

CHAPTER 8.02

ANIMAL CONTROL

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8.02.010: Definition of Terms: As used in this Chapter, unless the context indicates otherwise:

(1) “Abandon” means the knowing or reckless desertion of an animal by its owner or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal’s adequate care. An animal left without adequate care for three or more days shall be *prima facie* evidence that the animal has been abandoned.

(2) “Animal” includes, but is not limited to, dogs and cats.

(3) “Animal Control Officer” or “Chief Animal Control Officer” refers to that

person employed by or under contract to the City to enforce the provisions of this Title.

(4) "At Heel" means during such times as the dog is positioned and controlled in such a manner so as to remain within a distance of two feet from its owner or other competent person having charge of such dog.

(5) "At Large" means off the premises of the owner or upon the public streets, alleys, public grounds, school grounds or parks within the City. A dog shall not be deemed at large if:

(a) It is attached to a leash or chain of sufficient strength to restrain the dog and not more than eight feet in length, when said leash or chain is held by a person competent to restrain and control the dog off the owner's premises;

(b) It is properly restrained within a motor vehicle or housed in a veterinary hospital;

(c) It is accompanied by and "at heel" beside the owner or a competent responsible person;

(d) The dog or dogs are left unattended on the owner's premises, and it or they shall be so confined, tied or restrained as to be unable to range beyond the owner's premises.

(6) "Bobcat" means a *lynx rufus*, member of the Class mammalia, Order carnivora, Family felide.

(7) "Cat" means and includes female, neutered female, male and neutered male cats.

(8) "Commercial Kennel" means any lot, premises, building or structure where six or more dogs or six or more cats over six months of age are kept.

(9) "Competent Person" means any person who, by reason of age and physical ability and training, is capable of maintaining control of an animal to the extent required by this Chapter.

(10) "Dangerous Animal" means any dog or animal that (a) has inflicted severe injury on a human being without provocation; (b) has killed a domestic animal or livestock without provocation; (c) has been previously found to be potentially dangerous, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals; or (d) is a Bobcat as defined in this Chapter, or any hybrid or cross-breed of a Bobcat.

(11) "Dog" means and includes female, neutered female, male and neutered male dogs.

(12) "Domestic Animal" means a tame animal living in the home or on the property, living with or used by people for companionship, work, a food source, or otherwise, not defined as a "wild animal."

(13) "Health Officer" includes any person designated as such by the Benton-Franklin district health office, or any other person designated as such by the City Council.

(14) "Livestock" means animals, including fowl, kept or raised on a farm, ranch, or other spread of land which are raised for home use, profit, or hobby.

(15) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal for three consecutive days or more. An animal is deemed to be harbored if it is fed or sheltered for three consecutive days or more and knowingly permitted to remain on the premises occupied by that person.

(16) "Person" includes any person, firm, organization, partnership, corporation, trust or association of persons.

(17) "Poundmaster" refers to that person employed by or under contract with the

City to care for and dispose of strays or other animals confined under City ordinance.

(18) “Potentially Dangerous Animal” means any animal or dog that when unprovoked: (a) inflicts injury on a human or a domestic animal or livestock on public or private property; or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds, or upon private property other than that of the animal’s owner, in a menacing fashion or apparent attitude of attack; or (c) has a known propensity, tendency, or disposition to attack, or to cause injury or otherwise to threaten the safety of humans or domestic animals; or (d) is a Pit Bull Terrier or any dog commonly recognized as an American Pit Bull Terrier, American Staffordshire Terrier or Staffordshire Bull Terrier.

(19) “Proper Enclosure” means secure confinement indoors or in an outside securely enclosed and locked pen or structure, resistant to tunneling, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have secure sides and a secure top, and shall also be constructed to protect the animal from injury and illness and to provide protection from the elements.

(20) “Severe Injury” means any physical injury that results in death, broken bones or disfiguring lacerations requiring one or more sutures or cosmetic surgery.

(21) “Veterinary Hospital” means a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injuries of animals.

Whenever a type or breed of animal is described in this Chapter, it includes any hybrid, cross breed or mixed breed of such animal to any degree that the type or breed can be identified by either the animal’s appearance, behavior or pedigree.

