

**ORDINANCE NO. 2015-\_\_\_\_\_**

**An Ordinance relating to animals updating chapters of Title 8 related to definitions regarding the possession, licensing, living conditions and regulation of animals, together with the enforcement of these provisions in the unincorporated area of Clark County.**

**WHEREAS, Clark County is authorized, pursuant to RCW 36.32.120(7) with the authority to adopt and enforce police power regulations necessary for the protection of the public health, safety and welfare; and**

**WHEREAS, the provisions contained in Title 8 related to animals require clarification and, in some instances, modification and repeal; and**

**WHEREAS, it is important to provide consistency among the municipalities related to the regulation of dogs and cats; and**

**WHEREAS, this matter is being considered at a duly advertised public hearing; and**

**WHEREAS, the Board finds and concludes that adoption of this Ordinance will further the public health, safety and welfare; now, therefore,**

**BE IT ORDERED AND RESOLVED** by the Board of County Councilors in and for Clark County, State of Washington, as follows:

**Section 1. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 of Ord. 2012-05-22 and codified by CCC 8.01.020 is each amended to read:

**8.01.020 Definitions.**

As used in this title:

- (1) “Adult dog” means any ~~((dog having a set of permanent canine teeth, or past the age of six (6) months))~~ member of the canine family past the age of six (6) months or which has acquired a permanent set of canine teeth.
- (2) “Adult cat” means any member of the feline family past the age of six (6) months or which has acquired a permanent set of canine teeth.
- ~~((2))~~3) “Advisory board” means the ~~((animal protection and control advisory board))~~ Animal Protection and Control Advisory Board created by Section 8.01.030.

- ~~((3))~~4 “Agent” means any public or private establishment authorized by Clark County ~~((animal control))~~ Animal Protection and Control to issue pet licenses.
- ~~((4))~~5 “Animal” means any member of the classes: reptile, bird or mammal, except man.
- ~~((5))~~6 “Animal control ~~((department))~~ program” means the Clark County ~~((animal protection and control department))~~ Animal Protection and Control program created by Section 8.01.040 to administer and enforce the provisions of this title and the laws of the state of Washington as they pertain to animal control and welfare. The term shall include such ~~((department’s))~~ program’s duly authorized officers, employees and agents.
- ~~((6))~~7 “Animal control officer” means any employee of the animal control ~~((department))~~ program, and deputized by the Clark County ~~((sheriff))~~ Sheriff for the limited purpose of enforcing this title and the laws of the state of Washington as they pertain to animal control and welfare.
- ~~((7))~~8 “Animal shelter” means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals, and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.
- ~~((8))~~9 “Board” means the ~~((board of county commissioners))~~ Board of County Councilors of Clark County.
- ~~((9))~~10 “County” means the unincorporated area of Clark County, Washington.
- ~~((10))~~ “Dog rescue organization” is ~~an individual or group of individuals that houses up to five (5) adult dogs to provide food, shelter, care, and possibly training until a permanent home is found. Rescue organizations are registered and approved through the SW WA Humane Society.)~~
- (11) “Animal day use facility” means any premises used to conduct a daytime-only business with hours of operation from 6:00 a.m. to 10:00 p.m. that involves domestic animals as defined in Section 8.01.020, including but not limited to breeding, training, grooming and day care.
- ~~((11))~~12 “Domestic animal” or “pet” means any animal, other than livestock, ~~((that))~~ which lives and breeds in a tame condition. This generally refers to dogs, cats and some birds.
- ~~((12))~~13 “Facility” means any premises used to conduct an animal shelter or animal-related business such as grooming, breeding, boarding, sale or training of domestic, exotic and/or guard animals, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians.
- ~~((13))~~14 “Feral” means any animal, normally classified as domestic, which has escaped domestication and become wild.

(15) “Food and Drug Administration” or “FDA” means the Food and Drug Administration of the federal Health and Human Services Agency.

~~((14))~~16) “Grooming parlor” means any establishment where animals are bathed, clipped or combed for a valuable consideration for the purpose of enhancing their aesthetic value.

~~((15))~~17) “Hybrid animal” is a cross between a wild animal and domestic or subspecies animal. For the purpose of this chapter, a hybrid animal (~~(that cannot be vaccinated for rabies by a licensed veterinarian in the state of Washington)~~) which has not been certified as effectively vaccinated for rabies by a veterinarian licensed in the state of Washington will be considered a wild animal.

~~((16))~~18) “Kennel” means either:

(a) any premises used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, boarding or training of dogs;

(b) any premises outside the urban growth boundary at which more than nine (9) adult dogs are kept for any purpose, including animal shelters, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians;

(c) any premises inside the urban growth boundary at which more than five (5) adult dogs are kept for any purpose, including animal shelters, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians;

~~((e))~~d) any premises where offspring puppies or adult dogs are sold to commercial outlets or are sold for research or experimental purposes;

~~((d))~~e) any premises where offspring from three (3) or more litters per twelve (12) month period are sold or traded, exchanged or bartered for a valuable consideration or joint ownership purpose;

~~((e))~~f) any premises used as the location for the training of dogs for obedience, hunting, protection, etc. (if the address is different from the office address), or the premises are used as a combination office/training location, except, if the training site is property belonging to a recognized school district, municipal body or not-for-profit organization.

~~((17))~~19) “Lawful” in regard to herding, hunting, competition or training means to be engaged in such activity on the property of another by permission, or, on public land that is set aside and/or open for such use.

~~((18))~~20) “Leash” means a cord, thong, or chain not more than nine (9) feet in length by which an animal is physically controlled by the person accompanying it.

~~((19))~~21) “License tag” or “tag” means a pre-numbered identification license sold to an owner/custodian for a specific pet animal. Rabies identification or other identification may not be substituted or accepted in lieu of a license tag.

- ~~((20))~~22 “Livestock” means any ~~((horse))~~ equine, mule, burro, dairy or beef ~~((animal))~~ cattle, llama, goat, sheep, swine, rabbit, domesticated hare, donkey, camelid and poultry.
- ~~((21))~~23 “Owner” means any person possessing, harboring, keeping, having an interest in, or any person having control or custody of an animal. In a household setting, the owner is presumed to be the head of the household.
- ~~((22))~~24 “Pack of dogs” means a group of three (3) or more dogs running upon lands, either public or private, not that of their owner, when such dogs are not restrained or under control.
- ~~((23))~~25 “Person” means any individual, partnership, corporation or other legal entity.
- ~~((24))~~26 “Pet shop” means an establishment where animals bred elsewhere are offered for sale to the public.
- ~~((25))~~27 “Police dog” ~~((means a dog used by a law enforcement agency and specially trained for law enforcement work))~~ shall have the meaning prescribed by RCW 4.24.410.
- ~~((26))~~28 “Poultry” means all domesticated fowl and all game birds which are legally held in captivity.
- ~~((27))~~29 “Running at large” means an animal off the owner’s or guardian’s ~~((residential))~~ property and not under physical control by leash, cord, chain, rope, cage or other suitable means of physical restraint. There is a rebuttable presumption that the animal has not been under control if injury, property damage or trespassing has occurred.
- (30) “Service animal” shall have the meaning prescribed by RCW 49.60.218(a).
- ~~((28))~~31 “Stray” means any animal captured, impounded, or in the custody of animal control, its employees or agents, or at an area authorized by animal control to care for and keep custody of animals.
- ~~((29))~~32 “Under control” means the voice, signal or physical control so as to be restrained from approaching a bystander, from entering private property, and from causing damage to property. An animal is presumed not to have been under control if injury, damage or trespass has occurred.
- ~~((30))~~33 “Vicious behavior” means showing a propensity without sufficient provocation to do any act which endangers the safety of persons, animals or property.
- ~~((31))~~34 “Wild animal” means any animal, except livestock and domesticated animals, which due to its size, habits, natural propensities, training or instinct presents a danger or potential danger to human beings, animals or property. Also means any living vertebrate animal normally found in the wild state and for which there is no FDA-approved anti-rabies vaccination.

**Section 2. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 of Ord. 2015-03-10 and codified as CCC 8.01.030 is each amended to read:

**8.01.030 Animal (~~(protection and control advisory board)~~) Protection and Control Advisory Board.**

- (1) There is created an (~~(animal protection and control advisory board)~~) Animal Protection and Control Advisory Board to be composed of ten (10) members, as follows:
- (a) One (1) member who owns or operates a licensed facility (includes kennel) in Clark County;
  - (b) One (1) member who is a licensed veterinarian who practices in Clark County;
  - (c) One (1) member who is a Clark County resident who is affiliated as a member, employee or officer in a Clark County animal welfare organization;
  - (d) One (1) member who is a Clark County resident who is affiliated as a member, employee or officer in a Clark County livestock organization;
  - (e) One (1) member who owns dog(s) but (~~who~~) does not work in, own or operate any facility;
  - (f) One (1) member who owns cat(s) but (~~who~~) does not work in, own or operate any facility;
  - (g) One (1) member who is any animal owner other than dog/cat;
  - (h) One (1) member who is a Clark County resident who neither owns nor maintains domestic animals;
  - (i) Two (2) members at large who are Clark County residents.

