

ORDINANCE 346

AN ORDINANCE OF THE TOWN OF FAIRFIELD WASHINGTON, REGARDING ANIMAL CONTROL, AND REPEALING PRIOR ORDINANCES 344, 211, 184 and 127.

BE IT ORDAINED by the Town Council of the Town of Fairfield, Spokane County Washington

SECTIONS:

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3. Chapter Supplementary
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1. **PURPOSE** It is declared the public policy of the town to secure and maintain such levels of animal control as will protect human health and safety, and to the greatest degree practicable to prevent injury to property and cruelty to animal life. To this end, it is the purpose of this title to provide a means of licensing dogs and controlling errant animal behavior so that it shall not become a public nuisance and to prevent cruelty to animals.
2. **DEFINITIONS** In construing the provisions of this title, except where otherwise plainly declared or clearly apparent from the context, words used in this title shall be given their common and ordinary meaning; in addition, the following words shall have the meanings set out below:
 - A. “Abandonment” means the knowing or reckless desertion of an animal by its owner or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal’s adequate care.
 - B. “Animal” means any non-human mammal, bird, reptile, or amphibian.
 - C. “Animal control officer” means
 1. any individual employed, contracted with, or appointed by the town 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,
 2. any state or local law enforcement officer, or
 3. any other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

- D. "Animal Shelter" means the facility approved by the town for the boarding and caring of any animal impounded under the provisions of this chapter or any other ordinance or law of the State of Washington
- E. "At large" means a dog which is physically off the premises of the owner of the dog or outside the proper enclosure and which is not under the appropriate physical restraint of a responsible person as required by Sections 9 and 11.
- F. "Common Area of a Condominium, Town House, or Apartment Buildings" means and includes but is not limited to the yards, grounds, patios, garden areas, play areas, clubhouses, swimming pools, sidewalks, walkways, common garage areas, entry ways, hallways and driveways.
- G. "Dangerous dog" means any dog that
1. inflicts severe injury on a human being without provocation on public or private property, or
 2. kills a domestic animal without provocation while off its owner's property, or
 3. has been previously found to be potentially dangerous because of (a) injury inflicted on a human, (b) the owner having received notice of such and (c) the dog again aggressively bites, attacks, or endangers the safety of humans.
- H. "Dog" means any domestic dog (member of the *canis lupus familiaris* family) or wolf hybrid which is a cross between a wolf and a domestic dog.
- I. "Domesticated animal" means those domestic beasts such as any dog or cat (not running at large).
- J. "Feral Animal" means any domesticated animal found in a wild state without ownership or abandoned.
- K. "Guard Dog" means a dog trained to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog. These dogs must be registered with the town as a guard dog.
- L. "Mistreatment" means every act or omission which cause or unreasonably permits the continuation of unnecessary or unjustified pain or suffering.
- M. "Neglect" means failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual and proper for an animal's health and well being.
- N. "Juvenile" means any dog or cat, altered or unaltered, that is under the age of six months.
- O. "Livestock" means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, llamas, and mules.
- P. "Owner or Custodian" means any person, possessing, harboring, keeping, having an interest in, or having control or custody of an animal.
- Q. "Packs of dogs" consists of a group of two or more dogs running upon either public or private property not that of its owner in a state in which either its control or ownership is in doubt or cannot readily be ascertained, or when such dogs are not restrained or controlled."
- R. "Potentially dangerous dog" means:
- any dog that when unprovoked
1. inflicts bites on a human or a domestic animal either on public or private property, or

2. chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack
 3. 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.
- S. "Proper enclosure" of a dangerous dog means that 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 a secure top, and shall also provide protection from the elements for the dog.
- T. "Running at large" means off the premises of the owner and not under the effective control of the owner, his agent, servant, or competent member of his family by means of a leash, cord, or chain reasonable in length; except that, for the purpose of this definition, the "premises of the owner" shall not include common areas of a condominium complex, town houses, apartment buildings, and any animal not in the effective control of its owner upon the common area of a condominium, town house or apartment building, or the grounds thereof shall be deemed to be running at large.
- U. "Severe injury" means any physical injury that result in broken bones, disfiguring lacerations requiring multiple sutures or cosmetic surgery.
- V. "Vicious Animal" means any animal that constitutes a physical threat to humans or other domestic animals whether or not such animal has ever displayed any vicious tendencies, bitten, attacked, or threatened any person or domestic animal before that time. This is a specific abandonment of the common law concept that every dog was allowed one vicious act before declared vicious.
- W. All other words and phrases used herein will have their commonly accepted meanings
3. **CHAPTER SUPPLEMENTARY:** The provisions of this chapter shall be supplementary to the provisions of RCW Chapter 16.08 relating to dangerous dogs.
 4. **ANIMAL CONTROL OFFICER – ISSUANCE OF CRIMINAL AND NON CRIMINAL CITATIONS** The animal control officer or his/her duly appointed agent shall be specially commissioned by the Town of Fairfield as a specially commissioned deputy for the purpose of issuing citations to persons found in violation of town and state ordinances pertaining to animals. These violations may be issued in the instances where a violation occurs in animal control officer's presence or in reasonable belief that the owner/caretaker of the animal is in violation even though the violation does not occur in the presence of the officer. The animal control officer or his/her duly appointed agent shall also be specially commissioned by the County Sheriff to enforce the provisions of Chapter 16.08 and 16.52, Revised Code of Washington; and shall have the authority to issue citations for violations of Chapter 16.08 and 16.52, Revised Code of Washington, constituting a misdemeanor or gross misdemeanor. It shall be unlawful for any person to interfere with, molest, hinder or obstruct an Animal Control Officer or any town employee or official in the discharge of his duties under this chapter.
 5. **ANIMAL CRUELTY**
 - A. Animal cruelty in the first degree: A person shall be guilty of animal cruelty in the first degree under circumstances defined in RCW 16.52.205, including as hereafter amended.
 - B. Animal cruelty in the second degree: A person shall be guilty of animal cruelty in the second degree under the circumstances defined in RCW 16.52.207, including as hereafter amended.

6. **BARKING DOGS** Or other loud animals: It shall be the duties of the animal control officer to respond to and investigate the complaints of any loud animal or dog which by frequent or habitual howling, yelping, or barking annoys or disturbs a neighborhood or the quiet and repose of a complainant, and shall have the authority to issue a citation if warranted.
- A. It is unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially and unreasonably disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Whoever harbors such a dog maintains a public nuisance, and shall be guilty of a misdemeanor.
 - B. Whenever any person shall complain to the animal control officer or the town that a dog which habitually barks, howls or yelps is being kept by any person in the town, the animal control officer shall notify the owner of the dog that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling or yelping.
 - C. If the warning given to the person alleged to be keeping a dog is ineffective, then a written verified complaint of at least two citizens not from the same family may be presented to the animal control officer or the town, alleging that a dog that habitually barks, howls or yelps is being kept by a person within the town. The animal control officer or town shall inform the owner of such dog that the petition has been received and shall cite the owner of the dog for violation of this section.
7. **CONFINEMENT OF FEMALES IN HEAT** Any un-spayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building, or secure enclosure, and such area of enclosure shall be so constructed that no other dog or dogs can gain access to the confined animal. The animal control officer shall order any un-spayed female that is in the state of estrus (heat) and that is not properly confined or any such dog that is creating a neighborhood nuisance to be removed to a boarding kennel or to a veterinary facility. All expenses incurred as a result of the confinement shall be paid by the owner. Failure to comply with the order of the animal control officer shall be a violation of the provision, and the animal shall than be impounded as prescribed in this chapter, subject to monetary penalties and charges as directed.
8. **POTENTIALLY DANGEROUS DOG DECLARATION.**
- A. When an animal control officer has probable cause based upon his or her records or investigation or has a written verified complaint of at least three citizens not from the same household of an incident to believe that a dog is a potentially dangerous dog, the officer shall declare the dog a potentially dangerous dog by the issuance of a potentially dangerous dog declaration.
 - B. The animal control authority shall serve the owner of the dog with notice of the potentially dangerous dog declaration, either in person or by regular and certified mail, return receipt requested, to the address listed on the animal license or on file at Town Hall within seven days of the declaration being made. Service, if by mail, shall be considered completed three days after mailing of the notice. The notice shall state
 - 1. the basis upon which a dog be declared potentially dangerous,
 - 2. the basis upon which the animal control officer has declared the dog to be potentially dangerous,
 - 3. a statement that the dog is subject to controls required by this chapter,
 - 4. a statement that if a future problem occurs with the dog, the dog might be declared a dangerous dog, and
 - 5. an explanation of the dog owner's rights, including the procedure to appeal the potentially dangerous dog declaration.
 - C. The notice of a potentially dangerous dog declaration constitutes a final determination that the dog constitutes a potentially dangerous dog, unless the owner requests a hearing within fourteen days of service of the notice.
 - D. In the event the owner requests a hearing, a hearing shall be held within thirty days of the request. The animal control authority shall notify the owner 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 conducted by the director of the animal control authority or his or her designee as the hearing officer. The hearing officer shall be someone who did not participate in making the potentially dangerous dog determination.

