

YAKIMA COUNTY ORDINANCE 2-2006
AMEND YAKIMA COUNTY CODE CHAPTER 8.36 RELATING TO DOG CONTROL

8.36.010 Purpose of provisions.

Human experience benefits in many ways by the companionship and service of dogs. In order to obtain such benefits, dogs must be kept responsibly by people. When people fail to keep dogs responsibly, the community may be subjected to nuisances and health problems. The purpose of the dog control ordinance codified in this chapter is to strike a balance between the rights and responsibilities of dog owners and the community at large so that the community can both enjoy the benefits of responsible dog ownership and avoid problems which arise when dogs are not properly cared for. (Ord. 3-1991 § 1 (part), 1991).

8.36.020 Definitions.

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

(1) "Adult dog" means any dog having a set of permanent canine teeth, or older than six months of age.

(2) "Aggressive behavior" means any physical contact between a dog and a person, where a reasonable person feels threatened, that includes, but is not limited to, any of the following: snarling, baring teeth, chasing, growling, snapping, pouncing, or lunging; ~~multiple attacks, multiple lunges,~~ but not to include a bite or bites.

(3) "Animal" means any dog, cat, exotic, wild or dangerous animal or livestock.

(4) "At large" means, with regard to dogs, being physically present on public property and not under the actual control of a ~~competent~~ person, or being physically present on private premises without permission of the person in control of such premises. Exceptions: "At large" does not include:

(A) Dogs exhibited in dog shows, field trials, obedience training or trials, or the training of dogs therefore; or

(B) The use of a dog under the supervision of a person either to hunt wild animals or game birds during the open seasons therefore, or to chase or tree predatory animals; or

(C) The use of a dog either to control or protect livestock or property or in other related agricultural activities under the supervision of the dog owner.

(5) "Bite" means to seize with teeth or jaws so as to enter, grip, wound or pierce, which causes a breaking of the skin, causing an exchange or transfer of saliva.

(6) "Board" means the board of Yakima County commissioners.

(7) "Capable person" means any individual having attributes, including physical and mental abilities, sufficient to control an animal **and being at least 18 years of age**

(8) "Conviction" means either an adjudication of guilt for a misdemeanor or gross misdemeanor pursuant to YCC Chapter 8.36 including a verdict of guilty, a finding of guilty, an acceptance of a plea of guilty or a

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forfeiture of bail; or any committed finding after adjudication for an infraction pursuant to YCC Chapter 8.36.

(9) "County" means the unincorporated area of Yakima County, Washington.

(10) "Dangerous dog" means any dog that, according to the records of an appropriate authority, including but not limited to the records of the county dog control department, the county sheriff's office, or the records of any other municipal, state or federal law enforcement or public safety department:

(A) Without provocation has bitten or otherwise inflicted serious physical injury on a human being on public or private property;

(B) Has killed livestock or a domestic animal without provocation while off the dog owner's property; or

(C) Has displayed aggressively behavior, attacked, or endangered the safety of humans or domestic animals after such dog has been determined by an appropriate authority, including but not limited to any officer of the county dog control department, to be potentially dangerous, and the owner of such dog has been notified, either orally or in writing that the dog has been determined to be potentially dangerous.

(11) "Department" means the Yakima County dog control department.

~~(9) "Dog owner" means a person who owns, keeps or harbors a dog.~~

~~(10) "Head of the household" means any person who owns, leases or otherwise controls any private premises.~~

~~(11) "Kennel Definitions."~~

(A) "Kennel" means buildings, animal runs, enclosures, and/or any other facilities used for the keeping or housing of dogs sufficient to secure the dogs on the premises

(B) "Commercial kennel" means the business of boarding, breeding, letting for hire, selling, bartering, or giving away dogs; provided, selling of three or fewer litters of offspring per year by a hobby kennel shall not be construed as commercial.

(C) "Foster shelter kennel" means a kennel where six or more adult dogs are kept and temporary housing and care of owner-released dogs is provided for the purpose of placing them in permanent homes.

(D) "Hobby kennel" means a kennel where ten or less adult dogs are kept for hunting, breeding, exhibition, organized events, field working, working of livestock or obedience trials.

(12) "Litter" means two or more viable offspring.

