BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Amendment of Douglas County Code Chapter 6.04, Animal Care, Registration and Control

) ) Ordinance No. CE 13-01-33B CURRENT EXPENSE

WHEREAS, the Prosecuting Attorney has conducted a review of Douglas County Code Chapter 6.04, Animal Care, Registration and Control, which was last amended in 2009, and has recommended amendments to clarify the code provisions and to reflect Revised Code of Washington provisions in RCW Chapter 16.30; and

WHEREAS, stakeholders, including the County's appointed animal control authority, have received notice of the proposed amendments and an opportunity to comment prior to the Prosecuting Attorney submitting the recommended amendments to the Board and comments have been incorporated into the proposed amendments, as set forth at Exhibit A attached hereto;

NOW, THEREFORE, BE IT ORDAINED, the Board of County Commissioners does hereby amend Douglas County Code Chapter 6.04, Animal Care, Registration and Control as set forth in Exhibit A, effective immediately, and orders the published Douglas County Code to reflect these changes.

DATED this 10th day of September, 2013 in regular session at the Douglas County Courthouse, Waterville, Washington.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Steve Jenkins, Chair

Dale Snyder, Vice Chair

Ken Stanton, Member

ATTEST:

Dayna Frewitt, Clerk of the Board
Chapter 6.04  
ANIMAL CARE, REGISTRATION AND CONTROL

Sections:
6.04.010 Authority.
6.04.020 Definitions.
6.04.030 Enforcement.

Article 1. Animal Care
6.04.100 Cruelty to animals prohibited.
6.04.110 Sanitation and disease control.
6.04.130 Rabies control.
6.04.150 Sale of sick or vicious animals.

Article 2. Animal Control Zones
6.04.200 Animal control zones.
6.04.220 Dog registration within animal control zone.
6.04.230 Prohibitions within animal control zone.

Article 3. Registration and Licensing
6.04.300 Animal registration generally.
6.04.320 Guard or attack dog registration.
6.04.350 Fees.
6.04.360 Failure to obtain, display or produce registration or license.
6.04.370 Removing identification.
6.04.380 Transfer of animal ownership.
6.04.390 Disposition of fees.

Article 4. Dangerous Animals
6.04.400 Dangerous dog or potentially dangerous dog—Determination.
6.04.405 Potentially dangerous wild animals—Possession illegal - Exception.
6.04.410 Dangerous dogs and potentially dangerous dogs and animals—Registration required.
6.04.420 Requirements for restraint.
6.04.430 Dangerous animal—Detention.
6.04.440 Potentially dangerous dogs—Detention.
6.04.490 Appeal of animal control authority determinations.
Article 5. Detention, Adoption and Disposal of Animals

6.04.500 Animal control facility.
6.04.520 Detention and disposal.
6.04.530 Adoption.

Article 6. Infractions

6.04.600 Infractions.
6.04.620 Notice of infraction.
6.04.630 Notice of infraction—Contents.


6.04.010 Authority.
This chapter is adopted pursuant to the general powers of the board of county commissioners to protect and promote health, safety and welfare within Douglas County. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 97-02-005 § 1)

6.04.020 Definitions.
As used in this chapter, except where a different meaning is plainly apparent from the context, the following definitions apply:

A. "Administrative fees" means the fees and charges levied by the animal control authority for apprehension and/or detention of an animal.

B. "Alter" means to permanently render an animal incapable of reproduction.

C. "Animal" means all vertebrates except Homo sapiens.

D. "Animal control authority" means the county agency or an independent contracting agency appointed by the board of county commissioners as having authority to enforce this chapter.

E. "Animal control facility" means a facility used for lodging and disposing of animals detained pursuant to this chapter.

F. "Animal control officer" means an employee of the animal control authority appointed and commissioned to enforce the provisions of this chapter and includes commissioned law enforcement officers.
G. “County” means Douglas County.

H. “Dangerous doganimal” means any doganimal that: (1) inflicts severe injury to a human being without provocation on public or private property; (2) kills a domestic animal without provocation while on the owner’s property; or (3) aggressively bites, attacks or threatens the life or safety of humans or domestic animals after having been previously found to be a potentially dangerous doganimal; or (4) regardless of past behavior, is a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, cougar, lynx, bobcat, and any hybrid thereof or any similar feline animal, bear, hyena, wolf, coyote, wolf-dog or coyote dog hybrid, any member of the Crocodilian family, poisonous reptile, or any life-threatening reptile, or any other animal which is of feral nature.

