

Next Ord: 1823-15
Next Res: 929-15

VISION STATEMENT

SEDRO-WOOLLEY IS A FRIENDLY CITY THAT IS CHARACTERIZED BY CITY GOVERNMENT AND CITIZENS WORKING TOGETHER TO ACHIEVE A PROSPEROUS, VIBRANT AND SAFE COMMUNITY

MISSION STATEMENT

TO PROVIDE SERVICES AND OPPORTUNITIES WHICH CREATE A COMMUNITY WHERE PEOPLE CHOOSE TO LIVE, WORK AND PLAY

CITY COUNCIL WORKSESSION

AGENDA

October 7, 2015

7:00 PM

Sedro-Woolley Municipal Building

Public Safety Training Room

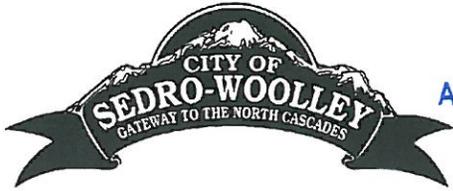
325 Metcalf Street

- A. Status of 2015 Estimated Revenues and 2016 Preliminary Estimated Revenues and Expenditures *(no materials)*
(Staff Contact – Patsy Nelson)

- B. Possible Revisions to SWMC Title 6 (City Animal Code)
(1st reading and discussion).....2-41
(Staff Contact – Eron Berg & Laura Carr)

**CITY COUNCIL
WORKSESSION**

OCT 07 2015



AGENDA ITEM B

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Animal Code update
DATE: October 7, 2015

ISSUE: Should the City Council adopt a revision to the city's animal code?

BACKGROUND: The city's animal code is a conglomeration of regulations that span 110 years. Most of the significant provisions were adopted in the 1980's and 1990's and were borrowed from neighboring jurisdictions. Laura Carr performed an extensive review and update of the code, which is what is attached for your review and consideration. Also attached is the current code, for reference. Laura will be at the worksession to review the updated code.

RECOMMENDATION: 1st reading tonight; no action requested other than direction to staff for any revisions prior to the next meeting.

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY REPEALING AND REENACTING SECTIONS OF THE SEDRO-WOOLLEY MUNICIPAL CODE TITLE 6 RELATING TO THE KEEPING OF ANIMALS AND ANIMAL TREATMENT WITHIN THE CITY

WHEREAS, the City Council of the City of Sedro-Woolley hereby finds that it is necessary to review and comprehensively update its code regarding animals, some of which date back to 1905; and

WHEREAS, the city council of the City of Sedro-Woolley has the authority to regulate the treatment of animals within the City of Sedro-Woolley; and

WHEREAS, the City Council of the City of Sedro-Woolley desires to adopt revisions to existing code and additional code provisions to regulate the keeping of, treatment and welfare of animals within the city; and

WHEREAS, the City Council finds that it is in the interests of the public health, safety and welfare to adopt the sections set forth below, now therefore;

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 6.____. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Preliminary Article**, to read as follows:

6.____.010 Administration and enforcement.

Administration and enforcement of the provisions of this title shall be the responsibility of the police chief. The police chief shall have the power to appoint an animal control official. In addition, any city police officer shall be an *ex officio* animal control official and shall have like enforcement authority.

6.____.020 Purpose – Immunity.

The purpose of this title is to provide regulations to control animal behavior and to delineate the responsibilities of animal owners and keepers within the city of Sedro-Woolley. Sedro-Woolley, the animal control authority, and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this chapter, or for any failure to take action to enforce the provisions of this chapter. This title has been enacted for the welfare of the public as a whole.

6.____.030 Definitions.

As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the following meanings:

“Allow” means to permit by neglecting to restrain or prevent.

“Animal” shall have its customary common meaning and shall include dogs where applicable.

“Animal control authority” means the Sedro-Woolley Police Department.

“Animal control official” means any person or persons appointed by the police chief, in accordance with the laws and ordinances of the city to: issue licenses; restrain, collect, transport, impound, sell, rehome, surrender, or dispose of animals; or to give notice or to do any other acts, duties or functions prescribed by this title relating to the animals herein regulated. In addition, any city police officer shall be an ex officio animal control official and have like enforcement authority.

“Animal shelter” means any facility operated by a humane society, or municipal agency, or its authorized contractors or agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

“Barking dog” means any dog which by frequent or habitual howling, yelping, or barking unreasonably annoys or disturbs other persons in the vicinity.

“Dangerous Dog” means any dog that:

A. Inflicts severe injury upon a human being without provocation on public or private property; or

B. Kills a domestic animal without provocation while the dog is off the owner’s property; or

C. Has been previously found to be potentially dangerous because of an injury inflicted on a human, the owner having received notice of such and the dog again bites, attacks, or endangers the safety of humans; or

D. Has been previously declared a Dangerous Dog in any other city, county, state, or foreign country.

“Dog” means any member of one or more species of the genus *Canis*.

“Dog at large” means to be off the premises of the owner or keeper, and not under the control of an authorized person over twelve years of age, either by leash or otherwise. When a dog is within the fenced perimeter of the S-W Bark Park, “dog at large” means unattended and not under the control of an authorized person over the age of twelve years.

“Dog license” means the metal identification tag, stamped with a unique number, issued by the police department.

“Domestic animal” means a dog or cat kept as a pet.

“Exotic animal” means any animal that is not native or usually found in the United States.

“Fowl” includes all feathered birds.

“Guard or attack dog” means any dog, except those dogs owned or used by a governmental agency for law enforcement purposes, which has been trained and is used for the purposes of protection of persons or property by exhibiting hostile or aggressive propensities, or which will attack on signal or command.

“Harboring” Any occupant of any premises on which an animal remains or to which it customarily returns daily for food and care for a period of 10 days is presumed to be harboring or keeping the animal within the meaning of this chapter.

“Hybrid” means an animal whose parents or ancestors belong to a different species.

“Kennel” means an establishment, other than a veterinary hospital, wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs; or premises where more than four dogs over four months of age are harbored.

“Leash” means a cord, strap, or chain of sufficient strength so that the animal is controlled by the person accompanying it.

“Licensed dog” means a dog wearing a collar or harness to which a dog license tag is affixed and discernible to a person of normal vision at not less than ten feet.

“Owner” or “keeper” means any person (over the age of eighteen), firm, association, or corporation owning, keeping, or harboring a dog, or their agents or persons acting with their permission. Any actions exercisable against an owner in this chapter shall also be exercisable against a keeper. If the dog is under the care of a “keeper”, the term “owner” shall also refer to the current “keeper” of the dog.

“Pet shop” is any establishment or premises duly licensed and maintained for the purchase, sale, or exchange of pets of any type.

“Potentially Dangerous Dog” means any dog that when unprovoked:

- A. Inflicts a bite upon a human or a domestic animal, either on public or private property;
- or
- B. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
- C. Has a known propensity, tendency or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals; or
- D. Has been previously declared a potentially dangerous dog in any other city, county, state, or foreign country.

“Premises” means all the real property under one’s ownership and inside the inner line of a sidewalk or, if there is no sidewalk, inside of the curb, ditch, or shoulder marking the edge of the used public right-of-way; may also mean the inside of a closed motor vehicle.

“Restrained” means to be controlled by a leash held by a person over the age of twelve years, or attached to a leash that is securely affixed to a fixed object, or is confined within a suitable fence or enclosure that prevents escape.

“Service animals” are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

“Severe injury” means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

“Tether” means:

- A. to restrain an animal by tying or securing the animal to any object or structure; and
- B. a device, including but not limited to a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

“Under control” means that the owner, by means of a leash, restrains the dog to the owner’s immediate proximity, preventing the dog from trespassing upon property or annoying or chasing other persons, animals, or vehicles of any sort.

“Veterinary hospital” means and includes any establishment maintained and operated by a licensed veterinarian for the diagnosis, treatment and care of diseased or injured animals, and for their care and training.

“Wild animal” means any animal living in its natural state and native to the United States and not normally domesticated, raised, or bred by humans.

“Wolf” means any of various forms of a species *Canis Lupus*.

SECTION 2. Chapter 6. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Dogs**, to read as follows:

6. .010 License – required.

Dogs over four months of age that are kept or harbored within the city are required to have a dog license issued by the police department.

6. .020 License – application.

Application for such license shall be made upon forms provided by the police department. The application shall list the name, address, and telephone number of the owner(s) (must be over the age of eighteen years); the name, breed, color, age and sex of the dog. Such information shall be kept conveniently by the issuing official and indexed by the unique number of the license tag issued.

6. .030 License – expiration.

The dog license shall be valid during the life of the dog, but shall not be transferred to another owner or keeper; *provided*, that the city council may impose a license fee by resolution.

6. .040 License Tag – required.

Each licensed dog shall be provided by the owner or keeper with a suitable collar or harness which shall be worn by the dog at all times when not upon the premises of its owner or keeper. A license tag provided by the police department shall be affixed to the collar. The tag shall be so affixed as to hang and be discernible to a person of normal vision at not less than 10 feet. Tags may be temporarily removed during officially sanctioned dog training, dog shows and dog matches. The license tag shall be stamped with a unique number. It is unlawful for any person other than the owner, his agent, or the animal control authority to remove the license tag from the dog.

6. .050 License Tag – lost.

Any owner or keeper of a licensed dog, whose tag has been lost, shall within seven (7) days, complete a new application form and obtain a new license tag from the animal control authority.

6. .060 License – transfer of ownership.

Whenever the ownership of a dog changes, the new owner shall notify the animal control authority within seven (7) days whereupon the owner records shall be updated and the previously issued license tag and number shall remain valid for the remainder of the dog's life.