- E. The hearing officer shall notify, in writing, the owner of his or her decision within fourteen days of the hearing. The decision of the hearing officer is final unless appealed to the Spokane County Superior Court within fourteen days.

9. POTENTIALLY DANGEROUS DOG AT LARGE.

- A. No owner may cause or permit a potentially dangerous dog to be or run at large within the town or to roam or stray from the building or enclosure where harbored unless:
 - 1. restrained by a sufficient collar, harness, or halter, and on a leash eight feet or less in length and in the control of a person physically able to restrain the dog; or
 - 2. confined safely within a vehicle.
- B. No person may release, or allow the escape from confinement or the control of another, any potentially dangerous dog.

10. DANGEROUS DOG DECLARATION AND REGISTRATION

- A. When an animal control officer has probable cause based upon his or her records or investigation of an incident to believe that a dog is a dangerous dog, the officer shall declare the dog to be a dangerous dog by the issuance of a dangerous dog declaration.
- B. Upon issuance of the dangerous dog declaration, the animal control officer immediately confiscates the dog and places the dog in the animal control authority's shelter pending final disposition.
- C. The animal control officer shall serve the owner of the dog with notice of the dangerous dog declaration either in person or by regular and certified mail, return receipt requested, to the address listed on the animal license or on file at the Town Hall within seven days of the declaration being made. Service, if by mail, shall be considered completed three days after mailing of the notice. The notice shall state
 - 1. the basis upon which a dog may be declared dangerous,
 - 2. the basis upon which the animal control officer has declared the dog to be dangerous,
 - 3. a statement that the dog is subject to the requirements of this chapter, and
 - 4. an explanation of the dog owner's rights, including the procedure to appeal the dangerous dog declaration.
- D. No owner may keep a dangerous dog, except a dog currently used by law enforcement officers for police work, without a certificate of registration issued under this chapter. The certificate of registration must be acquired within fourteen days of service of the dangerous dog notice unless the owner has appealed the dangerous dog declaration pursuant to subsection 10 F.
- E. The animal control authority of the town issues a certificate of registration to the owner of a dangerous dog, upon payment of the fee set forth in the Town of Fairfield Fee Resolution, if the owner presents to the authority sufficient evidence of:
 - 1. a proper enclosure to confine a dangerous dog; and
 - 2. the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property, and the conspicuous display of a sign with a warning symbol that informs children of the presence of a dangerous dog; and
 - a. 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 two hundred fifty thousand dollars, payable to any person injured by the dangerous dog, or
 - b. 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 two hundred fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog; and
 - 3. a permanent identification on the dog including microchip identification, a tattoo or other methods of identification acceptable to the animal control authority; and
 - 4. additional conditions determined by the animal control authority to be necessary to protect the public health, safety and welfare.

F. **Appeal of Dangerous Dog Declaration.**

A dangerous dog declaration by the animal control authority may be appealed to the Town's hearing examiner. An appeal must be filed with the hearing examiner's office within fourteen days of service of the dangerous dog notice. An appeal does not proceed until the owner has complied with the requirements of section 12. The hearing examiner shall do one of the following:

1. affirms the decision of the animal control authority in issuing the dangerous dog declaration
2. dismiss the declaration or
3. reduces a dangerous dog declaration to a potentially dangerous dog declaration based upon the evidence presented during the appeal. The hearing examiner's decision may be appealed to the Spokane County Superior Court within fourteen days from the date the hearing examiner issues his decision.