I. “Department” means the Chelan-Douglas health district.

J. “Detain” or “detention” means to apprehend and/or keep an animal in the custody of the animal control authority.

K. “Dog kennel” means a noncommercial kennel at or adjoining a private residence for four or more dogs over four months of age which are kept by the owner for hunting, training, exhibition, field work, working and/or obedience trials or for enjoyment of the species or breed.

L. “Domestic animal” means any animal which has been domesticated by man so as to live and breed in a tame condition.

M. “Electronic identification” means an encrypted microchip electronic implant approved by the animal control authority and which may be electronically scanned.

N. “Guard dog” or “attack dog” means any dog, other than a police dog as defined in RCW 4.24.410, which has been trained and is used for the purpose of protecting persons or property by exhibiting hostile and aggressive behavior or which will attack on signal or command.

O. “Harbor” means to own, possess, control or shelter an animal for more than twenty-four hours.

P. “Holding period” means seventy-two hours, commencing at one a.m. following the date of detention of an animal, excluding any day the animal control facility is not open to the public.
Q. "Owner" means any person, firm, organization or department having title to or property rights in an animal, or who harbors, possesses, controls or keeps an animal, or who knowingly permits an animal to remain on or about his or her property.

R. "Potentially dangerous dog" means any dog that: (1) inflicts bites on a human or a domestic animal either on public or private property without provocation; or (2) chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack without provocation; or (3) has a known propensity, tendency or disposition to attack without provocation, or to cause injury or otherwise threaten the life or safety of humans or domestic animals.

S. "Potentially dangerous wild animal" shall have the same meaning as in RCW Chapter 16.30.

T. "Provocation" means deliberate conduct intended to annoy, tease or incite an angry, frightened or protective reaction from an animal and occurring immediately prior to the reaction.

U. "Severe injury" means physical injury that involves broken bones, disfigurement or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

V. "Secure enclosure" means confinement indoors or in a securely enclosed and locked pen or structure, including a dwelling or building, which prevents the entry of children and prevents the confined animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements.

W. "Trespass" means entry upon the property of a person not the owner of the animal without such person's permission. (Ord. CE 13-_________. Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 97-02-005 § 3)

6.04.030 Enforcement.
The sheriff and appointed animal control authority shall have the authority to enforce the provisions of this chapter. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 97-02-005 § 4)

Article 1. Animal Care

6.04.100 Cruelty to animals prohibited.
It is unlawful for any person to:

A. Under circumstances not amounting to animal cruelty in the first degree pursuant to RCW 16.52.205(1), injure, kill or physically mistreat any animal, except as is specifically permitted by law;
B. Lay out, expose or leave exposed any kind of poison or poisoned food or drink where accessible to an animal, or place such poisonous materials in a stream or other body of water endangering fish or shellfish; provided, that the reasonable use of rodent poison, insecticides, fungicides or slug bait for their intended purposes is not prohibited; provided further, that nothing in this subsection shall prohibit any government agency acting in the course of its governmental duties from performing any act allowed by law;

C. Set or bait any trap without a valid permit issued by the animal control authority or the state; provided, that no permit is required to trap rats or mice;

D. Confine any animal in any box, container or vehicle without providing adequate ventilation;

E. Tease, tantalize or provoke any animal with the intent to cause fear, anger or injury to the animal;

F. Tether or confine any animal in such a manner or in such a place as to cause injury or pain to an animal, or to endanger an animal, or that is injurious to the animal due to inadequate protection from heat or cold, or that is of insufficient size to permit the animal to move about freely;

G. Keep an animal in unsanitary conditions or fail to provide sufficient food, water, shelter or ventilation necessary for the good health of that animal;

H. Fail to provide an animal with the medical care necessary for its health or to alleviate its pain;

I. Permit any animal to fight or injure another animal, or permit any animal to be fought with or injured by any other animal, or to train or keep for the purposes of training any animal for the exhibition of such animal in combat with any other animal whether for amusement or for financial gain, or permit any such conduct on premises under his or her control or to be present as a spectator at such exhibitions.