6. .100 Dog at large.

It is unlawful for the owner, keeper or his agent to permit any dog to run at large within the city at any time.

6. .110 Dog at large - parks.

It is unlawful for the owner or keeper to permit any dog in public parks except when restrained on a leash by a person over the age of twelve years and capable of restraining the dog, and subject to all applicable rules and regulations relating to the use of parks. When a dog is within the fenced perimeter of the S-W Bark Park, it is unlawful for the owner or keeper to permit any dog in the S-W Bark Park except when attended and under the control of an authorized person over the age of twelve years and capable of

restraining the dog, and subject to all applicable rules and regulations relating to the use of the S-W Bark Park.

6. ___ .120 Unlawful tethering.

- (a) Any animal that is restrained by a tether must be restrained in compliance with this section.
- (b) If chain is used for tethering, it must have links of 5/16 of an inch or smaller.
- (c) The use of chains or choke chains as collars is prohibited. This subsection does not apply to choke chains used for training purposes when a person is present at all times and actively engaged in training the animal.
- (d) Any tether must be connected to a collar or harness on a swivel or in a manner that prevents the tether from tangling.
- (e) The tether may be connected to the animal only by a buckle-type or snap-on collar or a body harness made of nylon or leather. Any collar or harness must fit the animal properly.
- (f) Any tether must be at least ten feet in length, and the animal must have access to clean water and adequate shelter while tethered. The shelter and water vessel must be constructed or attached in such a way that the animal cannot knock over the shelter or water vessel.
- (g) If there are multiple animals tethered, each animal must be on a separate tether and not secured to the same fixed point.
- (h) It is a violation:
 - (1) To tether any animal in such a manner as to permit the animal to leave the owner's property;
 - (2) To tether any animal in such a manner that allows the animal to be within ten feet of any public right-of-way;
 - (3) To tether any animal in such a manner that the animal can become entangled with any obstruction or any other tethered animal or be able to partially or totally jump over any fence;
 - (4) To tether any animal in a manner that prevents it from lying, sitting, and standing comfortably, and without the restraint becoming taut;
 - (5) To tether any animal that is sick, injured, or in distress, in the advanced stages of pregnancy, or under six months of age;
 - (6) To tether any animal during any severe weather advisories, warnings, or emergencies that have been issued or declared by the national weather service for the location at which the animal is tethered, unless the animal is provided with natural or manmade shelter that is adequate to keep it safe, dry, and protected under such conditions;
 - (7) To tether any animal in a manner that results in the animal being left in unsafe or unsanitary conditions, or that forces the animal to stand, sit, or lie down in its own excrement or urine; or otherwise endangers the health or safety of the animal.
 - (8) To tether any animal between the hours of 11 pm and 5 am.

6. ___ .130 Entering places where food is stored, served or prepared.

It is unlawful for the owner or keeper to permit a dog to enter a store, market or other place where food is stored, prepared, served or sold to the public. Service animals are exempted from this section.

6. ___ .140 Barking dog.

It is unlawful to harbor or keep a dog which by frequent or habitual howls, barks, or other loud noises, unreasonably annoys or disturbs another resident in the immediate neighborhood.

6. ___ .150 Dog chasing vehicles.

It is unlawful to permit any dog to chase cars, motorcycles, bicycles or any other vehicle.

6. ___ .200 Impoundment procedure – generally.

A. Dogs may be taken into the care and custody of the animal control authority in any of the following situations:

1. At large - failure to restrain. When a dog is off the premises of its owner or keeper and not under the control of its owner, keeper or other authorized person; this prohibition shall not apply to areas designated by the city for off leash training or exercise; or

2. At large - trespass. If any dog, licensed or not, is on public property or the private property of another, and the caretaker or said private property owner requests that the dog be removed; provided, that the owner or keeper of the dog(s) cannot be located in a timely manner or is unknown; or

3. At large. When any dog, licensed or unlicensed, is found wandering and off the owner's property, whether or not the identity of the owner is known; or

4. At large and found by citizen. When a dog is brought to the animal control authority by a private citizen who has found the dog; or

5. In violation of declared restrictions. When a dog has been declared Potentially Dangerous or Dangerous pursuant to this chapter and/or state law, and the dog is at large, or has otherwise violated the restrictions placed upon it; or

6. Cruelty or neglect. When any dog has been subjected to neglectful or cruel treatment as defined by RCW 16.52.070 and/or the provisions of this title; provided that removal is necessary for the immediate safety and wellbeing of the animal; or

7. Owner emergency. When the dog's owner or keeper is incapable or unable to continue to care for it because of incarceration, severe illness, death, house fire or other emergency circumstances and an agent for the owner cannot be readily located; or

8. Owner unable to safely quarantine. When a dog has bitten a person, breaking or puncturing the skin, and the owner and/or keeper is unable, incapable or unwilling to provide the 10-day quarantine requirements; if such a dog is found at large the owner will be deemed unable to quarantine and the dog can be impounded.

B. Forthwith, following impoundment, the animal control authority shall notify the owner or keeper, if known, of its impoundment, using whatever reasonable means possible. If the dog's owner is unknown or cannot be located, the information and description of the animal shall be available at the animal control authority during regular business hours.

C. All owners or keepers claiming impounded animals of any kind shall provide personal identification. No animal shall be released to any person under the age of eighteen. If a dog is unlicensed, the owner or keeper shall obtain a dog license and identifying tag for the redeemed dog within 72 hours to prevent the violation of failure to license.

6. ___ .210 Impoundment – entry of premises.

An animal control official, or other law enforcement officer, in hot pursuit of a dog known to be Dangerous or Potentially Dangerous, or reasonably suspected of being dangerous to persons other than wrongful trespassers upon his owner's premises, may enter the premises of the owner and demand possession of such dog. If, after request therefor, the owner or keeper of the dog shall refuse to deliver the dog to the official and the official cannot with reasonable safety catch the animal, the official may cause it

to be killed, provided, such official shall not enter the residence of the owner without permission or a warrant.

6. ___ .220 Impoundment – fees.

A. For every dog impounded and held for safekeeping in the temporary holding kennels at the city police department, pursuant to this chapter, there shall be paid to the animal control authority, by any person desiring to redeem such animal, an impoundment fee of \$25.00 plus \$10.00 per day for any dog that remains unclaimed for more than two business days.

B. If circumstances arise whereby the animal control authority deems it necessary to transfer an impounded dog to another suitable animal shelter, veterinary hospital, or other boarding establishment, in addition to the impoundment fee, the city may require reimbursement for such actual costs for feeding, veterinary treatment, and care of such dogs as shall be imposed by the authorized agency selected by the animal control authority to care for the impounded dog.

C. Fees provided for in this section can be waived or reduced at the discretion of the animal control authority, upon a written finding that the owner did not otherwise violate the terms of this chapter.

6. ___ .230 Impoundment – Redemption – Disposition.

A. Redemption of dog. Unless otherwise provided for in this chapter, the owner or keeper of an impounded dog may claim the same at any time prior to the sale, rehoming, surrender or disposal of the dog by the animal control authority, and shall be entitled to possession thereof upon payment of all legal charges and expenses incidental to the impoundment, boarding, and keeping of the dog.

B. Disposition of unclaimed dog. Any dog not redeemed by its owner or keeper within 48 hours of the impoundment, not including Saturdays, Sundays or legal holidays, may be humanely destroyed by an approved method, or may be surrendered to another authorized adoption agency, or may be placed for adoption with a new owner; provided that the new owner agrees that the dog will not be used, sold, or donated for experimental purposes.

C. Disposition of sick or injured dog. When, in the judgment of a licensed veterinarian or the animal control authority, a dog that has been impounded should be destroyed for humane reasons, the dog may be destroyed by an approved method before the expiration of the required holding period. Such cases must be documented in writing by the animal control authority.

6. ___ .240 Unable to safely impound.

If any dog that is posing an immediate threat to the safety of humans or other domesticated animals cannot be safely captured and impounded, such dog may be slain by the animal control authority or an authorized agent of the animal control authority.

6. ___ .250 Control of rabid or potentially rabid dogs.

It is unlawful for the owner of any animal when notified that such animal has bitten any person or has so injured any person as to cause an abrasion or puncture of the skin, to kill, sell, or give away such animal or to permit or allow such animal to be taken beyond the limits of the city, except to a veterinary hospital. It shall be the duty of the owner of the animal to immediately notify in person or by telephone the police or health department of the bite. It shall be the duty of the animal control authority to submit an Animal Bite Report to the county public health authority.

A. 10-day quarantine mandatory. A dog which may transmit disease through its bite, which bites and breaks the skin of any person, shall be quarantined for a 10-day period to determine if the animal is infected with a disease. The place of quarantine shall be established by the animal control authority, and

the animal control authority may, in its discretion, allow the owner and/or keeper of the animal to maintain the quarantine.

B. Quarantine Procedure.

1. Any dog that has bitten a human and broken the skin, regardless of provocation or previous inoculation for diseases, shall be contained for a period of not less than ten (10) days, in such a manner that it is segregated from any other animals and the possibility of coming into contact with other animals and humans except for the caretaker.

2. If the owner and/or keeper is unable or unwilling to confine the dog, or if the animal control authority determines from the prior history of the dog that confinement is not likely, the dog may be quarantined at an animal shelter, or a veterinarian, or a boarding kennel of the owner's choice; provided, that the costs to board the dog shall be borne by the owner if in a location other than the owner's residence.