G. If an owner fails to register the dog as a dangerous dog within fourteen days of service of the animal control authority's notice, or of the hearing examiner's decision affirming the animal control authority's determination and no restraining order has been served upon the animal control authority, the dog shall be euthanized.

11. DANGEROUS DOG AT LARGE

- A. No owner may permit a dangerous dog to be outside the proper enclosure unless the dog is
1. properly muzzled,
 2. restrained by a substantial chain or leash eight feet or less in length, and
 3. under the physical restraint of a person physically able to restrain the dog.
- B. To be properly muzzled, the dog must be wearing a muzzle which prevents it from biting any person or animal but which is made in a manner that does not cause injury to the dog or interfere with its vision or respiration.

12. DANGEROUS DOG --- CONFISCATION

- A. An animal control officer shall immediately confiscates a dangerous dog if
1. it is not validly registered under Section 10; or
 2. it is not maintained in the proper enclosure; or
 3. its owner does not have the surety bond or liability insurance required by Section 10; or
 4. it is outside the dwelling of its owner, or outside the proper enclosure, and not under the appropriate physical restraint of a responsible person pursuant to section 11; or
 5. it, after being declared and registered as a dangerous dog, engages in subsequent conduct that would constitute a potentially dangerous dog or dangerous dog as prescribed in Section 2.
- B. The dog's owner must pay the costs of confinement and control. The animal control officer must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason for the confiscation of the dangerous dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within twenty days. The animal control officer shall destroy the confiscated dangerous dog in an expeditious and humane manner if any deficiencies required by this section are not corrected within twenty days of notification. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.
- C. **Appeal of Dangerous Dog Confiscation and/or Pending Euthanization.**
The owner of a dangerous dog may appeal the confiscation and/or pending euthanization of his or her dog to the Town's hearing examiner. An appeal must be filed with the hearing examiner's office within fourteen days of service of notice that the dog has been confiscated. An appeal shall not proceed until the owner has complied with the requirements of subsection 12 D herein. The hearing examiner's decision may be appealed to the Spokane County Superior Court within fourteen days from the date the decision is issued.
- D. When a dangerous dog is placed in a shelter facility either because it has been declared a dangerous dog pursuant to section 10 or because it was confiscated pursuant to section 12, its owner has the responsibility to contact the shelter facility within fourteen days of receipt of the dangerous dog notice or notice of confiscation, to make payment of the boarding fee provided by

animal control authority, regardless of the owner's decision to pursue an appeal. Payments of boarding fees must be made in advance, in fourteen-day increments, and must continue for the entire time the dog is placed in the shelter facility regardless of the owner's decision to appeal to the hearing examiner or to the superior court. A certificate of registration is not issued, a dog is not released, and an appeal is not heard until the owner has paid the full boarding fee owing to the shelter facility. The boarding fee is not refundable regardless of the outcome of an appeal. The shelter facility may euthanize a dog if its owner fails to pay the full boarding fee within fourteen days of receiving notice of the determination by the animal control authority, regardless of the owner's decision to appeal under subsection 10.F, or if the owner fails to maintain payment of the boarding fee.

13. DANGEROUS DOG – EXCUSE

- A. 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. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that he or she was in compliance with the requirements for ownership of a dangerous dog pursuant to this chapter and the person or domestic animal attacked or bitten by the defendant's dog trespassed on the defendant's real or personal property or provoked the defendant's dog without justification or excuse. In addition, the dangerous dog shall be immediately confiscated by the animal control officer, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- B. The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a class C felony punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the human severely injured or killed by the defendant's dog: (1) trespassed on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog; or (2) provoked the defendant's dog without justification or excuse on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog. In such a prosecution, the state has the burden of showing that the owner of the dog either knew or should have known that the dog was potentially dangerous as defined in this chapter. The state may not meet its burden of proof that the owner should have known the dog was potentially dangerous solely by showing the dog to be a particular breed or breeds. In addition, the dog shall be immediately confiscated by an animal control authority, quarantined, and upon conviction of the owner destroyed in an expeditious and humane manner.