Violation of any subsection shall be punishable as a gross misdemeanor. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 98-01-065A § 1; Ord. 97-02-005 § 5)

6.04.110 Sanitation and disease control.
It is unlawful for an owner to:

A. Allow the accumulation of cat or dog feces in any open area, run, cage or yard, where confined, and fail to remove or dispose of feces at least once every twenty-four hours;
B. Fail to maintain property utilized for domestic livestock or poultry in a clean, sanitary condition so as to be free of offensive odors, fly breeding, dust and general nuisances;

C. Fail to immediately remove from public property feces deposited by his or her animal;

D. Fail to have in his or her possession the equipment necessary to remove his or her animal’s feces from public property or a public easement when accompanied by his or her animal;

E. Measures shall be taken to adequately dispose of domestic livestock or poultry wastes. Accumulations of animal waste shall be prohibited from being stored closer than one hundred feet from any off-premises dwelling and/or any domestic or irrigation wells. Waste from swine shall be prohibited within two hundred feet of any domestic or irrigation well;

F. Have possession or control of any animal sick or afflicted with any infectious or contagious diseases and fail to provide treatment of such infection or disease, or allow or permit such diseased or infected animal to run at large or come in contact with other animals or human beings or drink at any public or common watering trough or stream accessible to other animals.

Violation of any of the above subsections shall constitute an infraction subject to a civil penalty. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. TLS 01-04-07B Exh. B (part); Ord. 97-02-005 § 6)

6.04.130 Rabies control.

A. The owner of all dogs over the age of six months or with a full set of canine teeth shall have an initial rabies vaccination and revaccinations administered to the dog by a licensed veterinarian. Any dog adopted from the animal control facility shall be vaccinated within thirty days of adoption. A veterinarian shall determine, before administering any rabies inoculation, whether the dog is under quarantine or has inflicted a bite on any person within the last ten days. An owner or custodian shall have his or her dog inoculated against rabies within thirty days after having moved into the county. All dogs shall be revaccinated within not more than three years after the last rabies vaccination or as may be more often recommended by the vaccination manufacturer.

B. Any animal that has bitten any person shall be immediately detained and quarantined by the animal control authority for a period of ten days. A detained animal shall be released only upon the direction of the animal control authority and the department.
C. It is unlawful for the owner of any animal that has bitten any person to destroy such animal before the animal can be properly detained and quarantined by the animal control authority. The detention and quarantine shall be at the sole expense of the owner or custodian. The owner or custodian of any animal that has been reported as having inflicted a bite on any person shall, on demand of the animal control authority, produce such animal for detention and quarantine. If the owner or custodian refuses to produce such animal, the owner or custodian shall be subject to immediate arrest by the sheriff if probable cause exists to believe that the animal has inflicted a bite upon any person, that the owner or custodian is harboring the animal, and the owner or custodian willfully refuses to produce the animal upon demand. An arrested owner or custodian shall be taken before a judge of the district court, who may order immediate production of the animal. If the owner or custodian continues to willfully refuse to produce the animal, the district court may imprison the owner or custodian for contempt of court and until the owner or custodian complies with the order of the court.

D. When an animal under quarantine has been diagnosed as being rabid by a licensed veterinarian, the veterinarian making such diagnosis shall immediately notify the department and advise of any reports of human contact with such rabid animal. If any animal under quarantine dies, the animal control authority shall immediately take action to obtain a pathological and inoculation examination of the animal and, if found to be rabid, shall notify the department of any reports of human contact with the animal.

E. Any veterinarian who diagnoses rabies in any animal shall report such fact to the animal control authority.

F. Any animal which has not been inoculated against rabies and is known to have been bitten by a rabid animal shall be humanely destroyed immediately.

G. In case of an outbreak of rabies constituting an emergency, the board of county commissioners is authorized to impose strict regulations pertaining to animals within the county limits. (Ord. CE 13-1: Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 7)

6.04.150 Sale of sick or vicious animals.
For the purpose of consumer protection, it is unlawful to:

A. Sell any animal known to be sick or injured unless the buyer is given, at the time of sale, written notice of the condition of the animal;

B. Sell any animal known to be vicious. (Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 8)

Article 2. Animal Control Zones
6.04.200 Animal control zones.
The following animal control zones are established within the county;

A. Unincorporated East Wenatchee Zone. The unincorporated East Wenatchee zone shall include the unincorporated areas of Douglas County within the Greater East Wenatchee urban growth area, as now exists or may hereafter be contracted or expanded through the Greater East Wenatchee Comprehensive Plan.

