

**ORDINANCE NO. 28
CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, ADOPTING
BY REFERENCE CHAPTERS 5.04 AND 5.12 OF THE SPOKANE COUNTY CODE AS
THE ANIMAL CONTROL REGULATIONS FOR THE CITY OF LIBERTY LAKE.**

WHEREAS, the City Council has determined that the regulation and licensing of animals within the City limits will protect human health and safety and to the greatest degree practicable prevent injury to property and cruelty to animals; and

WHEREAS, the City of Council has determined that it is in the best interests of the City to adopt animal control regulations and licensing requirements set forth in Chapters 5.04 and 5.12 of the Spokane County Code as the Animal Control Regulations for the City of Liberty Lake;

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. **Animal Control Regulations.** Pursuant to RCW 35.21.180, RCW 35A.21.160 and RCW 35A.21.140, the City adopts by reference Chapter 5.04 entitled "Cats and Dogs" and Chapter 5.12 entitled "Inherently Dangerous Mammals/Reptiles" of the Spokane County Code as now in effect and as subsequently amended as the Animal Control Regulations for the City, except any reference to "Spokane County" shall be construed to refer to the City of Liberty Lake.

Section 2. **Copy to Be Available.** One copy of Chapters 5.04 and 5.12 of the Spokane County Code shall be available in the office of the City Clerk for use, inspection and copying by the public.

Section 3. **Offenses Related to Sanitation.** There is hereby added to Chapter 5.04 the following:

An owner or a person in control of a dog or cat shall remove the fecal matter deposited by the dog or cat on developed public or private property before the owner leaves the immediate area where the fecal matter was deposited. The term "developed property" shall mean property areas that have been landscaped, paved (for street, trail or sidewalk purposes), made into lawns, swales, and play, recreation or sports areas. An owner of a duly licensed guide dog shall be exempt from this section.

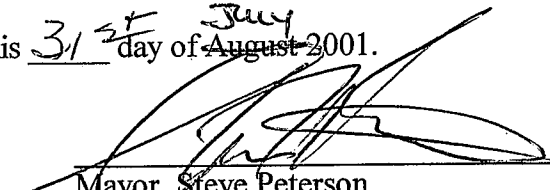
Section 4. **Penalty.** The penalty for a violation of Section 3 shall be a infraction as set forth in the Spokane County Code Section 5.04.071.

Section 5. **Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

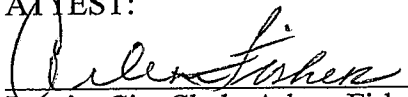
unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary, and on the date of incorporation.

PASSED by the City Council this 31st day of ~~August~~ ^{July} 2001.


Mayor, Steve Peterson

ATTEST:


Interim City Clerk, Arlene Fisher

APPROVED AS TO FORM:


Interim City Attorney, Stanley M. Schwartz
Date of Publication: 8/9/01
Effective Date: Date of Incorporation

City of Liberty Lake
P.O. Box 370
Liberty Lake, WA 99019
(509) 755-6702

**NOTICE OF ORDINANCE PASSED
BY LIBERTY LAKE CITY COUNCIL**

The following is the title and summary of Ordinance No. 28 passed by the City of Liberty Lake City Council on the 31st day of August 2001.

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE,
WASHINGTON, ADOPTING BY REFERENCE CHAPTERS
5.04 AND 5.12 OF THE SPOKANE COUNTY CODE AS THE
INTERIM ANIMAL CONTROL REGULATIONS FOR THE
CITY OF LIBERTY LAKE.**

The introductory paragraphs state the necessity of a traffic code and that this ordinance will be revisited after the date of incorporation.

Section 1 of the Ordinance adopts by reference Sections 5.04 and 5.12 of the Spokane County Code relating to animal licensing and control.

Section 2 provides that a copy of the adopted code is available in the office of the City Clerk.

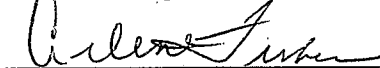
Section 3 provides for the offense of failing to remove fecal matter deposited by an animal.

Section 4 provides for a penalty for violation of Section 4.

Section 5 establishes a severability clause in the event some portion of the Ordinance is held invalid.

Section 6 states this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary, and on the date of incorporation.

The full text of the Ordinance is available at the Interim City of Liberty Lake City offices as identified above. A copy will be mailed out upon request.



Arlene Fisher
Interim City Clerk

Published: 8/21/01

Title 5

ANIMALS

Chapters:

- 5.04 Cats and Dogs**
- 5.08 Range Areas**
- 5.12 Inherently Dangerous Mammals/Reptiles**

Chapter 5.04

CATS AND DOGS

Sections:

- 5.04.010 Purpose.
- 5.04.020 Definitions.
- 5.04.030 Dog license—Required.
- 5.04.0301 Dog/cat to have current vaccination against rabies.
- 5.04.031 Cat license—Required.
- 5.04.032 Declaration of dangerous dog—Hearing and appeal—Impounding of dog.
- 5.04.033 Determination of potentially dangerous dog—Notice, hearing and appeal.
- 5.04.035 Registration of dangerous dogs—Requirements—Annual fee.
- 5.04.036 Dangerous dogs—Identification.
- 5.04.040 Unlawful use of tags.
- 5.04.042 Commercial kennels.
- 5.04.043 Private kennels.
- 5.04.050 Enforcement power.
- 5.04.060 Impounding of dogs—Notice to owner or keeper—Redemption—Fees.
- 5.04.065 Adoption of animal—Agreement to spay or neuter—Sterility deposit—Forfeiture of animal—Small animal neutering program revolving account.
- 5.04.066 Impounding of cats—Notice to owner or keeper—Redemption—Fees.
- 5.04.067 Control of cats.
- 5.04.070 Control of dogs.
- 5.04.071 Violations as infractions—Exceptions.
- 5.04.072 Notice of infraction—Issuance.
- 5.04.073 Notice of infraction—Determination final unless contested—Form.
- 5.04.074 Response to notice of infraction—Contesting determination—Hearing—Failure to respond or appear.
- 5.04.075 Hearings—Rules of procedure—Counsel.

- 5.04.076 Hearings—Contesting determination that infraction committed—Appeal.
- 5.04.077 Hearings—Explanation of mitigating circumstances.
- 5.04.078 Order of court—Civil nature—Waiver, reduction, suspension of penalty—Community service in lieu of penalty.
- 5.04.079 Notice of infraction—Failure to sign—Nonappearance—Failure to satisfy penalty.
- 5.04.080 Person receiving notice—Identification and detention.
- 5.04.090 Animal control officer or his duly authorized agent—Issuance of criminal citation.
- 5.04.110 Redemption procedures.
- 5.04.120 Destruction of vicious dogs.
- 5.04.130 Penalties.
- 5.04.131 Violation as constituting a public nuisance.
- 5.04.900 Severability.
- 5.04.910 Effective date—Preservation of existing cases.

5.04.010 Purpose.

It is the public policy of Spokane County to secure and maintain such levels of animal control within the unincorporated areas of Spokane County as will protect human health and safety, and to the greatest degree practicable to prevent injury to property. To this end, it is the purpose of this chapter to provide a means of licensing dogs and controlling errant dog behavior so that it shall not become a public nuisance.

It is also the policy of Spokane County to prevent the inhumane treatment of animals. Therefore, it is also the purpose of this chapter to provide for the humane use, care, and treatment of animals to the end that cruelty to such animals will be reduced or eliminated. (Res. 87-0359 Appendix A(1), 1987; Res. 75-503 Art. I § 1, 1975)

5.04.020 Definitions.

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

(1) "Abatement" means the termination of any violation by reasonable and lawful means determined by the animal

control officer in order that a person or persons presumed to be the owner or keeper shall comply with this chapter.

(2) "Animal control officer" means any individual employed or appointed by the board of county commissioners of Spokane County for the purpose of aiding in the enforcement of this chapter.

(3) "At large" means a dog or cat which is physically off the premises of the owner or keeper of the dog or cat, and which is not secured by a leash not exceeding eight feet in length; provided, "at large" does not include dogs or cats exhibited in dog or cat shows, field trials, obedience training or trials, or the training of dogs or cats therefor; or the use of a dog under the supervision of a person to hunt, to chase or tree predatory animals or game birds; or the use of a dog to control or protect livestock or property or in other agricultural activities; or a dog or cat when otherwise safely and securely confined or completely controlled within or upon any vehicle; or dogs used by law enforcement agencies.

(4) "Commercial kennel" means a place where five or more dogs or cats are boarded, bred, bought, sold, exhibited or trained for compensation, but not including a pet shop, animal shelter or veterinary hospital where boarding is incidental to treatment.

(5) "Dangerous dog" means any dog that according to the records of the Spokane County animal control, (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 wilful 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.

(6) "Dog" means a domesticated *Canis familiaris*, bred in a great many varieties, including wolf hybrids.

(7) "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.

(8) "Exhibits vicious propensities" means:

(a) The infliction of a bite, or bites, on a human being or a domestic animal, either on public or private property; or

(b) Killing a domestic animal while off the dog owner's or keeper's property. Provided, the above definition of vicious propensities shall not include those situations described in RCW 16.08.100(2) and (3).

(9) "Potentially dangerous dog" means any dog that 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.

(10) "Private kennel" means a place, other than an animal shelter, where five or more dogs or cats (over six months old) are kept for personal or noncommercial purposes.

(10a) "Proof" means a health or rabies certificate issued by a licensed veterinarian.

(11) "Proper enclosure of a dangerous dog" 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.

(12) "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.

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

(14) "Cat" means a domesticated *Felis catus*, and includes both male and female cats. (Res. 94-1555 § 6, 1994; Res. 90-1134 Appendix A (1), (2), 1990; Res. 90-0275 § 1, 1990; Res. 87-0879 Appendix A (1), 1987; Res. 87-0359 Appendix A (2), 1987; Res. 79-1186 Attachment A (part), 1979; Res. 75-503 Art. I § 2, 1975)

5.04.030 Dog license—Required.

(a) All dogs over the age of six months shall be licensed. The annual license fee for each dog shall be eight dollars and fifty cents for neutered/spayed dogs and twenty dollars for nonneutered dogs for the calendar year. There shall be a twenty-dollar penalty added to the above fees when the owner of the dog fails to renew the dog's license within thirty days after receipt of the notice of license renewal from Spokane County animal control. License fees may be paid either to "county" or "private" licensing outlets

as designated by the director of the Spokane County animal control. A service charge of one dollar in addition to the regularly set fees shall be collected and retained by all "private" licensing outlets appointed by the director of the Spokane County animal control for each dog license issued. Upon payment of the license fee provided above, the licensing outlet shall deliver to the owner or keeper of such dog, a license and metallic tag for each dog licensed or kept.