Whenever a power is granted to, or a duty is imposed upon the Poundmaster or Chief Animal Control Officer or other public officer, the power may be exercised or the duty performed by an agent of the officer or by any person duly authorized unless this Chapter expressly provides otherwise.

All other words and phrases used in this Chapter will have their commonly accepted meanings. (Ord. 5432 Sec. 1, 2012; Ord. 5397 Sec. 1, 2011; Ord. 5334 Sec. 1, 2011; Ord. 5207 Sec. 1, 2007; Ord. 3778 Sec. 1 (part), 1998; Ord. 3343 Sec. 1, 1991; Ord. 3105 Sec. 1, 1987; Ord. 2022 Sec. 1.01 (part), 1976)

8.02.020: Harboring Dangerous or Potentially Dangerous Animals:

(1) No person who, being the owner of any dangerous or potentially dangerous animal shall keep, harbor or maintain the same on or off his/her premises in a manner endangering or likely to endanger the safety of persons, property or other animals, nor shall he/she allow said animal to run at large within the City.

(2) It is unlawful for an owner of a dangerous animal to permit it to be outside a proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but at all times prevents it from biting any person or animal.

(3) Upon the trial of any person charged with a violation of this Section, the court may determine whether or not the said animal poses a sufficient threat such that it should be destroyed or otherwise disposed of in accord with the provisions of this Chapter. The court may make such determination concerning the animal notwithstanding a finding of guilt or innocence of the person charged.

(4) It shall be a defense to any charge under this Section involving an alleged

dangerous or potentially dangerous animal that the person endangered was committing, was about to commit, or had just committed a trespass or crime, and that the animal's reaction was a natural result thereof.

(5) Any person violating the provisions of this Section shall be guilty of a gross misdemeanor. (Ord. 5207 Sec. 2, 2007; Ord. 3130 Sec. 1 (part), 1987; Ord. 3105 Sec. 2, 1987; Ord. 2629 Sec. 1, 1981; Ord. 2402 Sec. 1, 1979; Ord. 2022 Sec. 1.01 (part), 1976)

8.02.024: RCW Sections Adopted – Possession of Dangerous Wild Animals Prohibited:

The following sections of the Revised Code of Washington (RCW) pertaining to prohibiting possession of dangerous wild animals as now or hereafter amended are hereby adopted by reference as part of this Chapter in all respects as though such chapter were set forth in full: RCW 16.30.005; RCW 16.30.010; RCW 16.30.020; RCW 16.30.030; RCW 16.30.040; RCW 16.30.050; RCW 16.30.060; RCW 16.070; RCW 16.30.900 (Ord. 5207 Sec. 11, 2007)

8.02.026: Skunk, Fox, Raccoon Prohibited.

(1) In order to protect the public health and prevent the occurrence of rabies in dogs and cats and in animals which are used as pets and which may transmit rabies to human beings, it shall be unlawful to:

- (a) Import into this state any skunk, fox, or raccoon for sale, barter or exchange, or as a gift or for use as a personal pet; or
- (b) Acquire, sell, barter, exchange, give, purchase, trap or retain as pets or for export, any skunk, fox, or raccoon. Nothing herein prohibits the importation or possession of a skunk, fox, or raccoon by a bona fide publicly or privately owned zoological park, circus, or other show where animals are exhibited but are not in physical contact with the public, or by scientific or educational institutions, nor does it prohibit the use of such animals in fur farming.

(2) Violation of the provisions of this Section is a gross misdemeanor. (Ord. 5207 Sec. 12, 2007)

8.02.030: Animals Injuring Property Unlawful: It is unlawful for any owner to suffer or permit any dog, cat or other animal to trespass on private or public property so as to damage or destroy any property or thing of value, to kill, maim, or disfigure another's animal, or to deposit fecal matter on any property not that of his owner, and the same is declared to be a nuisance and any such dog, cat or other animal may be seized and impounded. (Ord. 5207 Sec. 3, 2008; Ord. 2022 Sec. 1.01 (part), 1976)