B. Bridgeport Bar Zone. The Bridgeport Bar zone shall include all those unincorporated areas of the following townships (T) and Ranges (R): T30N, R24E; T30N, R25E and T29N, R25E, Willamette Meridian (W.M.), Douglas County, Washington lying easterly and northerly of the following described line:

Said line beginning at a point on the left bank of the Columbia River where it intersects the common section line of Sections 23 & 24, T30N, R24E, W.M.; thence heading in a southerly direction along said common section line to the south sixteenth corner of Section 24; thence easterly along the south sixteenth line to its intersection with the south right of way of SR 173; thence southerly along said right of way to its intersection with the section line common to said Section 24 and Section 19, T30N, R25E; thence southerly along section line to the southwest corner of Section 19; thence easterly to the quarter corner common to Sections 19 & 30; thence southerly to the center of Section 30; thence easterly to the center-east sixteenth; thence southerly to the southeast sixteenth; thence easterly to the south sixteenth common to Sections 29 & 30; thence southerly to the southwest corner of Section 29; thence easterly to the northwest corner of Section 33; thence southerly to the north-north sixty-fourth (NN 1/64); thence easterly to the center-north-northwest sixty-fourth (CNW 1/64); thence southerly to the center-south-northwest sixty-fourth (CSNW 1/64); thence easterly to the center-south-north sixty-fourth (CSN 1/64); thence southerly to the quarter corner common to Section 33, T30N, R25E and Section 4, T29N, R25E; thence continuing southerly to the quarter corner common to Sections 4 & 9; thence continue southerly to the center-north sixteenth of Section 9, thence easterly to the center-west-northeast sixty-fourth (CWNE 1/64); thence southerly to the center-west-southeast sixty-fourth (CWSE 1/64); thence easterly to the southeast sixteenth; thence southerly to the east sixteenth common to Sections 9 & 16; thence easterly to the northeast corner of Section 16, T29N, R25E; thence southerly 1830 feet +/- along the easterly line of Section 16 to the northwest corner of Lot 1, Brown's First Addition to Bridgeport and the end of this line description.

(Ord. CE 09-02-71B § 1 Exh. A (part): Ord. CE 98-111 § 9 (part): Ord. 97-02-005 § 9)
6.04.220 Dog registration within animal control zone.
Each dog within the unincorporated East Wenatchee zone that is four months of age or older shall be registered with the animal control authority by its owner. Failure to register shall constitute an infraction subject to a civil penalty. (Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 10)

6.04.230 Prohibitions within animal control zone.
Within an animal control zone it is unlawful:

A. To permit any domestic animal, except cats or birds, to be at large off the premises of the owner or custodian unless restrained by a leash or chain and in the physical control of a responsible person;

B. To permit any dog to enter any public fountain or school ground;

C. To fail to confine any dog or cat in heat (estrus) in a building or secure enclosure so that the female dog or cat cannot come in contact with a male of the same species, except for planned breeding;

D. To permit any animal to:
   1. Damage public property or the private property of another; or
   2. Habitually bark, whine or howl; or
   3. Spread or spill garbage;

E. To permit any animal to trespass;

F. To harbor or possess any animal without the permission of the owner, unless the animal control authority is notified within twenty-four hours of acquiring possession of such animal, or to fail to surrender such animal to the animal control authority upon demand;

G. To tether an animal in a manner which allows the animal to enter any sidewalk, street, alley or other place open to the public or to trespass;

H. No more than the following numbers of livestock or poultry are permitted within the R-L residential low zoning rural classifications as defined by DCC Title 18, provided the property ownership is at least one contiguous acre in size or greater and the following criteria are met:

   1. One-half acre for each horse, pony, mule, cow, and/or other similar size animal under one year of age;
2. One-quarter acre for each sheep, goat or other similar size animal under one year of age;

3. Twelve poultry per acre. Poultry may include a combination of chickens, ducks, geese, rabbits and similar animals under three months of age;

4. One acre for each swine. When located within the urban growth area no more than three swine are permitted per property ownership. Swine under three months of age are exempt.