(b) All licenses issued pursuant to this chapter shall be dated and numbered, and shall bear the name of Spokane County, the name and address of the owner and keeper of the dog license, and a description of the dog including its color and sex. The metallic tag shall bear a serial number corresponding with the number of the license, and the county or part thereof for which it is issued. It shall be the duty of every owner or keeper of a dog to keep a substantial collar on the dog and to keep firmly attached thereto the metallic tag for the current calendar year. There shall be a fee of two dollars for replacement of any lost license.

(c) Any person who shall for the reason of securing a dog license falsely represent whether the dog is neutered or nonneutered shall be guilty of a misdemeanor.

(d) Licenses for any calendar year are due within twelve months of the date the previous license was issued, or within thirty days after a dog was first brought into the county.

(e) All fees and fines collected under the provisions of this chapter other than criminal fines shall be deposited in the county current expense fund.

(f) The county shall honor the request by a blind person or hearing impaired person not to be charged a fee to license his or her guide dog, or a request by a physically disabled person not to be charged a fee to license his or her service dog. (Res. 94-1555 § 4, 1994; Res. 92-039 Appendix A § 1, 1992; Res. 90-0275 § 2, 1990; Res. 89-0749, 1989; Res. 87-0359 Appendix A(3), 1987; Res. 83-1132 Attachment A, 1983; Res. 82-1168 Attachment A, 1982; Res. 80-0987 §§ 1, 2, 3, 1980; Res. 75-503 Art. II § 1, 1975)

5.04.0301 Dog/cat to have current vaccination against rabies.

Within thirty calendar days of any dog/cat being licensed, the owner or keeper of such dog/cat shall provide Spokane County animal control with proof that such licensed dog/cat has been vaccinated against rabies as well as the expiration date of such vaccination. Once an owner or keeper has provided that proof as provided for herein, within thirty calendar days of the expiration date of any vaccination, the owner or keeper shall provide Spokane County animal control with proof of current vaccination against rabies

and the expiration date of such vaccination. (Res. 94-1555 § 3, 1994)

5.04.031 Cat license—Required.

(a) All cats six months of age or older shall be licensed. The annual license fee for each cat shall be four dollars for spayed/neutered cats and ten dollars for unaltered cats. A surcharge of ten dollars will be added to the above license fees for failure to timely obtain or renew a license as required by subsection (d) of this section.

(b) All licenses issued pursuant to this chapter shall be dated and numbered, and shall bear the name of Spokane County, the name and address of the owner and keeper of the cat license, and a description of the cat including its color and sex. The metallic tag shall bear a serial number corresponding with the number of the license, and the county or part thereof for which it is issued. It shall be the duty of every owner or keeper of a cat to keep a substantial collar on the cat and to keep firmly attached thereto the metallic tag for the current calendar year. There shall be a fee of two dollars for replacement of any lost license.

(c) Any person who shall for the reason of securing a cat license falsely represent whether the cat is neutered or nonneutered shall be guilty of a misdemeanor.

(d) Licenses for any calendar year are due within twelve months of the date the previous license was issued, or within thirty days after a cat was first brought into the county.

(e) All fees and fines collected under the provisions of this chapter other than criminal fines shall be deposited in the county current expense fund. (Res. 94-1555 § 5, 1994; Res. 90-1134 Appendix A (3), 1990)

5.04.032 Declaration of dangerous dog—Hearing and appeal—Impounding of dog.

(1) When the animal control officer or his or her designee, has probable cause based on his or her records to believe that a dog is a dangerous dog as defined by Section 5.04.020(5), the animal control officer or his or her designee, shall declare the dog a dangerous dog and shall notify the owner or keeper of the dog in writing. The notice shall contain the following information:

(a) That the person receiving the notice is the owner or keeper of a dangerous dog as defined in Section 5.04.020(5);

(b) The breed, color, sex and license number (if known) of the said dog;

(c) A copy of the records of the animal control officer, which form the basis for declaring said dog to be a dangerous dog;

(d) That to contest the declaration of dangerous dog the owner or keeper of the dog must request a hearing in writing on a form provided with the notice within fourteen days of the receipt of the notice. For purposes of this section, the notice will be deemed received the third day after the notice is placed in the mail;

(e) That if a hearing is requested, a hearing will be convened before a board of hearing officers; that at the hearing, the records of the animal control officer shall be admissible to prove the dog is a dangerous dog; that the owner or keeper of the dog may require the officer compiling the record to be present at the hearing; that owner or keeper of the dog may present evidence and examine witnesses present; and that the burden shall be on the animal control officer to establish by a preponderance of the evidence that the dog is a dangerous dog.

(2) If the owner or keeper of the dog requests a hearing as provided in subdivision (1) (d) of this section the hearing shall be held before the Spokane County Commissioners or their designees. The hearing shall be held within twenty days after the receipt of the request for a hearing, unless it is continued for good cause shown. The animal control officer shall notify the owner or keeper of the date, time and place for the hearing. The hearing shall be informal and open to the public.

(3) The owner or keeper of the dog shall be notified in writing by the hearing officers within fourteen days of the hearing of their decision. If the hearing officers issue a finding of dangerous dog, the owner or keeper of the dog may appeal the decision as provided below. If the owner or keeper does not timely appeal the decision, he must either register the dog as a dangerous dog in accordance with Section 5.04.035 or the dog shall be confiscated as provided in RCW Section 16.08.100(1).

(4) An appeal of an order affirming the hearing officers' decision may be made in the manner provided under the general laws of the state. In the event the hearing officer's decision is affirmed on appeal and no further appeal is made, the owner or keeper of the dog must either register the dog as a dangerous dog or the dog shall be confiscated as provided in RCW Section 16.08.100(1).

(5) A finding that a dog is not a dangerous dog shall not prevent the animal control officer or his or her designee, from seeking to have the dog declared a dangerous dog as the result of any subsequent action by the dog.

(6) In the event the animal control officer or his or her designee, has probable cause to believe a dog is dangerous and may pose a threat of serious harm to human beings or domestic animals, the animal control officer, or his or her designee, may seize and impound the dog pending notice, hearings, appeals and other determinations hereunder. Such dog, if found to be a dangerous dog, may be held

until registered as provided in Section 5.04.035. The owner or keeper of the dog shall be liable to the Spokane County animal control for the costs and expenses of keeping such dog, unless a finding is made that the dog is not a dangerous dog. (Res. 90-0275 § 3, 1990)

5.04.033 Determination of potentially dangerous dog—Notice, hearing and appeal.

(1) When the animal control officer or his or her designee has sufficient information to determine that a dog is a potentially dangerous dog as defined in Section 5.04.020(9), a notice shall be mailed to the owner or keeper of the dog. The notice shall contain the following information:

(a) That the person receiving the notice is the owner or keeper of a potentially dangerous dog as defined in Section 5.04.020(9);

(b) The breed, color, sex and license number of said dog;

(c) The facts upon which the determination of potentially dangerous dog is based;

(d) That if there are future similar problems with the dog, the dog could be declared a dangerous dog pursuant to Section 5.04.032, required to be registered as provided in Section 5.04.035; and

(e) That the notice constitutes a final determination that the dog constitutes a potentially dangerous dog, unless the owner or keeper of the dog requests a hearing in writing on a form provided with the notice within fourteen days of the receipt of the notice. For purposes of this section, the notice will be deemed received on the third day after the notice is placed in the mail.

(2) In the event the owner or keeper of a dog requests a hearing as provided in subdivision (1)(e) of this subsection, a hearing shall be held within thirty days of the receipt of the request for hearing. The animal control officer or his or her designee 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 held before the animal control officer or his/her designee. The hearing shall be informal and open to the public.

(3) The hearing officer shall notify, in writing, the owner or keeper of the dog of his decision within ten days of the hearing. The decision of the hearing officer may be appealed as provided under the general laws of the state.

(4) The decision of the hearing officer is final unless appealed. (Res. 90-0275 § 4, 1990)

**5.04.035 Registration of dangerous dogs—
Requirements—Annual fee.**

(1) The owner or keeper of a dangerous dog must obtain a certificate of registration for such animal from the Spokane County Animal Control within fourteen days of a final determination of dangerous dog as provided in Section 5.04.032. The certificate of registration shall be issued only if the owner or keeper of the dangerous dog presents sufficient proof of the following:

(a) A proper enclosure to confine a dangerous dog 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 Chapter 48.28 in a form acceptable to the Spokane County animal control in the sum of at least fifty thousand dollars, 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 fifty thousand dollars, insuring

the owner or keeper for any personal injuries inflicted by the dangerous dog.

(2) In addition to the regular dog licensing fees set forth in Section 5.04.030, the owner or keeper of a dangerous dog shall pay an annual registration fee in the amount of seventy-five dollars for the calendar year.

(3) This section shall not apply to police dogs as defined in RCW Section 4.24.410. (Res. 90-0275 § 5, 1990; Res. 87-0879 Appendix A(2), 1987)

5.04.036 Dangerous dogs—Identification.

The owner of a dog determined to be dangerous, pursuant to Spokane County Code Section 5.04.033, shall have the dog tattooed or identified by a procedure known as microchipping with the owner's Spokane County animal control case number. The Spokane County animal control case number shall be kept on file by the animal control officer or his or her designee. (Res. 92-0939 Appendix A § 2, 1992)

5.04.040 Unlawful use of tags.

It is unlawful for any owner to use any license tag on any dog other than the one for which it was issued. If there is a change of ownership of a licensed dog, the new owner must apply for and obtain a new license as required in this chapter.

It is unlawful for any person to steal or remove the tag provided for in this chapter from any dog, with the intent to deprive the owner or keeper thereof. (Res. 87-0359 Appendix A(4), 1987; Res. 75-503 Art. II § 2, 1975)

5.04.042 Commercial kennels.

(1) Commercial kennels located in Spokane County shall be licensed as required by this section. Commercial kennel licenses shall be for a twelve-month period and shall be renewed on or before the expiration of the twelve-month period. The fee for a commercial kennel license is seventy-five dollars, payable to the Spokane County animal control. An additional fee of twenty-five dollars shall be paid if the license is not renewed within thirty days of the expiration of the license. The Spokane County animal control shall mail a notice of renewal of license not less than thirty days prior to the expiration of the license.

