

ORDINANCE NO. 87-01

DANGEROUS DOG ORDINANCE

WHEREAS, the Legislature of the State of Washington has, by the adoption of Chapter 94 of the Laws of 1987, mandated that local jurisdictions adopt ordinances relating to dangerous dogs, and

WHEREAS, attacks by and injuries caused by dangerous dogs have become increasing concerns in recent years both of the citizens of the State of Washington and of the residents of Ferry County, and

WHEREAS, the public health, safety and welfare of the citizens of Ferry County would be furthered by the adoption of an ordinance relating to the control and registration of dangerous dogs, and

WHEREAS, by order of the Ferry County Board of Commissioners a Notice of Hearing was published in the Republic News-Miner, the county legal newspaper, pursuant to RCW 36.32.120(7), for the purpose of considering the adoption of the Dangerous Dog Ordinance; and

WHEREAS, said hearing was held on September 21, 1987 at 10:00 AM, and notice of said hearing was published in the News-Miner on September 3, 1987.

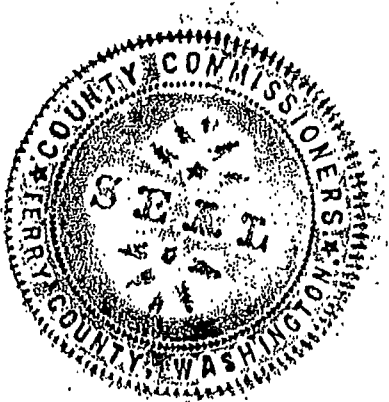
NOW THEREFORE, be it ordained that the Dangerous Dog Ordinance, as set forth in the attached exhibit, shall take effect as of the date below.

1. ORDINANCE NO. 87-01

WITNESS OUR HANDS and the official seal of our
office this 21st day of September, 1987.

Approved:

BOARD OF COUNTY COMMISSIONERS
Ferry County, Washington



James J. Davis
Chairman

Dr. R. H. Hafford
Commissioner

Marie J. Berman
Commissioner

Approved as to form:
FERRY COUNTY PROSECUTING ATTORNEY

[Signature]
Attest:

Shilah Moore
Clerk,
Board of County Commissioners

2. ORDINANCE NO. 87-01

DANGEROUS DOG ORDINANCE

Section 1 - Definitions. When used in this chapter, the definitions in this section shall apply.

(1) "Animal control authority" means Ferry County or its designee, acting alone or in concert with other local governmental units for enforcement of the animal control laws of Ferry County and the shelter and welfare of animals.

(2) "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this ordinance or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that cover the seizure and impoundment of any animal.

(3) "Potentially dangerous dog" means any dog that when unprovoked: (a) inflicts bites on a human or a domestic animal either on public or on private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

(4) "Dangerous dog" means any dog that according to the records of the appropriate authority, (a) has inflicted severe injury upon a human being without provocation on public or private property, (b) has killed a domestic animal without provocation while off the owner's property or (c) has previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals; provided, however, that dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was

tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

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

(6) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(7) "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

Section 2 - Potentially dangerous dogs.

(1) It shall be unlawful for any owner of a potentially dangerous dog, who has been notified by the animal control authority that he or she is the owner of a potentially dangerous dog, to keep such dog within Ferry County unless such owner has procured a license from the animal control authority.

(2) The animal control authority may find and declare an animal potentially dangerous if it has probable cause to believe that the animal falls within the definition set forth in Section 1(3). The finding must be based upon:

(a) The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition in Section 1(3); or

(b) Dog bite reports filed with the animal control authority as required by this ordinance or state law; or

(c) Actions of the dog witnessed by any animal control officer or law enforcement officer; or

(d) Other substantial evidence admissible in district court.

(3) The declaration of potentially dangerous dog shall be in writing, shall be served on the owner in one of the following methods:

(a) Certified mail to the owner or keeper's last known address, if known; or

(b) Personally; or

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

(d) The owner of any animal found to be a potentially dangerous dog under this section shall be assessed all service costs expended under this subsection.

(4) The declaration shall state at least:

(a) A description of the animal.

(b) The name and address of the owner or keeper of the animal; if known.

