

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE NO. 2018 - 012

ORDINANCE AMENDING TITLE 6 ANIMALS OF THE KITTITAS COUNTY CODE

WHEREAS, RCW 16.10.020 among other provisions allows for creation of dog control zones by the Board of County Commissioners; and

WHEREAS, the Kittitas County Board of County Commissioners desires to have such a dog control zone; and

WHEREAS, the Board of County Commissioners had previously enacted an ordinance creating such a dog control zone; and

WHEREAS, in the course of enacting said ordinance there were inadvertent procedural errors rendering the ordinance invalid; and

WHEREAS, in the course of addressing those errors the Board of County Commissioners received feedback from law enforcement regarding aspects of the ordinance that made enforcement difficult and complicated to the detriment of the goal of the Board of County Commissioners, law enforcement, and the general public ; and

WHEREAS, re-enactment of this Title 6 of the Kittitas County Code is needed for the Title to be of lawful effect; and

WHEREAS, this required re-enactment of Title 6 of the Kittitas County Code also allows for appropriate amendment of its provisions to address the feedback regarding implementation of the ordinance; and

WHEREAS, nothing contained in this Ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of Kittitas County, or any of its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to Title 6 of the Kittitas County Code to comply with this Ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of the above referenced Chapter on the part of Kittitas County, or any of its officers, employees, or agents; and

WHEREAS, a public hearing was held on June 19, 2018 and the public was provided due notice as required by RCW 16.10.030 and thus the opportunity to provide testimony on the proposed amendment to the ordinance; and

WHEREAS, the Board of County Commissioners of Kittitas County hereby adopts this Ordinance pursuant to and by the authority of Sections 36.01.030 and 36.32.120 of the Revised

Code of Washington and Article 11, §11 of the Washington Constitution to enact regulatory measures to preserve, promote, and improve the public health; and

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners adopt this Amendment to Title 6 of the Kittitas County Code to read as follows, and the Information Technology Department shall forthwith change the relevant portion of the County's Official website to reflect those changes;

AND ALSO BE IT ORDAINED that the Office of the Prosecuting Attorney, unilaterally and without any action of the Board of County Commissioners, may direct the Information Technology Department to correct any scrivener's error found hereafter.

6.01.010 Purpose of provisions.

The purpose of the dog control ordinance codified in this Chapter is to enhance public health, safety, and welfare through the regulation of dog ownership and reduce or eliminate offensive dog behavior.

6.01.020 Definitions

The following words and phrases used or referred to in this chapter shall have the following meanings unless a different meaning appears from the context:

1. "Adult dog" means any dog having a set of permanent canine teeth, or older than six months of age.
2. "Animal" means any dog, cat, exotic, wild or dangerous animal or livestock.
3. "At large" means, with regard to dogs, being physically present on public property and not under the actual control of a person, or being physically present on private premises without permission of the person in control of such premises. Exceptions: "At large" does not include:
 - a. Dogs exhibited in dog shows, field trials, obedience training or trials, or the training of dogs; or
 - b. The use of a dog under the supervision of a person to engage in lawful hunting activities; or
 - c. The use of a dog either to control or protect livestock or property or in other related agriculture activities under the supervision of dog owner.
 - d. The use of a dog in a law enforcement function.
4. "Bite" means to seize with teeth or jaws so as to enter, grip, wound or pierce, which causes visible injury.
5. "Board" means the Board of County Commissioners of Kittitas County.
6. "Capable person" means any individual having attributes, including physical and mental abilities, sufficient to control an animal and being at least 18 years of age.
7. "Conviction" has the same meaning as provided in RCW 10.97.030.
8. "County" means the unincorporated area of Kittitas County, Washington.
9. "Dangerous dog" is as defined in RCW 16.08.070.
10. "Department" means the Kittitas County Sheriff's Office.
11. "Livestock" has the meaning provided in RCW 16.57.010..
12. "Microchip" means a device implanted for identification purposes.

13. "Nuisance" means any unlawful act, or failure to perform a duty, which act or failure either annoys, injures, or endangers the comfort, repose, health or safety of other persons, or interferes with other persons' use of property.
14. "Owner" means any person or legal entity who knowingly harbors, keeps, possesses or maintains an animal, or who encourages an animal to remain about their property for a period of 72 hours or more, or who is the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under eighteen years of age shall be deemed the owner for the purposes of this chapter.
15. "Permit" means and includes human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to any animal owned by the person.
16. "Person" means any individual or natural person at least 18 years of age, association, firm, partnership, corporation or other legal entity.
17. "Physical Injury" means impairment of physical condition or substantial pain which is directly caused by a dog's behavior, and includes scratches, scrapes, cuts, punctures or other evidence of physical injury, but not to include dog bite or bites.
18. "Potentially Dangerous Dog" is as defined in RCW 16.08.070, and in addition includes any dog at large in a pack of three (3) or more.
19. "Premises" means the area of land to which a person has legal rights of possession, use and control.
20. "Quarantine area" means any area defined by, but not limited to, a veterinarian, physician, public health official, or Animal Control Officer, where, for a specified period of time, a dog is to be kept separated from other animals or people.
21. "Secure enclosure" has the same meaning as "Proper enclosure of a dangerous dog" defined in RCW 16.08.070.
22. "Severe injury" has the same meaning as in RCW 16.080.070.
23. "Tag" means a pre-numbered metal or plastic identification license sold to an owner/custodian for a specific pet animal. Rabies identification or other identification may not be substituted or accepted in lieu of a license tag.
24. "Tattoo" means a pre-designated identification number inked into the inside of the ear, lip or flank of the dog

6.01.030 Dog control zone established.

Pursuant to RCW Chapter 16.10, the unincorporated territory of Kittitas County is hereby declared to a dog control zone subject to the regulations of this chapter.

