

ORDINANCE NO. 145 -06

AN ORDINANCE AMENDING WAHAKIYAKUM COUNTY
CODE SECTIONS 16.08.040, 16.08.070 AND 16.08.110, AND ADDING NEW
SECTION(S) 16.08.005 AND 16.08.035, AMENDING THE WAHAKIYAKUM
COUNTY DANGEROUS DOG ORDINANCE AND ADDING
REGULATIONS REGARDING NUISANCE DOGS

WHEREAS, the issue of dangerous dogs, dog nuisances, and responsible dog ownership has reached new levels of importance in Wahkiakum County in recent months; and

WHEREAS, projections regarding population growth and density over the following years lends credence to the notion that such issues will continue to increase in importance; and

WHEREAS, the Board of County Commissioners of the County of Wahkiakum has held public hearings and considered the input of county citizens and have determined that an updated scheme of ordinances are in the best interests of the county and its citizens;

NOW THEREFORE BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WAHAKIYAKUM, as follows:

Section 1. A NEW SECTION (Section 16.08.005) to read as follows, is hereby added to Ordinance No. 121-94:

“16.08.005 Purpose:

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

Section 2: A NEW SECTION (Section 16.08.035), to read as follows, is hereby added to Ordinance No. 121-94:

“16.08.035 Nuisance Dogs--Penalties

1. A nuisance dog is a dog that:

(a) Habitually its leaves owners or custodian’s property and runs after or barks at people traveling the county roads or other public thoroughfares or that runs after or chases livestock, fowls or wild animals; or

(b) By frequent or habitual howling, yelping or barking annoys or disturbs a neighborhood, or the quiet and repose of several households.

2. It is unlawful to own, keep, or harbor a nuisance dog. Every day a nuisance dog exhibits the behavior described in Paragraph 1 of this section shall be a separate offense.”

Section 3: Section 4 of Ordinance 121-94 and Section 16.08.040 of the Revised Code of Wahkiakum County are each hereby amended to read as follows:

“16.08.040 Potentially Dangerous Dogs:

A. It is unlawful for any owner of a dog that has been declared to be a potentially dangerous dog, to keep such dog within Wahkiakum County unless such owner has procured a currently valid certificate of registration from the animal control authority.

B. The owner of a potentially dangerous dog shall obtain a certificate of registration for such dog from the animal control authority. A certificate of registration is valid for two years from the date of issuance.

C. \$50.00 fee shall be charged for registration of a potentially dangerous dog pursuant to this section.

D. It is unlawful for any person to cause, permit, or allow any potentially dangerous dog owned, controlled, or kept by him or her to roam, run or stray away from property he or she owns, rents, or otherwise controls. A potentially dangerous dog may be away from the property of its owner only if it is securely leashed and under the direct control and supervision of its owner or the owner's designee."

Section 4: Section 7 of Ordinance 121-94 and Section 16.08.070 of the Revised Code of Wahkiakum County are each hereby amended to read as follows:

"16.08.070 Dangerous or Potentially Dangerous Dog-Identification:

A. It is unlawful for any person to be an owner of a dog that has been declared to be a dangerous or potentially dangerous dog, unless the owner complies with the following requirements:

1. Microchip

a. The owner of a dangerous or potentially dangerous dog shall have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by enforcement officers or their designees. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

2. Collar

a. Any dangerous or potentially dangerous dog shall at all times wear a distinctive collar that denotes the dog's classification and that is approved by the animal control authority.

b. Lost collar replacement fee shall be Twenty Dollars. The original identification collar shall be provided by the animal control authority and its cost shall be covered by payment of the initial registration fee.

3. Vaccination

a. Any dangerous or potentially dangerous dog shall at all times have a current rabies vaccination administered by a licensed veterinarian. Proof of such vaccination shall be filed with the animal control authority. Any required vaccination shall be at the expense of the owner of the dog.

B. The owner shall comply with the requirements prescribed by this Section within fifteen days or receipt of the declaration issued by the animal control authority the final decision of the District Court in the case of an appeal timely made pursuant to Section 16.08.060(D), whichever date is later."