(c) The whereabouts of the animal if it is not in the custody of the owner.

(d) The facts upon which the declaration of potentially dangerous dog is based.

(e) The availability of a hearing in case the person objects to the declaration, if a request is made within five days.

(f) The restrictions placed on the animal as a result of the declaration of potentially dangerous dog.

(g) The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.

(5) If the owner of the animal wishes to object to the declaration of potentially dangerous dog:

(a) The owner may, within five days of receipt of the declaration, or within 5 days of the publication of the declaration pursuant to section 3(c), request a hearing before the district court by submitting a written request to the clerk of the court.

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

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

(d) In the event the court finds that the animal is not a potentially dangerous dog, no court costs shall be assessed against Ferry County or the animal control authority or officer.

(6) Following service of a declaration of potentially dangerous dog, and pending appeals under this section or to any other court with jurisdiction, the animal control authority may, if circumstances require, impound the animal at the owner's expense, pursuant to the provisions of this

chapter, until a court orders either its redemption or destruction.

(7) The owner of a potentially dangerous dog shall obtain a license for such dog from the animal control authority, and shall be required to pay the fee for such license in the amount set forth herein, or as hereafter amended. In addition, the owner of a potentially dangerous dog shall pay an annual renewal fee for such license in the amount set forth herein, or as hereafter amended.

(8) The license fee for each potentially dangerous dog to be licensed under this section is \$50.00. The annual renewal fee for each potentially dangerous dog licensed under this section is \$10.00.

Section 3 - Dangerous dogs.

(1) It is unlawful for an owner to have a dangerous dog in Ferry County without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

(2) The animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the animal control authority sufficient evidence of:

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

(b) a surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority 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 Title 48 RCW in the amount of at least fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.

(3) A certificate of registration as used in this section shall be obtained from the animal control authority. The owner of a dangerous dog shall obtain a certificate of registration from the animal control authority, and shall be required to pay the fee for such certificate of registration in the amount set forth herein, or as hereafter amended. In addition, the owner of a dangerous dog shall pay an annual renewal fee for each dangerous dog licensed under this section in the amount set forth herein, or as hereafter amended, and shall submit proof of compliance with subsection (2) above.

(4) The owner of a dangerous dog shall pay a fee for the certificate of registration in the amount of \$100.00. The annual renewal fee for each dangerous dog licensed under this section is \$20.00..

Section 4 - Penalties.

(1) Any owner of a potentially dangerous dog who fails to obtain a license or renewal for such dog as described in Section 2 of this ordinance shall be assessed a civil penalty in the amount of \$250.00; provided, however, that no such civil penalty shall be assessed until five days have elapsed from the date such owner is notified by the animal control authority that such a license or renewal for such potentially dangerous dog is required, or until any appeal brought under that section has been complete, whichever is later.

(2) Any owner of a dangerous dog who fails to obtain a certificate of registration or renewal for such dog as set forth in Section 3 of this ordinance shall be assessed a civil penalty in the amount of \$500.00; provided, however, that no such civil penalty shall be assessed until five days have elapsed from the date such owner is notified by the animal control authority that such a license or renewal for such dangerous dog is required.

(3) Any dangerous dog or potentially dangerous dog for which a license or certificate of registration (or renewal) has not been obtained by its owner, pursuant to subsections (1) and (2) above, is subject to being impounded by the animal control authority. The owner of any potentially dangerous dog or dangerous dog so impounded shall be subject to a civil penalty in the amount of \$10.00 per day for each day such dog remains impounded with the animal control authority. Any potentially dangerous dog or dangerous dog impounded due to the failure of the owner of such dog to obtain the required license or certificate of registration, and which remains impounded for a period of at least twenty days due to the failure of the owner to obtain such license or certificate of registration (or renewal), may be destroyed in an expeditious and humane manner by the animal control authority. A civil penalty in the amount of \$10.00 per day shall be assessed against the owner of each potentially dangerous dog or dangerous dog impounded by the animal control authority under this subsection.

(4) It is unlawful for the owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. Any owner who violates this provision shall be assessed a civil penalty of \$250.00 for each violation thereof.