Violation of any of the above subsections shall constitute an infraction subject to a civil penalty. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. TLS 01-04-07B Exh. B (part); Ord. 97-02-005 § 11)

Article 3. Registration and Licensing

6.04.300 Animal registration generally.
A. The following animals shall be registered with the animal control authority: all dogs within the unincorporated East Wenatchee zone; and all guard and attack dogs, dangerous animals, and potentially dangerous dogs within the County; and potentially dangerous wild animals legally possessed pursuant to RCW Chapter 16.30 within the County. Any other animal may, at the owner’s option, be registered with the animal control authority. A registration is not transferable.

B. Application for registration shall be made on forms approved by the board of county commissioners and shall be accompanied by applicable registration fees and all other information required by the animal control authority.

C. Registration shall be in the name of the owner and shall be numbered. Registration shall be evidenced by implanted electronic identification or by an identification tag. The identification tag shall be inscribed with “Douglas County,” a number corresponding to the registration, and the registration expiration date. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 97-02-005 § 12)

6.04.320 Guard or attack dog registration.
A. No person shall own, harbor or use a guard dog or attack dog within an animal control zone without first obtaining a certificate of registration. The applicant for the guard or attack dog license shall certify the following information to the animal control authority:

1. The name and address of the owner of the guard dog or attack dog, a description of the dog, and the address and business name for the premises the dog will guard;
2. The name and address of the dog’s trainer and the dog’s purveyor;

3. That the premises the dog will guard are adequately secured for safety of the public;

4. That signs are displayed on the premises at all entrances clearly warning that a guard or attack dog is on duty;

5. That the user of the guard or attack dog is adequately trained to handle the dog and is aware of and understands the aggressive nature of the dog.

B. The animal control authority shall notify all emergency services providers, including the sheriff, city police, fire department and ambulance services, of all premises on which guard dogs and attack dogs are located.

C. The willful refusal to register a guard dog or attack dog pursuant to subsection A of this section shall be punishable as a gross misdemeanor.

D. To the extent that premises are guarded by any guard animal as defined in RCW 43.44.120, the person responsible for the guard animal being on the premises shall comply with all additional registration and signage requirements of RCW 43.44.120, as now or hereafter amended. (Ord. CE 13-_________: Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 98-01-065A § 2: Ord. 97-02-005 § 13)


The owner of any dangerous dogs or potentially dangerous dogs within the County shall be registered the dog pursuant to DCC Section 6.04.410. The willful refusal to register a dangerous dog or a potentially dangerous dog pursuant to DCC Section 6.04.410 shall be punishable as a gross misdemeanor. (Ord. CE 13-_________: Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 14)


No person within the unincorporated East Wenatchee zone shall maintain a dog kennel within the dog control zone without having first obtained a dog kennel license for the premises. The animal control authority shall issue a dog kennel license may be issued only after it has been determined that:

A. The dog kennel is permitted by the county zoning code or a conditional use permit has been granted to the owner for such use;

B. The proposed dog kennel conforms to the provisions of this chapter; and
C. The Chelan-Douglas County health department has determined that the premises proposed to be licensed and the proposed dog kennel are consistent with its rules and regulations and the dog kennel is not contrary to public health, safety or welfare.

The failure to obtain a dog kennel license pursuant to this section shall constitute an infraction subject to a civil penalty. (Ord. CE 13-____________; Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 15)

6.04.350 Fees.
A. The following fees shall be set by resolution of the board of county commissioners:

1. Dog registration and renewal fee, with registration identification tag, altered.

2. Dog registration and renewal fee, with registration identification tag, not altered.

3. Dog registration and renewal fee, with electronic identification, altered.

4. Dog registration and renewal fee, with electronic identification, not altered.

5. Voluntary animal registration fee, with registration identification tag.

6. Voluntary animal registration fee, with electronic identification.

7. Dog kennel license fee.

8. Guard dog or attack dog registration fee.

9. Dangerous dog animal registration fee.

10. Potentially dangerous dog registration fee.

11. Potentially dangerous wild animal fee.

12. Late penalty.

13. Registration fee discounts for senior citizens and disabled persons.

B. The animal control authority is authorized to impose the following fees, based upon actual cost and related indirect costs: detention fee, daily boarding fee, adoption fee, vaccination fees, lost identification tag replacement fee. (Ord. CE 13-____________; Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 16)