No employee of the Clark County (~~(animal control department)~~) Animal Protection and Control program shall serve as a member of the advisory board; provided, PROVIDED, that the (~~(director)~~)manager of the (~~(animal control department)~~) Animal Protection and Control program or their designee shall be an ex officio, nonvoting member of the advisory board. The terms shall be for a period of four (4) years or until successors are appointed thereafter. As the terms of current board members expire, their next term shall be four (4) years, (~~(with expiration dates of October 31, 2019, or October 31, 2021,)~~) such that every other year the terms of half of board positions will expire. Any vacancies, including those caused by a change in status of a member which affects such member's continued qualification to serve on the advisory board under the applicable selection criteria set forth hereinabove, shall be filled for the unexpired term as outlined by Animal Advisory Board Bylaws.

- (2) The ~~((animal protection and control advisory board))~~ Animal Protection and Control Advisory Board shall annually select from its voting members a chairperson and such other officers ~~((as to))~~ that the advisory board ~~((may seem))~~ deems necessary.
- (3) The duties of the ~~((animal protection and control advisory board))~~ Animal Protection and Control Advisory Board are as follows:
- (a) Report to the ~~((board))~~ Board of County Councilors, no less often than once annually, on recommended modifications or additions to this title and to the general operations of the animal control ~~((department))~~ program;
  - (b) Act as an appeal hearing tribunal pursuant to Section 8.19.080; provided, that this hearing function may be delegated to a subcommittee of the advisory board composed of no less than three (3) of its voting members;
  - (c) Perform such further duties as may be authorized or directed by resolution of the board.

**Section 3. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 of Res. 2000-08-12 and codified as CCC 8.01.040 is each amended to read:

**8.01.040 Animal ~~((protection and control division))~~ Protection and Control program.**

There is established an ~~((animal protection and control division))~~ Animal Protection and Control program. It shall report to the ~~((community development))~~ Department of Community Development director or such other official as the board may from time to time determine. It shall administer and enforce the provisions of this title and the laws of the state of Washington as they pertain to animal control and welfare. The animal control manager and the animal control ~~((lead))~~ officers of such ~~((division))~~ program shall be specially deputized as law enforcement officers by the Clark County sheriff. It is recognized that other agencies, such as the Washington State Department of Wildlife, Washington State Department of Agriculture, the ~~((Vancouver))~~ Humane Society for Southwest Washington ~~((and))~~ A.S.P.C.A., the Southwest Washington Health District, and the Clark County ~~((sheriff))~~ Sheriff, also have animal control and welfare responsibilities and interests. The animal control ~~((division))~~ program shall be cognizant of such overlapping jurisdiction, shall avoid duplication of services, and where appropriate, shall provide for coordination, referral and assistance to and among such agencies.

**Section 4. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 2 of Ord. 1987-11-37 and codified as CCC 8.01.050 is each amended to read:

**8.01.050 County ~~((animal fund))~~ Animal Fund.**

There is established a fund to be known as the ~~((“county animal fund”))~~ (“County Animal Fund”) which shall be kept by the Clark County ~~((treasurer))~~ Treasurer, and all moneys collected by the animal control ~~((department))~~ program for the registration of animals, licensing

of kennels, grooming parlors and pet shops, impoundment fees, and penalties shall be paid into such fund and such moneys shall be utilized for the implementation and enforcement of this title, to include the cost of impoundment and maintenance of an animal shelter, and other such purposes incidental to the enforcement of this title.

**Section 5. Amendatory.**

Sec. 1 of Ord. 1999-12-11 as most recently amended by Sec. 1 of Ord. 2011-04-06 and codified as CCC 8.01.060 is each amended to read:

**8.01.060 Spaying and neutering encouraged.**

An amount as set by board resolution from revenue generated by pet licensing shall be used for public education and low cost spay/neuter programs for the purpose of reducing the number of unwanted animals in the county. A current Clark County (~~animal protection and control~~) Animal Protection and Control pet license is required for those taking part in county programs.

**Section 6. New.**

A new section (070) is added to CCC 8.01 to read:

**8.01.070 Agreements – Concessions – Revenue for County Animal Fund.**

The Manager is authorized, on behalf of the County, to enter into concession agreements with vendors to sell animal-related products and services at County facilities and events. The revenue from these concession agreements shall be applied to the County Animal Fund.

**Section 7. New.**

A new section (080) is added to CCC 8.01 to read:

**8.01.080 Agreements – Advertising, sponsorship, naming rights – For Animal Protection and Control programs – Restrictions.**

(1) The manager is authorized, on behalf of the County, to negotiate and enter into advertising, sponsorship and naming rights agreements for the purpose of providing financial support for Animal Protection and Control programs. Advertising shall be restricted to commercial speech and found only on county-owned property under the control of Animal Protection and Control.

(2) Advertising is prohibited if it:

- a) Is false, misleading, or deceptive;
- b) Promotes unlawful or illegal goods, services, or activities;
- c) Implies or declares an endorsement by the animal control program of any goods, services, or activities;
- d) Contains any lewd or obscene matter as those terms are defined by RCW 7.48A.010(2);
- e) Contains an image or description which, if furnished, or sent to a minor would give rise to a violation of RCW 9.68.050 and RCW 9.68.060;

- f) Contains an image or description which would give rise to a violation of RCW 9.68.130 or RCW 7.42.010;
- g) Is libelous;
- h) Promotes the sale of tobacco or tobacco related products;
- i) Promotes the sale of liquor, wine, beer, or distilled spirits;
- j) Promotes the sale of marijuana or marijuana infused products;
- k) Supports or opposes a religion, denomination, creed, tenet, or belief;
- l) Displays any word, phrase, character or symbol likely to interfere with, mislead or distract traffic, or conflict with any traffic control device; or
- m) Incorporates any rotating, revolving, or flashing devices or any other moving parts.
- n) Supports or opposes any political movement, candidate or party.

(3) The manager may impose additional subject-matter restrictions on advertising, sponsorship and naming rights agreements consistent with applicable law.

(4) Revenue generated from advertising, sponsorships and naming rights agreements entered into under this section shall be applied solely to the County Animal Fund.

**Section 8. New.**

A new section (090) is added to CCC 8.01 to read:

**8.01.090 Gifts, bequests and donations – Solicitation and acceptance – Deposit in County Animal Fund.**

(1) Clark County staff is allowed to solicit and accept from the general public and business communities and all other persons: gifts, bequests and donations to the County in support of County Animal Protection and Control.

(2) All accepted gifts, bequests and donations of money to the County for Animal Protection and Control shall be deposited and credited to the County Animal Fund.

(3) The manager shall assure that expenditures from the gift, bequest or donation are consistent with the terms, if any, requested by the grantor.

**Section 9. Amendatory.**

Sec. 1 of Res. 1981-04-1081 as most recently amended by Sec. 2 of Ord. 2011-04-06 and codified as CCC 8.07.010 is each amended to read:

**8.07.010 Dog license—Requirement.**

All dogs over eight (8) weeks of age harbored, kept or maintained within the county shall be registered within the county with the (~~animal protection and control~~) Animal Protection and Control program at all times; provided, however, that a license issued by an incorporated city

within Clark County shall be valid under the provisions of this chapter for a period not greater than one (1) year from its date of issuance; and provided further, that dogs while kept at facilities licensed pursuant to this chapter shall be exempt from the provisions of this section.

Dog licenses shall be valid for twelve (12) month~~(s)~~ increments from the date of issuance and shall be issued upon payment of the fee required by Section 8.07.040. Application for dog license issuance or renewal shall be made ~~((with))~~ in a timely manner as listed below:

- (1) In the case of a newly acquired dog, the application shall be made within thirty (30) days of such acquisition;
- (2) In the case of a newly adult dog, the application shall be made within thirty (30) days of the time the dog becomes six (6) months of age or acquires a permanent set of canine teeth; and
- (3) In the case of a new resident to the county with an adult dog unlicensed by Clark County ~~((animal protection and control))~~ Animal Protection and Control, the application shall be made within thirty (30) days of establishing residency.

#### **Section 10. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 3 of Ord. 1985-12-06 and codified as CCC 8.07.020 is each amended to read:

#### **8.07.020 Dog license—Application.**

The person registering a dog shall submit to the ~~((animal control department))~~ Animal Protection and Control program the following information:

- (1) The name, email address, home address and phone number of the legal owner of the dog being registered;
- (2) The name, email address, home address and phone number of the person having custody of the dog, if such person is one other than the legal owner;
- (3) The name, age, breed, color and sex of the dog being registered, and whether or not such dog has been neutered or spayed;
- (4) Distinguishing features, markings, microchip number or tattoos of the dog being registered;
- (5) The address of the property at which the dog is ordinarily kept or maintained;
- (6) A certificate of a veterinarian indicating the last date on which the dog received an initial or booster vaccination against the disease of rabies, along with the expiration date of such vaccination. ~~((Should the dog be unable to be immunized against rabies for medical reasons, the signed statement of a veterinarian shall be accepted as proof in lieu of the rabies vaccination certificate))~~ An owner of a dog shall have it vaccinated against rabies and revaccinated following veterinary and manufacturer instructions.