(2) Applications for commercial kennel licenses shall be made to the Spokane County animal control. Each application shall be in writing, and signed and sworn to by the applicant. The application shall contain the following information:

(a) The name, home address, and telephone number of the applicant;

(b) The business name, business address, and telephone number of the proposed commercial kennel;

(c) A description of the premises where the kennel will be operated, as well as a description of the magnitude and nature of the proposed business; and

(d) A written statement from the Spokane County planning department that the contemplated business complies with applicable zoning laws.

(3) The Spokane County animal control may refuse issuance or renewal of a license, or revoke or suspend the license, upon finding after such investigation or hearing as it deems necessary that:

(a) The license fee has not been paid;

(b) The application does not satisfy the requirements of subsection (2);

(c) Upon the inspection by the animal control officer or his or her authorized agent, the business does not meet the standards for a commercial kennel set forth in subsection (5);

(d) Such license was issued illegally, or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts, or that any of the material facts contained in the application are false;

(e) Any person owning an interest in, or sharing in the profits of the business, has, within a two-year period, been:

(i) Guilty of three or more criminal violations of this chapter;

(ii) Guilty of a violation of any provisions of Chapters 16.08 or 16.52, Revised Code of Washington; or

(iii) Guilty of any other misconduct, or improper, fraudulent, or wrongful behavior relating to the operation of a commercial kennel;

(f) Any servant, agent, employee or representative of the commercial kennel has been guilty of an act or omission while on the premises of the commercial kennel, where the act constitutes a criminal violation of this chapter, or Chapters 16.08 or 16.52, Revised Code of Washington; or has been guilty of any misconduct or improper, fraudulent or wrongful behavior relating to the operation of the commercial kennel if: (1) the circumstances surrounding any of the foregoing acts or omissions are such as to establish that such act was knowingly allowed by any person sharing in profits of the business, or, if a corporation, any officer or director thereof, or of any person acting as a proprietor, manager, or person in charge of such business; or (2) in any event, if three or more such acts or omissions have occurred on the premises within a two-year period.

(g) Failure to observe any of the standards set forth in subsection (5) of this section.

(4) Any applicant who has duly made application for a commercial kennel license under the provisions of this

section and has been denied such license, or any person holding a license which is revoked or suspended under the provisions of this section, may file a petition with the clerk of the board of county commissioners demanding a hearing before the board of county commissioners for the purpose of contesting such denial, revocation or suspension, provided that such petition must be filed within ten days following notification of such denial, revocation or suspension. Such denial, revocation or suspension shall be stayed upon the filing of such petition pending final determination of the board of county commissioners as herein provided. In the event such petition is filed, the board of county commissioners shall set a date, no less than ten days following the mailing of notice thereof for a hearing, of which all interested parties shall be notified. All evidence bearing on the questions of whether such denial, revocation or suspension is proper under the provisions of this section may be received at that hearing. If the board of county commissioners shall determine upon such hearing that such denial, suspension or revocation is not proper under the provisions of this chapter, they shall notify the Spokane County animal control, which shall cause the license to be issued or reinstated forthwith. If the board of county commissioners determines upon such hearing that such license should be denied, suspended or revoked under the provisions of this section, they shall issue such order in writing. An appeal of such an order may be made in the superior court of Spokane County in the manner provided under the general laws of the state of Washington.

(5) The following operation standards shall be observed in connection with a commercial kennel:

(a) Suitable food, water and medical attention shall be provided;

(b) Food shall be stored in a fashion which prevents contamination or infestation;

(c) The facilities shall be maintained and operated in a healthful, sanitary manner, free from disease, infestation and foul odors;

(d) Sick animals shall be isolated from healthy ones in quarters adequately ventilated to prevent contamination of healthy animals;

(e) Animals shall receive adequate food, water and care on days when the facility is not open for business;

(f) Animals shall be immunized from disease as is usual and customary for the animals' age and species.

(6) The animal control officer or his or her agents shall inspect existing or proposed kennels in connection with its licensing investigation and when inspections are necessary to insure compliance with this chapter. Such inspections shall be made during regular business hours. (Res. 87-0879 Appendix A (3), 1987; Res. 87-0359 Appendix A (5)(part), 1987)

5.04.043 Private kennels.

(1) Private kennels located in Spokane County shall be licensed as required by this section. Private kennel licenses shall be for a twelve-month period and shall be renewed on or before the expiration of the twelve-month period. The fee for a private kennel license is fifty dollars, payable to the Spokane County animal control. An additional fee of ten dollars shall be paid if the license is not renewed within thirty days of the expiration of the license. The Spokane County animal control shall mail a notice of renewal of license not less than thirty days prior to the expiration of the license. As part of a private kennel license, the licensee shall receive a license tag for each dog or cat owned by the licensee. No further licensing is required for such dogs or cats.

(2) Applications for private kennel licenses shall be made to the Spokane County animal control. Each application shall be in writing, and signed and sworn to by the applicant. The application shall contain the following information:

(a) The name, home address, and telephone number of the applicant;

(b) A diagram to scale or approximately to scale showing the property and structures for which the license is sought;

(c) A diagram of the kennel facility;

(d) A description of the premises where the kennel will be operated, as well as a description of the magnitude and nature of the proposed private kennel, including the number and breed of dogs or cats to be housed there;

(e) A description of the uses to which the properties surrounding the proposed private kennel are devoted;

(f) A written statement from the Spokane County planning department that the proposed private kennel complies with applicable zoning laws.

(3) The Spokane County animal control may refuse issuance or renewal of a license, or revoke or suspend the license, upon finding after such investigation or hearing as it deems necessary that:

(a) The license fee has not been paid;

(b) The application does not satisfy the requirements of subsection (2);

(c) Such license was issued illegally, or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts, or that any of the material facts contained in the application are false;

(d) Operation of the kennel constitutes a public nuisance;

(e) The licensee, or any agent of the licensee, in connection with the operation of the private kennel, has, within a two-year period:

(i) Been guilty of a violation of any of the provisions of Chapters 16.08 or 16.52, Revised Code of Washington;

(ii) Been guilty of two or more violations of this chapter;

(iii) Violated any of the standards imposed for operation of private kennels by subsection (4) hereof; or

(iv) Kept more than the number of dogs or cats allowed by subsection (5) hereof.

(4) The following standards shall be observed in connection with a private kennel:

(a) The animals must have an adequate supply of drinking water, sanitary sleeping quarters, and adequate shelter and exercise areas appropriate to their size, breed characteristics and climate;

(b) All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require, but not less than, in the case of puppies or kittens under four months of age, three times every twenty-four hours; and in the case of adults, once every twenty-four hours.

(c) All animals and animal buildings or enclosures shall be maintained in a clean and sanitary condition. Housing facilities shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entry of other animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public;

(d) All animal rooms, cages, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. If individual runs are utilized, the surface shall be cement, gravel, or shavings. At a minimum, sufficient space must be provided for every animal in an enclosure to separately and together, stand up, lie down, and turn around in a natural position; and

(e) All animals shall be maintained so as to eliminate excessive and nighttime noise.

(5) No private kennel shall have more than ten dogs or cats without the consent of the Spokane County

animal control. A person desiring more than ten dogs or cats must seek permission in writing from the Spokane County animal control. In considering such a request, the Spokane County animal control may consider the characteristics of the breed and the layout and surroundings of the kennel. Permission to have more than ten dogs or cats shall be granted unless such increased number would make the private kennel unreasonably incompatible with the uses of property in the surrounding area.

(6) Prior to the issuance of a private kennel license, or any renewal thereof, the animal control officer or his or her agent shall inspect the premises of the license applicant at a mutually convenient time. The purpose of such inspection shall be to determine if the private kennel does or can meet the standards set forth in subsection (4). (Res. 90-1134 Appendix A (4), 1990; Res. 87-0879 Appendix A (4), 1987; Res. 87-0359 Appendix A (5) (part), 1987)

5.04.050 Enforcement power.

(a) The animal control officer or his or her authorized animal control agents are authorized to take such lawful action as may be required to enforce the provisions of this chapter and Chapters 16.08 and 16.52, Revised Code of Washington.

(b) The animal control officer or his or her authorized animal control agents, unless authorized by the owner thereof, shall not enter private dwelling houses unless a proper warrant has been issued upon showing that the animal control officer or his or her authorized animal control agent has reasonable cause to believe an animal is being maintained in the building in violation of this chapter of Chapters 16.08 or 16.52, Revised Code of Washington. The animal control officer or his or her authorized animal control agents while pursuing any dog observed by the officer to be in violation of this chapter, or during investigation for unlicensed dogs, may enter upon any public or private property, except any private dwelling houses, for the purpose of abating the dog violation being investigated.

(c) No person shall deny, prevent, obstruct or attempt to deny, prevent or obstruct any officer from pursuing any dog observed to be in violation of this chapter. No person shall fail or neglect after a proper warrant has been presented to properly permit the animal control officer or his or her authorized animal control agent to enter private property or private dwelling homes to perform any duty imposed by this chapter. (Res. 87-0879 Appendix A (5), 1987; Res. 87-0359 Appendix A (7), 1987; Res. 75-503 Art. III § 1, 1975)

5.04.060 Impounding of dogs—Notice to owner or keeper—Redemption—Fees.

(a) The animal control officer or his or her authorized representatives may apprehend dogs found doing any of the acts defined as public nuisances under Section 5.04.070. The animal control officer or his or her authorized representative upon apprehension of any dog or dogs, shall make a complete register, entering the breed, color and sex of each dog and whether licensed or not. If licensed, the animal control officer or his or her authorized representative shall enter the name and address of the owner or keeper and the number of the license tag. Except as provided in Section 5.04.032(6), if reasonably possible and the animal control officer or his or her authorized representative does not have probable cause to believe a dog is dangerous as defined in Section 5.04.020 (5), the animal control officer or his or her duly authorized representative shall return the dog to the licensed owner or keeper, together with a notice of violation of this chapter; provided, if it is not reasonably possible to immediately return the dog to its owner or keeper, the animal control officer shall notify the owner or keeper within forty-eight hours by certified mail or telephone or personal notice that the dog has been impounded and where it may be redeemed. Any licensed dog impounded pursuant to this chapter shall be held for the owner or keeper for at least one hundred eight hours, after the owner's or keeper's receipt of the notification by certified mail, by phone or by personal notice from the impounding agency. Unlicensed dogs shall be held for the owner or keeper at least seventy-two hours after impounding.

(b) In case any licensed dog is not redeemed after notice as provided in this section, the dog shall be humanely destroyed by euthanasia by the impounding agency or sold. Any unlicensed dog not redeemed within seventy-two hours of the impounding may be humanely destroyed by euthanasia or sold. All sales of dogs shall be pursuant to rules and regulations as established by the Spokane County animal control.