3. Should the dog, during the observation period, manifest any unusual behavior or develop symptoms of any illness or die, the owner, keeper or veterinarian shall immediately notify the animal control authority or the county public health authority of that condition.

C. Suspected dog is slain or dies. In all cases where any dog which has bitten a person or caused an abrasion or puncture of the skin, is slain by any person or dies by other means, and a period of ten (10) days has not elapsed since the day of the bite, it shall be the duty of any person slaying such animal or the owner, to forthwith deliver intact the head of such animal to the county public health authority. The animal control authority shall be notified in such cases.

D. It shall be the duty of every medical doctor, hospital, or other applicable health official to report all dog bites that break the skin, regardless of provocation factors or previous inoculations record of the animal. Such report shall be made to the animal control authority as promptly as possible so that quarantine procedures can be instituted in a timely fashion.

6. .300 Infractions – penalty.

A violation of any of the provisions of this Chapter shall constitute a civil infraction and shall subject the violator to a civil penalty not to exceed \$150.00, and upon a fourth violation, a civil penalty of \$150.00 plus forfeiture of the dog causing the violation.

6. .310 Misdemeanors – penalty.

Any violation of the following provisions shall constitute a misdemeanor and shall be punishable by the laws of the state and SWMC Section 9.86.010:

A. It is unlawful for any person to prevent, obstruct, or hinder the impoundment of a dog, or any other enforcement duties of the animal control authority pursuant to this chapter.

B. It is unlawful for an owner or keeper to refuse to quarantine or permit the quarantine of any dog when and as required by state law and this chapter.

C. It is unlawful for the owner of any dog, when notified that such dog has bitten any person or has so injured any person as to cause abrasion or puncture of the skin and is subject to quarantine, to sell, kill, or give away such dog to be taken beyond the city limits, except to a veterinary hospital.

D. It is unlawful for the owner of any dog that has bitten any person or has so injured any person as to cause abrasion or puncture of the skin, to fail to notify the animal control authority of the bite and the location of the dog immediately upon knowledge of the incident.

SECTION 3. Chapter 6. . A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Potentially Dangerous and Dangerous Dogs**, to read as follows:

6.010 Definitions.

When used in this chapter, the definitions in this section shall apply:

A. “Animal control authority” means the Sedro-Woolley Police Department.

B. “Animal control official” means any person or persons appointed by the police chief, in accordance with the laws and ordinances of the city to: issue licenses; restrain, collect, transport, impound, sell, surrender, or dispose of animals; or to give notice or to do any other acts, duties or functions prescribed by this title relating to the animals herein regulated. In addition, any city police officer shall be an ex officio animal control official and have like enforcement authority.

C. “Dangerous Dog” means any dog that:

1. Inflicts severe injury upon a human being without provocation on public or private property; or

2. Kills a domestic animal without provocation while the dog is off the owner’s property;

or

3. Has been previously found to be potentially dangerous because of an injury inflicted upon a human, the owner having received notice of such and the dog again bites, attacks, or endangers the safety of humans; or

4. Has been previously declared a dangerous dog in any other city, county, state, or foreign country.

D. “Owner” or “keeper” means any person (over the age of eighteen), firm, association, or corporation owning, keeping, or harboring a dog, or their agents or persons acting with their permission. Any actions exercisable against an owner in this chapter shall also be exercisable against a keeper. If the dog is under the care of a “keeper”, the term “owner” shall also refer to the current “keeper” of the dog.

E. “Potentially Dangerous Dog” means any dog that when unprovoked:

1. Inflicts bites upon a human or a domestic animal either on public or private property; or

2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or

3. Has a known propensity, tendency or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals; or

4. Has been previously declared a Potentially Dangerous Dog in any other city, county, state, or foreign country.

F. “Proper enclosure of a Dangerous Dog” means, while on the owner’s property, a Dangerous Dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

G. “Severe injury” means any physical injury resulting in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

6.020 Potentially Dangerous Dog – Certificate of Registration required.

A. It is unlawful for any owner of a Potentially Dangerous Dog, who has been notified by any animal control authority that he or she is the owner of a Potentially Dangerous Dog, to keep such dog within Sedro-Woolley unless such owner has notified the Sedro-Woolley animal control authority and procured a Certificate of Registration from the Sedro-Woolley animal control authority.

B. The animal control authority may find and declare a dog to be a Potentially Dangerous Dog if it has probable cause to believe the dog falls within the definition set forth in this Chapter. The finding must be based upon:

1. The written complaint of a citizen who is willing to testify that the dog has acted in a manner which causes it to fall within the definition of a Potentially Dangerous Dog; or
 2. Dog bite reports filed with the animal control authority as required by this chapter or state law; or
 3. Actions of the dog witnessed by any animal control officer or law enforcement officer;
- or
4. Other substantial evidence admissible in municipal court.

C. The declaration of Potentially Dangerous Dog shall be in writing, and shall be served on the owner in one of the following methods:

1. Certified/Return Receipt mail to the owner or keeper's last known address, if known;
- or
2. Personally; or
 3. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
 4. The owner of any animal found to be a Potentially Dangerous Dog under this section shall be assessed all service costs expended under subsection C of this section.

D. The declaration shall state at least:

1. A description of the animal;
2. The name and address of the owner or keeper of the animal, if known;
3. The whereabouts of the animal if it is not in the custody of the owner;
4. The facts upon which the declaration of Potentially Dangerous Dog is based;
5. The restrictions placed on the dog as a result of the declaration;
6. The availability of a hearing in the event the owner or keeper objects to the declaration, if a request is made within five business days;
7. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.

E. If the owner of the animal wishes to object to the declaration of Potentially Dangerous Dog:

1. The owner may, within five business days of receipt of the declaration, or within five business days of the publication of the declaration pursuant to subsection C(3) of this section, request a hearing before the municipal court by submitting a written request to the clerk of the court.
2. If the court finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.
3. If the court finds sufficient evidence to support the declaration, it shall impose court costs on the appellant, and may impose additional restrictions on the animal.
4. In the event the court finds that the animal is not a Potentially Dangerous Dog, no court costs shall be assessed against Sedro-Woolley or the animal control authority.

F. Following service of a declaration of Potentially Dangerous Dog, and pending appeals under this section or to any other court with jurisdiction, the animal control authority may, if circumstances require, impound the animal at the owner's expense, pursuant to the provisions of this chapter, until a court orders either its redemption or destruction.

G. The owner of a Potentially Dangerous Dog shall obtain a Certificate of Registration for such dog from the animal control authority, and shall be required to pay the fee for such registration in the

amount set forth herein, or as hereafter amended. In addition, the owner of a Potentially Dangerous Dog shall pay an annual renewal fee for such registration in the amount set forth herein, or as hereafter amended.

H. The registration fee for each Potentially Dangerous Dog to be registered under this section is two hundred fifty dollars (\$250.00). The annual renewal fee for each Potentially Dangerous Dog registered under this section is fifty dollars (\$50.00).

6. ___ .030 Potentially Dangerous Dogs - restraint requirements.

A. Following a declaration of Potentially Dangerous Dog and pending any appeal of that declaration, the owner must:

1. Conspicuously display a sign with a warning symbol on any premises where the dog is kept that warns children of the presence of a Potentially Dangerous Dog; and
2. While on the owner's property, ensure the dog is securely confined inside a residential or non-residential building as determined by the animal control authority, or a kennel, or pen, or within a fence which has secure sides of sufficient height and strength to prevent the dog's escape; and
3. While off the owner's property, ensure the dog is securely leashed and under the control of a responsible person 18 years of age or older, and physically able to restrain and control the dog; and
4. Ensure the dog has a microchip implant for permanent identification; and
5. Comply with any additional restrictions imposed on the keeping of a Potentially Dangerous Dog by the animal control authority.

B. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and the penalty shall be a fine of not more than \$1,000, or imprisonment not exceeding 90 days, or both such fine and imprisonment.

6. ___ .040 Dangerous Dog - Certificate of Registration required.

A. It is unlawful for any owner of a Dangerous Dog, who has been notified by any animal control authority that he/she is the owner of a Dangerous Dog, to keep such dog within Sedro-Woolley unless such owner has notified the Sedro-Woolley animal control authority and procured a Certificate of Registration from the Sedro-Woolley animal control authority.

B. The animal control authority may find and declare a dog to be a Dangerous Dog if it has probable cause to believe that the dog falls within the definition of a Dangerous Dog. The finding must be based upon:

1. The written complaint of a citizen who is willing to testify that the dog has acted in a manner which causes it to fall within the definition of a Dangerous Dog; or
2. Dog bite reports filed with the animal control authority as required by this chapter or state law; or
3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
4. Other substantial evidence admissible in municipal court.

C. The declaration of Dangerous Dog shall be in writing, and shall be served on the owner in one of the following methods:

1. Certified/Return Receipt mail to the owner or keeper's last known address, if known; or
2. Personally; or

3. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.

4. The owner of any animal found to be a Dangerous Dog under this section shall be assessed all service costs expended under subsection C of this section.

D. The declaration shall state at least:

1. A description of the animal;
2. The name and address of the owner or keeper of the animal, if known;
3. The whereabouts of the animal if it is not in the custody of the owner;
4. The facts upon which the declaration of Dangerous Dog is based;
5. The restrictions placed upon the dog as a result of the declaration;
6. The availability of a hearing in the event the owner or keeper objects to the declaration, if a request is made within five business days;
7. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.

E. If the owner of the animal wishes to object to the declaration of Dangerous Dog:

1. The owner may, within five business days of receipt of the declaration, or within five business days of the publication of the declaration pursuant to subsection C(3) of this section, request a hearing before the municipal court by submitting a written request to the clerk of the court.