**Section 11. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 3 of Ord. 2011-04-06 and codified as CCC 8.07.040 is each amended to read:

**8.07.040 Dog license—Fees.**

The annual fee for licenses issued or renewed shall be as outlined in Section 6.150.030; provided, that:

- (1) If a certificate from a veterinarian, or if such is unavailable, a statement from the owner under oath, is presented certifying that the dog for which a license application is made is either a spayed female or a neutered male, the dog license fee shall be as outlined in Section 6.150.030.
- (2) No license fee shall be charged to an owner who is legally blind and who uses such dog as a guide dog, or to an owner who is legally deaf and who uses such dog as a hearing-ear dog, upon presentation of proof that such dogs have been properly trained by an accredited seeing-eye/hearing-ear dog training facility. ~~((A license fee shall be waived, when requested, for a therapy/service animal when the animal provides a service to the owner and meets the definition of a service animal consistent with ADA, WAC and RCW.))~~
- ~~((3))~~2 A senior citizen who is over the age of sixty-five (65) may register not more than one (1) spayed female or neutered male dog per household at one-half (1/2) the fee otherwise applicable.
- ~~((4))~~3 There shall be added to license fees any civil penalties assessed against the owners pursuant to Chapter 8.19 which are due and owing but not paid.
- ~~((5))~~4 The board may provide for optional registration of dogs by veterinarians or other suitable parties, in which case an “agent’s fee” not to exceed five dollars (\$5.00) may be added to the licensing fee.
- ~~((6))~~5 No license fee shall be charged to an owner licensing a dog that is under the age of six (6) months. In such cases, the license shall be valid up to the time the dog becomes six (6) months of age. No certificate of rabies vaccination will be required for such early licensing.
- ~~((7))~~6 License fees may be prepaid for a three (3) year period if such period coincides with the vaccination required by Section 8.07.030.
- (8) Licenses purchased online will incur transaction fees in addition to the dog licensing rates.
- (9) A late penalty of two dollars will be charged for all license applications not received by the County or designated licensing agent within a timely manner as provided for in Section 8.07.

**Section 12. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 8 of Ord. 1993-08-13A and codified as CCC 8.07.060 is each amended to read:

**8.07.060 Dog license—License tag.**

Upon application, submission of proof of immunization and payment of fees by the owner or person having the custody and control of any dog, the ~~((animal control department))~~ Animal Protection and Control program, or its designated agent, shall issue such person a numbered license identification tag for each dog so registered, and such person shall ensure that the tag is securely affixed to a substantial collar or harness to be worn by the dog at all times except at the time the dog is displayed in exhibition. License tags are not transferable between dogs or between owners. For newly acquired dogs, applications are required within thirty (30) days or as outlined in Section 8.07.010.

**Section 13. Amendatory.**

Sec. 10 of Res. 1984-12-65 as most recently amended by Sec. 7 of Ord. 1985-12-06 and codified as CCC 8.07.070 is each amended to read:

**8.07.070 Dog license—Incomplete applications.**

License applications that lack complete information shall be processed as follows:

- (a) When rabies or spay/neuter information is lacking, notification shall be sent to the applicant to supply the information within thirty (30) days or the license amount will be forfeited and the application voided. A new application and fee shall be required after the thirty (30) days have expired. All amounts shall be deposited in the ~~((animal control fund))~~ Animal Control Fund.
- (b) When the fee amount received is incorrect, notification will be sent to the applicant to send the correct amount within thirty (30) days or the fee received will be forfeited and the application voided. A new application and fee shall be required.
- (c) When the information on the animal to be licensed is incomplete, notification shall be sent to request the correct description within thirty (30) days or the application will be voided and the funds forfeited. A new application and fee shall be required if the thirty (30) day deadline is not met. No tag will be sent unless completed information is received.

Any moneys from initial application fees that cannot be processed shall be deposited into a special revenue account within the ~~((animal control fund))~~ Animal Control Fund and held in that fund for a period of not less than thirty (30) days or until the corrected information is received. After thirty (30) days have expired, the fees shall become miscellaneous revenues. Any overpayment of fees ~~((shall be refunded to the applicant))~~ may be prorated to the applicant's account, transferred to program miscellaneous revenue, or refunded to the applicant per department policy.

**Section 14. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 of Ord. 2006-09-13 and codified as CCC 8.07.110 is each amended to read:

**8.07.110 Facility licenses—Application.**

Any person making application for a facility license shall submit to the ((~~animal control department~~)) Animal Protection and Control program the following information:

- (1) The name, email address, business address and phone number of the owner of such facility;
- (2) The name, email address, business address and phone number of the person having primary supervision of such facility;
- (3) The address or location and phone number of such facility;
- (4) The maximum number of animals which such facility will contain at any single time;
- (5) The name and address of the person designated by the applicant as agent for service of legal process or notice; and
- (6) A statement giving permission for the inspection of such facility at any reasonable time.

**Section 15. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 14 of Res. 1984-12-65 and codified as CCC 8.07.130 is each amended to read:

**8.07.130 Facility licenses—Processing.**

Upon application for a facility license, the ((~~animal control department~~)) Animal Protection and Control program shall inspect the proposed facilities.

**Section 16. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 12 of Ord. 1993-08-13A and codified as CCC 8.07.150 is each amended to read:

**8.07.150 Facility licenses—Expiration and renewal.**

Facilities shall be licensed on a yearly basis ((~~ending with June 30<sup>th</sup>~~)). Fees for new applications shall be prorated and charged one-twelfth (1/12) the fee for each month remaining in the year. License renewals shall be processed in the same manner as the original application, except that a certificate of zoning compliance is not required.

**Section 17. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 17 of Res. 1984-12-65 and codified as CCC 8.07.160 is each amended to read:

**8.07.160 Facility licenses—Revocation, denial or refusal to renew.**

A license for any facility may be revoked, denied or not renewed, for failure to comply with the provisions of this title, and such action by the (~~animal control department~~) Animal Protection and Control program shall be final and conclusive unless within twenty (20) days of written notification thereof an appeal is filed in the manner provided in Section 8.19.080 of this title.

**Section 18. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 17 of Res. 1984-12-65 and codified as CCC 8.07.170 is each amended to read:

**8.07.170 Facility licenses—Inspections.**

Subject to Section 8.19.010, an animal control officer or an agent designated by the (~~animal control department~~) Animal Protection and Control program shall have the authority to enter and inspect a facility licensed pursuant to this chapter at reasonable times to determine whether such facility is being operated in compliance with the provisions of this title and other applicable laws, rules and regulations.

**Section 19. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 13 of Ord. 1993-08-13A and codified as CCC 8.07.180 is each amended to read:

**8.07.180 Facility licenses—Records required.**

Facilities licensed pursuant to this title are required to maintain the ability to function as an agent for licensing. Each facility with the exception of grooming parlors and training facilities where the owner and dog are trained as a team shall prepare, maintain and make available to the (~~animal control department~~) Animal Protection and Control program a current record of all animals auctioned off, sold, let, or otherwise disposed of, proof of vaccination as required by Section 8.11.050, and a current record of all animals born within such facility or acquired from other sources. Such records shall include the origin, the age and type of animal, and the name and address of the transferee or transferor. Each kennel and pet shop shall prepare, maintain and make available to the (~~animal control department~~) Animal Protection and Control program proof of vaccination as required by Section 8.11.050.

**Section 20. Amendatory.**

Sec. 1 of Res. 1981-04-108 codified as CCC 8.07.190 is amended to read:

**8.07.190 Facility licenses—Incomplete applications.**

Incomplete applications are those that cannot be processed due to missing information or incorrect fees. Also included are those applications on which a zoning or legal decision is pending. These applications shall be processed as follows:

- (a) Incorrect Amounts. When the amount sent is incorrect, notification shall be sent to the applicant to send the correct amount within thirty (30) days, or the fee will be forfeited

and the application voided. A new application and fee shall then be required. No license shall be issued until the full fee amount is received.

- (b) New Businesses. Missing zoning compliance certificate. When the applicant has failed to submit the certificate of zoning compliance, notification shall be sent to request the certificate within thirty (30) days or the application will be voided and the fee forfeited. If the thirty (30) day period has elapsed, a new application and fee shall be required.
- (c) Pre-existing use pending zoning or legal review.
  - (1) An applicant who has maintained a facility for six (6) months or more without having first obtained a certificate of zoning compliance may have a temporary license issued pending compliance with Clark County's zoning regulations. Should the applicant be unable to obtain the certificate of zoning compliance, the fee paid shall be reimbursed on a prorated basis.
  - (2) A temporary license shall not be issued for a facility maintained for less than six (6) months.
- (d) Appeals. Any decision made concerning the type of facility licensed and thus the fee charged may be appealed by the applicant as outlined in Section 8.19.080, by using the facility license number as the citation or violation number. Should the appeal be in favor of the appellant, the excess of the facility license fee shall be refunded to the applicant, from the date the appeal was filed on a prorated monthly basis.
- (e) Any monies from the initial application fees that cannot be processed shall be deposited into a special revenue account in the (~~(animal control fund)~~) Animal Control Fund as a special revenue item at the end of the forfeiture period. Non-forfeited amounts shall be deposited into the facility license fees category when correct fees are received. All refunds are to be made from the facility license fee revenue account upon completion of a completed and approved refund request form.

