

BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS

IN THE MATTER OF ANIMAL CONTROL

Resolution No. 101-2007

ADOPTING DOG CONTROL MEASURES
TO BE KNOWN AS STEVENS COUNTY
CODE TITLE 20

WHEREAS, the Board finds dog identification and control in the county is increasingly demanding more attention; and

WHEREAS, the Board finds measures to better identify dogs and control errant dog behavior as set forth in the draft Title 20 DOG CONTROL have been explored and discussed at hearings conducted over the past year ; and

WHEREAS, the Board finds the latest version of the draft Title 20 DOG CONTROL should be adopted and enforced for the benefit and increased protection of the residents of Stevens County and their animals;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that Exhibit A, attached hereto and incorporated herein, is adopted as Stevens County Code Title 20 DOG CONTROL and shall be advertised and enforced as provided by law.

Passed by the Board of Stevens County Commissioners meeting in regular session at Colville, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 18th day of December, 2007.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

BOARD OF COUNTY COMMISSIONERS OF
STEVENS COUNTY, WASHINGTON



Chairman Malcolm Friedman

Attest:



Commissioner Merrill Ott



Polly Coleman
Clerk of the Board



Commissioner Tony Delgado

**STEVENS COUNTY CODE
TITLE 20**

Dog Control

Adopted December 18, 2007

Title 20

DOG CONTROL

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20.10 Purpose. It is the purpose of this title to provide a means of identifying dogs and controlling dangerous or potentially dangerous dog behavior.

20.20 Definitions. In construing provisions of this title, except where otherwise plainly declared or clearly apparent from the context, words used in this title shall be given their common and ordinary meaning and in addition, the following definitions shall apply:

“Abandon” means the act of knowingly leaving an animal:

- (1) In a situation where conditions present an immediate, direct, and serious threat to life, safety or health of the animal.
- (2) On public land, or right of way, or the private property of another without permission of the owner and/or without making arrangements for care in an apparent attempt to disown the animal or avoid responsibility for its care.

“Abatement” means the termination of any violation by reasonable and lawful means determined by the Stevens County Sheriff in order that a person or persons presumed to be the owner or keeper shall comply with this title.

“Animal Control Officer” means individuals employed or appointed by the Stevens County Sheriff for the purpose of aiding in the enforcement of this title, or regularly commissioned deputies who are enforcing provisions of this title.

“At large” means a dog which is physically off the premises of the owner or keeper, and which is not in the presence and under the control of the owner or keeper; provided, that “at large” does not include dogs exhibited in dog shows, field trials, obedience training or trials, or the training of dogs therefore; or the use of a dog under the supervision of a person to hunt, to chase or tree predatory animals or game birds; or a dog when otherwise safely and securely confined or completely controlled within or upon any vehicle; or dogs used by law enforcement agencies.

“Dangerous dog” means any dog that meets the statutory definition found in RCW Chapter 16.08, or according to the records of the Stevens County Sheriff, or any other jurisdiction, or (a) has inflicted severe injury on a human being without provocation on public or private property, (b) has killed a domestic animal without provocation while off the owner’s or keeper’s property, or (c) has previously been found to be potentially dangerous, the owner or keeper having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper 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.

“Dog” means a domesticated *Canis familiaris*, bred in a great many varieties, including wolf hybrids.

“Domestic animal” means any animal kept for amusement, companionship, or for household, farm and/or agricultural purposes.

“Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness.

“Exhibits vicious propensities” means:

- (1) The infliction of a bite, or bites, on a human being or a domestic animal, either on public or private property; or
- (2) Killing a domestic animal while off the dog owner’s or keeper’s property.

“Impounding Agency” means a service provider who has a contractual relationship with Stevens County Sheriff to provide a variety of dog related services.

“Livestock” means horses, sheep, cattle, mules, burros, goats, llamas, domesticated hares, rabbits, swine and poultry and any other animals or hybrids of animals being raised for its agricultural purposes.

“Owner” means any person, firm, corporation, or organization possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

“Potentially dangerous dog” means any dog that meets the statutory definition found in RCW Chapter 16.08, or, when unprovoked: (a) Inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or (c) any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals. A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper 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.

“Proper enclosure” means, while on the owner’s or keeper’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 a dog.

“Premises” means the area of land surrounding a house, or dwelling unit or units, and actually or by legal construction forming an enclosure with it and to which the owner or keeper of a dog has a legal and equitable right therein.

