

FERRY COUNTY ORDINANCE NO. 88-01

DOG CONTROL ORDINANCE

SECTION 1.00 PURPOSE. The purpose of this ordinance is to adopt and enforce those dog control measures deemed desirable and necessary for the protection of the health, safety and welfare of the residents, livestock and wildlife of Ferry County, as authorized by RCW Chapter 16.10.

SECTION 2.00 DEFINITIONS. In construing the provisions of this ordinance all words not otherwise given a special definition, shall be given their common and ordinary meaning. In addition, the following definitions apply:

2.01 "Allow" means to permit by neglecting to restrain or prevent.

2.02 "At large" means a dog not under the control or otherwise in violation of this ordinance.

2.03 "Board" means the Ferry County Board of County Commissioners.

2.04 "Commercial kennel" means a facility where dogs are bred, reared, and/or boarded for hobby or profit.

2.05 "Dog" is any canine (*Canis familiaris*), regardless of sex.

2.06 "Dog, under control" means under voice, signal, or physical control so as to be restrained from approaching a bystander, from entering private property other than that of the owner, or from causing damage to property or to another animal (including livestock and wildlife).

2.07 "Dog, altered" means a dog which has been neutered or spayed.

2.08 "Animal Control Officer" means any Ferry County Sheriff or Deputy, duly authorized Washington State Department of Game Agent, or any person authorized by county laws and this ordinance to restrain, impound, sell, or dispose of dogs, give notice or any other acts, duties, or functions prescribed by this ordinance relating to regulations and control of dogs.

2.09 "Owner" means any person having ownership or exercising control, custody, or possession over dogs.

2.10 "Person" means any individual, partnership, corporation, trust, estate, or other legal entity.

2.11 "Premises" means all real property under private or public ownership, leased property and also the inside of a motor vehicle or bed of a truck.

2.12 "Livestock" means any animal kept or raised or used for pleasure, especially farm animals kept for use and profit.

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2.13 "Trespassing" means when a dog enters upon the property of another person without the authorization of the lawful occupant/owner.

2.14 "Wildlife" means living things that are neither human nor domesticated, especially mammals, birds, and fishes.

2.15 "Working stock dog" means a dog used by the owner principally to assist in the herding and protection of livestock.

SECTION 4.00 ADMINISTRATION AND ENFORCEMENT. Administration and enforcement of this ordinance shall be the responsibility of the Animal Control Officer designated by the Board. The designated officer shall be responsible for administration and enforcement of this ordinance and shall:

A. if deemed necessary, operate or cause to be operated and maintained, an animal shelter;

B. if deemed necessary, select, train, hire, and retain a qualified animal control officer or officers who shall enforce the provisions of this ordinance;

C. make investigations of complaints pertaining to dog misconduct occurring in the unincorporated areas and provide for administration and enforcement of other tax charges or penalties as provided for in this ordinance.

SECTION 5.00 DOG CONTROL ZONES - CREATION/DELETION. The Board may, as the need arises and in accordance with the provisions of RCW 16.10.020 establish or delete dog control zones. The public may initiate the procedure for establishing or deleting a dog control zone by submitting a petition to the Board. The petition shall contain the names, addresses, and signatures of: a) no less than thirty (30) registered voters residing within the proposed dog control zone, or b) landowners representing no less than sixty percent (60%) of the acreage within the dog control zone. A map shall be attached to each petition which clearly and accurately designates the boundaries of the dog control zone. Said boundaries shall be subject to approval by the Board.

In determining whether a dog control zone should be established or deleted, the county shall call a public hearing, notice of which shall be published once a week for four (4) consecutive weeks prior thereto in the legal paper of the county, and a local newspaper of general circulation within the proposed zone. Publication costs will be the responsibility of the petitioner. At such hearing, proponents and opponents of the proposal may appear and present their views. The final decision of the Board with respect to the establishment or deletion of such a zone and its boundaries shall not be made until the conclusion of the hearing.

SECTION 6.00 DOG CONTROL ZONES - REGULATIONS. Those areas of Ferry County established by ordinance as dog control zones shall be subject to the following rules and regulations for dog zones as provided in RCW Chapter 16.10 and all other provisions of this ordinance.

A. It is unlawful for the owner of any dog to cause or permit or allow such dog or dogs to:

1. be on any public place or on any public property or private property in the dog control zone unless such dog is under control. This prohibition shall not apply to:

a. dogs when being used in a lawful manner in the pursuit of bear, cougar, and other game animals regulated by the Washington State Department of Game;

b. working stock dogs while herding or protecting livestock or personal property;

c. an authorized police canine unit;

2. enter upon private or public property and cause damage to real property or personal property;

3. chase, run after or jump at vehicles, including bicycles, horses, or pedestrians on the public streets, alleys, or other public ways;

4. run at large;

5. trespass upon private property.

B. It is unlawful for the owner of any dog to cause or permit or allow such dog or dogs to be on any public place or on any public property or the private property of another in the dog control zone unless such dog is vaccinated against rabies;

C. It is unlawful within any designated dog control zone of Ferry County to have possession of or custody of or to harbor or to give refuge to any dog over six (6) months of age without an identification tag stating the name and address of the owner and without having conspicuously displayed on a collar or harness of the dog the identification tag; EXCEPT:

1. that a dog kept for show need not wear the identification tag while on the owner's property, at a dog show, or while being transported to and from the show. The burden of proof that a dog is kept for show shall be upon the person so claiming; and

2. that a dog while under control of the owner need not have the identification tag displayed on a collar or harness; and

3. a dog identification tag is not required for any dog which is part of the inventory of a veterinary hospital or pet shop maintained for the purpose of sale or exchange of domestic pets, for any dog currently licensed in another jurisdiction and displaying a valid identification tag from the jurisdiction, or for guide dogs upon presentation of evidence which establishes that the dog is a trained guide dog for the blind;

D. it is unlawful to intentionally abandon a dog;

E. it is unlawful to intentionally poison any dog.

SECTION 7.00 DOG CONTROL ZONES - IDENTIFICATION OF DOGS.