**Section 21. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 4 of Ord. 2011-04-06 and codified as CCC 8.07.200 is each amended to read:

**8.07.200 Cat license—Requirement.**

All cats over eight (8) weeks of age harbored, kept or maintained within the county shall be registered with the (~~(animal protection and control)~~) Animal Protection and Control program and shall wear a current license tag issued by the program at all times; provided, however, that a license issued by an incorporated city within Clark County shall be valid under the provisions of this chapter for a period no greater than one (1) year from its date of issuance; and provided further, that cats while kept at kennels, pet shops and animal shelters, or the facilities licensed pursuant to this chapter shall be exempt from the provisions of this section.

Cat licenses shall be valid for twelve (12) month~~(s)~~ increments from the date of issuance. Application for cat license issuance or renewal shall be made within a timely manner as listed below:

- (1) In the case of a newly acquired cat, the application shall be made within thirty (30) days of such acquisition;
- (2) In the case of a newly adult cat, the application shall be made within thirty (30) days of the time the cat becomes six (6) months of age, or acquires a permanent set of canine teeth; and
- (3) In the case of a new resident to the county with an adult cat unlicensed by Clark County ~~((animal protection and control))~~ Animal Protection and Control, the application shall be made within thirty (30) days of establishing residency.

**Section 22. Amendatory.**

Sec. 11 of Ord. 1985-12-06 as most recently amended by Sec.14 of Ord. 1993-08-13A and codified as CCC 8.07.210 is each amended to read:

**8.07.210 Cat license—Application.**

The person registering a cat shall submit to the ~~((animal control department))~~ Animal Protection and Control program the following information:

- (1) The name, email address, house address, and phone number of the legal owner of the cat being registered;
- (2) The name, email address, house address and phone number of the person having custody of the cat, if such person is one other than the legal owner;
- (3) The name, age, breed, color and sex of the cat being registered, and whether or not such cat has been neutered or spayed;
- (4) Distinguishing features, markings, microchip number or tattoos of the cat being registered;
- (5) The address of the property at which the cat is ordinarily kept or maintained.
- (6) A certificate of a veterinarian indicating the last date on which the cat received an initial or booster vaccination against the disease of rabies, along with the expiration date of such vaccination. ~~((Should the cat be unable to be immunized against rabies for medical reasons, a signed statement of a veterinarian shall be accepted as proof in lieu of the rabies vaccination))~~ An owner of a cat shall have it vaccinated against rabies and revaccinated following veterinary and vaccine manufacturer instructions.

**Section 23. Amendatory.**

Sec. 12 of Ord. 1985-12-06 as most recently amended by Sec. 5 of Ord. 2011-04-06 and codified as CCC 8.07.220 is each amended to read:

### **8.07.220 Cat license—Fees.**

The annual fee for cat licenses issued or renewed hereunder is as outlined in Section [6.150.030](#); provided, that:

- (1) A senior citizen who is over the age of sixty-five (65) may register not more than one (1) spayed female or neutered male cat per household at one-half (1/2) the fee otherwise applicable;
- (2) There shall be added to the license fee any civil penalties assessed against the owners pursuant to Chapter [8.19](#) which are due but not paid;
- (3) The board may provide for optional registration of cats by veterinarians or other suitable parties, in which case an “agent’s fee” not to exceed five dollars (\$5.00) may be added to the licensing fee;
- (4) License fees may be prepaid for a three (3) year period, if such period coincides with the vaccination required by Section [8.07.210](#).
- (5) Licenses purchased online will incur transaction fees in addition to the cat licensing rates.
- (6) A late penalty of two dollars will be charged for all license applications not received by the County or designated licensing agent within a timely manner as provided for in Section 8.07.

### **Section 24. Amendatory.**

Sec. 14 of Ord. 1985-12-06 codified as CCC 8.07.240 is amended to read:

### **8.07.240 Cat license—License tag.**

Upon application and payment of fees by the owner or person having the custody and control of any adult cat, the (~~animal control department~~) Animal Protection and Control program or its designated agent shall issue such person a numbered license identification tag for each cat so registered and such person shall ensure that the tag is securely affixed to a substantial collar or harness to be worn by the cat at all times except at the time the cat is displayed in exhibition. License tags are not transferable between cats or between owners. For newly acquired cats, applications are required within thirty (30) days or as outlined in Section [8.07.200](#).

### **Section 25. New.**

A new section (245) is added to CCC 8.07 to read:

### **8.07.245 Dog or Cat license – Fee waiver for exchange of impounded dog or cat.**

The animal license fee shall be waived for any person who exchanges one impounded dog or cat which he or she has adopted for another impounded dog or cat within fourteen days of the animal's adoption from the city's designated shelter. The shelter shall issue a corrected new license for the exchange impounded animal; provided, that the owner shall state in writing under

oath that the animal which he or she is returning to the shelter was seriously unsuitable for adoption because of the animal's death, serious illness or injury through no fault or neglect of the owner, or that such animal was vicious within the meaning of this chapter; and provided, that such owner shall return the unsuitable animal to the shelter along with its license and tags. The shelter shall forward these and the owner's statement under oath to Clark County or a designated licensing agent within fifteen days of the exchange of the unsuitable animal. No more than one such license fee waiver for any owner shall be permitted in any five-year period.

**Section 26. Amendatory.**

Sec. 8 of Ord. 1987-11-37 as most recently amended by Sec. 1 (Att. A) of Ord. 2009-03-02 and codified as CCC 8.07.300 is each amended to read:

**8.07.300 Wild animal license.**

It is unlawful for any person to bring into the county, or to keep or harbor within the county, any wild animal as defined in Section 8.01.020 unless a license to do so shall have been first obtained from the ~~((animal control department))~~ Animal Protection and Control program. Wild animal license applications shall contain a description of the place where the wild animal or animals are to be temporarily or permanently quartered. If it appears from an inspection by the ~~((animal control department))~~ Animal Protection and Control program that such quarters are of a size large enough to comfortably contain the animals and are sufficiently secure that the animals to be kept therein will not escape, the ~~((department))~~ program shall issue a wild animal license upon payment of a fee as outlined in Section 6.150.030. The quarters wherein such animals are kept shall be subject to inspection upon reasonable notice. If such animal escapes, or if it appears from such inspection or otherwise that such animal might escape, an order may be given by the ~~((department))~~ program that such quarters be immediately repaired or improved and, if this is not done, the animal may be impounded as provided herein and thereafter humanely destroyed, subject to an appeal pursuant to the appeal procedures of Section 8.19.080; PROVIDED, that such appeal shall be filed no later than the end of the next business day following impoundment. Licenses issued under this section shall be valid for one (1) year. This section shall not apply to the uninterrupted transport of wild animals through the county by train or truck. Any person licensed under this section shall at all times keep convenient to the quarters where the wild animal is being kept the appropriate equipment as determined by the ~~((animal control department))~~ Animal Protection and Control program to aid in the capture of the animal were it to escape.

**Section 27. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 (Att. A) of Ord. 2012-02-03 and codified as CCC 8.11.060 is each amended to read:

**8.11.060 Nuisances.**

It is unlawful for the owner or person responsible to cause, allow, or permit, either ~~((willfully))~~ willfully or by failure to exercise due care or participate in any of the following, which are singly or together, defined as a public nuisance:

- (1) Any animal which by habitual howling, yelping, barking or other noise disturbs or annoys any person or neighborhood to an unreasonable degree, taken to be continuous noise for a period of ten (10) or more minutes or intermittent noise for a period of thirty (30) or more minutes, except: such noises made by livestock, whether from commercial or noncommercial activities on land which is properly zoned to allow keeping of livestock, and such sounds made in facilities licensed under and in compliance with the provisions of this title. Livestock on properties inside of urban growth boundaries may be subject to the provisions of Section 40.260.235. It shall be an affirmative defense under this subsection that the animal was intentionally provoked to make such noise; provided, that enactment of this provision shall in no way abrogate any other provision under this code concerning animal noise.
- (2) Any domesticated animal which enters upon private or public property, so as to damage or destroy any real or personal property, including but not limited to domestic animals and livestock, thereon.
- (3) Any domesticated animal which chases, runs after or jumps at vehicles using the public streets and alleys.
- (4) Any domesticated animal which snaps, growls, snarls, jumps, at or upon, or otherwise threatens persons lawfully using public sidewalks, streets, alleys or other public ways.
- (5) Animals running in packs.
- (6) Any animal which dumps garbage or strews trash on public or private property.
- (7) Any dog, whether licensed or not, which runs at large (i.e., off the owner's property).
- (8) Any animal which enters any place where food is prepared, served, stored or sold to the public; provided, however, that this section shall not apply to any (~~blind person using a seeing eye dog, a deaf person using a hearing ear dog~~) service animal as described in 8.01.020, or a duly authorized law enforcement officer or security guard using guard dogs in performance of their duties.
- (9) Animals confined, staked or kept on public property without prior consent of the applicable agency.
- (10) Animals kept, harbored or maintained and known to have a contagious disease, unless under the treatment of a licensed veterinarian or being kept for medical research.
- (11) Animals on public property not under the control of the owner or other competent person and without the consent of the applicable agency.
- (12) The ownership, harboring, or keeping of any species of animals designated by the Washington State Department of Health pursuant to WAC (~~(248-100-450)~~) 246.100, (~~together with amendments thereto~~), as dangerous to the public including any skunk, fox or raccoon, except as lawfully authorized for fur farming.