8.02.040: Stray Animal a Nuisance: Any stray dog, cat or animal running at large within the City is declared to be a nuisance, and any such stray dog, cat or animal may be seized and impounded. For the purpose of this Section, "stray dog" or "stray animal" means and includes any dog, cat or animal appearing or remaining in a neighborhood or any public place without an apparent home. (Ord. 2022 Sec. 1.01 (part), 1976)

8.02.050: Dog Control:

(1) No dog shall be permitted to roam or stray or be off its owner's premises unless it is at all times under the control of a person. It is the owner's responsibility to do all things reasonably necessary to ensure compliance with this Section; that a dog is found away from its owner's premises and not under the control of a responsible person shall be *prima facie* evidence of a violation of this Section.

(2) Dog Leashes Required. It is unlawful for any owner to cause, permit or allow any dog owned, harbored, controlled or kept by him, in this City, to roam, run at large or stray away from the premises where the same is owned, harbored, controlled or kept, except that while away from said premises, such dog shall at all times be controlled by being "at heel," or by means of a leash not exceeding eight feet in length, by the owner or some duly authorized and competent person; provided, however, that such leash or chain is not required for any dog when otherwise safely and securely confined or completely controlled while in or upon any vehicle. This Section shall not apply to dogs which are in special areas which may be designated by the City as dog training areas and so long as the regulations of the City with respect to the use of such areas are complied with, and said dogs are under the custody and control of a competent trainer.

(3) No dog shall be permitted to commit the following offenses on any premises or property, private or public: bite, or attempt to bite any person, destroy private property, scatter refuse, chase vehicles, or commit any nuisance defined in this Chapter or any other ordinance or law. (Ord. 5165 Sec. 1, 2006; Ord. 2022 Sec. 1.01 (part), 1976)

8.02.060: Impounding of Animals: Any animal off the premises of the owner and not under the control of some person, or which is otherwise in violation of this Chapter and subject to impound, shall be impounded. All animals impounded by the animal control authority will be subject to receiving DHLPP, Parvo, and Bordetella vaccinations. Reimbursement of the vaccination costs will be at the expense of the animal's owner. (Ord. 5207 Sec. 4, 2008; Ord. 5165 Sec. 2, 2006; Ord. 3778 Sec. 1 (part), 1998; Ord. 3296 Sec. 1 (part), 1991; Ord. 2882 Sec. 1, 1984; Ord. 2022 Sec. 1.01 (part), 1976)

8.02.065: Rabies Vaccination Required: All domestic pets four (4) months of age and older, including but not limited to all cats, dogs, and ferrets, must be vaccinated against rabies by a licensed veterinarian. The owner shall keep the rabies vaccination current by obtaining booster shots and revaccinations as directed by the licensed veterinarian. The owner shall provide proof of current rabies vaccination upon demand by any animal control authority or law enforcement officer. Failure to provide proof of current rabies vaccination is a civil infraction, and shall subject the domestic pet to immediate impounding. (Ord. 5207 Sec. 13, 2008)

8.02.070: Notice of Impounding: Upon seizing and impounding of any dog, cat or other animal, the Poundmaster shall give notice of such impounding in substantially the following manner:

(1) If the identity of the owner is known to or can readily be determined by the Poundmaster, then, as soon as reasonably practicable after the animal is impounded, the Poundmaster shall notify the owner by telephone or otherwise that the animal has been impounded and may be redeemed as provided in this Chapter.

(2) If the owner is known to the Poundmaster, but cannot be notified under the provisions of subsection (1) of this Section, or if the owner is so notified and does not appear to redeem his animal within twenty-four hours of the time of impounding, then the Poundmaster may send, by certified mail and regular mail, a notice in substantially the following form:

"NOTICE OF IMPOUNDING:

DATE:

To Whom It May Concern:

I have this day seized and impounded in the City animal shelter at _____ Street, an animal described as follows:

Dog () Cat () Other ()

Sex ____ Color ____ Breed

Approximate Age ____ Other Identification _____ Name of Owner

Notice is hereby given that unless said animal is claimed and redeemed on or before __ o'clock __ M. on the ____ day of _____, 20____, the same will be sold or destroyed as provided by ordinance.