(13) "Livestock" means cattle, sheep, horses, llamas, buffalo, deer, elk, rabbits, mules, donkeys, goats, swine, fowl, poultry and any fur-bearing animal bred and maintained commercially or otherwise within pens, fences, cages or hutches.

(14) "Micro-chip" means a device implanted for identification purposes.

(15) "Nuisance" means any unlawful act, or failure to perform a duty, which act or failure either annoys, injures or endangers the

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comfort, repose, health or safety of other persons, or interferes with other persons' use of property.

(167) "Owner" means any person or legal entity who knowingly harbors, keeps, possesses or maintains an animal, or who encourages an animal to remain about their property for a period of 72 hours or more, or who is the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under eighteen years of age shall be deemed the owner for the purposes of this chapter. ~~having a possessory property right in an animal or who provides food, water, shelter or a person who owns, harbors, cares for, exercises control over or knowingly permits any animal to remain on premises occupied by that person for more than 72 hours.~~

(178) "Permit" means and includes human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to any animal owned by the person.

(189) "Person" means any individual, natural person, association, firm, partnership, corporation or other legal entity.

(1920) "Physical injury" means impairment of physical condition or substantial pain which is directly caused by a dog's behavior, and includes scratches, scrapes, cuts, punctures or other evidence of physical injury, but not to include a bite or bites.

(201) "Potentially dangerous dog" means:

(A) Any dog that without provocation:

- (i) Bites or otherwise injures a human person or a domestic animal on either public or private property, or
- (ii) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of aggression or attack; or

(B) Any dog which reasonably should be known by its owner to be disposed:

- (i) To attack or chase or approach persons in a menacing fashion or apparent attitude of aggression or attack without provocation, or
- (ii) To cause injury, or otherwise to threaten the safety of humans or domestic animals.

(242) "Premises" means the area of land to which a person has legal or equitable rights of possession, use and control.

(223) "Quarantine area" means any area defined by, but not limited to, a veterinarian, physician, public health official or Animal Control Officer, where, for a specified period of time, a dog is to be kept separated from other animals or people.

(234) "Secure enclosure" means secure confinement of a dangerous dog or a potentially dangerous dog on its owner's premises, either 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, a secure top and a secure bottom, and shall also provide protection from the elements for the dog.

(245) "Serious physical injury" means any physical injury which creates a substantial risk of death or causes permanent loss or

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protracted impairment of any bodily organ or function, or substantial disfigurement.

(256) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(267) "Tag" means a prenumbered metal or plastic identification license sold to an owner/custodian for a specific pet animal. Rabies identification or other identification may not be substituted or accepted in lieu of a license tag.

(278) "Tattoo" means a predesignated identification number inked into the inside of the ear, lip or flank of the dog.
(Ord. 8-2000 § 1, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.030 Dog control zone established.

Pursuant to RCW Chapter 16.10, the unincorporated territory of Yakima County is hereby declared to be a dog control zone subject to the regulations of this chapter.
(Ord. 3-1991 § 1 (part), 1991).

8.36.040 Dog control department -- Established -- powers and duties.

- (a) A dog control department is hereby created.
- (b) The powers and duties of the dog control department

shall be:

(1) To enforce the provisions of this chapter, the Yakima County Code and the laws of the State of Washington relating to dogs, and to discharge the duties provided therein.

(2) To maintain or contract for the maintenance of an animal shelter or other place where all animals subject to impoundment may be safely kept and provided with proper and sufficient food and water, or may be disposed of when authorized by this chapter.

(3) To collect, according to the provisions of the Yakima County Code, any costs, fees or charges for registration, licensing and impounding or keeping any dog.

(Ord. 3-1991 § 1 (part), 1991).