- (13) Any vicious animal which runs at large at any time, or such animal when off or outside of the owner's premises, not under the control of a person of suitable age and discretion to restrain such animal, or such animal when uncontrolled on the owner's premises; PROVIDED, that this subsection shall not apply to ~~((potentially dangerous or))~~ previously declared dangerous dogs regulated by Chapter 8.18.
- (14) The taking from the wild, or the holding in captivity, or the having in one's possession, or the exportation from or importation into the county of any species designated in WAC ~~((232-12-015 and 232-12-030 and 232-12-040 together with amendments thereto))~~ 232-12, as protected wildlife, as furbearing animals, or as game fish, birds, or animals, except as lawfully authorized.
- (15) Any dog in an established leash law zone found in violation of the provisions of Chapter 8.15, this title.
- (16) Any animal violating or involved in a violation of the provisions of Chapter 8.07, this title.
- (17) Any animal which deposits excrement or other solid waste in any place not designated to receive such waste when such waste is not removed by the owner or other person having control over the animal.
- (18) Any domesticated animal which causes injury or harm to any person while such person is in or on a public place or lawfully in or on a private place including the property of the owner of such animal.
- (19) Any unconfined female animal while in estrus which is accessible to other animals, except those used for controlled and planned breeding.
- ~~((20) Interfere with, obstruct, torture, beat, kick, strike, mutilate, disable, shoot, poison, kill or in any other way abuse or harass any police dog;))~~
- ~~((21)20) Harass a police dog while said police dog is confined in its quarters, an automobile, kennel fenced area, training area, or while it is under the control of a dog handler;~~
- ~~((22)21) Interfere with a police dog or dog handler while said police dog or dog handler is engaged in lawful police activities.~~

**Section 28. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 2 of Ord. 2012-05-22 and codified as CCC 8.11.070 is each amended to read:

**8.11.070 Cruelty to animals.**

The following, singly or together, are deemed to constitute cruel treatment to animals. Therefore, it is unlawful for any person, firm, or corporation to:

- (1) ~~((Willfully))~~ Willfully and cruelly kill, injure, poison, torture or torment any animal;

(2) Intentionally or negligently cause or allow any animal to endure pain, suffering or injury, or to fail or neglect to aid or attempt to alleviate pain, suffering or injury, including not providing needed veterinarian care, he has so caused to any animal;

(3) Neglect or fail to provide minimum care to any animal within his care, custody or control. For the purpose of this section, "minimum care" means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

(a) In each period of twenty-four (24) consecutive hours, food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;

(b) In each period of twenty-four (24) consecutive hours, open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Neither snow nor ice is an adequate water source;

(c) In the case of pet or domestic animals, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun, and which has adequate bedding to protect against cold and dampness;

(d) In the case of livestock, protection from adverse environmental elements detrimental to the health and well-being of the animal;

(e) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease;

(f) Animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animals to rest. The air temperature in a confinement area must be suitable for the animal involved. The confinement area must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health;

(g) Tether, confine or restrain any animal in such a way as to permit said animal to become entangled in such tether, or render said animal incapable of consuming food or water provided for it; while at the same time failing to allow adequate space for freedom of movement necessary when tethered for extended periods of time; said tether to be not shorter than three times the length of the animal, measured from the tip of its nose to the base of its tail.

~~((4) To leave a dog outdoors and unattended by use of a tether such as a chain, rope, cord, or other device used to tie an animal to a running cable or pulley system, or to a stationary object:~~

~~(a) For more than ten (10) hours within a twenty four (24) hour period;~~

~~(b) During any inclement weather such as snow or freezing rain;~~

- ~~(c) When the tether is less than five (5) times the length of the dog (from the tip of its nose to the base of its tail), or a minimum of ten (10) feet and of sufficient weight not to put undue drag on the dog;~~
- ~~(d) When the tether is used as a restraint for more than one dog at the same time;~~
- ~~(e) That restricts the dog's access to adequate shelter and shade;~~
- ~~(f) That renders the dog incapable of consuming fresh food and water provided for it; and~~
- ~~(g) That gives the dog any access to any public right of way.~~

~~Any tether, fastener, chain, tie or other restraint permissible under this section must be attached to a properly fitted body harness with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke, pinch or prong type collars may not be used for tethering, fastening, chaining, tying or otherwise restraining a dog.~~

~~Nothing in this section shall prevent the tethering or otherwise restraining of a dog pursuant to the requirements of a camping or recreational area; or the tethering or otherwise restraining of a dog while engaged in, or training for, an activity related to use of the dog as a service dog or by any military or law enforcement agency;))~~

- ~~((5)4) Abandon any animal by dropping off or leaving said animal on the street, road, or highway, or in a public place, or the private property of another person, firm or corporation;~~
- ~~((6)5) Confine an animal within or on a motor vehicle or other enclosure or structure when unattended and under such conditions as may endanger the health and well-being of the animal. Such conditions include, but are not limited to, dangerous temperature, lack of food or water, and confinement with a vicious animal;~~
- ~~((7)6) Knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to domesticated animals or livestock;~~
- ~~((8)7) Knowingly and intentionally, whether for amusement of self or others, or for financial gain, cause any animal to fight or injure any other animal, cause it to be fought or injured by any animal, or train or keep for the purpose of training any animal with the intent that the animal shall be exhibited combatively with any other animal. Anyone who permits such conduct on premises under that person's control, and any person present as a spectator at that exhibition shall be considered a violator of this subsection and subject to punishment upon conviction;~~
- ~~((9)8) Transport or confine any living animal on the outside part of a motor vehicle except when attached to or enclosed in the vehicle by a harness, leash, cage or other enclosure which protects the animal from falling or being thrown from the vehicle and which prevents the animal from leaving the vehicle while unattended. The outside part of a~~

motor vehicle includes the running board, fender or hood of any motor vehicle or the flatbed of a truck and/or the open portion (bed) of a pickup truck;

~~((10))~~9) Sell or offer for sale or to give away, or display any living baby rabbits, chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to have an artificial color;

~~((11))~~10) Abandon or transfer to another person by gift, sale or exchange for consideration any animal while on public property;

(12) Trap any domestic animal with a device other than a humane live animal trap.

Any practice of good animal husbandry is not a violation of this section. "Good animal husbandry" includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, according to accepted practices of veterinary medicine or animal husbandry.

### **Section 29. Amendatory.**

Sec. 12 of Ord. 1987-11-37 codified as CCC 8.18.010 is each amended to read:

#### **8.18.010 Purpose.**

~~((The purpose of this chapter is to implement the provisions of Chapter 16.08 RCW))~~ The purpose of this section is to work within the framework of Chapter 16.08 RCW to protect the public health, safety and welfare by regulating "potentially dangerous dogs" and "dangerous dogs" within Clark County, thereby encouraging responsible dog ownership.

### **Section 30. Amendatory.**

Sec. 13 of Ord. 1987-11-37 as most recently amended by Sec. 20 of Ord. 1993-08-13A and codified as CCC 8.18.020 is each amended to read:

#### **8.18.020 Definitions.**

In addition to the definitions set forth in Section 8.01.020, as used in this title:

- (1) "Dangerous dog" means any dog that, when unprovoked:
  - (a) Inflicts severe injury on a human being without provocation on public or private property; or
  - (b) Kills a domestic animal or livestock, except non-domestic poultry or rabbit, without provocation while off the owner's property; or
  - (c) Has been previously found to be potentially dangerous and the owner having received notice of such and the dog again aggressively bites, attacks or endangers the safety of humans or domestic animals or livestock.
- (2) "Potentially dangerous dog" means any dog that, when unprovoked:

- (a) Inflicts bites on a human, domestic animal or livestock 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 any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals.
- (3) “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.
- (4) “Provocation” includes, but is not limited to situations where threat, injury, or damage is sustained by a person who, at the time, was committing a ~~((willful))~~ willful 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.
- (5) “Severe injury” means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

**Section 31. Amendatory.**

Sec. 14 of Ord. 1987-11-37 codified as CCC 8.18.030 is each amended to read:

**8.18.030 License required.**

It is unlawful for any owner of a dog declared by the ~~((animal control department))~~ Animal Protection and Control program to be dangerous to keep such dog within the county unless such owner has procured a special license from the ~~((animal control department))~~ Animal Protection and Control program. The special license shall be obtained within five (5) working days following the service of such ~~((department))~~ program declaration or, if the declaration is timely appealed pursuant to Section 8.18.040, within seven (7) working days following the mailing of a decision affirming such determination; PROVIDED, that the director of the ~~((animal control department))~~ Animal Protection and Control program may grant an extension upon a showing of good cause.