2. If the court finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.

3. If the court finds sufficient evidence to support the declaration, it shall impose court costs on the appellant, and may impose additional restrictions on the animal.

4. In the event the court finds that the animal is not a Dangerous Dog, no court costs shall be assessed against Sedro-Woolley or the animal control authority.

F. Following service of a declaration of Dangerous Dog, and pending appeals under this section or to any other court with jurisdiction, the animal control authority may, if circumstances require, impound the animal at the owner's expense, pursuant to the provisions of this chapter, until a court orders either its redemption or destruction.

G. The owner of a Dangerous Dog shall obtain a Certificate of Registration for such dog from the animal control authority, and shall be required to pay the fee for such registration in the amount set forth herein, or as hereafter amended. In addition, the owner of a Dangerous Dog shall pay an annual renewal fee for such registration in the amount set forth herein, or as hereafter amended.

H. The registration fee for each Dangerous Dog to be registered under this section is five hundred dollars (\$500.00). The annual renewal fee for each Dangerous Dog registered under this section is one hundred dollars (\$100.00).

6. ___ .050 Dangerous Dogs—Restraint requirements.

A. Following a declaration of Dangerous Dog and pending any appeal of that declaration, the owner must:

1. Conspicuously display a sign with a warning symbol on any premises where the dog is kept that informs children of the presence of a Dangerous Dog; and
2. Ensure the dog is securely confined indoors, or inside a locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping, with secure sides and a secure top, that also provides protection from the elements for the dog; and

3. Whenever not confined, ensure the dog is securely muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person, 18 years of age or older, and physically able to restrain and control the dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal; and

4. Ensure the dog has a microchip implant for permanent identification; and

5. Maintain either:

a. A surety bond issued by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the animal control authority in the sum of at least two hundred fifty thousand dollars (\$250,000), payable to any person injured by the dangerous dog; or

b. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least two hundred fifty thousand dollars (\$250,000), insuring the owner for any personal injuries inflicted by the dangerous dog.

6. ___ .060 Penalties.

A. A violation of 6. ___ .020(A) or 6. ___ .040(A), failure to register or renew, is a civil infraction, however, no such civil infraction may be assessed until five business days have elapsed from the date such owner is notified by the animal control authority that such a registration or renewal is required.

1. For a Potentially Dangerous Dog, the civil infraction carries a penalty of two hundred fifty dollars (\$250.00).

2. For a Dangerous Dog, the civil infraction carries a penalty of five hundred dollars (\$500.00).

B. Failure to comply with 6. ___ .030, the restraint requirements for a Potentially Dangerous Dog, is a misdemeanor.

C. Failure to comply with 6. ___ .050, the restraint requirements for a Dangerous Dog, is a gross misdemeanor.

6. ___ .070 Enforcement.

A. All civil penalties required to be paid by owners for violations of the provisions of this chapter shall be made to the City of Sedro-Woolley Finance Department.

B. The Animal Control Authority may impound:

1. A Potentially Dangerous or Dangerous Dog for which the owner has not obtained a Certificate of Registration; or

2. A Potentially Dangerous or Dangerous Dog that is not in compliance with the restraint restrictions of 6. ___ .030 or 6. ___ .050.

C. The animal control authority may impound, quarantine for the proper length of time, and thereafter destroy in an expeditious and humane manner:

1. A previously declared Dangerous Dog that bites a person or a domestic animal; or

2. A dog that aggressively attacks and causes severe injury or death of a human, regardless of whether there has been any previous determination of whether such dog is potentially dangerous or dangerous.

D. The animal control authority may assess a civil penalty in the amount of \$150.00, plus \$10.00 for each day a Potentially Dangerous or Dangerous Dog is impounded, plus actual costs for any necessary additional care.

E. The animal control authority may destroy, in an expeditious and humane manner, a Potentially Dangerous or Dangerous Dog when the right to appeal has been exhausted or waived and the dog remains impounded for 20 days or more due to the failure of the owner to obtain the Certificate of Registration or pay civil penalties. The animal control authority may assess an additional civil penalty in the amount of \$250.00 for the cost of destroying any such dog.

F. No Potentially Dangerous Dog or Dangerous Dog impounded by the animal control authority may be returned to any owner until such owner has paid all civil penalties assessed against such owner under this chapter.

G. Sedro-Woolley shall have the authority to place a lien upon the real property of any owner of a Dangerous Dog or Potentially Dangerous Dog against whom a civil penalty has been assessed under this chapter, who has been given notice of such civil penalty and has failed to pay such civil penalty; provided, however, that no such lien shall be placed until thirty days has elapsed from the date of any final determination of the validity of such civil penalty.

6. ___ .080 Hearings.

A. Any owner against whom a civil penalty has been assessed under this chapter may contest such civil penalty by requesting a hearing in the Sedro-Woolley Municipal Court by requesting such hearing within five business days of notification of such civil penalty by the animal control authority.

B. Where an owner has requested a hearing pursuant to subsection A of this section, no Potentially Dangerous Dog or Dangerous Dog which is in the possession of the animal control authority shall be destroyed until the resolution of such hearing; provided, however, that an additional civil penalty in the amount of \$15 per day shall be assessed against any owner whose dog remains in the custody of the animal control authority during any hearings requested under this section where resolution of such hearing is that all or any part of the civil penalty against such owner is found to be properly assessed.

C. Following resolution of any contested hearing regarding a civil penalty as provided herein, the owner of any Dangerous Dog or Potentially Dangerous Dog in the possession of the animal control authority shall pay all civil penalties which may have been assessed as authorized above within ten days of the final resolution of any hearing regarding such civil penalties.

D. Any Dangerous Dog or Potentially Dangerous Dog which has not been picked up from the animal control authority by its owner within ten days of the final resolution of any hearing regarding any civil penalties under this section shall be destroyed in an expeditious and humane manner; provided, however, that an additional civil penalty in the amount of fifty dollars for the cost of destroying such dog shall be assessed against the owner, and may be collected as provided in Section 6. ___ .050.

6. ___ .090 Liability limitations.

Sedro-Woolley, the animal control authority and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this chapter or for any failure to 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 Sedro-Woolley or its agents any special duties or relationships with specific individuals. This chapter has been enacted for the welfare of the public as a whole.

6. ___ .100 Exemption.

The provisions of this chapter shall not apply to any dog kept by any law enforcement agency for law enforcement purposes.

SECTION 4. Chapters 6.04; 6.08 and 6.16; of the Sedro-Woolley Municipal Code are hereby repealed in their entirety. Chapters 6.12 and 6.20 of the Sedro-Woolley Municipal Code shall remain in their entirety in the Sedro-Woolley Municipal Code.

SECTION 5. Effective date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days of the date of publication as provided by law.

SECTION 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, clause or phrase of this ordinance.

SECTION 7. Short Title & Application. This ordinance shall be known as the Sedro-Woolley Animal Code and may be cited as such. The enforcement provisions of this ordinance shall apply to any offense committed on or after the effective date of this ordinance, which is defined in this ordinance, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense. The provisions of this ordinance do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this ordinance, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this ordinance had not been enacted.

PASSED by majority vote of the members of the Sedro-Woolley City Council this ____ day of _____, 2015, and signed in authentication of its passage this ____ day of _____, 2015.

Mike Anderson, Mayor

Attest:

Patsy Nelson, Finance Director

Approved as to form:

Eron Berg, City Attorney

Filed with the City Clerk: September 25, 2015
First Reading: October 7, 2015
Second Reading: October 14, 2015
Passed by the City Council:
Signed by the Mayor:
Date of Publication:

Chapter 6.04 POUNDMASTER

Sections:

- 6.04.010 Contract for pound.
- 6.04.020 Enforcement.

6.04.010 Contract for pound.

The city council shall provide or contract for such pound or pounds of suitable construction as may be found necessary for the impounding of dogs or animals. (Ord. 806 § 1, 1975; Ord. 5 § 6, 1905)

6.04.020 Enforcement.

The police chief shall be ex officio poundmaster and is hereby charged with the duty of enforcing this title. The police chief shall have power to appoint one deputy. A sufficient number of extra police necessary to enforce this title may be appointed by the mayor by and with the consent of the council. (Ord. 5 § 7, 1905)

Chapter 6.08 DOGS

Sections:

- 6.08.010 Purpose declared.
- 6.08.020 Definitions.
- 6.08.030 License required.
- 6.08.040 License—Application.
- 6.08.050 License—Expiration.
- 6.08.070 Tag—Required.
- 6.08.080 Lost tag.
- 6.08.090 At large.
- 6.08.110 At large—Parks.
- 6.08.120 Entering places where food is stored, served or prepared.
- 6.08.180 Barking dog.
- 6.08.200 Impounding of offending animals.
- 6.08.210 Impoundment—Registry—Notice.
- 6.08.220 Impoundment—Redemption—Costs.
- 6.08.230 Impoundment—Redemption—Destruction.
- 6.08.240 Disposition of proceeds from sale of impounded animals.
- 6.08.280 Unable to safely impound.
- 6.08.290 Costs of maintaining animal in hospital.