8.36.050 Violations -- Penalties.

It is unlawful for any person to violate any provision of this chapter. Any person violating any of the provisions of this chapter shall be guilty of a civil infraction, except that any person who violates YCC 8.36.160(2), YCC 8.36.160(3), YCC 8.36.170(a)(1), YCC 8.36.170(a)(2), YCC 8.36.273(3), YCC 8.36.273(4), YCC 8.36.275(1), YCC 8.36.275(2), or YCC 8.36.277 shall be guilty of a misdemeanor; and any person who violates YCC 8.36.160(4), YCC 8.36.160(5), YCC 8.36.160(6)(a), YCC 8.36.160(6)(b), YCC 8.36.170(a)(3) or YCC 8.36.170(a)(4) shall be guilty of a gross misdemeanor. and s. Upon conviction of any misdemeanor violation of this Chapter, such person shall be punished by a

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fine of not more than \$1000.00 or by imprisonment for not more than ninety days, or by both such fine and imprisonment. Upon conviction of any gross misdemeanor violation of this Chapter, such person shall be punished by a fine of not more than \$5000.00 or by imprisonment for not more than one year, or by both such fine and imprisonment. Unless otherwise specified in this Chapter, any person found guilty of a civil infraction of this Chapter shall be fined \$125.00 for each violation. Any violation of this chapter may result in the dog being impounded, and/or destroyed by order of the court.
(Ord. 3-1991 § 1 (part), 1991).

8.36.060 Abatement of nuisances.

Violations of this chapter are deemed public nuisances. Any person violating any provision of this chapter may be enjoined from continued violations or ordered to abate such public nuisance, whether such injunction be in addition to the civil penalties provided as a part of the disposition in the civil prosecution or in an independent action in equity, and shall be liable for all costs and expenses of abating the same.
(Ord. 3-1991 § 1 (part), 1991).

8.36.070 Enforcement.

The department shall not be required to enforce provisions of this chapter except by a written or verbal complaint of a person who has satisfactorily identified himself to the department and has either supplied the name and address of the dog owner or has supplied the fact that the dog does not have an owner. Enforcement thereafter is a matter within the discretion of the department.
(Ord. 3-1991 § 1 (part), 1991).

8.36.080 Severability.

Should any section or provision of the ordinance codified in this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
(Ord. 3-1991 § 1 (part), 1991).

ARTICLE II: REGISTERING AND LICENSING DOGS

8.36.090 Dog registration and license -- Required.

All adult dogs within the unincorporated area of the county shall be registered with and licensed by the department or its designee at all times; provided, however, that a license issued by other governments located in the county shall be valid under the provisions of this chapter until the last day of December for the current year; and provided, further, that dogs kept kennels licensed pursuant to this chapter shall be exempt from the provisions of this section. Provided, further, that dogs kept at the Humane Society under RCW Chapter 16.52 shall be exempt from licensing. All dogs kept at any humane

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society are required to be licensed upon being sold or adopted. Any person found guilty of a violation of this Section shall be fined \$125.00 for each violation.

(Ord. 8-2000 § 2, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.100 Dog registration and license -- Application.

The person registering and licensing a dog shall submit to the department or its designee the following information:

(1) The name and the physical and mailing addresses of the owner of the dog being registered;

(2) The name and the physical and mailing addresses of the person having custody of the dog, if such person is one other than the 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, tattoos or micro-chip number of the dog being registered;

(5) The address of the premises where 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. If the owner is unable to produce a certification by veterinarian as to the rabies vaccination, the owner's certification under oath that the dog has had a rabies vaccination may be accepted.

(Ord. 8-2000 § 3, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.110 Vaccination required for dog registration and license.

As a prerequisite to licensing, any dog four months of age or older shall be currently vaccinated against the disease of rabies.

(Ord. 8-2000 § 4, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.120 Dog registration and license -- Fees.

The fee for ~~initial or renewed~~ registration and licensing of any dog shall be:

(1) For dogs which have been spayed or neutered, fifteen dollars for a license valid for one year and ~~twelve dollars for a renewal thereof for a like period,~~ thirty-seven dollars for a license valid for three years and ~~fifty-seven dollars for a license valid for five years.~~

Proof of a dog having been either spayed or neutered shall be by certificate from a veterinarian or, if such is unavailable, a statement from the owner under oath, certifying that the dog for which a license application is made is either a spayed female or a neutered male.

(2) For dogs which have not been spayed or neutered, thirty dollars for a license valid for one year, ~~and twenty-five dollars for renewal thereof for a like period~~ and seventy-eight dollars for a license valid for three years,

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(3) The registration and license fee amount shall be deposited into the dog control fund.

(4) No license fee shall be charged to an owner who is legally blind and uses such dog as a guide dog, or to a legally deaf person who uses such dog as a hearing-ear dog, or to an owner who has been determined to be disabled pursuant to 42 U.S.C. § 1382 (supplemental security income) and uses such dog as a support dog. The license shall be valid for the life of the dog.