Signed Poundmaster”

(Ord. 5165 Sec. 3, 2006: Ord. 3827 Sec. 1, 1999: Ord. 3343 Sec. 2, 1991: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.080: Redemption of Impounded Dogs:

(1) Unless this Chapter requires impounding for a longer period of time, any impounded dog may be redeemed by the owner, or authorized representative of the owner, by payment to the Poundmaster of an impounding fee determined, from time-to-time, by the City Council and in accord with KAC 16-32-020. Proof of a current rabies vaccination must be produced. If proof is not presented within ten days, it shall be another separate violation of this Chapter for each day over ten days that proof is not presented.

(2) Upon receiving payment of all fees due, the Poundmaster shall execute a receipt in duplicate, and the original shall be delivered to the owner, upon which the owner shall acknowledge delivery of the animal. A copy shall be retained by the Poundmaster. (Ord. 5207 Sec. 5, 2008: Ord. 5181 Sec. 2, 2007: Ord. 5165 Sec. 4, 2006: Ord. 2966 Sec. 1 (part), 1985: Ord. 2819 Sec. 1, 1984: Ord. 2508 Sec. 1, 1980: Ord. 2022 Sec. 1.01 (part), 1979)

8.02.090: Redemption of Cats or Other Animals: The owner or authorized representative of any cat or animal impounded under the provisions of this Chapter may redeem it within forty-eight hours from the time of the impounding by paying an impounding fee determined, from time-to-time, by the City Council and in accord with KAC 16-32-020. If such cat or animal is not redeemed by the owner within forty-eight hours, it may be humanely destroyed or otherwise disposed of within the discretion of the impounding authority; provided, however, any cat or animal so impounded estimated by the impounding authority to be less than two months of age, at the discretion of the impounding authority, may be humanely destroyed or otherwise disposed of at any time after impounding. (Ord. 5181 Sec. 3, 2007: Ord. 2966 Sec. 1 (part), 1985: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.091: Redemption of Dangerous Animals: Dangerous and potentially dangerous animals that are not redeemed shall be humanely destroyed after the expiration of the notice as provided in Section 8.02.070. Unless required as evidence or to determine if they are rabid, animals shall be destroyed, pending any hearing or court proceedings unless the owner prepays all impound and boarding fees unless otherwise ordered by a court of competent jurisdiction. (Ord. 5207 Sec. 6, 2008: Ord. 3827 Sec. 2, 1999)

8.02.100: Disposition of Unclaimed Animals: If an impounded animal shall not be claimed and redeemed within seventy-two hours, then it may be sold by the Poundmaster, or humanely destroyed, at the discretion of the Poundmaster. (Ord. 3296 Sec. 1 (part), 1991: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.120: Destruction of Animals:

(1) Any animal which is not redeemed by the owner and not sold by the Poundmaster may be destroyed and properly disposed of by the Poundmaster. The destruction of all animals shall be done in a humane manner.

(2) In the event of an emergency endangering the health or safety of any person, where seizure and impoundment is deemed inadvisable or impracticable, or for humane considerations, the Poundmaster or other police officer at his discretion may summarily destroy the animal involved. (Ord. 3296 Sec. 1 (part), 1991: Ord. 2022 Sec. 1.01 (part), 1967)

8.02.130: Interference with Officers - Failure to Redeem - Frauds:

(1) It is unlawful for any unauthorized person to break open, or attempt to break open, the City animal pound, or to take or let out animals therefrom, or to take or attempt to take from any officer any animal seized by him in compliance with this Chapter, or in any manner interfere with or hinder such an officer in the discharge of his duties under this Chapter. A violation of this provision is a misdemeanor.