- 6.08.300 Impoundment—Conditions upon release.
- 6.08.310 Dog chasing vehicles.
- 6.08.320 Injuring with vehicle.
- 6.08.330 Suitable shelter and food.
- 6.08.340 Arrest of animal.
- 6.08.350 Harboring animal in violation of chapter.
- 6.08.360 Hot pursuit—Entry of owner’s premises.
- 6.08.370 Care of impounded animals.
- 6.08.380 Impoundment—Retention time.
- 6.08.390 Rabies—Duties of owner—Observation.
- 6.08.400 Rabies—Confinement of suspected animal.
- 6.08.410 Rabies—Suspected animal slain by police.
- 6.08.420 Licensing of kennels, pet shops and veterinary hospitals.
- 6.08.430 Violation—Penalties.
- 6.08.440 *Repealed.*

6.08.010 Purpose declared.

The ordinance codified in this chapter is enacted for the purpose of regulating the keeping of dogs within the city. The fees, charges and penalties collected hereunder shall be budgeted to defray, in whole or in part, the expense of such regulations. (Ord. 1182 (part), 1993: Ord. 682 § 1, 1969)

6.08.020 Definitions.

As used in this chapter, unless the context otherwise indicates, the following words and terms shall mean:

- A. “Animal” means and includes both the male and female dog, natural or sterilized.
- B. “Dog” means and includes both male and female, natural or sterilized.
- C. “Vicious animal” means and includes those whose temperament or habits create danger of injury to persons or other animals or create a reasonable apprehension of injury to persons or other animals.
- D. “Predatory animal” means and includes any dog of either sex whose actions or habits customarily defile, despoil or damage property of others.
- E. “Owner” or “keeper” means and includes any person, association or corporation owning, keeping or harboring an animal.

F. "At large" means to be off the premises of the owner and not under the control of the owner or of an authorized person over twelve years of age, either by leash or otherwise, but an animal within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises. When the dog is within the fenced perimeter of the S-W Bark Park, "at large" means unattended and not under the control of the owner or of an authorized person over twelve years of age.

G. "Barking dog" means any dog which by frequent or habitual howling, yelping or barking annoys or disturbs other persons in the vicinity.

H. "Leash" means and includes a cord, thong or chain by which an animal is controlled by the person accompanying it.

I. "Harboring." The occupant of any premises on which an animal remains or to which it customarily returns daily for food and care for a period of ten days is presumed to be harboring or keeping the animal within the meaning of this chapter.

J. "Officer" or "official" means any policeman or any officer, official, person or persons designated by the laws and ordinances of the city to issue licenses, pick up, restrain, impound, sell, dispose, give notice or to do any other acts, duties or functions prescribed by this chapter or other ordinances relating to the animals herein regulated.

K. "License" except as referred to in Section 6.08.420 shall mean the dog license issued by the city under this chapter.

L. "Kennel" means and includes any place, other than a veterinary hospital, where four or more dogs are kept, or where one or more bitches are kept for breeding, and the offspring thereof are sold for profit or given away, or where such animals are received for care and boarding.

M. "Pound" means a place within or without the city as provided by city ordinances, and operated by the city for the restraint and care of animals.

N. "Pet shop" means and includes any place duly licensed where live animals, birds or fish are kept and offered for sale.

O. "Veterinary hospital" means and includes any establishment maintained and operated by a licensed veterinarian for the diagnosis, treatment and care of diseased or injured animals and for their care and training.

P. "Restraint." An animal shall be deemed to be under restraint if it is confined within the property limits of its owner or keeper by a suitable fence or enclosure or securely restrained within the premises by a leash affixed to a post or other securely fixed object.

Q. "Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability. (Ord. 1745-12 § 1, 2012; Ord. 1615-08 § 1, 2008; Ord. 1182 (part), 1993; Ord. 682 § 2, 1969)

6.08.030 License required.

It is unlawful to keep or harbor a dog over three months of age within the city unless an animal license has been procured for the animal from the city. (Ord. 1182 (part), 1993; Ord. 682 § 3(A), 1969)

6.08.040 License—Application.

Application for such license shall be made upon forms provided by the city. The application shall list the name, address and phone number of the owner; the name, breed, color, age and sex of the animal owned or harbored by him. Such information shall be kept conveniently indexed by the licensing official together with the number of the license issued. (Ord. 1182 (part), 1993; Ord. 682 § 3(B), 1969)

6.08.050 License—Expiration.

The license shall be valid during the life of the dog, but shall not be transferred to another owner or keeper; provided, that the city shall retain the right to impose a license fee and/or license expiration date upon amendment of this chapter. (Ord. 1182 (part), 1993; Ord. 682 § 3(C), 1969)

6.08.070 Tag—Required.

Each licensed dog shall be provided by the owner or keeper with a suitable collar or harness which shall be worn by the animal at all times when off the premises of the owner. To such collar or harness shall be affixed a dog license tag provided by the city. Such license tag shall be so affixed as to hang and be discernible to a person of normal vision at not less than ten feet. The license tag shall be stamped with the number. It is unlawful for any person other than the owner, his agent or a city official to remove the license tag from the dog. (Ord. 1182 (part), 1993; Ord. 682 § 3(E), 1969)

6.08.080 Lost tag.

Any owner or keeper of a licensed animal whose current license tag has been lost may obtain a replacement tag, prior to impounding of such animals.

Any animal licensed, which may be impounded while running at large, may be redeemed upon payment of impounding and care fees as provided in Section 6.08.220. (Ord. 1182 (part), 1993; Ord. 682 § 3(F), 1969)

6.08.090 At large.

It is unlawful for the owner, keeper, custodian or person having charge of any dog to permit an animal to run at large within the city at any time. (Ord. 1182 (part), 1993; Ord. 682 § 4(A), 1969)

6.08.110 At large—Parks.

It is unlawful for the owner or keeper to permit a dog in public parks except on a leash and subject to all applicable rules and regulations of the park board or ordinances relating to the use of parks. (Ord. 1182 (part), 1993; Ord. 682 § 4(C), 1969)

6.08.120 Entering places where food is stored, served or prepared.

It is unlawful for the owner or keeper to permit a dog to enter a store, market or other place where food is stored, prepared, served or sold to the public. Service animals are exempted from this section. (Ord. 1745-12 § 2, 2012; Ord. 1182 (part), 1993; Ord. 682 § 4(D), 1969)

6.08.180 Barking dog.

It is unlawful for the owner or keeper to harbor or permit a barking dog, whose barking disturbs the quiet of any person or neighborhood. (Ord. 1182 (part), 1993; Ord. 682 § 4 (J), 1969)

6.08.200 Impounding of offending animals.

It shall be the duty of such city employees as shall be designated for that purpose by the mayor, or the employees of any authorized agency designated by the mayor with the approval of the city council, to take up and impound any animals found in the city in violation of any of the provisions of this chapter. (Ord. 1182 (part), 1993; Ord. 682 § 5 (A), 1969)

6.08.210 Impoundment—Registry—Notice.

The poundkeeper, or his duly appointed agent, shall immediately upon impounding of any animal make a complete registry, entering the breed, color and sex of such animal and whether licensed, if known, and if licensed, he shall enter the name and address of the owner and number of the license tag, if known.

A. When any licensed animal shall be impounded, the police chief or poundmaster shall forthwith give notice by mail, or by telephone if the owner be within the city limits, to

the owner of such licensed dog informing such owner of the impounding of his dog and the reason therefor.

B. When any dog not bearing a collar or harness to which is attached a license, shall be impounded, the police chief or poundmaster shall give notice within twenty-four hours of such impounding by posting notice giving the breed, color, sex and other identifying characteristics of such impounded animal together with the date and place of apprehension thereof. Such notice shall be posted at police headquarters and at such other public place as shall be provided for such notice. (Ord. 1182 (part), 1993; Ord. 682 § 5(B), 1969)

6.08.220 Impoundment—Redemption—Costs.

For every animal taken in and impounded as provided in this chapter, there shall be paid to the designated official, for the use of the city, by any person desiring to redeem such animal, the total of the following fees:

- A. An impounding fee in an amount equal to the city's actual cost of boarding the animal as determined by the police chief, or such other sums that are designated from time to time by the city council;
- B. Such costs for feeding, veterinary treatment, and care of such animal as shall be imposed by the authorized agency, designated by the city to care for the impounded animals. (Ord. 1441 § 1, 2003; Ord. 1182 (part), 1993; Ord. 785 § 1, 1975; Ord. 682 § 5 (C), 1969)

6.08.230 Impoundment—Redemption—Destruction.

Any animal which has been impounded may be redeemed within forty-eight hours after being impounded by any person claiming to own or to be acting for the owner of such animal, and after such forty-eight hour period, by any person upon payment of the fees and costs as set forth in Section 6.08.220. If any such animal be not redeemed within forty-eight hours after being impounded, such animal shall be subject to being destroyed by order of the police chief or the authorized poundmaster; provided that, after such forty-eight hours, by order of the poundmaster (not including Saturdays, Sundays, or holidays):

- A. Such animal may be kept and offered for sale at a price fixed by the poundmaster; or
- B. Released by the poundmaster to any person who shall pay the fees required by Section 6.08.220 or such portion thereof as the poundmaster may require; or

C. Such poundmaster may release such animal to any other organization for such other disposition as he may see fit, provided that no animal shall be given or sold to any person or association for vivisection purposes. (Ord. 1182 (part), 1993: Ord. 682 § 5(D), 1969)

6.08.240 Disposition of proceeds from sale of impounded animals.

The proceeds of the auction or other sale of any impounded animal after the expiration of the period of redemption above provided shall be applied first to the cost of apprehension, license and the care of the animal at the rate set in Section 6.08.220, and the balance of such proceeds shall be deposited with the city clerk to be deposited with the general funds of the city. (Ord. 1182 (part), 1993: Ord. 682 § 5(E), 1969)

6.08.280 Unable to safely impound.

If any fierce, dangerous, vicious or predatory animal cannot be safely taken up and impounded such dog may be slain by the police officer or authorized agent of the city pound. (Ord. 1182 (part), 1993: Ord. 682 § 5(I), 1969)