(5) Dogs that are spayed or neutered and owned by persons over the age of sixty- two years may be registered and licensed for twenty-five dollars. The license shall be valid for the life of the dog or until transfer of ownership of the animal.

(6) The fee for replacement tags shall be five dollars.

(7) The board may provide for optional registration of dogs by other suitable parties, in which case an "agent fee" of three dollars shall be added to the licensing fee.

(Ord. 7-2003 § 1, 2003; Ord. 13-2001 § 1, 2001; Ord. 8-2000 § 5, 2000; Ord. 3-1991 § 1 (part), 1991).

8.36.130 Dog registration and license -- Applications and renewals.

(a) Applications for registration and license issuance shall be made within a timely manner as listed in the conditions set for the below:

(1) Applications for registration can be made at any time and shall be valid for a period of either (a) one year from the date of purchase, if purchasing a one year license; or (b) three years from the date of purchase, if purchasing a three year license;

(2) In the case of a newly acquired dog, the application shall be made within thirty days of either the date of acquisition or the date when the dog reaches six months of age, whichever comes later;

(3) In the case of a new resident to the county with a licensed or an unlicensed adult dog, the application shall be made within thirty days of establishing residency;

4) In the case of a dog licensed by another jurisdiction within Yakima County, the license shall be valid until the last day of December of the year they established residency in the county.

(Ord. 13-2001 § 2, 2001; Ord. 13-2001 § 2, 2001; Ord. 8-2000 § 6, 2000; Ord. 3-1991 § 1 (part), 1991).

8.36.140 Dog registration and license -- Tag.

Upon application, certification or submission of proof of immunization and payment of fees by the owner or persons having the custody and control of any adult dog, the department or its designated agent, shall issue to the applicant a numbered license identification tag for each dog so registered. The applicant shall ensure that the tag is securely fastened to a substantial collar or harness to be worn at all times by the dog.

(Ord. 8-2000 § 7, 2000; Ord. 3-1991 § 1 (part), 1991).

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8.36.150 Incomplete applications.

(a) In the event any registration and license applicant fails to provide all required information or fees, the department shall notify such applicant by first class mail at the mailing address stated on the application or notify applicant by phone of any such deficiency, requesting that any required information or fees be provided to the department within thirty days, and stating that if the required information or fees are not timely received, any fees paid shall be forfeited and the application shall be voided.

(b) If any applicant fails to timely provide information requested under this section, a new application and fee shall be required after the thirty days have expired and any tag previously supplied shall be voided.

(c) Any fees received by the department for applications that cannot be processed shall be deposited into a special revenue account within the dog control department fund and held in that fund for a period of not less than thirty days after notice of deficiencies in the application is mailed to the applicant or until the required information or fees are received. After thirty days have passed since the applicant was notified of any deficiency, such fees shall become miscellaneous revenues. Any overpayment of fees shall be refunded to the applicant if the request for overpayment refund is made within ninety days of such overpayment.
(Ord. 3-1991 § 1 (part), 1991).

ARTICLE III: HUMAN RESPONSIBILITY FOR DOGS

8.36.160 Control of dogs.

It is unlawful for any owner ~~person~~ to permit any dog to engage in any of the following behavior:

- (1) Level 1 Behavior. Level 1 behavior occurs whenever a dog is at large.
- (2) Level 2 Behavior. Level 2 behavior occurs when a dog while at large, menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person, domestic animal or livestock.
- (3) Level 3 Behavior. Level 3 behavior occurs when a dog while at large, causes physical injury to any person, domestic animal or livestock.
- (4) Level 4 Behavior. Level 4 behavior occurs when a dog, although not at large, aggressively bites or causes physical injury to any person.
- (5) Level 5 Behavior. Level 5 behavior occurs when a dog while at large, aggressively ~~bites or causes physical injury to~~ bites or causes severe injury to any person, or kills any domestic animal or livestock.
- (6) Level 6 Behavior. Level 6 behavior occurs when a dog:
 - a. Whether or not confined, causes the serious physical injury or death of any natural person; or
 - b. Is used as a weapon in the commission of a crime.

(Ord. 3-1991 § 1 (part), 1991).