(c) Any dog as may be determined by the animal control officer or his or her duly authorized representative to be suffering from serious injury or disease, may be humanely destroyed or in the discretion of the animal control officer, or his or her duly authorized representative may be held for a longer period and redeemed by any person on payment of the charges prescribed in Section 5.04.110.

(d) The owner or keeper of any dog impounded pursuant to the provisions contained in this chapter may recover the dog or dogs when all billable costs,

redemption fees, penalties and boarding costs incurred in such impoundment are paid to the Spokane County animal control. (Res. 90-0275 § 6, 1990; Res. 87-0359 Appendix A (8), 1987; Res. 75-503 Art. III § 2, 1975)

5.04.065 Adoption of animal—Agreement to spay or neuter—Sterility deposit—Forfeiture of animal—Small animal neutering program revolving account.

(1) Any person adopting a small animal (dog or cat) from the Spokane County small animal control shall sign a written agreement promising to have the animal spayed or neutered within three months of adoption.

(2) At the time of purchase of any small animal (dog or cat) from the Spokane County small animal control, a twenty-dollar sterility deposit for dogs and a fifteen dollar sterility deposit for cats will be charged in addition to the sale price for any such animal.

(3) The sterility deposit collected by the Spokane County animal control from the sale of any dog or cat will be deposited in the "Small Animal Neutering Program Reserve," coded 8290-0019, within the current expense fund controlled by the county auditor's office.

(4) All purchasers of small animals from the Spokane County small animal control will be provided with a sterility deposit receipt which will contain space for the signature of a licensed veterinarian who performs the spaying or neutering of the animal. In addition, the purchaser will be provided a list of licensed veterinarians participating in the county small animal neutering program. In order for the purchaser to have his or her new pet spayed or neutered for no charge, the purchaser must have their pet sterilized within three months of purchase by a participating veterinarian. The sterility receipt shall be presented to the participating veterinarian, who shall sign and date it. If the purchaser decides to use a veterinarian who does not participate in the county small animal neutering program, then the purchaser will be responsible for all fees charged by the nonparticipating veterinarian. Whether a participating or nonparticipating veterinarian is used, the pet must be sterilized within three months of purchase.

(5) Upon return of the signed and dated sterility deposit receipt, by a licensed participating veterinarian to the Spokane County small animal control, the director or such person authorized by the director will issue a check to the veterinarian for the cost of the surgery performed.

(6) Proof that the animal has been spayed or neutered shall be provided to the Spokane County small animal control within three months of adoption. Proof

shall consist of the sterility deposit receipt from a veterinarian participating in the county small animal neutering program; or where the animal has been spayed or neutered by a nonparticipating veterinarian, the proof shall consist of a written statement from the veterinarian or clinic which spayed or neutered the animal, indicating the date the animal was spayed or neutered.

(7) Any person failing to provide proof that the animal adopted by them has been spayed or neutered shall surrender the animal to the Spokane County small animal control.

(8) Any person failing to surrender an animal as required by subsection (7) of this section shall be guilty of a civil infraction.

(9) One thousand dollars will be advanced by the board of county commissioners from general county funds as the initial startup fund for the neutering program revolving account. Such funds are to be repaid to the county when the program becomes self-sufficient.

(10) The neutering program revolving account will constitute a checking account set up under the control of the Spokane County small animal control director to facilitate payment to participating veterinarians after required proof of spaying/neutering has been submitted.

(11) The neutering program revolving account shall be balanced and reimbursed by county warrant at least monthly; reimbursement vouchers shall have sterility deposit receipts attached. The receipts will be charged to the small animal neutering program reserve. (Res. 0727 Appendix A, 1990; Res. 87-0359 Appendix A (9), 1987)

5.04.066 Impounding of cats—Notice to owner or keeper—Redemption—Fees.

(1) The animal control officer or his or her authorized representative may apprehend a cat doing any of the acts prohibited by Spokane County Code Section 5.04.067; or when the animal is sick, injured or dead.

(2) The animal control officer or his/her designee upon apprehension of a cat shall make a complete register, entering the breed, color and sex of the cat, and whether or not the cat is licensed. If licensed, the animal control officer or his/her designee shall enter the name and address of the owner or keeper and number of the license tag. If reasonably possible, the animal control officer or his/her designee shall immediately return the cat to its licensed owner or keeper. If it is not reasonably possible to immediately return the cat to its owner or keeper, the animal control officer or his/her designee shall notify the cat's owner or keeper within forty-eight hours by mail, telephone or personal notice that the cat has been impounded and where it may be redeemed. Any licensed cat impounded pursuant to this chapter shall be held for the owner or

keeper for at least three calendar days following notification of the cat's owner or keeper. The length of time an unlicensed cat is to be held depends on the temperament of the animal, if the animal is sick or injured, and the space available in the animal shelter.

(3) Any cat impounded pursuant to this section may be redeemed upon payment of the redemption fee and boarding fee as provided in this subsection. The redemption fee shall be ten dollars for the first redemption in a twelve-month period, twenty dollars for the second redemption in a twelve-month period, and forty dollars for the third or subsequent redemption within a twelve-month period. In addition, a five-dollar-per-day boarding fee shall be assessed for every twenty-four hours or portion thereof the cat is held. The redemption fee shall be made payable to the Spokane County Animal Control.

(4) Any licensed cat not redeemed after notice as provided in this section shall be humanely destroyed by euthanasia or sold. Any unlicensed cat not redeemed within a reasonable time following impounding may be humanely destroyed by euthanasia or sold. All sales of cats shall be pursuant to rules and regulations as established by the Spokane County Animal Control. (Res. 92-0939 Appendix A § 3, 1992; Res. 90-1134 Appendix A (5), 1990)

5.04.067 Control of cats.

The following cat control regulations are police regulations designed to protect public health and safety. The owner of a cat is strictly liable to control his/her cat or cats as required herein. This means that the penalty for violation of these regulations is imposed without regard to any wrongful intention of the violator. It is unlawful for the owner or keeper of a cat or cats to violate any of the following regulations. The owner or keeper of a cat or cats shall prevent said cats from:

- (1) Being accessible to other cats, while in heat, for purposes other than controlled or planned breeding;
- (2) Running at large when the cat has not been neutered or spayed, and the cat is six months of age or older;
- (3) Not having a current license as provided for under Section 5.04.031;
- (4) Not being currently inoculated for rabies;
- (5) Being kept, harbored or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian;
- (6) Being on private property without the permission of the property owner. (Res. 90-1134 Appendix A (6), 1990)

5.04.070 Control of dogs.

The following dog control regulations are police regulations designed to protect public health and safety. The owner or keeper of a dog is strictly liable to control his/her dog

or dogs as required herein. This means that the penalty for violation of these regulations is imposed without regard to any wrongful intention of the violator. It is unlawful for the owner or keeper of a dog or dogs to violate any of the following regulations. The owner or keeper of a dog or dogs shall prevent said dogs from:

(1) Running at large in Spokane County, whether licensed or not; provided, that this section shall not prohibit a person from walking or exercising a dog in public when such dog is on a leash, tether or chain not to exceed eight feet in length; provided further, that this section shall not apply to any dog serving the blind or deaf;

(2) Entering any place where food is stored, prepared, served or sold to the public or any public building or hall; provided, that this section shall not apply to any dog serving the blind or deaf; to veterinarian offices or hospitals; or to exhibitions or organized dog training classes or to dogs used by armored car services or law enforcement agencies;

(3) Being accessible to other animals, while in heat, for purposes other than controlled or planned breeding;

(4) Chasing, running after or jumping at vehicles using public streets and alleys;

(5) Snapping, growling, snarling, barking in a threatening manner, jumping upon, chasing or otherwise threatening persons or domestic animals;

(6) Exhibiting vicious propensities;

(7) Howling, yelling, whining or barking or making other oral noises in such a manner as to disturb any person or groups of persons to an unreasonable degree;

(8) Running at large on any public property while not in its owner's or keeper's control;

(9) Being kept, harbored or maintained and known to have contagious disease unless under the treatment of a licensed veterinarian;

(10) Running in packs; provided, for the purpose of this section "packs" means dogs in groups of three or more;

(11) Not having a license as provided for under Section 5.04.030;

(12) Not being currently inoculated for rabies.

(13) Running at large when the dog has not been neutered or spayed, and the dog is six months of age or older. (Res 92-0939 Appendix A §§ 4, 5, 1992; Res. 90-0275 § 7, 1990; Res. 87-0359 Appendix A(10), 1987; Res. 81-0602 Attachment A § 1, 1981; Res. 80-0903 (part), 1980; Res. 79-1186 Attachment A (part), 1979; Res. 76-1114 Attachment A (part), 1976; Res. 75-503 Art. III § 3, 1975)

5.04.071 Violations as infractions— Exceptions.

Failure to perform any act required other than those requirements set forth in Section 5.04.035 or the performance of any act prohibited by this chapter is designated

as an infraction and may not be classified as a criminal offense, except the following violations shall be classified as misdemeanors:

(1) Section 5.04.030(c), relating to falsely representing dog as neutered or nonneutered;

(2) Section 5.04.040, relating to theft of dog tags;

(3) Section 5.04.070(6), relating to dogs exhibiting vicious propensities which constitute a danger to persons, domestic animals, poultry or livestock;

(4) Section 5.04.079(1), relating to failure to sign a promise to appear;

(5) Section 5.04.079(2), relating to wilful failure to respond to a notice of infraction; and

(6) The third or subsequent violation of any provision of this chapter within a twelve-month period.

Provided, the criminal violations contained in Chapters 16.08 and 16.52, Revised Code of Washington shall be punished as provided in those chapters. (Res. 87-0879 Appendix A(6), 1987; Res. 87-0359 Appendix A(11)(part), 1987)

5.04.072 Notice of infraction—Issuance.

(1) The animal control officer or his or her duly appointed agent shall be specially commissioned by the county sheriff to issue a notice of infraction when the infraction is committed in the officer's or duly authorized agent's presence or if an officer or duly authorized agent has reasonable cause to believe that the owner or keeper of a dog has committed an infraction.

(2) The court may issue a notice of infraction upon receipt of a written statement of the animal control officer or his or her duly authorized agent that there is reasonable cause to believe that an infraction was committed. (Res. 87-0359 Appendix A(11) (part), 1987)

5.04.073 Notice of infraction—Determination final unless contested—Form.

(1) A notice of infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The notice of infraction shall include the following:

(a) A statement that the notice represents a determination that an infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that an infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination, the county has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction, the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days;

(i) A statement which the person shall sign that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

(j) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a term of imprisonment in jail;

(k) A statement that failure to respond to the notice of infraction or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear. (Res. 90-0275 § 8, 1990; Res. 87-0359 Appendix A(11) (part), 1987)

**5.04.074 Response to notice of infraction—
Contesting determination—
Hearing—Failure to respond or
appear.**

(1) Any person who receives a notice of infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either

by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing.