14. DISEASED ANIMALS Every owner or person having charge thereof, who shall import or drive into this state, or who shall turn out or suffer to run at large upon any highway or unenclosed lands, or upon any lands adjoining the enclosed lands kept by any person for pasture; or who shall keep or allow to be kept in any barn with other animals, or water or allow to be watered at any public drinking fountain or watering place, any animal having any contagious or infectious disease; or who shall sell, let or dispose of any such animal knowing it to be so diseased, without first apprising the purchaser or person taking it of the existence of such disease, shall be guilty of a misdemeanor. (RCW 9.08.020)

15. DISEASED OR OLD ANIMALS AT LARGE Every owner, driver, or possessor of any old, maimed or diseased horse, cow, mule, or other domestic animal, who shall permit the same to go loose in any lane, street, square, or lot or place of any town or township, without proper care and attention, for more than three hours after knowledge thereof, shall be guilty of a misdemeanor: PROVIDED, that this shall not apply to any such owner keeping any old or diseased animal belonging to him on his own premises with proper care. Every sick, disabled, infirm or crippled horse, ox, mule, cow or other

domestic animal, which shall be abandoned on the public highway, or in any open or enclosed space in any town or township, may, if, after search by a peace officer or officer of such society no owner can be found therefore, be killed by such officer; and it shall be the duty of all peace and public officers to cause the same to be killed on information of such abandonment. (RCW 16.52.110)

16. DOG GUIDES AND SERVICE ANIMALS

- A.
 - 1. Any person who has received notice that his or her behavior is interfering with the use of a dog guide or service animal who continues with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor punishable according to chapter 9A.20 RCW, except that for a second or subsequent offense it is a gross misdemeanor.
 - 2. Any person who, with reckless disregard, allows his or her dog to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor punishable according to chapter 9A.20 RCW, except that for a second or subsequent offense it is a gross misdemeanor.
- B.
 - 1. Any person who, with reckless disregard, injures, disables, or causes the death of a dog guide or service animal is guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW.
 - 2. Any person who, with reckless disregard, allows his or her dog to injure, disable, or cause the death of a dog guide or service animal is guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW.
- C. Any person who intentionally injures, disables, or causes the death of a dog guide or service animal is guilty of a class C felony.
- D. Any person who wrongfully obtains or exerts unauthorized control over a dog guide or service animal with the intent to deprive the dog guide or service animal user of his or her dog guide or service animal is guilty of theft in the first degree, RCW 9A.56.030.
- E.
 - 1. In any case in which the defendant is convicted of a violation of this section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the dog guide or service animal user and the dog guide or service animal which arise out of or are related to the criminal offense.
 - 2. Restitution for a conviction under this section shall include, but is not limited to:
 - a. The value of the replacement of an incapacitated or deceased dog guide or service animal, the training of a replacement dog guide or service animal, or retraining of the affected dog guide or service animal and all related veterinary and care expenses; and
 - b. Medical expenses of the dog guide or service animal user, training of the dog guide or service animal user, and compensation for wages or earned income lost by the dog guide or service animal user.
- F. Nothing in this section shall affect any civil remedies available for violation of this section.
- G. For purposes of this section, the following definitions apply:
 - 1. "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.
 - 2. "Service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.
 - 3. "Notice" means a verbal or otherwise communicated warning prescribing the behavior of another person and a request that the person stop their behavior.
 - 4. "Value" means the value to the dog guide or service animal user and does not refer to cost or fair market value.

17. FAILURE TO COMPLY – Gross Misdemeanor.

A person must comply with the instructions of an animal control officer in the enforcement of this chapter. No person may interfere with the duties of an animal control officer or of a police officer in the

enforcement of this chapter. Unless provided otherwise herein under RCW, any violation of this ordinance shall be a gross misdemeanor.

18. IMPOUNDING

- A. The animal control officer may apprehend any animal found doing any of the acts defined as a public nuisance and/or being subjected to cruel treatment. After such animals are apprehended, the animal control authority shall ascertain whether they are licensed, or otherwise identifiable. If reasonably possible, the animal control authority shall return the animal to the owner together with a notice of violation of this chapter or impound the animal. If it is not reasonably possible to immediately return a currently licensed animal to its owner the animal control authority shall notify the owner within a reasonable time by regular mail or telephone that the animal has been impounded and may be redeemed.
- B. Any currently licensed animal impounded pursuant to this chapter shall be held for the owner per contract specifications set by contract with animal control, and fees set per animal control contract.
- C. As to any instance where the town incurs fees or expenses with the animal control officer, the owner of the animal(s) which generated such fees or expenses shall be responsible for paying those fees or expenses. The owner shall pay those fees and expenses within 10 days of receipt of the town's bill provided, however, no animal may be released unless those fees or expenses have been paid.