6.01.040 Kittitas County Sheriff's Office – Dog Ordinance – powers and duties.

1. The Kittitas County Sheriff's Office shall have the authority to:
 - a. Enforce the provisions of this chapter, the Kittitas County Code and the laws of the State of Washington relating to dogs, and discharge the duties provided herein.
 - b. Collect, according to the provisions of the Kittitas County Code, any costs, fees or charges for registration, licensing and impounding or keeping any dog.

6.01.050 Violations – Penalties.

It is unlawful for any person to violate any provision of this chapter. Any person violating any of the provisions of this chapter shall be guilty of a civil infraction, except that any person who violates KCC 6.01.060 or 6.01.070, shall be guilty of a misdemeanor. Upon conviction of any

misdemeanor violation of this Chapter, such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Unless otherwise specified in this Chapter, any person found guilty of a civil infraction of this Chapter shall be fined one hundred twenty-five dollars (\$125.00) for each violation. Any violation of this Chapter may result in the dog being impounded, and/or destroyed by order of the court.

6.01.060 Habitual Violators.

1. Having been convicted of two or more criminal violations of this Chapter, whether singularly or in combination within a five-year period; or
2. Having been found to have committed four or more civil infractions of this Chapter, whether singularly or in combination within a five-year period, shall be guilty of a misdemeanor as set out in KCC 6.01.050.

6.01.070 Ownership by person under 18 years of age.

Any person under the age of eighteen years old who owns any dangerous animal as defined in RCW 16.08.070 shall be guilty of a misdemeanor as set out in KCC 6.01.050.

6.01.080 Abatement of nuisances.

Violations of this chapter are deemed public nuisances. Any person violating any provision of this chapter may be enjoined from continued violations or ordered to abate such public nuisance, whether such injunction be in addition to the civil penalties provided as a part of the disposition in the civil prosecution or in an independent action in equity, and shall be liable for all costs and expenses of abating the same.

6.01.090 Enforcement.

The department shall not be required to enforce provisions of this chapter except within available resources and:

1. Upon receipt of a verbal or written complaint of a person who has satisfactorily identified himself to the department and is willing to testify that the dog has acted in a manner that puts the animal in the definition of KCC 6.01.020(3), (9) or (18). The complainant has either supplied the name and address of the dog owner or has supplied the fact that the dog does not have an owner; or Actions of the dog in question are witnessed by an animal control authority or law enforcement officer; or Dog bite reports filed with the animal control authority as required by this Chapter or State law.

6.01.100 Control of Dogs.

It is unlawful for any owner to permit any dog to be at large.

6.01.110 Dog in estrus at large prohibited.

It is unlawful for any person to permit a female dog in estrus, also known as being in season or in heat, to be accessible to any male dog not owned by the female dog's owner, except by the agreement of the owners of both the male and female dogs for the purpose of controlled breeding for the betterment of the breed. Any person found guilty of a violation of this Section shall be fined two hundred and twenty-five dollars (\$225.00) for each violation.

6.01.120 Restraint within quarantine area.

It is unlawful for any person to permit any dog to leave the confines of any quarantine area. Any person found guilty of a violation of this Section shall be fined five hundred dollars (\$500.00) for each violation.

6.01.130 Removal of dog waste from public areas.

It is unlawful for the owner or other person with custody of a dog to fail to remove any feces excreted by the dog from any public place not designed to receive dog waste, including without limitation streets, sidewalks, parking strips and public parks, or any private place off the dog owner's premises. Any person found guilty of a violation of this Section shall be fined one hundred twenty-five dollars (\$125.00) for each violation

6.01.140 Rabies inoculation required

1. Dog owners shall have their dogs vaccinated and revaccinated against rabies following veterinary and USDA-licensed rabies vaccine manufacturer instructions.
2. Any dog without documentation of current rabies vaccination that has bitten any person shall immediately be confined for a period of ten days, or euthanized by a licensed veterinarian. The location of confinement shall be determined by the Health Department and shall be at the expense of the owner or custodian. The period of confinement shall not be required if the dog is euthanized by a licensed veterinarian, however, the owner or custodian shall bear the cost of euthanasia.
3. It is unlawful for any person to release a quarantined dog from confinement until such release has been approved by the Health Department.
4. It is unlawful for the owner of any dog without documentation of current rabies vaccination that has bitten any person to destroy such dog before it can be confined by the Health Department or euthanized by a licensed veterinarian, unless the dog is destroyed in order to stop an attack. The owner or custodian of any such dog that has been reported as having inflicted a bite on any person shall on demand of the Health Department produce such dog for examination and quarantine as prescribed in this section. The failure of such owner or custodian to comply with such order may be prosecuted as a violation of RCW 70.05.120 pursuant to WAC 246-100-070(3). If the owner or custodian knowingly conceals or refuses to produce the dog, each day of concealment or refusal to produce shall constitute a separate and individual violation of this section.