8.36.170 Control of potentially dangerous/dangerous dogs.

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(a) It is unlawful for any owner person to fail to comply with the following provisions applicable to dogs which have engaged in behaviors described in Section 8.36.160, which may result in the dog being impounded and held until the animal owner has met the following requirements:

1) Dogs which have exhibited Level 2 behavior shall be restrained in a manner that prevents the dog from reaching any public sidewalk, or adjoining property. Such dogs must be located so as not to interfere with the public's legal access to the dog owner's property. Whenever that dog is off the dog owner's premises it must be on a chain leash under the actual control of a capable person. In addition, the department may require the animal owner to put up warning signs and obtain and maintain proof of public liability insurance as required in YCC 8.36.340(b)(3).

(2) Dogs which have exhibited Level 3 behavior shall be physically restrained by a chain leash, confined within a secure enclosure or inside the home of the owner ~~The~~ that prevents the dog from reaching any public sidewalk, or adjoining property. Such dogs must be located so as not to interfere with the public's legal access to the owner's property. Whenever that dog is not physically restrained or confined or is off the animal owner's premises, it must be on a chain leash under the actual control of a capable person. In addition, the department may require the animal owner to put up warning signs and obtain and maintain proof of public liability insurance as required in YCC 8.36.340(b)(3).

(3) Dogs which have exhibited Level 4 or Level 5 behavior shall be confined within a secure enclosure whenever the dog is not inside the home of the owner. The secure enclosure must be located so as not to interfere with the public's legal access to the dog owner's property, and the dog owner shall conspicuously post warning signs, which must be approved by the department, on the property where the dog is kept. In addition, the department may require the dog owner to obtain and maintain proof of public liability insurance as required in YCC 8.36.340(b)(3). The dog owner shall not permit the dog to be outside of the secure enclosure unless the dog is muzzled, on a chain leash and under the actual control of a capable person.

(4) Dogs which have exhibited Level 6 behavior shall be euthanized at the owner's expense.

(b) All potentially dangerous dogs may be required by the department to be microchipped at the owner's expense. (Ord. 3-1991 § 1 (part), 1991).

8.36.180 Dog in estrus at large prohibited.

It is unlawful for any person to permit a female dog in estrus, also known as being in season or in heat, to be accessible to any male dog not owned by the female dog's owner, except by the agreement of the owners of both the male and female dogs for the purpose of controlled breeding for the betterment of the breed. Any person found guilty of a violation of this Section shall be fined \$225.00 for each violation. (Ord. 3-1991 § 1 (part), 1991).

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8.36.190 Restraint within quarantine area.

It is unlawful for any person to permit any dog to leave the confines of any quarantine area. Any person found guilty of a violation of this Section shall be fined \$500.00 for each violation.
(Ord. 3-1991 § 1 (part), 1991).

8.36.200 Abuse of dogs prohibited.

It is unlawful for any person to physically abuse any dog or to fail to furnish adequate care, including without limitation water, food, shelter, sanitation, ventilation, rest and medical attention, or to confine a dog with any dangerous dog. Any person found guilty of a violation of this Section shall be fined \$500.00 for each violation.
(Ord. 3-1991 § 1 (part), 1991).

8.36.210 Abandonment of dogs prohibited.

It is unlawful for any person to leave any dog unattended for more than twenty-four hours without adequate care, including without limitation water, food, shelter, sanitation, ventilation, rest and medical attention. Any person found guilty of a violation of this Section shall be fined \$500.00 for each violation.
(Ord. 3-1991 § 1 (part), 1991).

8.36.220 Confinement in motor vehicle prohibited.

It is unlawful for any person to leave any dog confined within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the dog, including without limitation conditions involving dangerous temperature, lack of food, water or attention. Any person found guilty of a violation of this Section shall be fined \$950.00 for each violation.
(Ord. 3-1991 § 1 (part), 1991).

8.36.230 Removal of dog waste from public areas.

It is unlawful for the owner or other person with custody of a dog to fail to remove any feces excreted by the dog from any public place not designed to receive dog waste, including without limitation streets, sidewalks, parking strips and public parks, or any private place off the dog owner's premises. Any person found guilty of a violation of this Section shall be fined \$125.00 for each violation.
(Ord. 3-1991 § 1 (part), 1991).