(5) Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) dog is not validly registered under Section 3 of this chapter; (b) owner does not secure the liability insurance coverage required under Section 3 of this act; (c) dog is not maintained in a proper enclosure; (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021. The owner of any dog confiscated under this subsection may recover such dog from the animal control authority upon the payment of a civil fine which shall be in the amount of \$250.00 plus \$10.00 per day for each day said dog has been in the control of the animal control authority; provided, however, that in the event the owner has not picked up the dangerous dog within ten days of being notified by the animal control authority that such dog is under the control of such authority, the dog shall be destroyed in an expeditious and humane manner and the owner shall be assessed an additional civil penalty in the amount of \$50.00 for the cost of destroying such dangerous dog.

(6) If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. The owner of any dangerous dog confiscated and destroyed pursuant to this subsection shall be assessed a civil penalty in the amount of \$10.00 per day for each day such dangerous dog is quarantined with the animal control authority and in the amount of \$50.00 for the cost of destroying such dangerous dog.

(7) The owner of any dog that aggressively attacks and causes severe injury or death of any human, regardless of whether there has been any

previous determination of whether such dog is potentially dangerous or dangerous, shall be guilty of a class C felony punishable in accordance with RCW 9A.20.021. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. The owner of any dangerous dog confiscated and destroyed pursuant to this subsection shall be assessed a civil penalty in the amount of \$10.00 per day for each day such dangerous dog is quarantined with the animal control authority and in the amount of \$50.00 for the cost of destroying such dangerous dog.

(8) Any person entering a dog in a dog fight is guilty of a class C felony punishable in accordance with RCW 9A.20.021.

Section 5 - Enforcement.

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

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

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

Section 6 - Hearings.

(1) Any owner against whom a civil penalty has been assessed under this chapter may contest such civil penalty by requesting a hearing in the Ferry County District Court by requesting such hearing within five days of notification of such civil penalty by the animal control authority.

(2) Where an owner has requested a hearing pursuant to Subsection (1) of this section, no potentially dangerous dog or dangerous dog which is in the possession of the animal control authority shall be destroyed until the resolution of such hearing; provided, however, that an additional civil penalty in the amount of \$10.00 per day shall be assessed against any owner whose dog remains in the custody of the animal control authority during any hearings requested under this section where resolution of such hearing is that all or any part of the civil penalty against such owner is found to be properly assessed.

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

(4) Any dangerous dog or potentially dangerous dog which has not been picked up from the animal control authority by its owner within ten days of the final resolution of any hearing regarding any civil penalties under this section shall be destroyed in an expeditious and humane manner; provided, however, that an additional civil penalty in the amount of \$50.00 for the cost of destroying such dog shall be assessed against the owner, and may be collected as provided in Section 5 above.

Section 7 - Immunity. Ferry County, the animal control authority and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this ordinance, or for any failure to take action to enforce the provisions of this ordinance. It is not the purpose or intent of this chapter to create on the part of Ferry County or its agents any special duties or relationships with specific individuals. This chapter has been enacted for the welfare of the public as a whole.

Section 8 - Severability.

(1) If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the act where the application of the provision to other persons or circumstances is not affected.

Section 9 - Jurisdiction.

(1) This ordinance shall apply only to the unincorporated parts of Ferry County.

(2) Further, this ordinance shall have no force or effect as to proscribed acts by members of the Colville Confederated Tribes that take place on trust land within the present boundary of the Colville Indian Reservation in Ferry County.

RCW 16.08.070 Dangerous dogs--Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 16.08.070 through 16.08.100 .

(1) "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 any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

(2) "Dangerous dog" means any dog that according to the records of the appropriate authority, (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 property, or (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

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

(4) "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

(5) "Animal control authority" means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.

(6) "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

(7) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal. [1987 c 94 § 1.]

NOTES:

Severability--1987 c 94: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 94 § 6.]

RCW 16.08.080 Dangerous dogs--Certificate of registration required--Prerequisites.

(1) It is unlawful for an owner to have a dangerous dog in the state without a certificate of registration issued under this section. This section and RCW 16.08.090 and 16.08.100 shall not apply to police dogs as defined in RCW 4.24.410.