**Section 32. Amendatory.**

Sec. 15 of Ord. 1987-11-37 codified as CCC 8.18.040 is each amended to read:

**8.18.040 Determination.**

- (1) The ~~((animal control department))~~ Animal Protection and Control program may find and declare an animal potentially dangerous or dangerous if it has probable cause to believe that the dog falls within the definitions set forth in Section 8.18.020 ~~((The finding must be~~

~~based upon~~). Probable Cause means a reasonable believe in the existence of facts to support the definitions of “potentially dangerous” and “dangerous”. Examples may include but are not limited to:

- (a) 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 Section 8.18.020; or
  - (b) Dog bite reports filed with the (~~animal control department~~) Animal Protection and Control program as required by the ordinance codified in this chapter or state law; or
  - (c) Actions of the dog witnessed by any animal control officer or law enforcement officer; or
  - (d) The designation by another animal control authority pursuant to Chapter 16.08 RCW; or
  - (e) Other substantial credible evidence.
- (2) The declaration of potentially dangerous or dangerous dog shall be in writing and shall be served on the owner in one of the following methods:
- (a) Certified mail to the owner or keeper’s last known address, if known; or
  - (b) Personally; or
  - (c) If the owner cannot be located by one of the first two (2) methods, by publication in a newspaper of general circulation.
- (3) The declaration shall state at least:
- (a) A description of the dog;
  - (b) The name and address of the owner or keeper of the dog, if known;
  - (c) The whereabouts of the animal if it is not in the custody of the owner;
  - (d) The facts upon which the declaration is based;
  - (e) The availability of a hearing in case the owner objects to the declaration, if a request is made within five (5) days;
  - (f) The restrictions placed on the animal as a result of the declaration;
  - (g) The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.
- (4) If the owner of the dog wishes to object to the declaration of potentially dangerous or dangerous dog (~~(:)~~) the owner may, within five (5) working days of receipt of the

declaration, or with five (5) working days of the publication of the declaration, request a hearing by submitting a written appeal to the Animal Protection and Control program.

The Animal Protection and Control program will schedule an appeal hearing before a hearing officer. The program will prepare the findings and submit them to the appellant and the hearing officer.

~~((a) The owner may, within five (5) working days of receipt of the declaration, or within five (5) working days of the publication of the declaration, request a hearing by submitting a written appeal to the animal control department.~~

~~(b) If the hearing body finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.~~

~~(c) If the hearing body finds sufficient evidence to support the declaration, it may impose additional restrictions on the animal.))~~

If the hearing officer finds the declaration of the designated program:

(a) is not supported by a preponderance of the evidence, the hearing examiner shall reverse the declaration, including assessment costs or civil penalties.

(b) is supported by a preponderance of the evidence, the declaration shall be affirmed and all costs and civil penalties will be assessed in accordance with this chapter.

- (5) Following service of a declaration, and pending appeals under this section, the ~~((animal control department))~~ Animal Protection and Control program may, if circumstances require, impound the dog at the owner's expense, pursuant to the provisions of this title.

### **Section 33. Amendatory.**

Sec. 17 of Ord. 1987-11-37 as most recently amended by Sec. 1 (Att. A) of Ord. 2009-03-02 and codified as CCC 8.18.060 is each amended to read:

#### **8.18.060 Dangerous dogs—Additional requirements.**

- (1) The ~~((animal control department))~~ Animal Protection and Control program shall issue a license to the owner of a dangerous dog only if the owner presents to the ~~((animal control department))~~ Animal Protection and Control program sufficient evidence of:
- (a) 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; and
  - (b) A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the ~~((animal control department))~~ program in the sum of at least two-hundred fifty-thousand dollars (\$250,000), payable to any person injured by the dangerous dog; or

- (c) 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.
  - (d) Evidence that the labeled dog has been implanted with a microchip and placed on the local and national registry, at the owner's expense, must be submitted to the office of animal control. This must be accomplished within five (5) days after receipt of the dangerous (~~(or potentially dangerous)~~) dog declaration issued by the Clark County (~~(animal control)~~) Animal Control representative.
- (2) The owner of a dangerous dog shall not 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.
- (3) Owners of Potentially Dangerous dogs shall provide evidence that the labeled dog has been implanted with a microchip and placed on the local and national registry at the owner's expense. This evidence must be submitted within five (5) days after receipt of the potentially dangerous dog declaration issued by the Clark County Animal Control representative.

#### **Section 34. Amendatory.**

Sec. 18 of Ord. 1987-11-37 as most recently amended by amended by Sec. 21 of Ord. 1993-08-13A and codified as CCC 8.18.070 is each amended to read:

#### **8.18.070 Penalties.**

Notwithstanding the provisions of this code, and in addition to the penalties prescribed therein:

- (1) Any dangerous dog may be immediately confiscated if:
  - (a) The dog is not validly licensed under Section 8.18.030 of this chapter;
  - (b) The owner does not secure and maintain the liability insurance coverage required under Section 8.18.060;
  - (c) The dog is not maintained in a proper enclosure;
  - (d) The dog is outside of the dwelling of the owner, or outside of the property enclosure and not under physical restraint of the responsible person.

In addition, the owner shall be guilty of a gross misdemeanor pursuant to Chapter 16.08 RCW. The owner of any dog confiscated under this subsection may recover such dog from the (~~(animal control department)~~) Animal Protection and Control program upon the payment of a civil fine which shall be in the amount of two-hundred fifty dollars (\$250) plus (~~(ten dollars (\$10) per~~

~~day~~) impoundment fees as outlined in 8.19.060 for each day said dog has been in the control of the ((animal control department)) Animal Protection and Control program; PROVIDED, HOWEVER, that in the event the owner has not picked up the dangerous dog within ten (10) days of being notified by the ((animal control department)) Animal Protection and Control program that such dog is under the control of such ((department)) program, the dog shall be destroyed in an expeditious and humane manner.

- (2) If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or domestic animal, the dog's owner is guilty of a Class C felony, pursuant to Chapter 16.08 RCW. In addition, the dangerous dog shall be immediately confiscated by an animal control officer, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- (3) 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 pursuant to Chapter 16.08 RCW. In addition, the dog shall be immediately confiscated by an animal control officer, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- (4) The foregoing provisions for humane destruction of dogs shall be subject to the appeal process of Section 8.19.080; PROVIDED, that a written appeal is filed with the ((animal control department)) Animal Protection and Control program within five (5) days of the impoundment.

### **Section 35. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 2 of Res. 2000-08-12 and codified as CCC 8.19.010 is each amended to read:

#### **8.19.010 Enforcement—General.**

- (1) The manager of the ((animal control division)) Animal Protection and Control program and his authorized personnel are authorized to take such lawful action, including but not limited to the issuance of criminal citations and notices of civil violation, as may be required to enforce the provisions of this title and the laws of the state of Washington as they pertain to animal cruelty, shelter, welfare and control. PROVIDED, only animal control personnel who are specially deputized pursuant to Section 8.01.040 may issue criminal citations.
- (2) The manager of the program and/or their authorized personnel, while pursuing any animal observed by them to be in violation of this chapter may enter upon public property except any private residence for the purpose of abating the animal violation being pursued. Entry into a building designated and used for private purposes may be accomplished upon the issuance of a proper search or arrest warrant by a court of competent jurisdiction showing that the officer has sufficient facts to support a reasonable believe that a violation is being maintained in the building.

(3) No person shall deny, prevent or obstruct the manager of the program, an animal control officer or other employee appointed or contracted by the program from enforcing any provision of this title.

**Section 36. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 20 of Ord. 1987-11-37 and codified as CCC 8.19.020 is each amended to read:

**8.19.020 Misdemeanor.**

(a) Any of the following violations of this title is a misdemeanor punishable upon conviction by not more than ~~((one (1) year))~~ ninety (90) days in jail and/or a fine not to exceed one thousand dollars (\$1,000):

- (1) Section 8.07.300 (wild animals);
- (2) Section 8.11.060 (nuisances);
- (3) Section 8.11.070 (cruelty);
- (4) Section 8.11.071 (duty when striking with motor vehicle);
- (5) Section 8.19.010 (obstruction);
- (6) Section 8.19.070 (failure to respond to notice);
- (7) Section 8.19.140 (rabies control).

(b) Any violation of any other provision of this title shall be a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000).

**Section 37. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 21 of Ord. 1987-11-37 and codified as CCC 8.19.030 is each amended to read:

**8.19.030 Civil penalty.**

In addition to or as an alternative to any other penalty provided herein or by law, any person whose animal or facility regulated herein is maintained in violation of this title shall incur a civil penalty as provided in Section 8.19.070.