Section 5: Section 11 of Ordinance 121-94 and Section 16.08.110 of the Revised Code of Wahkiakum County are each hereby amended to read as follows:

"16.08.110 Violations-Impoundment and Confiscation-Costs:

A. The following dogs are subject to impoundment and confiscation:

1. Any dog that has been declared to be a potentially dangerous dog or a dangerous dog and that is not in compliance with all of the requirements of Sections 16.08.040, 16.08.050 and 16.08.070;

2. Any dog that does any act described in Section 16.08.100 of the Revised Code of Washington, as now or hereafter amended;

3. Any dog which is not quarantined as required by Section 16.08.030.

4. Any nuisance dog the behavior of which has been the subject of three or more civil infraction tickets under RCWC 16.08.090(c).

B. If any animal control officer has probable cause to believe that a dog is subject to impoundment under subsection A of this section, the officer may apprehend the dog. The officer may return the dog to its owner if the officer reasonably believes that doing so will not endanger the health, safety or property of any person, or endanger the dog. Otherwise, the officer shall impound the dog. Upon impoundment, the animal control authority shall promptly make reasonable efforts to identify the dog's owner.

C. If the dog's owner is identified, the animal control authority shall promptly serve an impoundment notice on the owner. The notice shall:

1. Identify the dog;
2. State the date and time the dog was impounded;
3. State why the dog was impounded; and
4. State what the owner must do to redeem the dog and the deadline for doing so, and what will happen to the impounded dog if the owner does not redeem the dog.

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

D. Any dog impounded pursuant to the provisions of this chapter may be redeemed upon payment to the animal control authority of the costs of impoundment as herein provided and other applicable fees and charges, and upon evidence that the violation has been corrected. The correction of a violation includes but is not limited to, the registration of any unregistered dog as required by this chapter. "Costs of impoundment" shall include the cost of apprehension and transportation, the cost of confinement and care of the dog at an animal shelter, and the actual cost of veterinary fees incurred by the County. Any registration fees or civil penalties due and owing shall be in addition to the costs of impoundment. The costs of impoundment may be recovered by the County in any civil or criminal action brought to enforce the provisions of this chapter."

E. The animal control authority shall cause an impounded dog to be held for at least ninety-six hours, excluding weekends and legal holidays as defined in RCW 1.16.050. If the dog's owner is unknown, the ninety-six hour period begins when the animal is apprehended. If the dog's owner is known, the ninety-six hour period begins when the owner is served with the impoundment notice. If the owner does not redeem the dog within the ninety-six hour period, the animal control authority may have the animal destroyed in an expeditious and humane manner. The owner may redeem the animal at any time before the animal is destroyed.

F. If a dog is suffering from a serious injury or disease, and destroying the dog is in the interest of public health and safety, or in the interest of the dog, the animal control authority may immediately have the dog destroyed in an expeditious and humane manner.

Section 6. 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 7. Previous Adjudications:

Dogs adjudicated Potentially Dangerous Dogs or Dangerous Dogs under any previous version of this ordinance shall continue to be governed by the rules set forth in the ordinance under which they were originally adjudicated to be dangerous or potentially dangerous unless the procedure to have the dog declared dangerous or potentially dangerous is initiated again under the newer version. The county may not initiate the procedure again on a dog previously adjudicated dangerous or potentially dangerous based upon the same incident or incidents that resulted in the dog's first adjudication as dangerous or potentially dangerous.

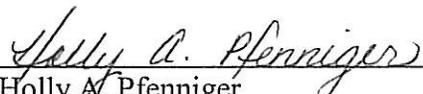
Section 8. Effective Date:

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

DULY PASSED AND ADOPTED in Regular Session following a public hearing thereon, this 28th day of November, 2006.

**BOARD OF COUNTY COMMISSIONERS
OF WAHKIAKUM COUNTY, WASHINGTON**

ATTEST:

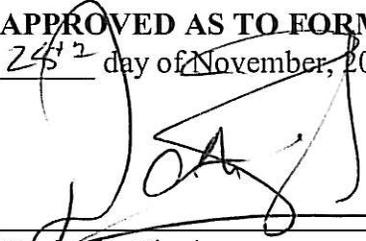


Holly A. Pfenniger
Clerk of the Board



Daniel L. Cothren, Chairman

George A. Trott, Commissioner

APPROVED AS TO FORM this
28th day of November, 2006:


Daniel H. Bigelow
Deputy Prosecuting Attorney



Mark E. Linqvist, Commissioner