(5) The court shall enter a default judgment assessing the monetary penalty prescribed for the infraction and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of infraction:

(a) Fails to respond to the notice of infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsections (3) or (4) of this section. (Res. 90-0275 § 9, 1990; Res. 87-0359 Appendix A(11) (part), 1987)

**5.04.075 Hearings—Rules of procedure—
Counsel.**

(1) Procedures for the conduct of all infraction hearings provided for in this chapter shall be in accordance with the justice court traffic infraction rules.

(2) Any person subject to proceedings under this chapter may be represented by counsel. (Res. 87-0359 Appendix A(11) (part), 1987)

**5.04.076 Hearings—Contesting determination
that infraction committed—Appeal.**

(1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the county to establish the commission of the infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument the court shall determine whether the infraction was com-

mitted. Where it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed, an appropriate order shall be entered in the court's records.

(5) An appeal from the court's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure. (Res. 87-0359 Appendix A(11) (part), 1987)

5.04.077 Hearings—Explanation of mitigating circumstances.

(1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the infraction, an appropriate order shall be entered in the court's records.

(3) There may be no appeal from the court's determination or order. (Res. 87-0359 Appendix A(11) (part), 1987)

5.04.078 Order of court—Civil nature—Waiver, reduction, suspension of penalty—Community service in lieu of penalty.

(1) An order entered after the receipt of a response which does not contest the determination or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty at the rate of the then state minimum wage per hour. (Res. 87-0359 Appendix A(11) (part), 1987)

5.04.079 Notice of infraction—Failure to sign—Nonappearance—Failure to satisfy penalty.

(1) It is a misdemeanor for any person who has been served with a notice of civil infraction, as provided by Spokane County district court rule, as it presently exists

or as may be hereinafter amended, to refuse to sign a written promise to respond to the notice.

(2) Any person wilfully violating his or her written and signed promise to appear in court or respond to a notice of infraction is guilty of a misdemeanor, regardless of the ultimate disposition of the notice of infraction; provided, that a written promise to appear in court or a written promise to respond to a notice of infraction be complied with by an appearance by counsel.

(3) A person who wilfully fails to pay a monetary penalty or to perform community service as required by a court under this chapter may be found in civil contempt of court as provided for in RCW Chapter 7.21. (Res. 94-1555 § 1, 1994; Res. 92-0939 Appendix A § 6, 1992; Res. 90-0275 § 10, 1990; Res. 87-0359 Appendix A(11) (part), 1987)

5.04.080 Person receiving notice—Identification and detention.

(a) A person who is to receive a notice of infraction under Spokane County Code Section 5.04.072(1) is required to identify himself or herself to the 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.

(b) 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 notice of infraction.

(c) The Spokane County animal control shall adopt rules on identification and detention of persons committing civil infractions. (Res. 92-0939 Appendix A § 7, 1992)

5.04.090 Animal control officer or his duly authorized agent—Issuance of criminal citation.

The animal control officer or his or her duly appointed agent shall be specially commissioned by the county sheriff as a specially commissioned deputy for the purpose of issuing citations to owner(s) or keeper(s) of dogs which are found in violation of any provision of this chapter designated as a misdemeanor, in those instances where a violation occurs in the animal control officer's or his or her duly authorized officer's presence; provided, however, in those instances where the animal control officer or his or her duly authorized agent has reasonable information to support a reasonable belief that the owner or keeper of the dog is in violation of subsection (6) of Section 5.04.070, the animal control officer or his or her duly authorized agent may issue a citation for the violation even though the violation does not occur in the animal control officer's or his or her agent's presence. The animal control

officer or his or her duly appointed agent shall also be specially commissioned by the county sheriff to enforce the provisions of Chapters 16.08 and 16.52, Revised Code of Washington; and shall have the authority to issue citations and make arrests for violations of Chapter 16.08 and 16.52, Revised Code of Washington, constituting a misdemeanor or gross misdemeanor. (Res. 87-0879 Appendix A (7), 1987; Res. 87-035 Appendix A (12), 1987; Res. 80-0903 (part), 1980; Res. 77-596, 1977; Res. 76-110 (part), 1976; Ord. 75-503 Art. III § 10, 1975)

5.04.110 Redemption procedures.

Any dog impounded pursuant to the provisions of Sections 5.04.050 through 5.04.130 may be redeemed upon payment of the redemption fee as provided in this section and proof of current rabies vaccination. The redemption fee for a dog shall be fifteen dollars for each dog plus an additional fee of five dollars for each twenty-four-hour period or portion thereof during which such dog is retained by the impounding agency. The redemption fee shall be made payable to the Spokane County animal control. Any owner or keeper redeeming an unlicensed dog shall in addition to the above enumerated redemption fee, pay the license fee and/or penalty fee as set forth in Section 5.04.030. Provided, that the redemption fee for a dog redeemed a second or a third time in any one twelve-month period shall be thirty dollars and fifty dollars respectively, plus five dollars for each twenty-four-hour period or portion thereof during which such dog is retained by the impounding agency. Provided further, the animal control officer for good cause at his/her discretion may waive and/or reduce the redemption fee for a second or third redemption in any twelve-month period. (Res. 94-1555 § 2, 1994; Res. 87-0359 Appendix A(14), 1987; Res. 81-0602 Attachment A § 4, 1981; Res. 80-0987 § 4, 1980; Res. 79-1186 Attachment A (part), 1979; Res. 75-503 Art. III § 5, 1975)

5.04.120 Destruction of vicious dogs.

(a) Any dog having vicious propensities as defined in this chapter may be ordered turned over to the animal control shelter for disposal by means of euthanasia by the district court upon the owner's or keeper's conviction of any violation of Section 5.04.070(6).

(b) If disposal by means of euthanasia is not ordered, any dog found to have vicious propensities shall thereafter be kept on a leash, tether or chain at all times or in the alternative, fenced in on the owner's or keeper's property.

(c) An order to turn a dog over to the animal shelter for disposal by means of euthanasia means that the owner or keeper of the dog has forty-eight hours from the issuance of the court order to turn the dog over to the animal control shelter for disposal by means of euthanasia. (Res. 90-0275

§ 11, 1990; Res. 87-0359 Appendix A(15), 1987; Res. 81-0602 Attachment A § 3, 1981; Res. 75-503 Art. III § 6, 1975)

5.04.130 Penalties.

(1) The maximum penalty for the violation of any provision of this chapter constituting an infraction shall be thirty dollars for the first infraction and fifty dollars for the second infraction committed within a twelve-month period. In addition, the court may impose any applicable statutory assessment.

(2) Any person, in addition to any other penalties provided by this chapter, found in violation of any provisions or any amendments thereto which are designated as misdemeanors shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment. (Res. 90-0275 § 12, 1990; Res. 87-0359 Appendix A(16), 1987)

5.04.131 Violation as constituting a public nuisance.

In addition to the foregoing remedies, the violation of any provision of this chapter shall constitute a public nuisance and may be abated in any manner authorized by RCW Chapters 7.48 and 9.66. (Res. 90-0275 § 13, 1990)

5.04.900 Severability.

If any portion of this chapter 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 of this chapter. (Res. 87-0359 Appendix A(17), 1987)

5.04.910 Effective date—Preservation of existing cases.

Resolution No. 87-0359 shall take effect on July 13, 1987. All cases filed and offenses committed prior to the effective date of this resolution are deemed preserved in accordance with Section 10.01.040 RCW, and shall be governed by Chapter 5.04 as it existed prior to July 13, 1987. (Res. 87-0359 Appendix A(18), 1987)

Chapter 5.08

RANGE AREAS

Sections:

- 5.08.010 Stock restricted area.
 5.08.020 Open range areas designated.

5.08.010 Stock restricted area.

All of the unincorporated area of Spokane County is established as a stock restricted area. (Res. 75-336, 1975)

5.08.020 Open range areas designated.

(a) The board of county commissioners of Spokane County, Washington, designates that the areas adjacent to the following described county roads as open range areas:

(1) Columbia Basin Highway No. 1628 — from Carman Road to the Lincoln County line in Sections 5, 7, 8, and 18, Township 22 North, Range 40 East W.M.

(2) Scroggie Road No. 1543 — from the east line of Section 32, Township 22 North, Range 40 East W.M. west to the Lincoln County line in Sections 31 and 32, Township 22 North, Range 40 East W.M.

(3) Badger Lake Road No. 194 — from Station 0+30 at Williams Lake Road northeasterly approximately one and one-fourth miles to the east line of the northwest quarter of Section 4 in Sections 4 and 5, Township 21 North, Range 41 E.W.M.

(b) The clerk of the board is directed to cause the publication of notice of this action as required by law, and the county engineer is authorized to post "Range Area" signs where the public roads enter the above-mentioned open range areas. (Res. 82-0942, 1982; Res. 77-912, 1977)

Chapter 5.12

INHERENTLY DANGEROUS
MAMMALS/REPTILES

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5.12.010 Purpose.

It is the public policy of Spokane County to secure and maintain such levels of control over inherently dangerous mammals and inherently dangerous reptiles harbored and/or owned within the unincorporated area of Spokane County as will protect the general human health, safety and welfare as well as provide for the humane housing, care and treatment of such animals. To this end, it is the purpose of this chapter to provide a means of licensing, housing and caring of inherently dangerous mammals and inherently dangerous reptiles so that such animals do not become public nuisances. (Res. 96-1007 § I, 1996)

5.12.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Animal control department" means that department established by the board of county commissioners by resolution to administer and enforce the provisions of this chapter. Its director shall be referred to hereinafter as the

"animal control director" or "director." An "animal control officer" is any person employed or appointed by the board of county commissioners of Spokane County for the purpose of administering or aiding in the enforcement of this chapter.

"Exhibit" means to show or display either publicly or privately.

"Household member" means a person related by blood, marriage, adoption, or any other person residing on the premises with a person harboring and/or owning an inherently dangerous mammal and/or inherently dangerous reptile.

"Inherently dangerous mammal" means any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and which includes:

(1) Canidae means and includes any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, but not including domestic dogs (*Canis lupus familiaris*) or wolf hybrids which are a cross between a wolf and a domestic dog.

(2) Felidae means and includes any member of the cat family not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).

(3) Ursidae means and includes any member of the bear family, or any hybrids thereof.