(2) No person shall knowingly refuse to redeem an impounded animal or obtain an animal from the Poundmaster and return it to a former owner without first paying all impound fees. Any third or subsequent violation of this provision as demonstrated by evidence provided by the animal control authority shall be a misdemeanor. (Ord. 5334 Sec. 2, 2011: Ord. 2882 Sec. 2, 1984: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.140: Warning Tickets: The animal control officers may issue a warning ticket for the first offense of letting an animal be at large. If a warning ticket is issued, the warning ticket shall be in duplicate. The first copy shall be given to the animal's owner, and the second copy shall be returned to the animal control officer. (Ord. 2022 Sec. 1.01 (part), 1976)

8.02.150: Violation Tickets:

(1) The animal control officer may issue a warning ticket or a violation ticket to an animal's owner for such owner's first offense in letting an animal be at large. If, however, after receiving the violation or warning ticket, the animal's owner continues to let the animal be at large, then the officer shall, on all subsequent offenses, issue a violation ticket. All violation tickets shall be cleared through the animal control authority.

(2) The second copy of the violation ticket shall be given to the animal's owner. The first and third copies shall be returned to the office of the animal control authority. The office staff will make the necessary arrangements to have one copy delivered to the Benton County District Court.

(3) The "warning tickets" and "violation tickets" shall either be given directly to the animal's owner or custodian, or to a person of suitable age and discretion, a resident of the household of the owner or custodian. However, if, after making one attempt, the animal control officer is unable to give the ticket to the animal's owner or custodian or person of suitable age and discretion, who is a resident of the household of the owner or custodian, then the ticket may be served by mailing it certified mail, return receipt requested, to the animal's owner or custodian. Service of tickets shall be deemed completed three days after mailing of said

certified letter, return receipt requested. (Ord. 5181 Sec. 4, 2007: Ord. 5165 Sec. 5, 2006: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.160: Confinement:

(1) Every female dog or cat in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel so that such female dog or cat cannot come in contact with other animals except for intentional breeding purposes.

(2) Dogs or cats kept outdoors for more than six hours at one time must be provided with a moisture-proof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable. (Ord. 2022 Sec. 1.01 (part), 1976)

8.02.170: Crimes Against Animals:

(1) Any person who, with the intent to deprive or defraud the owner thereof, takes, leads away, confines, secretes, or who conceals the identity by obscuring, altering or removing any collar, tag, tattoo, or other identifying device or mark on any dog or other domestic animal shall be guilty of a gross misdemeanor.

(2) Any person who willfully molests, provokes or mistreats any animal or willfully opens any door or gate or unleashes any animal for the purpose of allowing it to leave its owner's property or to be at large shall be guilty of a misdemeanor.

(3) Every person who shall willfully injure, torture, torment, mutilate, or deprive of the necessary food or water, or who shall overdrive, overload, overwork, or work when disabled, cruelly beat, mutilate, or cruelly kill any cat, dog or other animal, or cause or procure an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of the necessary food and water, cruelly beaten or killed or who shall kill or wound any domestic animal by use of any gun, club, knife, bow and arrow or other weapon which may be used for the purpose of inflicting injury or death to any such animal, shall be deemed guilty of a gross misdemeanor.

(4) Any person who shall maliciously kill, maim or disfigure another's animal, or maliciously administer poison to any such animal, or expose any poisonous substance with intent that the same should be taken by such animal, or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or animals, whether the acts or omission herein contemplated be committed either maliciously, willfully or negligently, or knowingly permit such act or omission, or shall cause or procure the same to be done shall be deemed guilty of a gross misdemeanor.

(5) It is unlawful for any person to abandon any domestic animal by dropping off or leaving such animal on the street, road or highway, or in any other public place, or on the private property of another (including an animal shelter), or in a vacant residence or upon said property presently owned or determined to be owned and/or under the control of the animal's owner.

(6) This Section does not apply to the killing of any animal by a police officer, animal control officer, a licensed veterinarian, the owner of such an animal or a person authorized by him to destroy such animal; provided, however, that the death of such an animal is accomplished in a humane manner and for lawful purpose.