6.04.360 Failure to obtain, display or produce registration or license.
It is unlawful for the owner of an animal to:
A. Fail to obtain any registration or license required by this chapter;

B. Fail to display the registration identification tag or maintain electronic identification on the animal;

C. Fail to produce the animal's registration upon the request of any animal control officer or law enforcement officer.

A violation of any of the foregoing subsections shall constitute an infraction subject to a civil penalty. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 97-02-005 § 17)

6.04.370 Removing identification.
A. It is unlawful for any person, other than the owner, to remove a registration identification tag or electronic identification from an animal, or to obliterate an identification tattoo.

B. It is unlawful for any person to transfer a registration identification tag or electronic identification from one animal to another.

A violation of any of the foregoing subsections shall constitute an infraction subject to a civil penalty. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 97-02-005 § 18)

6.04.380 Transfer of animal ownership.
Upon the sale or other transfer of ownership of any animal registered under this chapter, the new owner shall report the sale or transfer to the animal control authority within five days. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 97-02-005 § 19)

6.04.390 Disposition of fees.
All registration, license, administrative and other fees collected pursuant to this chapter shall be paid each month by the animal control authority to the animal control account of the county treasurer. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 97-02-005 § 20)

Article 4. Dangerous Animals

6.04.400 Dangerous dog or potentially dangerous dog—Determination.
A. The animal control authority may determine that an animal is a dangerous dog as defined in DCC Section 6.04.020(4).

B. The animal control authority may determine that a dog is a potentially dangerous dog, as defined in DCC Section 6.04.020(4). (Ord. CE 13-55 § 1; Ord. CE 09-02-71B § 1 Exh. A (part); Ord. DC-2001-05-01 § 1; Ord. 97-02-005 § 21)

6.04.405 Potentially dangerous wild animals - possession illegal - exception.
A. No person shall own, possess, keep, harbor, bring into, or have custody or control of a potentially dangerous wild animal within the County, except as allowed pursuant RCW Chapter 16.30. Any potentially dangerous wild animal legally within the County pursuant to RCW Chapter 16.30 shall be registered pursuant to DCC Section 6.04.410. The willful refusal to register a potentially dangerous wild animal shall be punishable as a gross misdemeanor. (Ord. CE 13-__________)

6.04.410 Dangerous dogs; potentially dangerous dogs and animals—Registration required.

A. It is unlawful for any person to have a dangerous dog or potentially dangerous dog or potentially dangerous wild animal within the County without first obtaining a certificate of registration issued under this chapter. This prohibition shall not apply to any police dog as defined in RCW 4.24.410, to any facility processing or maintaining animals and which is owned, operated or maintained by any city, county, state or federal agency, nor to any licensed veterinary hospital in which an animal may be temporarily confined for treatment. The animal control authority may issue a special permit, not to exceed thirty days’ duration, for the keeping of a potentially dangerous wild animal for shows or special exhibits.

B. A certificate of registration to have a dangerous dog or a potentially dangerous wild animal may shall be issued by the animal control authority only upon receiving sufficient evidence that:

1. There is a secure enclosure to confine the animal which, during any absence of the owner or keeper, will safely confine the animal;

2. The premises are posted with clearly visible warning signs stating that a dangerous animal is on the property and which display a conspicuous symbol informing and warning children of the presence of a dangerous animal;

3. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW and in a form acceptable to the animal control authority in the sum of at least fifty thousand dollars, conditioned upon payment of damages to any person injured by the animal; or a policy of liability insurance issued by an insurer qualified under RCW Title 48 in the amount of at least fifty thousand dollars which specifically provides coverage for any and all personal injuries inflicted by the animal.

C. A certificate of registration to harbor a potentially dangerous dog may shall be issued by the animal control authority only upon receiving sufficient evidence that:

1. There is a secure enclosure on the premises which, during any absence of the owner or keeper, will safely confine the dog.
2. The premises are posted with clearly visible warning signs stating that a dangerous dog is on the property and which display a conspicuous symbol informing and warning children of the presence of a dangerous dog. *(Ord. CE 13-_______: Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 22)*

6.04.420 Requirements for restraint.

A. It is unlawful for a potentially dangerous wild animal to be outside a secure enclosure. A violation of this subsection shall be punishable as a gross misdemeanor.