"Inherently dangerous reptile" means any live member of the class reptilia which:

(1) Is venomous, including, but not necessarily limited to, all members of the following families: Helodermae; Viperidae; Crotalidae; Altractaspidae; Hydrophilidae; and Elapidae; or

(2) Is a "rear fanged" snake of the family Colubridae that are known to be dangerous to humans, including, but not necessarily limited to, all members of the following families: *Dispholidus typus*; *Thebomys kirtlandii*; and *Rhabdophis* spp.; or

(3) Is a member of the order Crocodilia (crocodiles, alligators and caiman).

"Harboring of an inherently dangerous mammal and/or inherently dangerous reptile" means to allow an inherently dangerous mammal or inherently dangerous reptile to remain, lodge, be fed, or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control. (Res. 99-0691 (part), 1999; Res. 99-0359 (part), 1999; Res. 96-1007 § II, 1996)

5.12.030 Running at large.

No person owning or harboring, having custody, control, or possession of an inherently dangerous mammal and/or any inherently dangerous reptile shall permit or allow the

same to run at large upon any highway, street, lane, alley, court, or any other place, public or private, or within the premises of such person, in such manner as to endanger any person lawfully entering such premises.

Allowing an inherently dangerous mammal and/or any inherently dangerous reptile to run at large is a misdemeanor. (Res. 96-1007 § III, 1996)

5.12.040 Harboring/owning inherently dangerous mammals and/or inherently dangerous reptiles.

It shall be a violation of this chapter for any person to harbor and/or own an inherently dangerous mammal and/or any inherently dangerous reptile unless such person has achieved the age of eighteen years and obtained and maintained an annual license allowing that person to harbor and own such inherently dangerous mammal and/or inherently dangerous reptile as provided for in this chapter. Provided, however, any person who has achieved the age of eighteen years of age or over, and who is harboring and/or owning an inherently dangerous mammal and/or an inherently dangerous reptile on the effective date of the ordinance codified in this chapter shall have a sixty-day time frame in which to obtain a license from the county.

Harboring and/or owning an inherently dangerous mammal and/or an inherently dangerous reptile by a person under the age of eighteen years of age or without an annual license is a misdemeanor. (Res. 96-1007 § IV, 1996)

5.12.050 Exemptions.

The following are exempt from all provisions of this chapter except Sections 5.12.030, 5.12.090, 5.12.100(b), 5.12.120 and 5.12.130:

- (1) Any facility accredited by the Association of Zoos and Aquariums (AZA);
- (2) Any licensed or accredited research or medical institutions;
- (3) Licensed or accredited educational institutions;
- (4) Veterinary clinics in possession of inherently dangerous mammals or inherently dangerous reptiles for treatment or rehabilitation purposes;
- (5) Traveling circuses or carnivals;
- (6) Persons temporarily transporting inherently dangerous mammals or inherently dangerous reptiles through the county provided that the transit time shall not be more than three days;

Any activity which was exempt from the provisions of this chapter under subsection 7 or 8 of this section prior to the effective date of Res. 99-0359 shall have sixty (60) days to comply with applicable provisions of the chapter. Additionally the provisions of Section 5.12.080(e) shall apply to such preexisting activities.

Although the above are exempt from the provisions of this chapter, they must comply with all other applicable federal, state and local regulations, including but not necessarily limited to Chapter 16.52 RCW, concerning the prevention of cruelty to animals. (Res. 96-1007 § V, 1996)

5.12.060 Licensing and inspection.

(a) License Application Form. To obtain a license to harbor and/or own an inherently dangerous mammal and/or an inherently dangerous reptile within the unincorporated area of Spokane County, a person shall annually make a written and completed application which shall include the following:

(1) All information requested on the application form required by the Spokane County animal control director as deemed necessary thereby to assist in determining whether the license should be issued, including but not necessarily limited to, front and profile photographs as well as any existing identification, such as tattooing and microchipping of the inherently dangerous mammal and/or inherently dangerous reptile;

(2) Attach to the completed application form proof of liability insurance in the amount of fifty thousand dollars per inherently dangerous mammal and/or inherently dangerous reptile up to a maximum of three hundred thousand dollars, which shall be written to cover any acts of the inherently dangerous mammal and/or inherently dangerous reptile, certificate of insurance shall be immediately submitted to the Spokane County animal control director for approval or disapproval, and which proof of liability insurance shall provide that the Spokane County animal control director as the person to be notified ten days in advance of the cancellation of the liability insurance for any reason;

(3) Attach and/or enclose a non-refundable license application fee of one hundred dollars per inherently dangerous mammal per address, with a maximum of three hundred dollars per address, or fifty dollars per inherently dangerous reptile per address with a maximum of one hundred fifty dollars per address; and

(4) Submit to an initial inspection of the premises where the inherently dangerous mammal and/or inherently dangerous reptile proposed to be harbored, prior to the license being issued, and to additional inspections, announced or unannounced at the director's discretion, at any other time deemed necessary by the director between the hours of seven a.m. and nine p.m. daily during the life of the mammal and/or reptile; said inspection to be performed by the director, any animal control officer, or any person designated by the director to assist in the performance of the inspection which is performed in accordance with of this chapter.

No license shall be issued by the director unless and until the applicant is in compliance with all of the provisions of this chapter, including, but not necessarily limited to the standards for housing and care as set forth in Section 5.12.080 of this chapter and the premises and/or property upon which the application for a license to harbor and/or own an inherently dangerous mammal and/or inherently dangerous reptile is properly zoned for such use/activity. The licensee shall submit a written statement from the Spokane County building and planning division that the use/activity complies with applicable zoning laws. All licenses shall be effective from a one-year time frame from the date of issuance.

(b) License Not Transferable. Any license to harbor and/or own any inherently dangerous mammal and/or inherently dangerous reptile is not transferable to any other subsequent owner/harbinger or to any other location within the unincorporated area of Spokane County.

(c) License Not to be Issued. The Spokane County animal control director shall not process or issue any license to (1) any person charged or found guilty of Section 5.12.030 either before or after the adoption of this subsection; (2) any person who is a household member of a person charged or found guilty of violating Section 5.12.030 either before or after the adoption of the resolution codified in this subsection; or (3) any person for the harboring and/or owning an inherently dangerous mammal and/or inherently dangerous reptile which mammal or reptile has been the subject of a charge or violation under Section 5.12.030 either before or after the adoption of said resolution. In the event that a license is being processed or has been issued prior to the effective date of the adoption of this amendment such processing shall be terminated and/or license issued shall automatically be revoked by the Spokane County animal control director and the appeal rights of the licensee set forth in Section 5.12.100(a) shall not be applicable to such termination and/or revocation. (Res. 99-0691 (part), 1999; Res. 99-9359 (part), 1999; Res. 96-1007 § VI, 1996)

5.12.070 Renewal of licenses.

(a) The license to keep an inherently dangerous mammal and/or inherently dangerous reptile shall be renewed annually, on or before the date of issuance, upon the submission of an annual renewal fee of one hundred dollars per inherently dangerous mammal per address, with a maximum of three hundred dollars per address; or fifty dollars per inherently dangerous reptile, per address, with a maximum of one hundred fifty dollars per address.

All renewals shall require a current inspection and submission of current information as provided for in Section 5.12.060(a)(1) and (2).

(b) The animal control department shall notify the licensee by mail not less than one month before the expiration of the license of its renewal fee and annual inspection are due.

(c) Any condition imposed on the approval or renewal of the license shall be strictly adhered to by the applicant/licensee and failure to do so constitutes cause for non-issuance, non-renewal, or immediate revocation of the license.

(d) The animal control department shall maintain a record of the date of issuance of, the conditions imposed on, and the name and address of the person to whom a license has been issued pursuant to this section.

(e) It shall be a violation of this chapter for any person to fail to renew an annual license for an inherently dangerous mammal and/or inherently dangerous reptile. Failure to renew an annual license for an inherently dangerous mammal and/or an inherently dangerous reptile is a misdemeanor.

(f) License Not to Be Renewed. The Spokane County animal control director may at his/her sole discretion, not process or issue the renewal of any license under this section to any licensee failing to comply with any license conditions or any other provisions of this chapter. (Res. 99-0359 (part), 1999; Res. 96-1007 § VII, 1996)

5.12.080 Standards for housing and care.

(a) Housing and Care of Canidae and Hybrids Thereof. A harbinger and/or owner of any inherently dangerous canidae and hybrids thereof shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this section.

(1) Enclosure Dimensions. A single small canid, or hybrid thereof, weighing less than thirty-five pounds shall have an enclosure measuring at least eight feet by twelve feet or ninety-six square feet. For each additional small canid (or hybrid thereof), the enclosure shall be increased by fifty percent. A single large canid, or hybrid thereof, weighing thirty-five pounds or more shall have an enclosure measuring at least ten feet by fifteen feet or one hundred fifty square feet. For each additional large canid, or hybrid thereof, the enclosure shall be increased by fifty percent. Enclosures shall have a secondary barrier of at least eight feet in height to prevent access to the area by the general public. The secondary barrier shall be a minimum of five feet from the primary enclosure.

(2) Enclosure Materials. Enclosures for canids and hybrids thereof shall be constructed of not less than 11-gauge chain link or its equivalent for mammals of an adult weight less than thirty-five pounds and 9-gauge chain link or its equivalent for animals of an adult weight of thirty-five

pounds or more. Perimeter barriers shall be at least eight feet high and include an inward-facing overhand of no less than eighteen inches at an angle of forty-five degrees. In addition to vertical barriers, all perimeters shall also have either a concrete footing or horizontal protective matting around the entire enclosure to prevent escape through digging. All enclosures shall have double doors between the animal and possible escape, one being a primary access door and the second being a safety door. All enclosure doors shall be securely locked and include safety chains.

(3) Indoor Housing. Whenever any canidae or hybrid thereof is not within an enclosure as described herein, but is within the residence of a person having a license as provided for in Section 5.12.070, the residence shall comply with the following criteria:

(A) All windows, except those leading to an outside cage, shall be screened in material suitable for the canidae or hybrid thereof to contain the animal(s) from potential escape;

(B) All doors entering the room will be of construction, suitable for the canidae or hybrid thereof and be securely locked. If the door is solid in construction, a device shall be installed to visually locate the canidae or hybrid thereof before entering the room; and

(C) All construction must be of proper strength materials for the weight of the canidae or hybrid thereof they are to contain. Walls must be appropriately reinforced where necessary.

(4) Temperatures and Shelter. All canidae and hybrids thereof shall have access at all times to shelter from adverse climate conditions and those animals kept outside shall have access to shade.