(7) Every person, firm or corporation convicted of violating subsections (1), (3) or (4) of this Section shall be punished by a mandatory fine of not less than \$500.00 per animal. Conviction under this Section does not bar prosecution and conviction under any other Section of this code or any other law or ordinance. (Ord. 5397 Sec. 2, 2011: Ord. 5207 Sec. 7, 2008: Ord. 5181 Sec. 5, 2007: Ord. 3778 Sec. 1 (part), 1998: Ord. 3227 Sec. 1, 1990: Ord. 2402 Sec. 2, 1979: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.175: Removal of Animal – Notice: If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated KMC 8.02.170 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 the animal control authority. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition. In all cases, the officer shall make a good faith effort to notify the owner prior to the animal’s removal. If contact cannot be made, notice shall be given by posting the place of seizure, by delivering to a person residing at the place of seizure, or by registered mail if the owner is known. (Ord. 5207 Sec. 14, 2008)

8.02.180: Duties upon Injury or Death of Animal: It shall be the duty of every person operating or driving a vehicle involved in an accident resulting in an injury or death to a dog, cat or other animal to report the same immediately to the police division by telephone, and to report the same in writing within twenty-four hours after the occurrence of such accident to the police division, giving the relevant information concerning the accident, the report to be made on forms provided by the police division. (Ord. 2022 Sec. 1.01 (part), 1976)

8.02.250: Kennels - Licensing Provision - Commercial Kennels: No person, firm or corporation shall maintain a commercial kennel within the City without having a valid commercial kennel license posted in plain view on the premises. The Poundmaster shall issue commercial kennel licenses for the City upon the payment of a fee as established by the City Council, from time-to-time, and in accord with KAC 16-32-010(1). No license shall be issued for a commercial kennel which is in violation of any zoning regulations governing the location of commercial kennels, or operated in violation of any other law. (Ord. 5397 Sec. 3, 2011: Ord. 5207 Sec. 8, 2008: Ord. 5181 Sec. 6, 2007: Ord. 3778 Sec. 1 (part), 1998: Ord. 2966 Sec. 1 (part), 1985: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.260: Kennels - Vaccination Requirements: A kennel licensee shall cause all dogs over six months of age kept in that kennel to be vaccinated against rabies. Any dog for which evidence of such vaccination cannot be produced, shall be impounded. (Ord. 5165 Sec. 6, 2006: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.290: Dog Bites - Impounding:

(1) Every animal bite shall be reported to the health officer who shall investigate the case and may order the offending animal to be impounded at any time during the ten days next following the date of the bite. If the animal is impounded and after ten days next following the date of the bite no rabies is present or suspected, the animal may be released to the owner upon payment of any impounding, boarding, and permit fees, and compliance with the permitting and rabies vaccination provisions of this Chapter. If rabies is present or suspected by the health officer, the animal shall be destroyed and the head preserved for laboratory confirmation of the diagnosis.

(2) If the health officer orders an animal impounded at any time during the ten days next following the date of a bite, the owner of the animal may request the impounding to be at a licensed veterinarian’s establishment at his own expense. (Ord. 5181 Sec. 7, 2007: Ord. 3130 Sec. 1 (part), 1987: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.300: Health Officer to Quarantine: It shall be the duty of the health officer to cause to be quarantined any animal within the City, which he has grounds to suspect of being infected with the disease of rabies. Whenever any human being has been bitten by a cat or dog and there is no reason to suspect that the animal is rabid, at the discretion of the health officer, the animal involved may be restricted for ten days for observation in such manner as to prevent contact with other animals or humans except for its caretaker. (Ord. 3130 Sec. 1 (part), 1987: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.310: Notice of Quarantine:

(1) Any quarantine of an animal shall be initiated by delivering to the owner, or keeper of any such animal, a written notice of such quarantine which shall prescribe the duration of the same, provided that the period of said quarantine shall not exceed ten days unless it shall be determined that the existence of such disease is present. The delivery of the notice of quarantine to an adult residing upon the premises where such animal is kept, shall be considered as delivery of the notice to the owner or keeper. Any such animal so quarantined shall be impounded, provided that, in the discretion of the health officer, said animal may be quarantined upon the premises of the owner or any other person during such time as the provisions of the quarantine are strictly kept.