19. LICENSING REQUIREMENTS

- A. All dogs six weeks and over which are harbored, kept or maintained in the town shall be licensed and registered annually.
- B. License Issuance. Dog licenses shall be issued by town hall upon payment of a license fee according to the fees set by town resolution
 - 1. Dog licenses will be valid for a term of one year from the date of issuance, expiring on the last day of the twelfth month. There is no prorating of any license fee.
 - 2. Licenses shall be purchased on or before January 31st of each year. Licenses not purchased on or before January 31st shall incur a late fee to be set by council resolution.
 - 3. Persons applying for a license during the year shall be required to pay the full fee set by council resolution.
 - 4. Owners of dogs that hold valid licenses from other jurisdictions and who move into Fairfield are required to purchase a license immediately upon their relocation to the town.
 - 5. A lost tag may be replaced by the town clerk-treasurer upon payment of a fee of one dollar.
 - 6. Proof of current rabies vaccination is required.
 - 7. Include current picture of dog.
 - 8. Dangerous Dog Registration. Pursuant to RCW Chapter 16.08, the town is required to regulate and issue certificates of registration for dangerous dogs. Such certificate shall be issued on an annual basis with no prorating of the fee provided for herein for less than a full year's registration of a dangerous dog. The annual license period shall extend from January 1 through December 31 of each calendar year. It shall be the duty of each owner to obtain a current registration for a dangerous dog prior to January 1 of each licensing period, or the cost of registration shall be doubled. The annual fee for registration of a dangerous dog shall be established in the Town of Fairfield fee resolution.

20. LARGE LIVESTOCK RUNNING AT LARGE It shall be unlawful for the owner or custodian of any horse, swine, livestock, poultry or other animals generally regarded as farm or ranch animals to permit the same to run at large within the corporate limits of the town. Any such animal's owner shall be given two (2) hours to contain such animal or the same be summarily disposed of by the animal control officer. The keeping of any such animal within the Town of Fairfield limits shall be subject to all zoning ordinances and other pertinent ordinance of the Town of Fairfield.

21. PET ANIMALS--TAKING, CONCEALING, INJURING, KILLING, ETC.--PENALTY.

- A. Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor and shall be punished as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal except as provided by (d) of this subsection:
1. Takes, leads away, confines, secretes or converts any pet animal, except in cases in which the value of the pet animal exceeds two hundred fifty dollars;
 2. Conceals the identity of any pet animal or its owner by obscuring, altering, or removing from the pet animal any collar, tag, license, tattoo, or other identifying device or mark.
 3. Willfully or recklessly kills or injures any pet animal, unless excused by law.
 4. Nothing in this subsection or subsection (2) of this section shall prohibit a person from also being convicted of separate offenses under RCW 9A.56.030, 9A.56.040, or 9A.56.050, or the equivalent provisions of this title, for theft or under RCW 9A.56.150, 9A.56.160, or 9A.56.170, or the equivalent provisions of this title, for possession of stolen property.
- B.
1. It is unlawful for any person to receive with intent to sell to a research institution in the state of Washington, or sell or otherwise directly transfer to a research institution in the state of Washington, a pet animal that the person knows or has reason to know has been stolen or fraudulently obtained. This subsection does not apply to U.S.D.A. licensed dealers.
 2. The first conviction under (a) of this subsection is a gross misdemeanor and is punishable as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal. A second or subsequent conviction under (a) of this subsection is a class C felony and is punishable as prescribed under RCW 9A.20.021(1)
 3. And by a mandatory fine of not less than one thousand dollars per pet animal.
- C. The sale, receipt, or transfer of each individual pet animal in violation of subsections (1) and (2) of this section constitutes a separate offense.
- D. The provisions of subsections (1) and (2) of this section shall not apply to the lawful acts of any employee, agent, or director of any humane society, animal control agency, or animal shelter operated by or on behalf of any government agency, operating under law. (RCW 9.08.070)