(5) Water. Fresh clean water for drinking shall be available at all times. Watering shall consist of either built-in devices or sturdy portable containers; such devices or containers shall be cleaned and disinfected daily.

(6) Food. All canids and hybrids thereof shall have access to food which shall maintain the animal's proper weight, nutrition, and health.

(7) Sanitation. All enclosures shall be cleaned daily and kept free of debris and fecal material. Drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable state, county, and local laws and regulation.

(8) Medical Attention. Proper medical attention must be provided when and as necessary to maintain the canid(s) or hybrid(s) in a healthy condition.

(9) Transportation. At no time shall a canid or hybrid thereof be transported away from the owner's premises by use only of a leash. Such animals must be transported in a manner that would not constitute a public threat or nuisance. When in or on a vehicle, said canid or hybrid thereof shall be appropriately and effectively contained in a secure, locked portable enclosure. When moving a canid or hybrid thereof away from the owner's premises to a vehicle, a cable system shall be employed.

(10) Animal Restricted to Owner's Property. At no time shall a canid or hybrid thereof be located other than on the licensed owner's premises in an approved enclosure or indoor housing as provided for above, except during transportation as described in subsection (9) above.

(11) Signage. A sign or signs, including a symbol recognizable to children, shall be permanently affixed to the secondary barrier indicating that there is an inherently dangerous canid or hybrid thereof within such enclosure.

(12) Exhibiting. No inherently dangerous canidae or hybrid thereof shall be exhibited off the licensed owner's premises.

(b) Housing and Care of Felidae and Hybrids Thereof. A harbinger and/or owner of any inherently dangerous felidae and hybrids thereof shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this chapter.

(1) Enclosure Dimensions and Materials for Very Large Pantherids. Very large pantherids, including lions (*P. leo*), tigers (*P. tigris*), and any hybrids thereof shall be maintained in barred or heavily wired cages. A cage for a single animal shall measure at least twenty-four feet wide by twenty feet deep or four hundred eighty square feet. It should be either a minimum of eight feet high with a secure covered top or a minimum of twelve feet high with an inward-facing overhang of no less than eighteen inches and at an angle of forty-five degrees to prevent the animals from escaping. Cages shall be fifty percent larger for each additional animal. Enclosures shall have a secondary barrier of at least eight feet in height to prevent access to the area by the general public. The secondary barrier shall be a minimum of five feet from the primary enclosure.

(2) Enclosure Dimensions for Other Large Felids. Other large felids, including jaguars (*P. Onca*), leopards or panthers (*P. pardus*), pumas, cougars or mountain lions (*P. concolor*), snow leopards (*P. unica*), clouded leopards (*Neofelis nebulosa*), and any subspecies or hybrids thereof shall be maintained in a cage with minimum cage dimensions for a single large felid equal to at least twenty feet wide by twelve feet deep or two hundred and forty square feet by eight feet high and have secure covered tops. Cages shall be fifty percent larger for each additional animal. Enclosures shall have a secondary barrier of at least eight feet in height to prevent access to the area by the general public. The secondary barrier shall be a minimum of five feet from the primary enclosure.

(3) Enclosure Dimensions for Smaller Felids. Small felids, those having an adult body weight of less than forty-four pounds, including any hybrids but excluding the domestic cat (*felis catus*) shall be maintained in a cage with minimum cage dimensions for a single small felid equal to twelve feet wide by ten feet deep or one hundred and twenty square feet by eight feet high and have secure covered tops. Floor space shall be increased by fifty percent for each additional animal. Enclosures shall have a secondary barrier of at least eight feet in height to prevent access to the area by the general public. The secondary barrier shall be a minimum of five feet from the primary enclosure.

(4) Barrier and Enclosure Materials—General. Enclosures for very large and large felids shall be constructed of bars or not less than 9-gauge chain link fencing or its equivalent. Enclosures for smaller felids shall be constructed of bars of not less than 11-gauge chain link fencing or its

equivalent. In addition, all perimeters must have soil piping or other fencing material or tension wires along the ground, except those for digging felids which shall be either a concrete footing or horizontal protective matting around the entire enclosure. All enclosures shall have double doors between the animals and possible escape, one being the primary access door and the second being a safety door. All enclosures shall contain at least one above-ground platform large enough to allow the felid comfort and be located at least thirty inches above ground. All enclosure doors shall be securely locked and include safety chains.

(5) Indoor Housing. Whenever any felidae or hybrid thereof is not within an enclosure as described herein, but is within the residence of a person having a license as provided for in Section 5.12.070, the residence shall comply with the following criteria:

(A) All windows, except those leading to an outside cage, shall be screened in material suitable for the felidae or hybrid thereof to contain the animal(s) from potential escape;

(B) All doors entering the room will be of construction, suitable for the felidae or hybrid thereof and be securely locked. If the door is solid in construction, a device shall be installed to visually locate the felidae or hybrid thereof before entering the room; and

(C) All construction must be of proper strength materials for the weight of the felidae or hybrid thereof they are to contain. Walls must be appropriately reinforced where necessary.

(6) Temperatures and Shelter. All felidae and hybrids thereof shall have access at all times to shelter from adverse climate conditions and those animals kept outside shall have access to shade.

(7) Water. Fresh clean water for drinking shall be available at all times. Watering shall consist of either built-in devices or sturdy portable containers; such devices or containers shall be cleaned and disinfected daily.

(8) Food. All felids and hybrids thereof shall have access to food which shall maintain the animal's proper weight, nutrition, and health.

(9) Sanitation. All enclosures shall be cleaned daily and kept free of debris and fecal material. Drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable state, county, and local laws and regulations.

(10) Medical Attention. Proper medical attention must be provided when and as necessary to maintain the felid(s) or hybrid(s) in a healthy condition.

(11) Transportation. At no time shall a felid or hybrid thereof be transported away from the owner's premises by use only of a leash. Such animals must be transported in a manner that would not constitute a public threat or nuisance. When in or on a vehicle, said felid or hybrid thereof shall be appropriately and effectively contained in a secure, locked portable enclosure. When moving a felid or hybrid thereof away from the owner's premises to a vehicle, a cable system shall be employed.

(12) Animal Restricted to Owner's Property. At no time shall a felid or hybrid thereof be located other than on the licensed owner's premises in an approved enclosure or indoor housing as provided for above, except during transportation as described in subsection (11) above.

(13) Signage. A sign or signs, including a symbol recognizable to children, shall be permanently affixed to the secondary barrier indicating that there is an inherently dangerous felid or hybrid thereof within such enclosure.

(14) Exhibiting. No inherently dangerous felid or hybrid thereof shall be exhibited off the licensed owner's premises.

(c) Housing and Care of Ursidae and Hybrids Thereof. A harbinger and/or owner of any inherently dangerous ursidae and hybrids thereof shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this chapter.

(1) Enclosure Dimensions. All enclosures for a solitary adult bear or hybrid thereof shall measure at least twenty-four feet by twenty feet or four hundred and eighty square feet with a ten foot high secure covered top. Cages shall be increased fifty percent per each additional bear. Enclosures shall have a secondary barrier of at least eight feet in height to prevent access to the area by the general public. The secondary barrier shall be a minimum of five feet from the primary enclosure.

(2) Enclosure Materials. Enclosure material shall be constructed of welded bars or not less than 6-gauge chain link appropriately secured, or its equivalent. In addition, all perimeters shall have either concrete footing or horizontal protective matting around the entire perimeter to prevent escape by digging. All enclosures shall have two doors between the animal and possible escape, one being the primary access door and the second being safety door. All enclosure doors shall be securely locked and include safety chains.

(3) Water. Fresh clean water for drinking shall be available at all times. Built-in watering devices may be used for larger bears or hybrids thereof; sturdy containers may be suitable for smaller animals. All watering devices and containers shall be cleaned and disinfected daily.

(4) Temperatures and Shelter. All bear or hybrids thereof shall have access at all times to shelter from adverse climate

conditions and those animals kept outside shall have access to shade.

(5) Food. Bears and hybrids thereof shall have access to food which shall maintain the animal's proper weight, nutrition, and health.

(6) Sanitation. All enclosures shall be cleaned daily and kept free of debris and fecal material. Drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable state, county, and local laws and regulations.

(7) Medical Attention. Proper medical attention must be provided when and as necessary to maintain the bear(s) or hybrid(s) in healthy condition.

(8) Transportation. At no time shall a bear or hybrid thereof be transported away from the owner's premises by use only of a leash. Such animals must be transported in a manner that would not constitute a public threat or nuisance. When in or on a vehicle for said purpose said bear or hybrid thereof shall be appropriately and effectively contained in a secure, locked portable enclosure. When moving a bear or hybrid thereof away from the owner's premises to a vehicle, a cable system shall be employed.

(9) Animal Restricted to Owner's Property. At no time shall a bear or hybrid thereof be located other than on the licensed owner's premises in an approved enclosure or indoor housing as provided for above, except during transportation as described in subsection (8), above.

(10) Signage. A sign or signs, including a symbol recognizable to children, shall be permanently affixed to the secondary barrier indicating that there is an inherently dangerous ursidae or hybrid thereof within such enclosure.

(11) Exhibiting. No inherently dangerous ursidae or hybrid thereof shall be exhibited off the licensed owner's premises.

(d) Housing and Care of Inherently Dangerous Reptiles. A harvester and/or owner of any inherently dangerous reptile shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this section.

(1) Enclosure Dimensions and Other Requirements for Venomous Snakes. For up to two specimens, a cage having a perimeter one and one-half times the length of the longest confined snake. For each additional snake over two, the cage floor area shall be increased by twenty-five percent.

(2) Enclosure Materials for Venomous Snakes. Cages shall be fronted with three-sixteenths inch thick Plexiglas or tempered glass. Ventilation openings shall be covered with one-eighth inch mesh. For venomous snakes, double walls of mesh sufficient to prevent penetration of fangs

to outside of enclosure shall be installed. Cages must be structurally sound and may be constructed of waterproofed plywood at least one-quarter inch thick, concrete plastered over wire, sheet metal, fiberglass, or a minimum of one-quarter inch thick molded plastic. Construction shall be sturdy and escape proof. All doors must close securely and be key-locked.

(3) Enclosure Dimensions and Other Requirements for Gila Monsters and Beaded Lizards. For each lizard, minimum cage length shall be one and one-half times the length of the longest confined lizard and minimum cage width shall be four times the width of the largest confined lizard. Cages must have adequate ventilation, fresh water, and access to sunlight or full spectrum fluorescent lighting with appropriate shade also available. For each additional lizard, the cage floor area shall be increased one hundred percent. Doors are to close securely and be key-locked.