(2) During the period of any quarantine made under the provisions of this Chapter, the owner or keeper of any animal so quarantined shall not allow said animal to come in contact with any other animal or person or permit such animal to run at large on any street or public place in the City or upon the premises where quarantined unless said premises be enclosed by a secure fence, nor shall such owner or keeper remove or cause such animal to be removed from said premises without the consent of the health officer. These restrictions shall continue until said animal shall have been released from quarantine. Any animal found running at large as defined in Section 8.02.010, or which has been removed from the premises upon which quarantined, shall be impounded and unless claimed and redeemed by its owner within two days after the expiration of quarantine period, may be destroyed by the proper authorities.

(3) Whenever any outbreak of rabies occurs, or when rabies has been diagnosed or a rabid dog or animal has been present in the City, it is unlawful for any owner, keeper or handler of an animal to keep or harbor the same within the City limits after the last publication of the notice provided for in subsection (5) of this Section, and during the period in said notice prescribed, unless such dog or animal be securely confined at all times by leash or kept in a tight enclosure from which such animal cannot escape. Any animal found running at large in the City during said period shall be impounded and, unless claimed and redeemed by its owner within two days after such impounding, may be destroyed by the proper authorities. Any health or police officer may destroy any animal found running at large within the limits of the City during said period when, after reasonable effort, he shall be unable to impound said animal or after reasonable investigation shall be unable to locate the owner or keeper thereof.

(4) Any animal that has been bitten by a rabid animal must be destroyed. If the owner is unwilling to have this done, the animal (dog or cat only) should be vaccinated and placed in strict isolation for six months or longer. If the animal has been previously vaccinated with an approved vaccine within the time limit approved for such vaccine, re-vaccination and restraint for ninety days should be carried out.

(5) Upon any outbreak of rabies, or when rabies has been diagnosed within the City limits, or a rabid dog or animal has been found present, and when, in the judgment of the health officer, there is imminent danger of the spread of the disease, such officer shall publish a notice to that effect in the official newspaper of the City for three successive days, and for six weeks after the last publication of said notice the provisions of Section 8.02.120 shall be applicable,

provided that the health officer shall have authority, when in his judgment an extension of said six weeks time is necessary to carry into effect the purpose of this Chapter, to extend the said six-week period for an additional six weeks or such lesser time as he shall deem necessary by notice given in the manner provided for in this Section and to further thereafter and in the same manner continue said six-week or lesser period until, in his judgment, the said strict quarantine herein provided for shall be unnecessary. (Ord. 3130 Sec. 1 (part), 1987; Ord. 2022 Sec. 1.10 (part), 1976)

8.02.320: Dangerous, Potentially Dangerous Animals - Permit Required:

(1) No person shall have, keep or maintain any dangerous or potentially dangerous animal without first obtaining an annual permit from the Poundmaster. A permit will only be granted if the applicant has provided and maintains adequate and effective safeguards and controls for the animal, and has taken all necessary precautions to ensure that the animal will not become a nuisance. The applicant shall obtain a permit from the Poundmaster. No permit shall be issued to any person to keep an animal in contravention of the rules and regulations of the Department of Game nor Title 77 of the Revised Code of Washington. The annual permit fee shall be as determined by the City Council from time-to-time (KAC 16-32-010).

(2) The Poundmaster may require any animal he/she finds to be dangerous or potentially dangerous to be licensed under the provisions of this Section. Any dispute concerning the character of any animal shall be resolved in accord with this Chapter.

(3) The Poundmaster shall issue a permit to the owner of an animal required to be licensed under this Section only if the owner presents to the animal control authority sufficient evidence of:

- (a) A proper enclosure to confine the animal as defined in this Chapter; and
- (b) The posting of the premises with a clearly visible warning sign that there is a dangerous animal on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous animal; and
- (c) A surety bond issued by a surety qualified under Chapter 48.28 RCW in a form acceptable to the Poundmaster in the sum of at least \$250,000.00, payable to any person injured by the dangerous or potentially dangerous animal, or a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least \$250,000.00, insuring the owner for any personal injuries inflicted by the animal; and
- (d) Proof that all surrounding property owners and occupants have been notified and given an opportunity to comment on the confinement plans.

(4) Any animal licensed or required to be licensed under this Section shall be immediately impounded by the Poundmaster if: (a) the animal is not validly registered under this Section; (b) the owner does not secure and maintain the liability insurance coverage required; (c) the animal is not maintained in the proper enclosure; or (d) the animal is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of a competent person.