22. RABIES CONTROL

- A. No person may keep or harbor in the town a dog or cat over six months of age which is not inoculated against rabies by a licensed veterinarian in accordance with current accepted standards. The owner is required to attach a tag to a collar which shows that the dog or cat has been properly vaccinated.
- B. Any animal afflicted with rabies or bitten by a rabid animal is a nuisance and the owner or custodian of such animal is required immediately upon discovery to either:
1. cause the animal to be destroyed; or
 2. submit the animal to veterinary treatment and guarantee its confinement for such period and in such manner as directed by the health officer, or a licensed veterinarian.
- C. The health officer may direct the detention of animals suspected of having rabies. Any such animal is held at the animal control shelter until its release is approved by the health officer and all applicable fees are paid by the animal's owner.
- D. An animal without current rabies inoculation that is returned to its owner or adopted must be inoculated for rabies within ten days of being released from the shelter unless inoculation is discouraged by a licensed veterinarian. Proof of inoculation must be provided to the animal control authority.

23. RUNNING AT LARGE PROHIBITED

- A. It is unlawful for any person owning or possessing any dog for such dog to run at large in the town.
- B. Animals injured or killed in the street shall be considered as running at large; the animal control officer or town shall remove all such animals and, at his discretion, take those needing medical attention to a veterinarian or the animal control shelter. The owner of any such animal shall be responsible for all expenses of the treatment and of the impoundment. All reasonable efforts will be made to notify the owner or custodian of any such animal prior to the animal being treated and impounded. Injured animals may be destroyed humanely, if it is determined by the animal control officer or a veterinarian that the animal has sustained critical injuries suffering is extreme, and/or the prognosis for recovery is poor. The animal control officer shall consult with a veterinarian as to the disposition of injured animals, when the animal's prognosis cannot be ascertained with reasonable certainty.
- C. Feral animals found within the town limits shall be disposed of at the discretion of the animal control officer without recourse to impoundment.
- D. A dog shall not be considered to be running a large if it is on a leash and under control of a person physically able to control it.
- E. If the warning given to the person alleged to be keeping a dog that continually is running at large is ineffective, then a written verified complaint of at least two citizens not from the same family may be presented to the animal control officer or the town, alleging that a dog habitually runs at large within the town. The animal control officer or town shall inform the owner of such dog that the complaint has been received and shall cite the owner of the dog for violation of this section.
- D. Habitual Violations– Animals Running at Large
 - 1. In addition to any other penalty provided for in this chapter, any person responding to a notice of infraction for a dog or dogs running at large (herein referred to as the current infraction) who has previously been found to have committed the same violation with the same or different dogs on two or more separate dates within twelve (12) months of the date of the current infraction, shall be placed on notice of enhanced relief being sought by the town as provided for in this section. The violator shall be informed within five (5) business days of the issuance of the current infraction that the town alleges the violator is a habitual violator of the dog running at large sections of this chapter and of the enhanced penalty possible pursuant to this section. As an alleged habitual violator, the respondent shall be liable for all monetary penalties provided for in this chapter.
 - 2. Any dog running at large whose owner is alleged to have violated this section as a habitual violator may be impounded and held at the owner's expense, not to be released except upon court order with the alleged habitual violator having the burden of obtaining any such court order. If within 30 days of the date of impoundment the alleged habitual violator fails to obtain a court injunction, the animal control officer shall have the authority to destroy the impounded dog. If a court determines the dog owner to be an habitual violator, the court shall issue an order directing the animal control officer to seize and destroy all dogs in the dog owner's possession which dogs are identified as having been running at large previously within twelve (12) months of the current infraction and ordering payment to the town of any costs incurred by the town as a result of the impound and euthanization of any animals.

24. VIOLATION:

See Town of Fairfield fee schedule. Fees imposed by the animal control authority will be directly passed on to the owner.

PASSED by the Town Council this 3rd day of July, 2007.

Ed Huber
Mayor, Ed Huber

ATTEST:

Shelly Wood
Town Clerk, Shelly Wood

Approved as to Form:

07/31/2007 11:25 15094622210

BRIAN RAGEN PS ATTY

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Brian Ragen
Town Attorney, Brian Ragen
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