BA. It is unlawful for a dangerous dog to be outside a secure enclosure unless the dog is muzzled, restrained by a substantial chain or leash, and under the physical control of a responsible person. The muzzle shall be made and worn in a manner that shall prevent the animal from biting. A violation of this subsection shall be punishable as a gross misdemeanor. *(Ord. CE 13-_______: Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 23)*

6.04.430 Dangerous animal—Detention.

A dangerous dog or potentially dangerous wild animal may be immediately detained by an animal control officer if: (A) no certificate of registration has been issued for the animal; (B) the owner has failed to comply with any condition of a certificate of registration; (C) the insurance policy or surety bond required by the certificate of registration is canceled, expired or lapsed; or (D) the animal is outside a secure enclosure contrary to the restraints required by DCC Section 6.04.420 or (E) the potentially dangerous wild animal is not legally possessed pursuant to RCW Chapter 16.30.- *(Ord. CE 13-_______: Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 24)*

6.04.440 Potentially dangerous dogs—Detention.

Any potentially dangerous dog may be immediately detained by an animal control officer if: (A) no certificate of registration has been issued for the dog; (B) the owner has failed to comply with any condition of a certificate of registration; or (C) the dog is outside a secure enclosure without the restraints required by DCC Section 6.04.420. *(Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 25)*

6.04.490 Appeal of animal control authority determinations.

A. A person who is aggrieved by a determination of the animal control authority that an animal owned or kept by the person is a dangerous animal or is a potentially
dangerous dog or is not a legally possessed potentially dangerous wild animal may appeal such determination to the district court.

1. A written appeal shall be filed with the clerk of the district court not more than fourteen days after the final determination of the animal control authority is issued. The written appeal shall include the name, address and telephone number of the appellant(s) and a copy of the determination of the animal control authority.

2. The clerk shall promptly set a date for a hearing of the appeal. Written notice of the date, time and place of the appeal hearing shall be mailed or personally delivered to the appellant(s) and to the animal control authority not less than ten days prior to the hearing.

3. The animal control authority/appellant(s) shall have the burden of proving by a preponderance of the evidence that its determination of the animal control authority is correct, arbitrary and capricious.

B. An owner or keeper of an animal who is aggrieved by detention of a dangerous animal or a potentially dangerous dog or a potentially dangerous wild animal may prevent destruction or adoption of the animal by petitioning the district court for the animal's return, subject to court-imposed conditions.

1. A written petition shall be filed with the clerk of the district court not more than fourteen days after the date of initial detention. The petition shall include the name, address and telephone number of the petitioner(s) and a copy of the final determination of the animal control authority. The petition shall be accompanied by a bond or security in an amount sufficient to provide for the animal's detention and care for not less than forty-five days from the date of initial detention.

2. The clerk shall promptly set a date for a hearing on the petition. Written notice of the date, time and place of the hearing shall be mailed or personally delivered to the petitioner(s) and to the animal control authority not less than ten days prior to the hearing.

3. The petitioner(s) shall have the burden of proving that specific, additional court-imposed conditions may be imposed that are sufficient to safeguard the public from bodily harm and property damage.

4. If the district court determines that the animal should not be returned to the owner or keeper, the animal shall be forfeited by the owner or keeper. The animal control authority may destroy the animal or find a responsible person or agency to adopt the animal.
5. If the district court determines that the animal should be returned to the owner or keeper, the district court shall impose such specific conditions as it deems appropriate to safeguard the public from bodily injury and property damages. The petitioner shall pay the cost of the animal’s detention and care within ten days after the district court’s determination. If the petitioner fails to pay such costs, the bond shall be forfeited and the animal authority may destroy the animal or find a responsible person or agency to adopt the animal. (Ord. CE 13-151 § 1 Exh. A (part); Ord. CE 09-02-71B § 1 Exh. A (part); Ord. DC-2001-05-01 § 2)

Article 5. Detention, Adoption and Disposal of Animals

6.04.500 Animal control facility.
An animal control officer shall, upon detaining any animal, make a complete registry thereof, entering the species, breed, color, sex, the time and place of impoundment, registration number, and, if registered, the name and address of the owner. No animal detained at an animal control facility shall be used, sold, loaned or given away for medical or research purposes, whether the animal is dead or alive. (Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 97-02-005 § 26)

6.04.520 Detention and disposal.
A. An animal control authority may detain any animal found to be in violation of this chapter, abandoned or voluntarily surrendered to the animal control authority. The detained animal shall be held at an animal control facility or other place determined by the animal control authority to be appropriate for the animal.