7.01 Whenever the ownership of any dog changes, the new owner shall obtain a new identification tag for said dog.

7.02 Any dog impounded while running at large without an identification tag may be redeemed upon payment of the impounding fee as provided in this section and other charges that may be required within this ordinance.

SECTION 8.00 IMPOUNDMENT, REDEMPTION, AND DESTRUCTION.

8.01 Authorization. Dogs may be impounded in accordance with this section by any animal control officer of Ferry County.

8.02 Grounds. Dogs may be seized and impounded when in violation of any of the rules and regulations specified in this ordinance and when necessary to produce evidence supporting a criminal charge against the dog's owner and/or when the dog is sick or injured; PROVIDED, such dog is seized and impounded upon property to which an animal control officer has lawful access.

8.03 Procedure. Dogs impounded shall be delivered to the shelter without unnecessary delay. The shelter shall keep a written record of all dogs received, noting the date, time, species, breed, sex, size, color and location of apprehension and whether or not the dog is identified with an identification tag.

8.04 Notice. If the dog has an identification tag or its owner is known, the shelter shall contact the owner within two (2) working days by registered, or certified mail, or by telephone, or in person.

8.05 Lien for Care. Dogs in the custody of the shelter will be held for the reasonable cost of their feeding, care, and advertisement and the shelter shall have lien on the owner as permitted by law.

8.06 Redemption. Dogs impounded may be redeemed by complying as follows:

A. payment of redemption fee of fifteen dollars (\$15.00). An additional charge shall be made for maintaining an impounded dog, which shall be ten dollars (\$10.00) each day, or part thereof, while the dog is kept in the place of impoundment, including the day of removal, but not the day of impoundment;

B. no dog shall be released from the place of impoundment until the owner shall have paid all charges for impounding and maintaining the dog, and if necessary, until the dog has been vaccinated against rabies in accordance with this regulation.

8.07 Administrative Assessments. A person charged with one or more violations of this ordinance listed in Section 6.00 shall have the option of paying a handling, processing, and administrative assessment therefor to a Ferry County Animal Control Officer or his authorized agents, in lieu of further proceedings in court to defend such charge as described in Section 9.00 of this ordinance. If such person elects to appear in court, he shall be proceeded against as otherwise provided by law for the violations charged and shall be subject to the penalties provided for in Section 9.00 thereof, if found guilty of such charges.

In the event a person elects to pay the prescribed handling, processing and administrative assessment as permitted in Section 8.07 hereof, such payment shall constitute an acknowledgement of guilt by such person for the purpose of constituting a prior violation under Section 8.08 and shall be deemed a complete satisfaction for such violation, and upon accepting the prescribed penalty assessment, the Ferry County Animal Control Officer or his authorized agents shall issue a receipt to the violator acknowledging payment thereof.

8.08 Administrative Fee Schedule. In addition to the impoundment fee provided for in Section 8.06 above, administrative assessments and the nature of the violation for which the assessment may be accepted and paid by the violator under the privileges of this section shall be as follows:

A.	Failure to display tags	\$ 10.00
B.	No rabies vaccination	20.00
C.	Dog running at large, first offense	10.00
D.	Dog running at large, second offense	30.00
E.	Dog running at large, third offense	50.00
F.	Dog running at large, fourth offense	75.00
G.	Abandoning a dog	50.00
H.	Poisoning a dog	100.00

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All fees assessed pursuant to Sections 8.06 and 8.08 may be collected by the person in charge of the place of impoundment or the Ferry County Animal Control Officer or his designated agents and shall be remitted as may be directed from time to time by the Board.

8.09 Disposition. Any dog impounded shall be held for the owner until the end of the regular business day following completion of seventy-two (72) hours from the date of mailing notice to the owner. Any dog not redeemed by its owner during this period may be sold for a small fee or humanely destroyed. Dogs suffering from disease or injury may be humanely destroyed. Sale of dogs for research purposes is prohibited.

SECTION 9.00 VIOLATIONS AND PENALTIES. Violations of any of the provisions of this ordinance shall constitute a misdemeanor and upon conviction shall be punishable by fine not to exceed five hundred dollars (\$500.00) and/or imprisonment in the County Jail for a period not to exceed ninety (90) days.

SECTION 10.00 IMMUNITY. Ferry County and the animal control officer and his authorized agents 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 11.00 SEVERABILITY. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the act where the application of the provision to other persons or circumstances is not affected.

SECTION 12.00 JURISDICTION. This ordinance shall apply only to the unincorporated areas of Ferry County. 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.

SECTION 13.00 If a dog's behavior meets the definition of either a potentially dangerous dog, or a dangerous dog under the Ferry County Dangerous Dog Ordinance, No. 87-01, that ordinance shall apply.

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WITNESS OUR HANDS and the official seal of our office this 11th
day of April, 1988.

Approved:

BOARD OF COUNTY COMMISSIONERS
Ferry County, Washington



[Signature]
F. W. HOLFORD, Chairman

[Signature]
MARIE J. BREMNER, Member

[Signature]
DARREL J. JARVIS, Member

ATTEST:

[Signature]
Shilah Moores
Clerk of the Board

Approved as to form:

[Signature]
Allen C. Milson
Prosecuting Attorney