6.08.290 Costs of maintaining animal in hospital.

All costs of maintaining any such animal in a veterinary hospital shall be paid by the owner. (Ord. 1182 (part), 1993: Ord. 682 § 5(J), 1969)

6.08.300 Impoundment—Conditions upon release.

When any animal shall be impounded pursuant to the provisions of this chapter, the poundmaster may impose such conditions upon the release of such animal as may be necessary or desirable in order to avoid, forestall or prevent recurrence of the violation leading to the impounding of such animal, and no animal shall be redeemed by the owner or other persons except in compliance with and subject to conditions which may include undertaking to keep such animal outside the city, undertaking to pay for damages done by such animal, undertaking to control such animal within specified limits, or any other conditions which may be appropriate and reasonable to avoid recurrence of the conditions leading to such impounding. (Ord. 1182 (part), 1993: Ord. 682 § 5(K), 1969)

6.08.310 Dog chasing vehicles.

Any dog chasing cars, motorcycles, bicycles or any other vehicles, may be declared a nuisance upon written statement of two or more persons having observed such animal in action. (Ord. 1182 (part), 1993: Ord. 682 § 5(L), 1969)

6.08.320 Injuring with vehicle.

No person shall wilfully injure, beat, abuse or run down any animal with a vehicle. Any person who kills or injures an animal while driving a vehicle shall stop at the scene of the accident and render such assistance as practicable, shall make a reasonable effort to locate and identify himself to the owner or to any person having custody of the dog and shall report the accident immediately to the police department. (Ord. 1182 (part), 1993: Ord. 682 § 6(A), 1969)

6.08.330 Suitable shelter and food.

It is unlawful for any person to keep or harbor an animal within the city without providing a suitable dry place for the housing thereof or to fail to provide a suitable amount of wholesome food and clean water for the nutrition and comfort thereof or to leave the premises upon which such animal is confined, or to which it customarily returns, for more than twenty-four hours without providing for the feeding and care of such animal in the absence of such person. (Ord. 1182 (part), 1993: Ord. 682 § 6(B), 1969)

6.08.340 Arrest of animal.

The city of Sedro Woolley by its properly constituted officers shall arrest any animal:

- A. Found to be at large or harbored under circumstances constituting a violation of this chapter; or
- B. Damaging property of a person other than the owner of such dog, except in defense of the property of or members of the owner's household; or
- C. Causing bodily harm to any person; or
- D. Acting in such manner as to cause reasonable apprehension of such harm to persons or animals not within or upon the premises of such dog's owner.

Such animal may also be taken into custody by any person who observes such violation. Such person shall promptly call the city police or other official, or report the circumstances leading to such seizure and deliver or tender possession of such animal to the city for impounding. (Ord. 1182 (part), 1993: Ord. 682 § 7(A), 1969)

6.08.350 Harboring animal in violation of chapter.

No person, including the owner or a member of his family, shall give refuge to or fail to refuse to deliver possession of an animal to an officer who is in pursuit of the animal seen violating any provision of this chapter. (Ord. 1182 (part), 1993: Ord. 682 § 7(B), 1969)

6.08.360 Hot pursuit—Entry of owner's premises.

An officer, in hot pursuit of an animal known to be vicious, or reasonably suspected of being dangerous to persons other than wrongful trespassers upon his owner's premises, may enter the premises of the owner and demand possession of such animal, and if, after request therefor, the owner or keeper of the animal, over sixteen years of age, shall refuse to deliver the animal to the officer and the officer cannot with reasonable safety catch the animal, he may cause it to be killed; provided, such officer shall not enter the abode of the owner without a warrant therefor. (Ord. 1182 (part), 1993: Ord. 682 § 7(C), 1969)

6.08.370 Care of impounded animals.

All animals arrested and impounded shall be given humane care and properly fed during such detention. Reasonable effort shall be exerted to segregate such animals as to size, condition and temperament so that the timid, sick, weak or injured animals will not suffer from the actions of others. (Ord. 1182 (part), 1993: Ord. 682 § 7(D), 1969)

6.08.380 Impoundment—Retention time.

Except in those cases in which the animal is being redeemed or returned to the owner or person having the lawful right thereto, all impounded animals shall be retained for not less than forty-eight hours, after the time of giving notice of such impounding unless the animal is sick or injured and a sooner disposal is deemed by the poundmaster to be the proper course to be taken. The poundmaster shall retain impounded animals beyond the forty-eight hour minimum requirement, if, in his opinion, the animal is of sufficient value and attraction that the continued care and expense is warranted pending the sale or disposal of such animal. (Ord. 1182 (part), 1993: Ord. 682 § 7(E), 1969)

6.08.390 Rabies—Duties of owner—Observation.

It is unlawful for the owner of any animal when notified that such animal has bitten any person or has so injured any person as to cause an abrasion or puncture of the skin, to kill, sell, or give away such animal or to permit or allow such animal to be taken beyond the limits of the city except to a veterinary hospital. It shall be the duty of the owner of the animal to immediately notify in person or by telephone the police or health department of the bite. Upon receipt of official notice the owner of the animal shall place and keep the animal in confinement for a period of observation of at least ten days or at the owner's expense deliver the animal to a licensed veterinary hospital for an observation period. Provided, when the owner of the animal assumes the responsibility of the animal for the ten day observation period, he shall keep the animal securely chained and confined to the premises of the owner and segregated from any other animals. The owner shall also take reasonable precautions to ensure the safety of persons from the animal during the observation period.

Should the animal during the observation period manifest any unusual behavior or develop symptoms of illness or die, the owner or veterinarian shall immediately notify the police or the county health department of that condition.

Provided further, that any policeman or city official may have such animal placed in a duly licensed veterinary hospital at the owner's expense, when the owner is unable to provide suitable quarters in which to confine the animal in the manner set forth in this section, or the animal manifests any questionable behavior or symptoms which may be rabies.

The police chief shall notify the Skagit County health officer of all reports received by the police department of animal bites. Where rabies is suspected the Skagit County health officer shall be notified immediately. (Ord. 1182 (part), 1993: Ord. 682 § 8(A), 1969)

6.08.400 Rabies—Confinement of suspected animal.

Upon taking possession of an animal known to have bitten or having displayed symptoms of rabies, any policeman or other authorized city employee or authorized agent shall forthwith convey such animal to the nearest veterinary hospital where such animal shall be securely chained or confined for a period of at least ten days. In case such animal is delivered to a veterinary hospital, notice of the name and location of such hospital shall be immediately furnished the police chief by the owner of such animal and upon receipt of such animal the veterinary hospital shall submit to the police chief at the earliest possible time a certificate stating that such animal either shows no symptoms of rabies or does show symptoms of rabies. At the expiration of ten days of confinement and upon release of such animal, the veterinary hospital shall submit to the police chief a second certificate stating that the animal does not have rabies and has been released. The cost of maintaining such animal in the veterinary hospital shall be borne by the owner thereof, except where the owner of such animal cannot be ascertained, the city shall then pay for such observation and care. (Ord. 1182 (part), 1993: Ord. 682 § 8(B), 1969)

6.08.410 Rabies—Suspected animal slain by police.

In all cases where any animal, which has bitten a person or caused an abrasion or puncture of the skin, is slain by any policeman or other authorized representative whether by order of the court or otherwise, and a period of ten days has not elapsed since the day on which such dog bit any person or caused an abrasion or puncture of the skin of any person, it shall be the duty of the officer slaying such animal to forthwith deliver intact the head of such animal to the county health officer. (Ord. 1182 (part), 1993: Ord. 682 § 8(C), 1969)

6.08.420 Licensing of kennels, pet shops and veterinary hospitals.

The annual license fee for kennels, pet shops or veterinary hospitals shall be twenty-five dollars; provided that no additional fee shall be assessed if the kennel, pet shop or veterinary hospital has paid for a current city business license. Kennels, pet shops or veterinary hospitals may keep unlicensed animals on the premises, provided the same are securely fenced and the entrances thereto locked. The license for a kennel, pet shop or veterinary hospital shall be subject to revocation upon conviction of the operator therefor for violation of the terms of this chapter or for failure to comply with the rules regulating such places as promulgated by the county health officer. The premises of such places shall be subject to inspection by the health official and shall be kept free from decaying food and shall provide separate facilities for the confinement of rabies cases. The operator shall report for the health department any disease among the animals existing at such places and keep the food in sanitary, rat free containers. Such places shall provide suitable housing for the animals maintained on the premises and be so designed and constructed as to keep the animals in clean, dry and well-ventilated cages or pens and make provision for reasonable exercise and feeding for the animals contained on such premises. (Ord. 1182 (part), 1993; Ord. 682 § 9, 1969)

6.08.430 Violation—Penalties.

A. Unless otherwise specifically provided, any person violating any of the provisions of this chapter, except for violations under Sedro-Woolley Municipal Code Sections 6.08.320, 6.08.330, and 6.08.350, shall have committed a civil infraction and shall be subject to a civil penalty as follows:

1. Upon the first violation, a fine of fifty dollars;
2. Upon a second violation, a fine of one hundred dollars;
3. Upon a third violation, a fine of one hundred fifty dollars; and
4. Upon a fourth violation, a fine of one hundred fifty dollars, plus forfeiture of the animal causing the violation.