(2) The animal control authority of the city or county in which an owner has a dangerous dog shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

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

(b) A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least fifty thousand dollars, payable to any person injured by the vicious dog; or

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

(3)(a) If an owner has the dangerous dog in an incorporated area that is serviced by both a city and a county animal control authority, the owner shall obtain a certificate of registration from the city authority;

(b) If an owner has the dangerous dog in an incorporated or unincorporated area served only by a county animal control authority, the owner shall obtain a certificate of registration from the county authority;

(c) If an owner has the dangerous dog in an incorporated or unincorporated area that is not served by an animal control authority, the owner shall obtain a certificate of registration from the office of the local sheriff.

(4) Cities and counties may charge an annual fee, in addition to regular dog licensing fees, to register dangerous dogs. [1989 c 26 § 3; 1987 c 94 § 2.]

NOTES:

Severability--1987 c 94: See note following RCW 16.08.070.

RCW 16.08.090 Dangerous dogs--Requirements for restraint--Potentially dangerous dogs--Dogs not declared dangerous.

(1) It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(2) Potentially dangerous dogs shall be regulated only by local, municipal, and county ordinances.

Nothing in this section limits restrictions local jurisdictions may place on owners of potentially dangerous dogs.

(3) Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime. [1987 c 94 § 3.]

NOTES:

Severability--1987 c 94: See note following RCW 16.08.070 .

RCW 16.08.100 Dangerous dogs--Confiscation--Conditions--Penalties for owners of dogs that attack--Dog fights, penalty.

(1) Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) Dog is not validly registered under RCW 16.08.080 ; (b) owner does not secure the liability insurance coverage required under RCW 16.08.080 ; (c) dog is not maintained in the proper enclosure; (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021 .

(2) If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021 . In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(3) The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether the dog has previously been declared potentially dangerous or dangerous, shall be guilty of a class C felony punishable in accordance with RCW 9A.20.021 . In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(4) Any person entering a dog in a dog fight is guilty of a class C felony punishable in accordance with RCW 9A.20.021 . [1987 c 94 § 4.]

NOTES:

Severability--1987 c 94: See note following RCW 16.08.070 .

CHAPTER 16.10 RCW DOGS--LICENSING--DOG CONTROL ZONES

Sections

16.10.010 Purpose.

16.10.020 Dog control zones--Determination of need by county commissioners.

16.10.030 Dog control zones--Public hearing, publication of notice.

16.10.040 Dog control zones--Regulations--License fees, collection, disposition.

NOTES:

Pet animals--Taking, concealing, injuring, killing, etc.--Penalty: RCW 9.08.070.

RCW 16.10.010 Purpose.

The purpose of this chapter is to provide for the licensing of dogs within specific areas of particular counties. [1969 c 72 § 1.]

RCW 16.10.020 Dog control zones--Determination of need by county commissioners.

County commissioners may, if the situation so requires, establish dog control zones within high density population districts, or other specified areas, of a county outside the corporate limits of any city, and outside the corporate limits of any organized township. For such zones, licensing regulations may be established which shall not necessarily be operative in sparsely settled rural districts, or in other portions of the county where they may not be needed. In determining the need for such zones, and in drawing their boundaries, county commissioners shall take into consideration the following factors:

- (1) The density of population in the area proposed to be zoned;
- (2) Zoning regulations, if any, in force in the area proposed to be zoned;
- (3) The public health, safety and welfare within the area proposed to be zoned.

If the commissioners shall find that the area proposed to be zoned is heavily populated, or that the purposes for which the land is being used therein require that dogs be controlled, or that the health, safety, and welfare of the people in the area require such control, they may propose the establishment of a dog control zone. [1969 c 72 § 2.]

RCW 16.10.030 Dog control zones--Public hearing, publication of notice.

In determining whether a dog control zone should be established, the county commissioners shall call a public hearing, notice of which shall be published once a week for each of four consecutive weeks prior thereto in a newspaper of general circulation within the proposed zone. At such a hearing, proponents and opponents of the proposed dog control zone may appear and present their views. The final decision of the commissioners with respect to the establishment of such a zone shall not be made until the conclusion of the hearing. [1969 c 72 § 3.]