B. The animal control authority shall attempt to determine the identity of the owner of a detained animal. If the detained animal is registered or when the identity of the animal’s owner is known, then the owner shall be notified that the animal is detained and that the animal may be claimed upon payment of all applicable fees. Notice shall be by telephone, if possible, and in writing sent to the owner’s address.

C. Anyone claiming a detained animal must prove ownership to the satisfaction of the animal control authority and pay all applicable detention, boarding, registration and vaccination fees in order to claim the animal.

D. Any detained animal not claimed by the owner within the holding period and any animal voluntarily surrendered to an animal control authority shall become the property of Douglas County. The animal control authority may then dispose of the animal in a humane manner or may, in its sole discretion, hold the animal for a reasonable time to offer the animal for adoption.
E. Injured, diseased or feral animals need not be detained for the holding period and may be disposed of in a humane manner at any time at the sole discretion of the animal control authority.

F. The health department may order the detention of any animal suspected of having rabies. The animal shall be held until release is directed by the department and all applicable fees are paid. The animal shall be disposed of in a humane manner on the order of the department. (Ord. CE 13-___________: Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 28)

6.04.530 Adoption.
A. No warranty of merchantability, warranty of fitness for a particular use or purpose, or warranty as to any condition or health of the animal, either express or implied, shall be made with respect to any animal adopted from an animal control authority.

B. All dogs that are adopted through the unincorporated East Wenatchee animal control authority shall be registered by electronic identification and shall be vaccinated by the adopting owner within thirty days after adoption.

C. All adoption fees shall be refunded to the adopting owner if the adopted animal is returned to the animal control authority within eight days after adoption and is accompanied by a written request for the refund and a written opinion of a licensed veterinarian certifying that the animal was diseased or ill at the time of adoption. Within thirty days after adoption an owner may exchange the adopted animal for any reason. (Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 30)

Article 6. Infractions

6.04.600 Infractions.
Violations of this chapter which constitute infractions shall be subject to a civil penalty of seventy-six dollars on the first offense within twelve months, one hundred fourteen dollars on the second offense within twelve months, and two hundred fifty dollars on the third or subsequent offense within twelve months. (Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 31)

6.04.620 Notice of infraction.
A notice of an infraction shall be issued by an animal control officer and served on the owner, reputed owner or other person believed to have committed the infraction. The notice of infraction may be served personally or by mail. If a notice of infraction served by mail is returned as undeliverable, the notice of infraction shall be served personally. (Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 32)

6.04.630 Notice of infraction—Contents.
The notice of infraction shall contain the following information:

A. The name, address and telephone number, if known, of the defendant;

B. The name, address and phone number of the court where the notice of infraction is to be filed;

C. The code section which the defendant is alleged to have violated; the date, time and place the violation occurred; a description of the violation; and a description of the animal involved in the violation;

D. The date the notice of infraction is issued and the name and number of the citing animal control officer;

E. A statement informing the defendant how and when they must respond to the notice of infraction within seven days after issuance or service, whichever occurs later;

F. A space for the defendant to sign a promise to respond to the notice of infraction in the time required;

G. The civil penalty which the defendant may forfeit in lieu of appearing in court; and

H. A statement that a mailed response must be mailed no later than midnight on the date the response is due; and

I. The signature of the citing animal control officer attesting that the information in the notice of infraction is true and correct, to the best knowledge and belief of the citing officer, under penalty of perjury. (Ord. CE 19-13-11: Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 33)

A person may respond to a notice of infraction by: (A) paying to the court the amount of the civil penalty indicated on the infraction; or (B) requesting a court hearing to admit the infraction and explain the circumstances or request a reduction in the civil penalty; or (C) requesting a court hearing to contest the infraction. (Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 34)

In the event a person who contests an infraction is found by the court to have committed the infraction, the court shall impose the scheduled civil penalty without reduction and shall also assess reasonable court costs against the person. (Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 35)