8.36.240 Rabies inoculation required -- Exception.

No person may keep any adult dog unless that dog has been inoculated against rabies, unless the dog has, for medical reasons stated in writing by a licensed veterinarian, been specifically exempted from rabies inoculation.

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(Ord. 8-2000 § 8, 2000; Ord. 3-1991 § 1 (part), 1991). Any person found guilty of a violation of this Section shall be fined \$225.00 for each violation.

~~8.36.250 Dogs at large prohibited -- Presumption of ownership.~~

~~____ (a) ____ No person, dog owner or custodian shall permit any dog to be at large.~~

~~____ (b) ____ The owner or rightful occupant of any premises is presumed to own any dog kept at the premises.~~

~~(Ord. 3-1991 § 1 (part), 1991).~~

8.36.260 Barking dogs prohibited.

(a) **It is unlawful for any owner in control of premises to keep, harbor or maintain thereon any dog or dogs which individually or together habitually bark, growl, yelp, howl or whine so loudly and for such a duration of time as to unreasonably disturb the peace, quiet, comfort and repose of others within the unincorporated area of Yakima County. Any person found guilty of a violation of this Section shall be fined \$125.00 for each violation.**

(b) **It shall be an affirmative defense to subsection (a) of this section that the howling, yelping, barking or other noise complained of was by a guard dog or watch dog which was responding to intruders, trespassers or other persons entering onto the premises of the dog owner.**

(Ord. 3-1991 § 1 (part), 1991).

8.36.270 Dog bites to be reported.

Any person who is bitten by a dog, or who otherwise is exposed to dog saliva through an open wound on the person, or any doctor, veterinarian or hospital employee having information that a person has been bitten by a dog or has otherwise been exposed to dog saliva through an open wound within the unincorporated territory of the County shall notify the department of such bite or exposure, giving the description of the dog, the name and address of the owner, and the location of the incident, if known to said person.

(Ord. 3-1991 § 1 (part), 1991).

8.36.273 Receiving and responding to infraction notices.

(1) A person who is to receive a notice of civil infraction or criminal citation under this Chapter is required to identify himself or herself to the animal control officer or law enforcement officer by giving his or her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, including a driver's license or identicard.

(2) A person who is unable or unwilling to reasonably identify himself or herself to an enforcement officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a civil infraction or criminal citation.

(3) A person who fails to sign a notice of civil infraction or criminal citation is guilty of a misdemeanor as set out in YCC 8.36.050.

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(4) Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction or criminal citation is guilty of a misdemeanor as set out in YCC 8.36.050 regardless of the disposition of the notice of civil infraction or criminal citation .

8.36.275 Habitual Violators.

Any owner

- (1) Having been convicted of two or more criminal violations of this Chapter, whether singularly or in combination within a five-year period; or
 - (2) Having been found to have committed four or more civil infractions of this Chapter, whether singularly or in combination within a five-year period,
- Shall be guilty of a misdemeanor as set out in YCC 8.36.050.

8.36.277 Ownership by person under 18 years of age.

Any person under the age of eighteen years old who owns any dangerous animal as defined in YCC 8.36.020(10) shall be guilty of a misdemeanor as set out in YCC 8.36.050.

ARTICLE IV: IMPOUNDMENT OF DOGS

8.36.280 Impoundment of dogs.

Dogs found or reasonably believed to be kept in violation of this chapter may be impounded by the department; provided that, if a complaint identifying the dog owner of a dog at large, a barking dog or an unlicensed dog is received and the dog owner can be immediately located, the dog shall be left with the dog owner, and a summons and notice to appear in regard to the violation may be issued to such dog owner.
(Ord. 3-1991 § 1 (part), 1991).

8.36.290 Interference with impounding.

It is unlawful for any person to interfere with, hinder, delay or impede any officer or enforcing official in the enforcement of this chapter as herein provided. Any person found guilty of a violation of this Section shall be fined \$500.00 for each violation.
(Ord. 3-1991 § 1 (part), 1991).

8.36.300 Notice of impoundment.

(a) The department or its designee shall, within twenty-four hours after impounding any dog, or the next business day, attempt to contact the animal owner by phone, leaving a written notice at home or by mail [to the registered owner of the dog,] a [notice of the] impoundment of such dog and the terms upon which such dog can be released, and the consequence of failure to obtain the release of any dog within any applicable time limits.