The civil penalty provided in this chapter shall generally be applied to first violations or other violations when deemed effective. The criminal penalty shall be used when, in opinion of the prosecuting attorney, in consultation with the animal control ~~((director))~~ manager, the civil remedy will not be effective, timely, or when the violation is a second or subsequent violation.

**Section 38. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 22 of Ord. 1993-08-13A and codified as CCC 8.19.040 is each amended to read:

#### **8.19.040 Impoundment.**

The (~~county animal control department~~) Clark County Animal Protection and Control program may apprehend any animal found doing or involved in any of the acts defined as a public nuisance and/or being subjected to cruel treatment as defined by law. After such animals are apprehended, the (~~county animal control department~~) program shall determine whether they are licensed or otherwise identifiable, and, if reasonably possible, return the animal to the owner, together with a notice of violation of the code. If it is not reasonably possible to immediately return the animal to its owner, the (~~county animal control department~~) program shall notify the owner of the animal within a reasonable time by telephone, email, mail, direct personal contact or posting at the residence of owner that the animal has been impounded and may be redeemed at the designated animal holding facility.

Any unlicensed animal impounded pursuant to this title shall be held for at least seventy-two (72) hours commencing with apprehension. For licensed animals, the holding period shall be at least one hundred twenty (120) hours commencing upon notification to the owner of such impoundment. If reasonable attempts have been made by the appropriate authority to notify said owner but without success, the licensed animal shall be held for at least one hundred twenty (120) hours from the time of apprehension. All impound periods shall continue to run during those hours when the designated impound facility is not open for business. Any animal not redeemed by its owner during the prescribed period may be humanely destroyed or placed for adoption to a new owner. Should the original owner wish to redeem an animal that has been held, he shall first be required to pay all redemption costs as outlined in this chapter. The use of a payment plan may, at the discretion of the (~~director~~) manager of animal control, be used.

Should the original owner wish to redeem an unlicensed dog or cat that has been held, in addition to paying the required redemption costs as outlined in this chapter, he shall be required to purchase the appropriate license at the time of redemption. If required rabies or spay/neuter information is lacking, the licensing fee shall be accepted and the application processed in accordance with Sections 8.07.070 and 8.07.250.

Should the animal be suffering from serious injury or disease that would endanger the other sheltered animals or cause the animal to endure unnecessary pain and suffering if left untreated for at least twenty-four (24) hours as determined by a licensed veterinarian, or continues to act in a feral manner after a reasonable observation period, the (~~animal control department~~) program or its employees or agents, the animal may be destroyed prior to the expiration of the required holding period. Such cases shall be documented on the animal custody report.

No live animals shall be used, sold or donated for experimental purposes. The owner of any animal impounded pursuant to the provisions of this title may recover said animal pursuant to the provisions of Section 8.19.060; provided, that redemption may be denied pursuant to Section 8.19.120 or to an owner who has cruelly treated such animal as defined in Section 8.11.070.

Animals delivered for impoundment by a police officer who removed such animal from the possession of a person in the custody of the police officer shall be held for the period prescribed in this section. An impoundment receipt shall be given to the police officer who shall deliver such receipt to the person in custody from whom the animal was taken. The impoundment

receipt shall recite redemption requirements and shall serve as the notice to the owner required in this chapter.

The above return and notification requirements shall not apply to any animal that is deemed abandoned under the provisions of Chapter 16.54 RCW. For purposes of this section, such animal shall be deemed to be without owner.

**Section 39. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Section 6 of Ord. 2011-04-06 and codified as CCC 8.19.070 is each amended to read:

**8.19.070 Notices of violation and/or abatement.**

- (1) Whenever a county (~~(animal protection and control)~~) Animal Protection and Control officer has reasonable grounds to believe that an animal or facility is violating or being maintained in violation of this title, they shall be authorized to issue to the violator a notice of violation or an abatement notice containing:
  - (a) The name and address, if known, of the owner or person in violation of the resolution codified herein;
  - (b) A statement that the animal control officer has found the animal or facility to be maintained illegally, with a brief description of the violation;
  - (c) A statement assessing a civil penalty for each violation, which penalty(ies) shall be paid to the county within thirty (30) days from the date of issuance. The penalties assessed against the violations grouped as below within any twelve (12) month period will be as follows:

Violation	1st Offense	2nd Offense	3rd Offense
Unlicensed animal 8.07.010 & .200	\$100.00*	\$200.00	\$400.00
Nuisance violations 8.11.060			
(1) Noise	100.00	200.00	400.00
(2) Property damage	100.00	200.00	400.00
(4) Threatening	100.00	200.00	400.00
<u>(7) Running at Large</u>	<u>100.00</u>	<u>200.00</u>	<u>400.00</u>
(12) Health code	100.00	200.00	400.00
(13) Vicious	<del>((100.00))</del> \$150.00	<del>((200.00))</del> 300.00	<del>((400.00))</del> 600.00
(14) Possessing wildlife	100.00	200.00	400.00
(18) Injury	100.00	200.00	400.00
Quarantine violations	100.00	200.00	400.00

8.19.140/((Obstructing an officer 8.19.010(3)))			
Cruelty to animals 8.11.070	250.00	500.00	1,000.00
Facility violations 8.07.100 to 8.07.190; Chapter <u>8.11</u>	100.00	200.00	400.00
All other violations	100.00	200.00	400.00
Late payment penalties:			
If unpaid between 30 and 60 days	original penalty plus 100%		
If unpaid between 60 and 90 days	original penalty plus 200%		

At the discretion of the manager of the ((~~animal protection and control~~)) Animal Protection and Control program or if there is a financial inability to pay, any penalty, or portion thereof, imposed as described above may be converted to community service hours. The community service hours will be administered by the Clark County ((~~corrections department~~)) Corrections Department. The Clark County ((~~corrections department~~)) Corrections Department will convert the dollar amount indicated by the manager of the ((~~animal protection and control~~)) Animal Protection and Control program to a certain number of hours of community service to be worked based upon the prevailing conversion rate that the ((~~corrections department~~)) Corrections Department credits dollar amounts of fines into community service hours. ((~~\*The first violation for an unlicensed animal will have the civil penalty automatically reduce fifty percent (50%) if compliance is complete within ten (10) business days of the date of the violation.~~))

At the discretion of the manager of the ((~~animal protection and control~~)) Animal Protection and Control program or ((his)) their authorized personnel, any civil penalty(ies) not paid within thirty (30) days from the date of issuance of the notice of violation may be assigned to a collection agency for collection;

- (d) A statement setting out any order of abatement and a reasonable period during which to comply as determined by the animal control officer;
- (e) A statement advising that if any required abatement, or other corrective action, is not complete within the time specified, or any civil penalty is not timely paid, the animal control officer shall report such noncompliance to the office of the prosecuting attorney, which shall have authority to issue a criminal citation, charging such person with violation of this title, and that the ((~~animal protection and control~~)) Animal Protection and Control program may take such other recourse as is provided for within this title;
- (f) A statement that the determination of violation or imposition of any penalty may be appealed by filing written notice of appeal with the manager of the ((~~animal protection and control~~)) Animal Protection and Control within twenty (20) days of service of the notice of violation;

Unpaid penalties must reach the Animal Protection and Control program within 30 of service of notice of violation. Unpaid penalties shall double in amount after 30 days from service and triple if unpaid 60 days from service.

- (g) The notice of violation or abatement notice and order shall be served on the owner or keeper of the animal or facility in violation of this title either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to the person at his last known address.

Proof of personal service of the notice shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring time, date and manner in which service was made;

- (h) A notation stating that failure to respond to this notice of violation and/or abatement notice by timely payment of civil penalties, timely compliance with the abatement notice, timely performance of the community service hours, or timely appeal is a misdemeanor punishable as provided for in Section 8.19.020.
- (2) Notices of violation issued for violations of the pet licensing requirement as set forth in Sections 8.07.010 and 8.07.020 may be dismissed by the ~~((director))~~ manager of the ~~((animal control department))~~ program upon proof that the required pet license(s) have been obtained within ten (10) days of service of the notice(s) of violation. The first violation for an unlicensed animal will have the civil penalty automatically waived if compliance is complete within ten (10) days of the date of the violation.
  - (3) Any person who has been issued a notice of violation or order to abate pursuant to this chapter and who ~~((willfully))~~ willfully fails to respond to the notice of civil violation by either the payment of the civil penalty and all late payment penalties within ninety (90) days of issuance or to the order to abate by compliance therewith within the time specified in the order, or by the timely filing of a notice of appeal shall be guilty of a misdemeanor regardless of the disposition of the notice of violation or order to abate.