B. The provisions of Chapter 46.63 RCW for the disposition of traffic infractions apply to the disposition of all civil infractions set forth in this chapter except as follows:

1. The provisions in Chapter 46.63 RCW relating to the provision of records to the department of licensing in accordance with RCW 46.20.270 are not applicable to this chapter; or

2. The provisions in Chapter 46.63 RCW relating to the imposition of sanctions against a person's driver's license or vehicle license are not applicable to this chapter.

C. Any person violating any of the provisions of Sedro-Woolley Municipal Code Sections 6.08.320, 6.08.330, and 6.08.350 is guilty of a crime and shall be punished by the laws of the state and Sedro-Woolley Municipal Code Section 9.86.010.

D. In addition to any civil penalty or criminal sentence as provided by this chapter, the owner of the dog, whether licensed or not, shall be liable for actual expenses for boarding the dog, including any reasonable charges by the impounding authority, and, if necessary, for the cost of its destruction. (Ord. 1469-04 § 2, 2004)

6.08.440 Reserve fund.

Repealed by Ord. 1810-14. (Ord. 1714-11 § 2, 2011)

**Chapter 6.12
LIVESTOCK**

Sections:

- 6.12.010 Driving, leading or riding horses and cattle.
- 6.12.020 Horses on specified lands, streets, roads and/or alleys.
- 6.12.025 *Repealed.*
- 6.12.030 Power to restrict.
- 6.12.040 Maintaining offensive conditions—At large.
- 6.12.050 Violation a public nuisance.
- 6.12.060 Penalty for violation.

6.12.010 Driving, leading or riding horses and cattle.

It is unlawful for any person, firm or corporation to drive, lead, or ride any horses or cattle within the city limits in a manner that might endanger persons or property or in a manner causing injury to persons or property, including but not limited to specific public land, city streets, roads, and/or alleys. (Ord. 828 § 1, 1976)

6.12.020 Horses on specified lands, streets, roads and/or alleys.

It is unlawful for any person, firm, or corporation to drive, lead, or ride any horse or horses upon any portion of specified public lands, streets, roads and/or alleys, other than the regularly traveled portions thereof. (Ord. 828 § 2, 1976)

6.12.025 Horses, cattle and mules prohibited within specified boundaries.

Repealed by Ord. 1769-13. (Ord. 1029 § 2, 1986)

6.12.030 Power to restrict.

The city council or the police department shall have the power to designate specified public lands, streets, roads, and/or alleys where no horse, horses or cattle shall be allowed to be kept, driven, led, or ridden except as authorized by the city council or the police department. (Ord. 828 § 3, 1976)

6.12.040 Maintaining offensive conditions—At large.

It is unlawful for any person, firm, or corporation to maintain any stable, pen, lot, place, or premises in which any horses, cattle, hogs, sheep, goats, mink, fox, chinchilla, or any other animals, or in which any chickens, ducks, or other fowl or poultry may be confined or kept in such manner as to be nauseous, foul, or offensive to any community, neighbor, family, or person, or to allow such animals to roam at large within the city limits. (Ord. 828 § 4, 1976)

6.12.050 Violation a public nuisance.

The keeping, driving, leading, or riding of animals in violation of this chapter shall constitute a public nuisance and the police court shall have the authority to enter all necessary orders to restrict or remove the animals from the city so that the nuisance shall be abated in addition to the penalties prescribed in Section 6.12.060. (Ord. 828 § 5, 1976)

6.12.060 Penalty for violation.

Any person, firm, or corporation violating any provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed three hundred dollars. (Ord. 828 § 6, 1976)

Chapter 6.16 POTENTIALLY DANGEROUS AND DANGEROUS DOGS

Sections:

- 6.16.010 Definitions.
- 6.16.020 Potentially dangerous dogs.
- 6.16.030 Dangerous dogs—Certificate of registration required.
- 6.16.040 Prohibited acts designated—Penalties.
- 6.16.050 Enforcement.
- 6.16.060 Hearings.
- 6.16.070 Liability limitations.

6.16.010 Definitions.

When used in this chapter, the definitions in this section shall apply:

- A. "Animal control authority" means Sedro-Woolley or its designee, acting alone or in concert with other local governmental units for the enforcement of the animal control laws of Sedro Woolley and the shelter and welfare of animals.
- B. "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that cover the seizure and impoundment of any animal.
- C. "Dangerous dog" means any dog that according to the records of the appropriate authority, (a) has inflicted severe injury upon a human being without provocation on public or private property, (b) has killed a domestic animal without provocation while off the owner's property, or (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals; provided, however, that dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.
- D. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.
- E. "Potentially dangerous dog" means any dog that when unprovoked: (a) inflicts bites on human or a domestic animal either on public or on private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury to otherwise to threaten the safety of humans or domestic animals.
- F. "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

G. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery. (Ord. 1048 § 1, 1987)

6.16.020 Potentially dangerous dogs.

A. It is unlawful for any owner of a potentially dangerous dog, who has been notified by the animal control authority that he or she is the owner of a potentially dangerous dog, to keep such dog within Sedro-Woolley unless such owner has procured a license from the animal control authority.

B. The animal control authority may find and declare an animal potentially dangerous if it has probable cause to believe that the animal falls within the definition set forth in subsection E of Section 16.16.010. The finding must be based upon:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition in subsection E of Section 16.16.010; or
2. Dog bite reports filed with the animal control authority as required by this chapter or state law; or
3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
4. Other substantial evidence admissible in municipal court.

C. The declaration of potentially dangerous dog shall be in writing, shall be served on the owner in one of the following methods:

1. Certified mail to the owner or keeper's last known address, if known; or
2. Personally; or
3. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
4. The owner of any animal found to be a potentially dangerous dog under this section shall be assessed all service costs expended under subsection C of this section.

D. The declaration shall state at least:

1. A description of the animal;

2. The name and address of the owner or keeper of the animal, if known;
 3. The whereabouts of the animal if it is not in the custody of the owner;
 4. The facts upon which the declaration of potentially dangerous dog is based;
 5. The availability of a hearing in case the person objects to the declaration, if a request is made within five days;
 6. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.
- E. If the owner of the animal wishes to object to the declaration of potentially dangerous dog:
1. The owner may, within five days of receipt of the declaration, or within five days of the publication of the declaration pursuant to subsection C 3 of this section, request a hearing before the municipal court by submitting a written request to the clerk of the court.
 2. If the court finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.
 3. If the court finds sufficient evidence to support the declaration, it shall impose court costs on the appellant, and may impose additional restrictions on the animal.
 4. In the event the court finds that the animal is not a potentially dangerous dog, no court costs shall be assessed against Sedro-Woolley or the animal control authority or officer.
- F. Following service of a declaration of potentially dangerous dog, and pending appeals under this section or to any other court with jurisdiction, the animal control authority may, if circumstances require, impound the animal at the owner's expense, pursuant to the provisions of this chapter, until a court orders either its redemption or destruction.
- G. The owner of a potentially dangerous dog shall obtain a license for such dog from the animal control authority, and shall be required to pay the fee for such license in the amount set forth herein, or as hereafter amended. In addition, the owner of a potentially dangerous dog shall pay an annual renewal fee for such license in the amount set forth herein, or as hereafter amended.

H. The license fee for each potentially dangerous dog to be licensed under this section is two hundred fifty dollars. The annual renewal fee for each potentially dangerous dog licensed under this section is fifty dollars. (Ord. 1048 § 2, 1987)

6.16.030 Dangerous dogs—Certificate of registration required.

- A. It is unlawful for an owner to have a dangerous dog in Sedro-Woolley without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.
- B. The animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the animal control authority sufficient evidence of:
1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog 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 dog;
 2. A surety bond issued by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the animal control authority in the sum of at least fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog, or a policy of liability insurance, such as a homeowner's insurance policy, issued by an insurer qualified under RCW Title 48 in the amount of at least fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.
- C. A certificate of registration as used in this section shall be obtained from the animal control authority. The owner of a dangerous dog shall obtain a certificate of registration from the animal control authority, and shall be required to pay the fee for such certificate of registration in the amount set forth herein, or as hereafter amended. In addition the owner of a dangerous dog shall pay an annual renewal fee for each dangerous dog licensed under this section in the amount set forth herein, or as hereafter amended and shall submit proof of compliance with subsection B of this section.
- D. The owner of a dangerous dog shall pay a fee for the certificate of registration in the amount of five hundred dollars. The annual renewal fee for each dangerous dog licensed under this section is one hundred dollars. (Ord. 1186 § 1, 1993; Ord. 1048 § 3, 1987)

6.16.040 Prohibited acts designated—Penalties.

- A. Any owner of a potentially dangerous dog who fails to obtain a license or renewal for such dog as described in Section 6.16.020 of this chapter shall be assessed a civil

penalty in the amount of two hundred fifty dollars; provided, however, that no such civil penalty shall be assessed until five days have elapsed from the date such owner is notified by the animal control authority that such a license or renewal for such potentially dangerous dog is required, or until any appeal brought under Section 6.16.020 has been completed, whichever is later.

B. Any owner of a dangerous dog who fails to obtain a certificate of registration or renewal for such dog as set forth in Section 6.16.030 shall be assessed a civil penalty in the amount of five hundred dollars; provided, however, that no such civil penalty shall be assessed until five days have elapsed from the date such owner is notified by the animal control authority that such a license or renewal for such dangerous dog is required.