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

“Stevens County Sheriff” means the elected Sheriff of Stevens County or any lawfully commissioned officer employed by the Stevens County Sheriff

20.30 Dangerous and Potentially Dangerous Dogs - Prohibitions

.010 It is unlawful for an owner to have a dangerous dog or a potentially dangerous dog as defined herein, within unincorporated Stevens County without fulfilling the requirements of this Title and the applicable provisions of the Revised Code of Washington.

20.40 Declaration of Dangerous Dog – Appeal – Impounding of Dog.

.010 When the Stevens County Sheriff has probable cause to believe that a dog is a dangerous dog as defined by RCW Chapter 16.08, he/she shall comply with the procedures and requirements of RCW 16.08.080.

.020 Following service of a notice as specified in RCW 16.08.080 and section 20.40.010 above, and pending appeal, if any, the Stevens County Sheriff may, if circumstances require, impound the animal at the owner’s or keeper’s expense until the appeal to the Hearing Examiner or court of competent jurisdiction orders either its redemption or destruction. The owner of the dog shall be liable to Stevens County or the service provider, for the costs and expenses of keeping such dog, unless a finding is made that the dog is not a dangerous dog.

.030 The decision of the animal control authority declaring a dog to be dangerous may be appealed to the Stevens County Hearing Examiner upon payment of an appeal fee of **(RESERVED)**. The owner must make such appeal within twenty days of receiving the final determination. Failure to exhaust this administrative appeal process shall be a bar to action in a court of law. While the appeal is pending, the authority may order that the dog be confined or controlled in compliance with RCW 16.08.090. During the pendency of the appeal, the owner must pay all costs of confinement and control. In the event the Hearing Examiner or any subsequent final court determination concludes that the dog is not dangerous, the county shall reimburse the owner the costs of confinement and control.

(a) The hearing shall be held within thirty (30) days after the receipt of the request for a hearing, unless it is continued for good cause shown. Failing to exhaust this administrative remedy shall be a bar to action in a court of law. The Stevens County Hearing Examiner shall notify the owner of the date, time, and place for the hearing. The hearing shall be informal and open to the public.

(b) The written decision of the Hearing Examiner shall be mailed to the owner of the dog not later than (14) days from the end of the hearing. If the Hearing Examiner issues a finding of dangerous dog, the owner of the dog may appeal the decision as provided below. If the owner does not timely appeal the decision, he/she must either register the dog as a dangerous dog in accordance with Section 060 or the dog shall be confiscated as provided for in RCW 16.08.100 (1).

.040 The decision of the Hearing Examiner may be appealed as provided under the general laws of the State of Washington. In the event the Hearing Examiner's decision is affirmed on appeal, and no further appeal is made, the owner of the dog must either register the dog as a dangerous dog or the dog shall be confiscated as provided in RCW 16.08.100 (1).

.050 A finding that a dog is not a dangerous dog shall not prevent the Stevens County Sheriff from seeking to have the dog declared a dangerous dog as the result of any subsequent action by the dog.

20.50 Determination of Potentially Dangerous Dog – Notice, Hearing and Appeal – Requirements.

.010 When the Stevens County Sheriff has sufficient information to determine that a dog is a potentially dangerous dog as defined in Section 20.20, a notice shall be served in person or mailed certified and by regular mail to the owner of the dog. The notice must state:

(a) The statutory basis for the action; the reason(s) the authority considers the animal to be potentially dangerous; that if there are future similar problems with the dog, the dog could be declared to be a dangerous dog as defined in this Title; that the notice constitutes a final determination that the dog has been determined to be a potentially dangerous dog, unless the owner of the dog requests a hearing before the Stevens County Hearing Examiner in writing on a form provided with the notice within fourteen (14) days of the receipt of the notice, and pays the hearing fee of **(RESERVED)**. Failure to exhaust this administrative appeal process shall be a bar to action in a court of law. For purposes of this section, the notice will be deemed received on the third day after the notice is placed in the mail or the date upon which the certified mail is actually received, whichever is sooner.