(b) If the owner of any impounded dog is unknown, then the department or its designee shall within twenty-four hours of impoundment or by the end of the next business day post at the animal shelter a notice of

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impoundment describing the dog.
(Ord. 3-1991 § 1 (part), 1991).

8.36.310 Recovery of impounded dogs.

(a) A dog wearing a dog tag, tattoo or microchip may be recovered within five business days of impoundment. Dogs not wearing a dog tag, tattoo or microchip may be recovered within three business days of impoundment. Injured or sick dogs shall be exempt from these recovery periods.

(b) Dogs may be recovered only by a person who offers satisfactory proof of ownership or authorization to obtain custody of the dog and who pays the charges for recovering impounded dogs as established by the department.
(Ord. 8-2000 § 9, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.320 Disposition of dogs.

(a) A dog which has not been recovered within the applicable time frame after impoundment as set forth in Section 8.36.310, may be sold or destroyed.

(b) A dog voluntarily given to the department by the dog owner for the purpose of disposal may be sold or destroyed forthwith without awaiting expiration of a recovery period.
(Ord. 3-1991 § 1 (part), 1991).

8.36.330 Remittance of fees and charges.

Where dogs are impounded in an animal shelter maintained by a private organization under contract with the county, the impoundment charge, additional charges and applicable fines shall be remitted to the county for deposit in the dog control fund.
(Ord. 8-2000 § 10, 2000: Ord. 3-1991 § 1 (part), 1991).

ARTICLE V: REGISTRATION OF DANGEROUS DOGS

8.36.340 Dangerous dogs -- Registration requirements -- Fee.

(a) In addition to any other registration and licensing requirements provided in this chapter, it is unlawful for a person to keep any dog which has exhibited Level 2, 3, 4, 5 or 6 behavior as described in Section 8.36.160 in the county without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work. Any person found guilty of a violation of this Section shall be fined \$500.00 for each violation.

(b) The department shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the department sufficient evidence of:

(1) A proper enclosure to confine the dangerous dog and the posting of the premises with clearly visible warning signs that there is a dangerous dog on the property. In addition, the owner shall conspicuously display warning symbols that inform children of the presence of a dangerous dog; and,

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(2) A surety bond issued by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the department in the sum of at least two hundred and fifty thousand dollars, payable to any person injured by the dangerous dog; or

(3) A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48.28 in the amount of at least two hundred and fifty thousand dollars, insuring the owner against liability to any person for injuries inflicted by the dangerous dog.

(c) A fee of one hundred fifty dollars shall be paid to the department by any person seeking to register a dangerous dog.
(Ord. 8-2000 § 11, 2000: Ord. 3-1991 § 1 (part), 1991).

ARTICLE VI. KENNELS

8.36.350 Kennel license -- Requirements.

It is unlawful for any person to own, maintain or operate a kennel unless such person has obtained the applicable license as provided hereinafter. If there is a change in the ownership of any kennel, the new owner shall have the license transferred to his name upon receipt of a new updated application and payment of a twenty-five-dollar transfer fee. Any person found guilty of a violation of this Section shall be fined \$950.00 for each violation.
(Ord. 8-2000 § 12, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.360 Kennel license -- Application.

(a) Information Required. Any person making application for a kennel license shall submit to the department the following information:

- (1) The name, address and phone number of the owner of the kennel;
- (2) The name, address and phone number of the person having primary supervision of the kennel;
- (3) The address or location and phone number of the kennel;
- (4) The maximum number of adult dogs which the kennel will contain at any time;
- (5) The name and address of the person designated by the applicant as agent for service of legal process or notice;
- (6) A statement giving permission for the inspection of the kennel at any reasonable time;
- (7) For all commercial and foster shelter kennels, a certificate of zoning compliance issued by the appropriate department of Yakima County pursuant to Titles 15 and 15A Yakima County Code.

(b) Notice of Deficiencies. In the event any kennel license applicant fails to provide all required information or fees, the department shall notify such applicant either by telephone or by first class mail at the mailing address stated on the application of any such deficiency, demanding that any required information or fees be provided to the department within thirty (30) days, and stating that if the such required information or fees are not timely received, any fees paid shall be forfeited and the application shall be voided.