C. Any dangerous dog or potentially dangerous dog for which a license or certificate of registration (or renewal) has not been obtained by its owner, pursuant to subsections A and B of this section is subject to being impounded by the animal control authority. The owner of any potentially dangerous dog or dangerous dog so impounded shall be subject to a civil penalty in the amount of ten dollars per day for each day such dog remains impounded with the animal control authority. Any potentially dangerous dog or dangerous dog impounded due to the failure of the owner of such dog to obtain the required license or certificate of registration and which remains impounded for a period of at least twenty days due to the failure of the owner to obtain such license or certificate of registration (or renewal), may be destroyed in an expeditious and humane manner by the animal control authority. A civil penalty in the amount of ten dollars per day shall be assessed against the owner of each potentially dangerous dog or dangerous dog impounded by the animal control authority under this subsection.

D. It is unlawful for the owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. Any owner who violates this provision shall be assessed a civil penalty of two hundred fifty dollars for each violation thereof.

E. Any dangerous dog shall be immediately confiscated by an animal control authority if: (a) dog is not validly registered under Section 6.16.030 of this chapter; (b) owner does not secure the liability insurance coverage required under Section 6.16.030 of this chapter; (c) dog is not maintained in a proper enclosure; (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021. The owner of any dog confiscated

under this subsection may recover such dog from the animal control authority upon the payment of a civil fine which shall be in the amount of two hundred fifty dollars plus ten dollars per day for each day said dog has been in the control of the animal control authority; provided, however, that in the event the owner has not picked up the dangerous dog within ten days of being notified by the animal control authority that such dog is under the control of such authority, the dog shall be destroyed in an expeditious and humane manner and the owner shall be assessed an additional civil penalty in the amount of fifty dollars for the cost of destroying such dangerous dog.

F. If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a Class C felony, punishable in accordance with RCW 9A.20.021. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. The owner of any dangerous dog confiscated and destroyed pursuant to this subsection shall be assessed a civil penalty in the amount of ten dollars per day for each day such dangerous dog is quarantined with the animal control authority and in the amount of fifty dollars for the cost of destroying such dangerous dog.

G. The owner of any dog that aggressively attacks and causes severe injury or death of any human, regardless of whether there has been any previous determination of whether such dog is potentially dangerous or dangerous, shall be guilty of a Class C felony punishable in accordance with RCW 9A.20.021. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and hereafter destroyed in an expeditious and humane manner. The owner of any dangerous dog confiscated and destroyed pursuant to this subsection shall be assessed a civil penalty in the amount of ten dollars per day for each day such dangerous dog is quarantined with the animal control authority and in the amount of fifty dollars for the cost of destroying such dangerous dog.

H. Any person entering a dog in a dog fight is guilty of a Class C felony punishable in accordance with RCW 9A.20.021. (Ord. 1048 § 4, 1987)

6.16.050 Enforcement.

A. All civil penalties required to be paid by owners for violations of the provisions of this chapter shall be made to the animal control authority.

B. No potentially dangerous dog or dangerous dog confiscated by the animal control authority shall be returned to any owner until such owner has paid all civil penalties which have been assessed against such owner under Section 16.16.040 of this chapter.

C. Sedro-Woolley shall have authority to place a lien upon the real property of any owner of a dangerous dog or potentially dangerous dog against whom a civil penalty has been assessed under this chapter, who has been given notice of such civil penalty and has failed to pay such civil penalty; provided, however, that no such lien shall be placed until thirty days has elapsed from the date of any final determination of the validity of such civil penalty. (Ord. 1048 § 5, 1987)

6.16.060 Hearings.

A. Any owner against whom a civil penalty has been assessed under this chapter may contest such civil penalty by requesting a hearing in the Sedro-Woolley District Court by requesting such hearing within five days of notification of such civil penalty by the animal control authority.

B. Where an owner has requested a hearing pursuant to subsection A of this section, no potentially dangerous dog or dangerous dog which is in the possession of the animal control authority shall be destroyed until the resolution of such hearing; provided, however, that an additional civil penalty in the amount of ten dollars per day shall be assessed against any owner whose dog remains in the custody of the animal control authority during any hearings requested under this section where resolution of such hearing is that all or any part of the civil penalty against such owner is found to be properly assessed.

C. Following resolution of any contested hearing regarding a civil penalty as provided herein, the owner of any dangerous dog or potentially dangerous dog in the possession of the animal control authority shall pay all civil penalties which may have been assessed as authorized above within ten days of the final resolution of any hearing regarding such civil penalties.

D. Any dangerous dog or potentially dangerous dog which has not been picked up from the animal control authority by its owner within ten days of the final resolution of any hearing regarding any civil penalties under this section shall be destroyed in an expeditious and humane manner; provided, however, that an additional civil penalty in the amount of fifty dollars for the cost of destroying such dog shall be assessed against the owner, and may be collected as provided in Section 6.16.050. (Ord. 1048 § 6, 1987)

6.16.070 Liability limitations.

Sedro-Woolley, the animal control authority and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this chapter or for any failure to 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 Sedro-Woolley or its agents any special

duties or relationships with specific individuals. This chapter has been enacted for the welfare of the public as a whole. (Ord. 1048 § 7, 1987)

Chapter 6.20 KEEPING OF ANIMALS

Sections:

- 6.20.010 Keeping of animals.
- 6.20.020 Small animals.
- 6.20.030 Chickens and ducks.
- 6.20.040 Beekeeping.
- 6.20.050 Performance criteria.
- 6.20.060 Compliance—Violations—Appeals.

6.20.010 Keeping of animals.

The keeping of small animals, chickens, ducks and bees outdoors is permitted outright in all zones as an accessory use to any principal use permitted outright or to a permitted conditional use, in each case subject to the standards of this chapter. This chapter shall not apply to the keeping of common household pets (dogs, cats, rodents, reptiles) or other pets that are primarily kept indoors. (Ord. 1697-11 § 2 (part), 2011)

6.20.020 Small animals.

Up to three small animals (guinea pigs, rabbits and other similar, non-hoofed small animals kept outdoors) may be kept accessory to each dwelling unit on a lot, except as follows:

- A. Up to four small animals are permitted on lots in single-family zones of at least twenty thousand square feet;
- B. One additional small animal is permitted for each five thousand square feet of lot area in excess of twenty thousand square feet in single-family zones;
- C. Nursing offspring may be kept until weaned, no longer than twelve weeks from birth, without violating the limitations of this section. (Ord. 1697-11 § 2 (part), 2011)

6.20.030 Chickens and ducks.

Up to three chickens or three ducks may be kept on any lot in addition to the small animals permitted in Section 6.20.020. For each one thousand square feet of lot area in excess of the minimum lot area required for the zone or, if there is no minimum lot area, for each one thousand square feet of lot area in excess of five thousand square feet, one

additional chicken or duck may be kept. The keeping of roosters is prohibited. (Ord. 1697-11 § 2 (part), 2011)

6.20.040 Beekeeping.

Beekeeping is permitted outright as an accessory use, when registered with the State Department of Agriculture; provided, that:

- A. No more than two hives, each with only one swarm, shall be kept on lots of less than ten thousand square feet.
- B. Hives shall not be located within twenty-five feet of any lot line except:
 - 1. When situated eight feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located; or
 - 2. When situated less than eight feet above the adjacent existing lot grade, the hives must be kept behind a solid fence or hedge six feet high parallel to any property line within twenty-five feet of a hive and extending at least twenty feet beyond the hive in both directions; or
 - 3. When situated less than eight feet above the adjacent existing lot grade, the hives must be enclosed by a solid fence six feet high so as to force the bee to enter and exit the hive area at a height that will not interfere with the passers-by. (Ord. 1697-11 § 2 (part), 2011)

6.20.050 Performance criteria.

The keeping of animals regulated by this chapter is allowed, provided all of the following criteria are met:

- A. A contiguous fenced area shall be available for domestic fowl.
- B. Sheds, shelters or pens shall not be closer than twenty-five feet to the front property line and ten feet from side and rear property lines.
- C. Sheds or shelters shall be kept free from rodents and shall be bedded as necessary with a fresh covering of straw, wood shavings or corn cobs.
- D. Feed shall be kept in a rodent proof container and spillage and leftovers from feedings shall be removed and disposed of to prevent flies, rodents, and odors.
- E. In order to prevent insect and odor problems, manure must be collected on a regular basis at least once per week and placed in concrete or metal fly-proof

containers. Manure must be removed from the premises at least once a week or spread as fertilizer upon cultivated ground or lawns unless the city determines that use as fertilizer causes insect or odor problems.

F. Pen fences, corral fences or similar enclosures must be of sufficient height and strength to retain animals.

G. The keeping of animals shall conform to all regulations of local and state health authorities.

H. The area shall be landscaped to harmonize with the surrounding semi-rural residential character.

I. Animals shall not be kept within fifty feet of any stream or water body, wetland, or environmentally sensitive area, and fencing shall be provided to prohibit animal access to these areas.

J. Sanitary surfacing, such as wood chips, sand or gravel shall be placed on wet or muddy portions of the property used by animals.

K. Upon reasonable request, properties housing animals shall be subject to inspection by the city or other local and state health authorities. (Ord. 1697-11 § 2 (part), 2011)

6.20.060 Compliance—Violations—Appeals.

Nothing in this chapter excuses compliance with other titles and chapters of the Sedro-Woolley Municipal Code including but not limited to Chapters 8.16 and 15.04, which address conditions that create nuisances and maintenance requirements. In addition to the enforcement provisions in Chapters 8.16 and 15.04, and upon a finding by either the city's enforcement officer or building official that animals are contributing to violations under either of those chapters, either the city's enforcement officer or building official shall have the authority to order the property owner to reduce or eliminate the number of animals kept on that property. Appeals of such an order must be filed within fourteen days of the date of the order in writing to the city clerk's office. Appeals are heard by the city council. The city council's action is final. (Ord. 1697-11 § 2 (part), 2011)