RCW 16.10.040 Dog control zones--Regulations--License fees, collection, disposition.

The county commissioners shall by ordinance promulgate the regulations to be enforced within a dog control zone. These shall include provisions for the control of unlicensed dogs and the establishment of license fees. The county sheriff and/or other agencies designated by the county commissioners shall be

responsible for the enforcement of the act, including the collection of license fees. Fees collected shall be transferred to the current expense fund of each county. [1969 c 72 § 4.]

CHAPTER 16.24 RCW STOCK RESTRICTED AREAS

Sections

- 16.24.010 Restricted areas--Range areas.
- 16.24.020 Hearing--Notice.
- 16.24.030 Order establishing area--Publication.
- 16.24.040 Penalty.
- 16.24.050 Change of boundaries.
- 16.24.060 Road signs in range areas.
- 16.24.065 Stock at large in restricted areas--Running at large on state or federal land.
- 16.24.070 Stock on highway right-of-way--Limitations.
- 16.24.090 Animals at large--Limitations--Defense.
- 16.24.100 Prosecution--Proof of ownership.
- 16.24.110 Public nuisance--Impounding.
- 16.24.120 Impounding--Procedure.
- 16.24.130 Impounding--Notice--Copy to owner.
- 16.24.140 Impounding--Owner to pay costs.
- 16.24.150 Sale of impounded animal--Retroactive effect.
- 16.24.160 Conduct of sale--Disposition of proceeds.
- 16.24.170 Purchase of animal, restrictions.
- 16.24.180 Castration or gelding of stock at large.
- 16.24.190 Bull breed restrictions.
- 16.24.200 Bull ratio restrictions.
- 16.24.210 Bull breed and ratio restrictions not applicable to counties west of Cascades.

16.24.220 Separating estrays from herd.

16.24.230 Moving another's livestock from range.

RCW 16.24.010 Restricted areas--Range areas.

The county legislative authority of any county of this state shall have the power to designate by an order made and published, as provided in RCW 16.24.030, certain territory as stock restricted area within such county in which it shall be unlawful to permit livestock of any kind to run at large. No territory so designated shall be less than two square miles in area. RCW 16.24.010 through 16.24.065 shall not affect counties having adopted township organization. All territory not so designated shall be range area, in which it shall be lawful to permit cattle, horses, mules, or donkeys to run at large; PROVIDED, That the county legislative authority may designate areas where it shall be unlawful to permit any livestock other than cattle to run at large. [1989 c 286 § 4; 1937 c 40 § 1; 1911 c 25 § 1; RRS § 3068. Prior: 1907 c 230 § 1; 1905 c 91 § 1; R & B § 3166.]

NOTES:

Severability--1989 c 286: See note following RCW 16.04.010.

RCW 16.24.020 Hearing--Notice.

*Within sixty days after the taking effect of RCW 16.24.010 through 16.24.065, the county legislative authority of each of the several counties of the state may make an order fixing a time and place when a hearing will be had, notice of which shall be published at least once each week for two successive weeks in some newspaper having a general circulation within the county. It shall be the duty of the county legislative authority at the time fixed for such hearing, or at the time to which such hearing may be adjourned, to hear all persons interested in the establishment of range areas or stock restricted areas as defined in RCW 16.24.010 through 16.24.065. [1989 c 286 § 5; 1937 c 40 § 2; 1923 c 33 § 1; 1911 c 25 § 2; RRS § 3069.]

NOTES:

*Reviser's note: RCW 16.24.010 through 16.24.065 took effect March 1, 1937.

Severability--1989 c 286: See note following RCW 16.04.010.

RCW 16.24.030 Order establishing area--Publication.

Within thirty days after the conclusion of any such hearing the county legislative authority shall make an order describing the stock restricted areas within the county where livestock may not run at large, which order shall be entered upon the records of the county and published in a newspaper having general circulation in such county at least once each week for four successive weeks. [1989 c 286 § 6; 1937 c 40 § 3; 1923 c 33 § 2; 1911 c 25 § 3; RRS § 3070.]

NOTES:

Severability--1989 c 286: See note following RCW 16.04.010.