(c) Failure to Provide Information. If any applicant fails to timely provide information requested under this section, a new application and fee shall be required after the thirty days have expired, and any tag previously

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supplied shall be voided.

(d) **Disposition of Fees Received.** Any fees received by the department for applications that cannot be processed shall be deposited into a special revenue account within the dog control department fund and held in that fund for a period of not less than thirty days after notice of deficiencies in the application is mailed to the applicant or until the required information or fees are received. After thirty days have passed since the applicant was notified of any deficiency, such fees shall become miscellaneous revenues. Any overpayment of fees shall be refunded to the applicant if the request for overpayment refund is made within ninety days of such overpayment.

(e) **Appeals.** Any decision made concerning the type of kennel to be licensed and the fee required may be appealed to the board of county commissioners. Should the appeal be determined in favor of the applicant, the excess of the license fee shall be refunded from the date the appeal was filed, on a prorated monthly basis.

(f) **Refunds.** Any moneys from the initial application fees that cannot be processed shall be deposited into a special revenue account in the dog control department fund as a special revenue item at the end of the forfeiture period. Amounts not forfeited shall be deposited into the kennel license fees category when correct fees are received. All refunds are to be made from the kennel license fee revenue account upon completion of a completed and approved refund request form.

(Ord. 8-2000 § 13, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.370 Kennel license -- Fees and late penalties.

(a) The application for a kennel license shall be accompanied by a fee as follows:

(1) **Commercial or Foster Shelter Kennel:** Two hundred fifty dollars per year upon submission, inspection and approval of the enforcement agency and officer.

(2) **Hobby Kennel:** Fifty dollars per year upon submission, with a surcharge of ten dollars per unaltered dog, upon inspection and approval of the enforcement agency and officer.

(3) **Late Penalty:** One-half the applicable amount.

(b) The late penalty shall be assessed if the license is not obtained by the 31st of January. (Ord. 8-2000 § 14, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.380 Kennel license -- Inspection of facilities.

Upon initial application for a kennel license, the department or its designee shall inspect the subject facilities to determine if they may properly be licensed.

(Ord. 8-2000 § 15, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.390 Kennel license -- Display.

The license issued for a kennel shall be posted in a conspicuous place upon the premises where such kennel is located.

(Ord. 8-2000 § 16, 2000: Ord. 3-1991 § 1 (part), 1991).

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8.36.400 Kennel license -- Expiration and renewal.

Kennels shall be licensed in January on a yearly basis ending December 31st. Fees for new applications shall be prorated and charged one-twelfth the fee for each month remaining in the calendar year. License renewals shall be processed in the same manner as the original application, except that a certificate of zoning compliance is not required. Each kennel may choose from the following options at the time of renewal:

- (1) License each dog individually; or
- (2) Pay the appropriate kennel fee.

(Ord. 8-2000 § 17, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.410 Kennel license -- Revocation, denial or refusal to renew.

A license for any kennel may be revoked, denied or not renewed, for failure to comply with the provisions of this chapter, and such action by the department shall be final and conclusive unless within twenty days of written notification thereof an appeal is filed.

(Ord. 8-2000 § 18, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.420 Kennel license -- Records required.

Each kennel shall prepare, maintain and make available to the department a current record of all dogs auctioned off, sold, let or otherwise disposed of, proof of vaccination, and a current record of all dogs born within such facility or acquired from other sources. Such records shall include the origin, the age and type of dog, and the name and address of the transferee or transferor. A kennel shall have available for inspection at any time all required records, tags, tattoos or micro-chip numbers for each dog.

(Ord. 8-2000 § 19, 2000: Ord. 3-1991 § 1 (part), 1991).

8.36.430 Vaccination required.

Each kennel shall cause each dog owned or sold by it to receive current and proper immunization for distemper, hepatitis, parainfluenza and parvovirus inoculation for dogs over eight weeks of age and, in addition, rabies inoculation for dogs over four months of age.

(Ord. 8-2000 § 20, 2000: Ord. 3-1991 § 1 (part), 1991).

Dated this 31st day of January, 2006.

BOARD OF YAKIMA COUNTY COMMISSIONERS

Excused

Jesse S. Palacios, Chairman



Michael D. Leita, Commissioner



Ronald F. Gamache, Commissioner