incurs expenses for caring for animals because of a violation of the provisions of this Ordinance.

(e) The Health Officer shall be entitled to forfeit all or a portion of the bond or cash deposit required hereunder in the event that the Health Officer incurs expenses for environmental cleanup because of a violation of the provisions of this Ordinance.

(f) Upon closure of a kennel or animal shelter, the person who posted the security under subsection (1)(c) of this Ordinance shall be entitled to a refund of such portion of said security not subject to forfeiture hereunder.

#### Section 10. Enforcement.

(1) The Animal Control Authority and the Health Officer are authorized to enforce this Ordinance.

(2) If a law enforcement officer or animal control officer has probable cause to believe that any animal is in danger as a result of violations of this Ordinance, and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.

(3) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this Ordinance has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused as a result of a violation of this Ordinance by a veterinarian to determine whether the level of neglect or abuse is sufficient to require removal of the animal.

(4) Any owner whose animal is removed pursuant to this Ordinance shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this Ordinance, the officer shall make a good faith effort to contact the animal's owner before removal.

(5) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. PROVIDED, HOWEVER, this provision shall not be construed to limit the authority of the Health Officer to order the restriction and destruction of dogs and cats pursuant to WAC 246-100-191. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning for the immediate return subject to court-imposed conditions, or (b)

posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to renew a bond or security for the agency's continuing costs for the animal's care.

(6) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court of the county where the animal was removed for the animal's return. The petition shall be filed with the court, with copies served to the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must deliver the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the animal is returned, the petition shall be joined with the criminal matter.

(7) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

(8) The health officer may bring an action to enjoin any violation of the provisions of this Ordinance which constitutes a threat to the public health, or may bring any legal proceeding authorized by law including but not limited to the special proceedings authorized in Title 7 RCW, in the Superior Court for Wahkiakum County. Continuing violations of this Ordinance which constitute a threat to the public health are declared to be a public nuisance. The health officer may commence a civil action for abatement of such public nuisances in the Superior Court for Wahkiakum County.

#### Section 11. Violations--Penalties.

(1) Any person violating any provision of this Ordinance is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000.00 or to imprisonment in the county jail for not more than ninety (90) days, or to both such fine and imprisonment. In the case of a continuing violation of any provision of this Ordinance, every day's continuance shall be a separate and distinct violation and shall be subject to punishment as such.

(2) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this Ordinance if any one of the animals involved dies as a result of a violation of this Ordinance or if the defendant has a prior conviction under this Ordinance. In other cases the court may enter an order requiring the owner to forfeit the animal or animals if the court deems the animal's treatment to have been cruel or inhumane and likely to reoccur. If forfeiture is ordered, the owner shall be prohibited from owning or caring for any similar animals for a period of two years.

(3) In addition to fines and court costs, the defendant upon conviction, shall be liable for reasonable costs incurred pursuant to this Ordinance by law enforcement agencies, animal care and control agencies, public health authorities or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation,

environmental cleanup, and the animal's care, euthanization, or adoption.

Section 12. Immunity. Wahkiakum County, the animal control authority and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this Ordinance, or for any failure to take action to enforce the provisions of this Ordinance. It is not the purpose or intent of this Ordinance to create on the part of Wahkiakum County or its agents any special duties or relationships with specific individuals. This Ordinance has been enacted for the well-being of the public as a whole.

Section 13. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 14. Effective Date.

(1) This Ordinance is necessary for the immediate preservation of the public health and safety and shall take effect immediately upon its adoption.

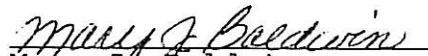
(2) Any kennel or animal shelter in operation as of the effective date of this Ordinance shall be deemed to be pre-existing and shall be licensed by the owner within sixty (60) days following the effective date of this Ordinance. Such pre-existing kennels and animal shelters shall be in full compliance with all provisions of this Ordinance within sixty (60) days following the date of this Ordinance. At the time of initial licensing, pre-existing kennels and animal shelters shall be subject to the registration fees and bond amounts set forth in subsections 9(1)(a) and 9(1)(c) of this Ordinance.

Section 15. Codification. This Ordinance shall be codified in the Revised Code of Wahkiakum County as Chapter 16.52.

DULY PASSED AND ADOPTED in Regular Session following a public hearing thereon, this 8th day of October, 1996.

BOARD OF COUNTY COMMISSIONERS  
OF WAHAKIAKUM COUNTY, WASHINGTON

ATTEST:

  
Mary J. Baldwin  
Clerk of the Board

  
Ronald D. Ozment, Chairman

  
Mark L. Doumit, Commissioner

APPROVED AS TO FORM this  
8th day of October,  
1996:

  
Fred A. Johnson  
Prosecuting Attorney

  
Daniel A. Smalley, Commissioner