**Section 40. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Secs. 7, 8 of Ord. 2011-04-06 and codified as CCC 8.19.080 is each amended to read:

**8.19.080 Appeals.**

- (1) Any person appealing a determination under this title shall file in writing with the manager of the ~~((animal protection and control))~~ Animal Protection and Control program and within thirty (30) days, or the period otherwise provided in this title, of the notice of adverse action, a written appeal containing:
  - (a) The names, email addresses and telephone numbers of all appellants participating in the appeal;

- (b) A brief statement setting forth the action protested and reasons why it is claimed the protested action should be reversed, modified or otherwise set aside;
  - (c) The signatures of all parties named as appellants and their official mailing addresses;
  - (d) The verification (by declaration under penalty of perjury) of at least one (1) appellant as to the truth of the matters stated in the appeal; and
  - ~~((e) The verification of payment of the filing fee of twenty five dollars (\$25.00).))~~
- (2) Upon filing an appeal, a place and time for hearing shall be set by the ~~((director))~~ manager of the ~~((animal control department))~~ program. If, for whatever reason, the appellant is unable to attend the hearing on the date set by the ~~((director))~~ manager of the ~~((animal control department))~~ program, the hearing may be rescheduled one (1) time only, only if such a request is received prior to three (3) working days before the hearing date. Failure to provide three (3) working days' notice of request for cancellation, and subsequent failure to attend the hearing, will result in the assessment of costs related to the conducting of the hearing in addition to civil penalty as stated on the notice of violation. Additional rescheduling of appeals may only occur upon payment of a fee of thirty-five dollars (\$35) related to the cost of the conducting of the hearing. Appeals may only be rescheduled two (2) times.
- (3) Failure of any person to file an appeal in accordance with this section, or failure of any person who has filed an appeal to attend the scheduled hearing, shall constitute a waiver of his right to an administrative hearing and the actions of the animal control officer(s) will be upheld. In the event of any person who has filed an appeal but fails to attend the scheduled hearing, the costs related to the scheduling of the hearing will be assessed him in addition to the civil penalty(ies) as stated on the notice of violation.
- (4) Enforcement of any violation notice issued under this chapter shall be stayed during the pendency of an appeal, except the impoundment of an animal which is vicious or cruelly treated.
- (5) The hearings examiner appointed pursuant to Section 8.19.170 shall hear all appeals under this chapter.
- (6) The appointed hearings examiner shall have the power and authority to make all final determinations in matters brought before it under this title including the authority to alter, modify, reverse or affirm the violations appealed from. The ~~((director))~~ manager of the ~~((animal control department))~~ program and his officers shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence.
- (7) A copy of the final order shall be mailed to the appellants within three (3) days, exclusive of Saturdays, Sundays and holidays, following the entering of a written order under this section.

- (8) An order by the hearing authority relating to an appeal under this section shall be final and conclusive unless within ten (10) days from the date thereof any party of record makes application to a court of competent jurisdiction.
- (9) A person may not appeal those notices of violation issued for unlicensed pets (Sections [8.07.010](#) and [8.07.200](#)); determination of these violations may be resolved as set forth in Section [8.19.070\(2\)](#).
- ~~((10) The appellant who does not prevail is liable to pay one half (1/2) of all costs for the hearing and the hearing examiner.))~~

**Assessment of costs for frivolous appeals.**

Upon motion from the investigating Animal Control Officer, the hearings examiner may assess the appellant the costs of an appeal hearing under this chapter, including, but not limited to, the hearing examiner's fees and reasonable costs of staff time, if they find the appeal was frivolous. As used in this section, a "frivolous appeal" is an appeal that cannot be supported by any rational argument of the law or facts.

**Section 41. Amendatory.**

Sec. 1 of Res. 1981-04-108 codified as CCC 8.19.090 is amended to read:

**8.19.090 Personal obligation.**

The civil penalty and costs of abatement are personal obligations of the animal owner. The prosecuting attorney on behalf of the county may collect the civil penalty and abatement costs by use of appropriate legal remedies. In cases of small claims, the county (~~(animal control agency)~~) Animal Protection and Control program shall be authorized to collect such costs, fees(~~(,)~~) and penalties(~~(, as shall be owing)~~) owed.

**Section 42. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 33 of Res. 1984-12-65 and codified as CCC 8.19.110 is amended to read:

**8.19.110 Compromise, settlement and disposition of suits.**

The prosecuting attorney is authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit involving any provision of this title for the collection of civil penalties to negotiate a settlement, compromise or otherwise dispose of a lawsuit when to do so will be in the best interests of the county; PROVIDED, that a report shall be submitted to the board and to the animal control (~~(director)~~) manager in any instance where a compromise settlement is negotiated.

**Section 43. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 21 of Ord. 1985-12-06 and codified as CCC 8.19.120 is amended to read:

**8.19.120 Habitual violator.**

In addition to any legal remedy available under the provisions of this title, the county (~~(animal control department)~~) Animal Protection and Control program may personally notify and direct in

writing the owner of any animal which is the subject of more than three (3) separate notices of violation or abatement notices in any twelve (12) month period to abate and remove said animal from the county within ninety-six (96) hours from the date of said notice, or in the alternative, to abate and transfer ownership and possession of said animal to another person not living at the same place of residence. Such notice to abate shall state the method of appealing the order which shall be in the manner provided for in Section 8.19.080, except that any appeal must be filed before closure of the ~~((animal control department))~~ program's office on the second business day following service of the notice. If such animal is found in violation of the abatement notice after ninety-six (96) hours have elapsed from the date of notice, or the date of affirmance of such order if a timely appeal is filed, said animal shall be abated and removed by the ~~((animal control department))~~ program by impoundment, subject to all impoundment procedures; PROVIDED, HOWEVER, said animal may not be returned to the same residence or property from which it was impounded or where it resided.

#### **Section 44. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 26 of Ord. 1987-11-37 and codified as CCC 8.19.140 is amended to read:

#### **8.19.140 Rabies control.**

- (1) It is unlawful to own, keep or harbor any species of animals designated as unlawful by the Washington State Department of Health pursuant to WAC 248-100-450(1) by reason of such species being a transmitter or rabies to human beings, including any skunk, fox or raccoon, except under circumstances permitted by said WAC 248-100-450(1), which is incorporated herein by reference.
- (2) In the event that any animal has bitten a human being, the ~~((department))~~ Animal Protection and Control program may quarantine such animal for a period of up to fourteen (14) days. In the event that the ~~((animal control department))~~ program has reason to suspect that an animal is rabid, the appropriate officials of the Southwest Washington Health District shall be notified and the ~~((animal control department))~~ program shall coordinate any further activities with said health district. Said health district shall have jurisdiction over any matter possibly involving rabies. WAC 248-100-450 and 248-100-451 and 248-100-452, together with amendments thereto, are incorporated herein by reference and prevail over any conflicting provision of this title in any suspected rabies matter.
- (3) Quarantine is defined as the keeping of a biting animal or the suspected biting animal separate and apart from other animals and people for a period of up to fourteen (14) days. The animal must not be kept in any area that is accessible to other animals or persons, but may be kept indoors, caged, or confined in a completely fenced yard by a chain or secure harness device. Should the quarantine be broken, the animal may be impounded and held in the animal shelter or other suitable location at owner expense for the remainder of the quarantine period. Redemption is subject to payment of any fees allowable under this title.

#### **Section 45. Amendatory.**

Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 (Att. A) of Ord. 2009-03-02 and codified as CCC 8.19.150 is amended to read:

### **8.19.150 Dead/injured animals.**

The ~~((director))~~ manager of the ~~((animal control department))~~ Animal Protection and Control program, upon request, shall have the authority to assess a fee for the picking up, and disposing of or caring for, any dead or injured animal not provided for in Chapter 8.03 of this title from private property; PROVIDED, HOWEVER, that said fee be reasonably commensurate with the related actual costs. The assessment may be made against the animal's owner if such can be determined, or against the owner of the property upon which the animal is found, or both

### **Section 46. Amendatory.**

Sec. 1 of Res. 1981-04-108 codified as CCC 8.19.160 is amended to read:

### **8.19.160 Legal or equitable relief.**

The ~~((director))~~ manager of the Clark County ~~((animal control department))~~ Animal Protection and Control program, in addition to the use of any other remedy herein set out, may seek legal or equitable relief to enjoin acts or practices and abate any conditions which constitute a violation of this title or other regulations here adopted.

### **Section 47. Amendatory.**

Sec. 38 of Res. 1984-12-65 codified as CCC 8.19.180 is amended to read:

### **8.19.180 Hearings officer—Powers and duties.**

The hearings officer shall hear appeals from any civil violations, abatement notices or other actions due to the enforcement of this title. The hearings officer shall have the authority to act as does the hearings tribunal. Final orders shall be sent to the ~~((director))~~ manager of the ~~((animal control department))~~ Animal Protection and Control program within two (2) business days of the appeal hearing.

### **Section 48. Amendatory.**

Sec. 27 of Ord. 1987-11-37 codified as CCC 8.19.190 is amended to read:

### **8.19.190 Police dogs.**

All police dogs ~~((and all dogs being trained as police dogs))~~ currently owned by law enforcement agencies shall be exempt from all provisions of this title, with the exception of Section 8.19.140 (Rabies Control). If a police dog is required by Section 8.19.140 to be quarantined, such dog will be remanded to the control of its handler. Police dogs so controlled may be used in the line of duty. All police dogs ~~((and all dogs being trained as police dogs))~~ shall be exempt from all licensing fees, but such dogs shall be registered.