If any dog under quarantine becomes ill or dies while under observation, the Health Department shall immediately notify the county health officer and take immediate action to obtain veterinary evaluation and/or a pathological exam, as required by the health officer. The health officer shall be provided any reports of human contact with the dog.

6.01.150 Dog bites to be reported.

Any person who is bitten by a dog and is exposed to dog saliva through an open wound on the person, or any doctor, veterinarian or hospital employee having information that a person has been bitten by a dog and been exposed to dog saliva through an open wound within the unincorporated territory of the County shall notify the department of such bite or exposure,

giving the description of the dog, the name and address of the owner, and the location of the incident, if known to said person.

6.01.160 Impoundment of Dogs.

Dogs found or reasonably believed to be kept in violation of this Chapter may be impounded by the department; provided that, if a complaint identifying the dog owner of a dog at large is received and the dog owner can be immediately located, the dog shall be left with the dog owner, and a summons and notice to appear in regard to the violation may be issued to such dog owner. The owner or custodian of any impounded dog shall be responsible for all costs to impound and care for the dog. Any dog which has been impounded and appears sick or injured may be referred to a licensed veterinarian for medical care at the discretion of the department. All costs for medical care shall also be the responsibility of the owner or custodian.

6.01.170 Notice of impoundment

1. The department or its designee shall, within twenty-four hours after impounding any dog, or the next business day:
 - a. attempt to contact the animal owner by phone; and
 - b. leave a written notice at home or by mail to the registered owner of the dog containing:
 - i. a notice of the impoundment of such dog; and
 - ii. the terms upon which such dog can be released; and
 - iii. the consequences of failure to obtain the release of any dog within forty-eight hours, exclusive of holidays and Sunday, from the time of impounding, the dog may be put to death, or otherwise disposed of as directed by the Kittitas County sheriff or his/her designee.
2. If the owner of any impounded dog is unknown, then the department or its designee shall within twenty-four hours of impoundment or by the end of the next business day post at the animal shelter a notice of impoundment describing the dog.

6.01.180 Recovery of impounded dogs.

1. A dog wearing a dog tag, tattoo or microchip may be recovered within five business days of impoundment. Dogs not wearing a dog tag, tattoo or microchip may be recovered within three business days of impoundment. Injured or sick dogs shall be exempt from these recovery periods.
2. Dogs may be recovered only by a person who offers satisfactory proof of ownership or authorization to obtain custody of the dog, presents satisfactory proof of current rabies vaccination and who pays the charges for recovering impounded dogs as established by the department.

6.01.190 Disposition of dogs.

1. A dog which has not been recovered within the applicable time frame after impoundment as set forth in this Chapter, may be sold, offered for legal adoption or destroyed.
2. A dog voluntarily given to the department by the dog owner for the purpose of disposal may be sold, offered for legal adoption or destroyed forthwith without awaiting expiration of recovery period.

6.01.200 Remittance of fees and charges

Where dogs are impounded in an animal shelter under contract with the county, the impoundment charge, additional charges and applicable fines shall be remitted to the shelter.

6.01.210 Dangerous dogs – Registration requirements – Fees.

1. In addition to any other registration and licensing requirements provided in this chapter, it is unlawful for a person to keep any dog which is considered a dangerous dog in the county without a certificate of registration issued under this section. This section shall not apply to dogs used in law enforcement officials for police work. Any person found guilty of violation of this Section shall be fined five hundred dollars (\$500.00) for each violation.
2. The department shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the department sufficient evidence of compliance with the requirements of RCW 16.08.080.
3. A fee shall be set by the legislative body on an interim basis as part of the Kittitas County Sheriff Office's fee schedule. A fee of one hundred fifty dollars (\$150.00) shall be paid to the department by any person seeking to register a dangerous dog.

6.01.220 Severability.

Should any section or provision of the ordinance codified in this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

6.01.230 Immunity.

Kittitas County, the animal control authority and the animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this Chapter, or for any failure take action to enforce the provisions of this Chapter. It is not the purpose or intent of this Chapter to create on the part of Kittitas County or its agents any special duties or relationships with specific individuals.

ADOPTED this 19th day of June 2018.

BOARD OF COUNTY COMMISSIONERS

KITTITAS COUNTY, WASHINGTON

ABSENT

Laura Osiadacz, Chair



Obie O'Brien, Vice-Chair



Paul Jewell, Commissioner

ATTEST:
CLERK OF THE BOARD

APPROVED AS TO FORM:



Julie A. Kjorsvik

/s/Douglas R. Mitchell
Deputy Prosecuting Attorney