(5) The provisions of this Section do not apply to temporary activities such as circuses nor to any governmental agency. These provisions are cumulative with any federal, state or local regulation.

(6) Any person violating or failing to comply with this Section shall be guilty of a gross misdemeanor. Upon conviction for a violation of this Section, the City may seek an order from Benton County District Court mandating destruction of the animal. (Ord. 5397 Sec. 4, 2011; Ord. 5334 Sec. 3, 2011; Ord. 5207 Sec. 9, 2007; Ord. 5029 Sec. 1, 2004; Ord. 5027

Sec. 1, 2004: Ord. 3827 Sec. 6, 1999: Ord. 3105 Sec. 3, 1987: Ord. 2966 Sec. 1 (part), 1985: Ord. 2629 Sec. 2, 1981: Ord. 2526 Sec. 1, 1980: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.325: Dangerous, Potentially Dangerous Animals - Objection to Declaration - Appeal:

(1) If the owner of the animal wishes to object to the Notice of Declaration of Dangerous Dog or Animal or Notice of Declaration of Potentially Dangerous Dog or Animal, he may, within ten business days of receipt of the declaration, appeal that declaration by submitting a Request for Appeal form to the City Clerk's Office. Within 20 days of the receipt of the Request for Appeal, the City will file said appeal, at the City's expense, with the clerk of the court for a hearing before the Benton County District Court.

(2) If the court does not find a preponderance of evidence to support the Declaration, the Declaration shall be rescinded and the restrictions imposed thereby annulled. In the event the court finds that the animal is not a dangerous or potentially dangerous animal, no court costs shall be assessed against the City of Kennewick or the animal control authority or officer.

(3) If the court finds a preponderance of evidence to support the declaration, it shall impose court costs on the appellant, restitution if applicable, and may impose additional restrictions on the animal. (Ord. 5432 Sec. 2, 2012: Ord. 5401 Sec. 1, 2012: Ord. 5207 Sec. 10, 2007: Ord. 5029 Sec. 2, 2004)

8.02.330: Severability: It is the intention of the City Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Chapter is declared invalid, all other provisions thereof shall remain valid and enforceable. (Ord. 2022 Sec. 1.01 (part), 1976)

8.02.340: Animals Disturbing the Peace: It is unlawful for any person owning or harboring an animal to allow or permit such animal to cause serious or habitual disturbance or annoyance by frequent or habitual howling, yelping, barking or otherwise noisy conduct, which shall annoy, injure or endanger safety, health, comfort or repose of others. An animal is harbored in violation of this Section if, without provocation, it makes noise which can be heard continuously within an enclosed structure off its owner's property for more than five minutes. (Ord. 3201 Sec. 1, 1990: Ord. 2022 Sec. 1.01 (part), 1976)

8.02.350: Responsibility of Owner: Nothing contained in this Chapter shall relieve the owner or owners of any animal from responsibility for any damage committed by such animal, as provided by the law and sections of this Chapter. (Ord. 2022 Sec. 1.01 (part), 1976)

8.02.360: Penalty Provisions:

(1) Any person violating any provision of this Chapter, except Sections 8.02.020, 8.02.130, 8.02.170 and 8.02.320, is guilty of an infraction. Unless matters in aggravation warrant a greater civil penalty, each violation shall be subject to a minimum penalty in the amount listed plus all costs and assessments:

- (a) First violation within five years \$50.00.
- (b) Second violation within five years \$100.00.
- (c) Third violation within five years \$200.00.
- (d) Four or more violations within five years \$400.00.

(2) Each person is guilty of a separate offense for each and every day during any portion of which any violation of the provisions of this Chapter is committed, continued or permitted by any such person and shall be punished accordingly.

(3) Court costs of \$10.00 shall be assessed in addition to any other fine, penalty, cost or statutory assessment imposed. (Ord. 3945 Sec. 1, 2000: Ord. 3105 Sec. 4, 1987: Ord. 2882 Sec. 3, 1984: Ord. 2402 Sec. 3, 1979)