RCW 16.24.040 Penalty.

Any person, or any agent, employee or representative of a corporation, violating any of the provisions of such order after the same shall have been published or posted as provided in RCW 16.24.030 or, violating any provision of this chapter, shall be guilty of a misdemeanor. [1975 c 38 § 1; 1911 c 25 § 4; RRS § 3071.]

RCW 16.24.050 Change of boundaries.

When the county legislative authority of any county deem[s] it advisable to change the boundary or boundaries of any stock restricted area, a hearing shall be held in the same manner as provided in RCW 16.24.020 . If the county legislative authority decides to change the boundary or boundaries of any stock restricted area or areas, it shall within thirty days after the conclusion of such hearing make an order describing said change or changes. Such order shall be entered upon the records of the county and published in a newspaper having general circulation in such county once each week for four successive weeks. [1989 c 286 § 7; 1937 c 40 § 4; 1923 c 93 § 1; RRS § 3070-1.]

NOTES:

Severability--1989 c 286: See note following RCW 16.04.010 .

RCW 16.24.060 Road signs in range areas.

At the point where a public road enters a range area, and at such other points thereon within such area as the county legislative authority shall designate, there shall be erected a road sign bearing the words: "RANGE AREA. WATCH OUT FOR LIVESTOCK." [1989 c 286 § 8; 1937 c 40 § 5; RRS § 3070-2.]

NOTES:

Severability--1989 c 286: See note following RCW 16.04.010 .

RCW 16.24.065 Stock at large in restricted areas--Running at large on state or federal land.

(1) No person owning or in control of any livestock shall willfully or negligently allow such livestock to run at large in any stock restricted area or to wander or stray upon the right-of-way of any public highway lying within a stock restricted area when not in the charge of some person.

(2) Livestock may run at large upon lands belonging to the state of Washington or the United States only when the owner of the livestock has been granted grazing privileges in writing. [1989 c 286 § 9; 1985 c 415 § 20; 1937 c 40 § 6; RRS § 3070-3. Formerly RCW 16.24.070 , part.]

NOTES:

Severability--1989 c 286: See note following RCW 16.04.010 .

RCW 16.24.070 Stock on highway right-of-way--Limitations.

It shall be unlawful for any person to herd or move any livestock over, along or across the right-of-way

of any public highway, or portion thereof, within any stock restricted area, without having in attendance a sufficient number of persons to control the movement of such livestock and to warn or otherwise protect vehicles traveling upon such public highway from any danger by reason of such livestock being herded or moved thereon. [1989 c 286 § 10; 1937 c 189 § 127; RRS § 6360-127, part. Prior: 1927 c 309 § 41, part; RRS § 6362-41, part. FORMER PART OF SECTION: 1937 c 40 § 6; RRS § 3070-3, now codified as RCW 16.24.065 . Formerly RCW 16.24.070 and 16.24.080 .]

NOTES:

Severability--1989 c 286: See note following RCW 16.04.010 .

RCW 16.24.090 Animals at large--Limitations--Defense.

Except as provided in chapter 16.24 RCW, a person who owns or has possession, charge, or control of horses, mules, donkeys, cattle, goats, sheep or swine shall not negligently allow them to run at large at any time or within any territory. It shall not be necessary for any person to fence against such animals, and it shall be no defense to any action or proceedings brought pursuant to this chapter or chapter 16.04 RCW that the party injured by or restraining such animals did not have his or her lands enclosed by a lawful fence: PROVIDED, That such animals may be driven upon the highways while in charge of sufficient attendants. [1989 c 286 § 14; 1911 c 25 § 5; RRS § 3072. Formerly RCW 16.12.010 , part.]

NOTES:

Severability--1989 c 286: See note following RCW 16.04.010 .

RCW 16.24.100 Prosecution--Proof of ownership.

In any prosecution under chapter 16.24 RCW proof that the animal running at large is branded with the registered or known brand of the defendant shall be prima facie evidence that the defendant is the owner of said animal. [1989 c 286 § 3; 1895 c 124 § 2; RRS § 3086. Formerly RCW 16.16.020 .]

NOTES:

Severability--1989 c 286: See note following RCW 16.04.010 .