(4) Enclosure Dimensions and Other Requirements for Crocodilians. For one crocodilian, minimum cage size must permit moving and turning both on land and in a pool. For additional crocodilians, the combined area covered by their bodies shall not exceed fifty percent of cage area. Pool must be of sufficient depth to permit entire body submersion and must be readily accessible to caretakers either by securing ramps into and out of the water or by building a sunken pool with a sloped interior. Enclosures for crocodilians greater than five feet in length must have shift facilities to permit safe cleaning, cage repair, or other separations. Shift cages shall measure at least eight feet by five feet.

(A) In addition, indoor facilities shall be equipped with full spectrum fluorescent lighting and heat lamps for basking. Cages must be secure and escape proof. Doors to cages must be key-locked.

(B) In addition, the floors of outdoor cages shall be of concrete or masonry construction. Walls shall be a minimum height of four feet and constructed of wire mesh no smaller than 11.5-gauge. The cage is to be completely roofed by mesh wire. Crocodilians shall have access to shade and heated indoor facilities during cold weather. Entrance doors accessible to the public shall be kept key-locked.

(5) Temperatures and Shelter. Species appropriate temperature, lighting, and shelter shall be provided at all times.

(6) Food and Water. Reptiles are to be fed and watered at a rate at which proper weight, nutrition, and health are maintained.

(7) Sanitation. All cages and enclosures are to be kept sanitary and in good repair. Feces and uneaten food shall be removed daily. Crocodilian pools are to be full at all

times and the water replaced weekly or continuously filtered.

(8) Medical Attention. Proper medical attention must be provided when and as necessary to maintain the reptile(s) in a healthy condition.

(9) Transportation.

(A) Venomous Reptiles. At no time shall a venomous reptile be transported away from the owner's premises, except for transportation to and from said veterinarian's office or for transfer of ownership of said animal. Reptile shall be appropriately and effectively contained in a secure, locked, portable container. The container shall be appropriately marked to advise of its contents.

(B) Reptiles Other than Venomous Reptiles. At no time shall an inherently dangerous reptile be transported away from the owner's premises, except for transportation to and from said veterinarian's office, approved educational program or exhibit, or for transfer of ownership of said animal. When in or on the owner's vehicle, said reptile shall be appropriately and effectively contained in a secure, locked portable container.

(10) Animal Restricted to Owner's Property. At no time shall a reptile be located other than on the licensed owner's premises in an approved enclosure, except during transportation as described hereinabove.

(11) Signage. A sign or signs, including a symbol recognizable to children, shall be permanently affixed to the secondary barrier indicating that there is an inherently dangerous reptile within such enclosure.

(e) The animal control director in conjunction with the issuance of any license as required under Section 5.12.060 of this chapter, may grant a variance from the enclosure dimensions, and/or enclosure materials provisions within this section for any enclosures used to house inherently dangerous mammals and/or inherently dangerous reptiles which were in existence on the effective date of the ordinance codified in this chapter, so long as such variance does not, in the sole discretion of the director, jeopardize the animal's welfare or public safety.

(f) Harboring and/or owning an inherently dangerous mammal and/or reptile in violation of the provisions of this section is a misdemeanor. (Res. 99-0359 (part), 1999; Res. 96-1007 § VIII, 1996)

5.12.090 Impounding/housing fees, violations, penalties.

(a) Impound fees for services provided by the animal control department shall include all costs actually incurred in conjunction with an impound, not less than one hundred dollars minimum per animal for the impound of each inherently dangerous mammal or inherently dangerous reptile, to be paid by the animal's owner to Spokane County animal control department. The animal control department

shall maintain a detailed account of all expenses incurred in conjunction with impounding any animal. This fee shall be paid regardless of whether the animal is returned to the owner and shall be paid prior to the animal's release to the owner subject to the Spokane County animal control department director's decision to release the animal.

The director shall have the authority to determine the size of animals which the county will impound based upon the capabilities, equipment and facilities available for use.

(b) Housing fees for services provided by the animal control department shall be established by the animal control director for each inherently dangerous mammal and/or inherently dangerous reptile. Such fees shall include all costs of housing such animals regardless of whether such costs are incurred at a county owned or operated facility or a contract facility.

(c) Failure to pay impound fees or housing fees as required in this section is a misdemeanor. (Res. 96-1007 § IX, 1996)

5.12.100 Enforcement provisions.

(a) Revocation of License. A license issued pursuant to this chapter may be revoked by the director for failure of the licensee to comply with any license conditions or any other provisions of this chapter. The director shall in writing, advise the licensee of the specific license condition(s) and/or provisions of the chapter violated, the date that his/her license is to be revoked, and his/her right to appeal the license revocation by filing a written appeal within ten calendar days of receipt of notification from the director. The written appeal shall be submitted in writing to the Spokane County hearing examiner. The written appeal shall specify the reason(s) why his/her license should not be revoked. In the event any person appeals his/her license revocation, all inherently dangerous mammal(s) and/or inherently dangerous reptile(s) shall be impounded under subsection (b) hereinafter until the appeal is concluded with finality. Upon receipt of a written appeal, the Spokane County hearing examiner shall schedule a hearing to consider the appeal. The licensee shall be given at least ten calendar days notice of the hearing date before the hearing examiner. The decision of the hearing examiner shall be final and binding, unless within fourteen calendar days of the hearing examiner's written decision, the licensee appeals the hearing examiner said decision to the board of county commissioners. If the hearing examiner's decision is appealed, the board of county commissioners shall consider the appeal on the record of the hearing examiner. The decision of the board of county commissioners shall be in writing and may be appealed to the Spokane County Superior Court within thirty days in the manner provided under the general laws of the state.

If a license is revoked, the owner of the animal(s) which is/are the subject of the license shall transfer ownership of the animal(s) by sale or gift to another person who already is in compliance with this chapter, with the written approval of the director, and provided the other person has or can obtain the license required by this chapter. In the alternative and with the written approval of the director, the animal(s) can be permanently removed from the unincorporated area of Spokane County, or upon approval of the owner and payment of fees, the animal will be euthanized.

(b) **Impoundment—Disposition of Impounded Animals.** Any inherently dangerous mammal and/or inherently dangerous reptile which is kept by any person in violation of this chapter may be taken up and impounded by a code enforcement officer, an animal control officer, or a law enforcement officer for the protection and health of the animal and/or for the protection of the health, safety and welfare of the public. Cost of take-up, impoundment, care and boarding of the animal will be charged to its owner or harbinger regardless of whether the animal is claimed by or returned to said owner or harbinger.

The owner or harbinger of the animal can reclaim the animal only if the person is in compliance with this chapter and only after all fines and costs have been paid by the owner or harbinger. Any other intended disposition of the animal requires the approval of the director.

If no owner or harbinger can be located or will claim the animal within five calendar days after impoundment, the director may cause the sale, adoption, donation, or euthanasia of the animal. Prior to any sale, adoption, donation or euthanasia of any animal, the director shall mail written notice to the last known address, if any, of the owner or harbinger. If the director is unaware of any last known owner or harbinger, the director shall cause to be published once in the county legal newspaper his/her intention to cause the sale, adoption, donation, or euthanasia of such animal unless the same is reclaimed within five days of the first day of publication.

In addition to any other provisions of this chapter regulating the euthanasia of inherently dangerous mammals and/or inherently dangerous reptiles, inherently dangerous mammals and/or inherently dangerous reptiles harbored or owned in violation of this chapter may be subject to euthanasia if any one of the following exigent circumstances is deemed to exist by the director:

(1) The animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement; or

(2) There is no reasonable basis to believe that a violation can be or in good faith will be corrected and after reasonable search or inquiry by the director no facility as

authorized by local, state or federal law is available to house the animal; or

(3) The animal suffers from a communicable disease injurious to other animals or human beings, as determined by the Spokane County health officer; provided, that this section shall not apply if the animal is under treatment by a licensed veterinarian and may reasonably be expected to recover without infecting other animals or human beings. (Res. 99-0359 (part), 1999; Res. 96-1007 § X, 1996)

5.12.110 Sale and transfer of inherently dangerous mammals and/or inherently dangerous reptiles.

Any person who sells, gives, or in any way transfers possession or ownership of an inherently dangerous mammal and/or inherently dangerous reptile to another person within the unincorporated area of Spokane County shall maintain records reflecting the name, address, and telephone number of the receiver of the animal; a complete and accurate description of the animal transferred. This information shall be communicated to the Animal Control Department prior to or at the same time as the transfer occurs. (Res. 96-1007 § XI, 1996)

5.12.120 Running at large/duty to notify animal control department.

Any person owning or harboring, having custody, control, or possession of an inherently dangerous mammal and/or any inherently dangerous reptile shall have the duty when they know or should reasonably know said inherently dangerous mammal and/or inherently dangerous reptile shall be running at large as defined in Section 5.12.030 of this chapter to notify the animal control department of such fact.

Failure to notify the animal control department that an inherently dangerous mammal and/or inherently dangerous reptile is running at large as defined in Section 5.12.030 of this chapter is a misdemeanor. (Res. 96-1007 § XII, 1996)

5.12.130 Rabies virus testing/duty to reimburse for costs.

It shall be the responsibility of any person owning or harboring, having custody, control, or possession of an inherently dangerous mammal to reimburse the Spokane County health district, or its successor, for all costs, including but not limited to, the capture, holding, testing, transporting, reporting, and notification connected with the destruction of an inherently dangerous mammal for submission to the Spokane County health district, or its successor, for routing to the Washington State Department of Health for rabies virus testing, which testing is a direct result of

an order issued by the health officer. Such costs shall be paid within thirty days of date of mailing.

Failure to pay the Spokane County health district, or its successor, all costs as provided for herein within thirty days of date of mailing is a misdemeanor. (Res. 96-1007 § XIII, 1996)

5.12.140 Agreements.

The board of county commissioners of Spokane County, Washington may enter into agreements with any veterinarian, governmental agency, city, corporation or individual it deems necessary to carry out the provisions of this chapter. (Res. 96-1007 § XIV, 1996)

5.12.150 Severability.

If any section, sentence, subdivision or clause of this chapter shall for any reason be held invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this chapter. (Res. 96-1007 § XV, 1996)

5.12.160 Compliance with other laws.

In addition to complying with all provisions of this chapter, no person shall harbor and/or own an inherently dangerous mammal and/or inherently dangerous reptile within the unincorporated area of Spokane County without complying with all other applicable federal, state and local laws, ordinances and regulations. (Res. 96-1007 § XVI, 1996)