- .020 In the event the owner of a dog requests a hearing as provided for in subsection 20.50.010, a hearing shall be held within thirty (30) days of the receipt of the request for hearing. The Stevens County Hearing Examiner shall notify the owner or keeper of the date, time and place of the hearing, as well as the right to present evidence as to why the dog should not be found potentially dangerous. The hearing shall be informal and open to the public.
- .030 The written decision of the Hearing Examiner shall be mailed to the owner of the dog not later than (14) days from the end of the hearing. If the Hearing Examiner issues a finding of potentially dangerous dog, the owner of the dog may appeal the decision as provided under the general laws of the State of Washington.

20.60 Registration of Dangerous Dogs – Requirements – Annual Fee.

- .010 The owner or keeper of a dangerous dog must obtain a certificate of registration for such animal from the Stevens County Sheriff within fourteen (14) days of final determination of dangerous dog. The certificate of registration shall be issued only if the owner or keeper of the dangerous dog presents sufficient evidence of the following requirements:
- (a) A proper enclosure to confine a dangerous dog as defined in Section 20.20 and posting of the premises with a clearly visible 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;
 - (b) A surety bond issued by a surety insurer qualified under RCW 48.28 in a form acceptable to the Stevens County Sheriff 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) Identification of the dog by a procedure known as micro-chipping with the owner's Stevens County Sheriff's case number and presentation of a current color photograph of the animal from the side showing the entire dog in sufficient detail to aid in the dog's identification;
 - (e) Payment of the first annual dangerous dog registration fee of \$(RESERVED)
- .020 The owner of a dangerous dog shall pay an annual registration fee of \$(RESERVED)

20.70 Registration of Potentially Dangerous Dogs – Requirements – Annual Fee

- .010 The owner or keeper of a potentially dangerous dog must obtain a certificate of registration for such animal from the Stevens County Sheriff within fourteen (14) days of final determination of potentially dangerous dog. The certificate of registration shall be issued only if the owner or keeper of the potentially dangerous dog presents sufficient evidence of the following requirements:
- (a) A proper enclosure as defined in section 20.20
 - (b) Identification of the dog by a procedure known as micro-chipping with the owner's Stevens County Sheriff's case number and presentation of a current color photograph of the animal from the side showing the entire dog in sufficient detail to aid in the dog's identification;
 - (c) Payment of the first annual potentially dangerous dog registration fee of \$(RESERVED)
- .020 The owner of a potentially dangerous dog shall pay an annual registration fee of \$(RESERVED)

20.80 Confinement, security, control of dangerous dogs and potentially dangerous dogs:

- .010 No potentially dangerous dog nor dangerous dog shall go unrestricted upon the premises of the owner, nor shall it be kept on a porch, patio or in any part of a house or structure which would allow such dog to exit the premises of its own volition.
- .020 All potentially dangerous dogs and dangerous dogs shall be securely confined indoors or in a proper enclosure.
- 0.30 No person owning or harboring, or having the care of a potentially dangerous dog or dangerous dog shall suffer or permit such dog to go beyond the premises of such person unless the dog is securely muzzled in a manner that will not cause injury to the dog but shall prevent it from biting any person or animal; and is restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

20.90 Sale or transfer of ownership

- .010 Owners of dangerous dogs or potentially dangerous dogs who sell or otherwise transfer the ownership, custody, or residence of the dog shall within ten days inform the Stevens County Sheriff's office, in writing, the name, address, and telephone number of the new owner, custodian, or residence, and the name and description of the dog. The owner shall, in addition, notify the new owner or custodian in writing the details of the dog's record, terms and conditions of the maintenance and provide the Stevens County Sheriff's office with a copy thereof containing an acknowledgement by the new owner of his/her receipt of the original.

20.100 Importation of dangerous and potentially dangerous dogs into Stevens County

.010 The owner of any dog declared dangerous or potentially dangerous shall notify the Stevens County Sheriff within ten days after moving the dog into Stevens County, shall obtain all necessary licenses, and upon request, shall provide any notice he/she may have received regarding the declaration and the name and address of the authority having made the declaration. Such declaration from any other jurisdiction shall be recognized as valid in Stevens County, and the potentially dangerous or dangerous dog conditions shall apply.

20.110 Enforcement Power.

.010 The Stevens County Sheriff is authorized to take such lawful action(s) as may be required to enforce the provisions of this Title.

20.120 Criminal Violations.

.010 It is a misdemeanor to abandon any dog in unincorporated Stevens County.

20.130 Severability.

.010 If any portion of this Title is held invalid, it is the intent of the Board of County Commissioners that such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.