

**CITY OF CHEWELAH
ORDINANCE 971**

An Ordinance Revising Chapter 6.04 DOGS of the Chewelah Municipal Code

WHEREAS, during the Regular Council meeting held 8-3-22, the Code Review and Enforcement Committee was tasked with developing a Potentially Dangerous Dog Ordinance with strict consequences.

NOW THEREFORE, the City Council of the City of Chewelah ordains as follows:

**Section 1: Chapter 6.04 of the Chewelah Municipal Code
currently reads as follows:**

Chapter 6.04 - DOGS

- 6.04.010 Definitions
- 6.04.020 License Required
- 6.04.030 License Fee
- 6.04.040 Issuance Of License And Tag
- 6.04.050 Replacement Of Lost Tags
- 6.04.060 Establishment Of Pound
- 6.04.070 Stealing Or Removal Of Tag Or Collar
- 6.04.080 Leash Requirement
- 6.04.090 Dogs Running At Large
- 6.04.100 Reclamation Of Impounded Animal
- 6.04.110 Exemption From Impoundment
- 6.04.120 Posting Of Announcement Of Impounded Dogs
- 6.04.125 Sale Of Impounded Dogs
- 6.04.130 Complaints
- 6.04.140 Quarantine Of Biting Dog
- 6.04.150 Authority To Declare Quarantine
- 6.04.160 Administration And Enforcement

6.04.010 Definitions

1. "Department" means the police department of the city of Chewelah.
2. "Dog" means all male dogs and female dogs over the age of four months.
3. "Leash" means a cord, rope or chain of not more than eight feet in length.
4. "License" means the dog license issued by the city of Chewelah.
5. "Neutered male" means a male dog that, because of a medical operation, can no longer sire offspring.
6. "Offense" means any violation of this chapter and each day of such violations constitutes a separate offense.
7. "Owner" or "keeper" means any person, firm, association or corporation owning, keeping or harboring a dog.
8. "Pound" means a place within or without the city of Chewelah, provided and operated by the city employees or by an independent agency under the authority of the city acting alone or in concert with other municipalities for the restraint and care of animals.
9. "Premises" means within the property boundary of the owner or keeper.

10. "Spayed female" means a female dog that, because of a medical operation, is no longer capable of bearing young.
11. "Under control" or "restraint" means the animal is confined within the property limits of its owner or keeper by a suitable fence or securely restrained within the premises by a leash affixed to a securely fixed object.

6.04.020 License Required

The keeping of dogs within the city limits is forbidden, unless the owner or keeper thereof shall procure a license for each dog as provided in this chapter. Any person violating any provision of this chapter shall be deemed to have committed a civil infraction, the penalty for which shall be one hundred dollars for the first offense, one hundred fifty dollars for the second offense and two hundred fifty dollars for the third or subsequent offense.

6.04.030 License Fee

For each neutered male and spayed female dog, the annual license fee is five dollars if paid on or before January 31st. For each natural male and unspayed female, the annual license fee is seven dollars and fifty cents if paid on or before January 31st. For each dog, the annual license fee is twenty-five dollars if purchased between February 1st and February 29th. If purchased after February 29th, the annual license fee is fifty dollars. Except, if a person moves to Chewelah or acquires a dog after January 31st, he or she shall have thirty days to acquire a dog license at the rates applicable during the month of January. Seeing-eye dogs, properly trained, and actually used by blind persons for the purpose of aiding them in going from place to place, shall be issued a license tag free of charge.

6.04.040 Issuance Of License And Tag

On payment to the city clerk/treasurer of the amount of such license tax and presentation of proof that the dog has had a rabies shot or a booster shot as required for the control of rabies, it shall be the duty of the clerk/treasurer to issue a receipt to the person paying such license tax, which receipt shall constitute a license and shall remain and be in full force or effect for a term of one year from and after the first day of January of the year in which the license is issued. The clerk/treasurer shall furnish with such license a metal tag upon which will be stamped a number corresponding with the number of such license and such tag shall be appended or affixed to a collar which the owner shall provide and place and keep upon the neck of a dog so licensed. In the event there is no proof of a rabies shot or rabies booster shot as required for the control of rabies, then no license or tag shall be issued.

6.04.050 Replacement Of Lost Tags

Any owner or keeper of a licensed animal whose current license tag has been lost may obtain a replacement tag, prior to impounding of such animal, by payment of a fee of one dollar to the city clerk/treasurer.

6.04.060 Establishment Of Pound

The chief of police is authorized to secure and maintain a suitable pound for the purposes of carrying out the provisions of this chapter, or to make arrangements with a private agency for the care of any animals collected and impounded by him or members of his department.

6.04.070 Stealing Or Removal Of Tag Or Collar

It is unlawful for any person to steal a dog collar, as provided for in this chapter, from any dog, or for any other person, other than the owner or keeper, to remove the tag or collar as provided for in this chapter, from any dog, and any violation of this section

shall be deemed a misdemeanor and shall be punishable by a fine as provided for in this chapter.

6.04.080 Leash Requirement

All dogs shall be kept on a leash while off the premises of their owner or keeper, and under control or restraint while on the premises of their owner or keeper. Any person violating this section shall be deemed to have committed a civil infraction, the penalty for which shall be one hundred dollars for the first offense, one hundred fifty dollars for the second offense and two hundred fifty dollars for the third or subsequent offense.

6.04.090 Dogs Running At Large

Dogs running at large shall be taken by the police or the animal control officer and confined in a humane manner in an animal shelter. Dogs shall be kept for at least three days unless sooner claimed by their owner. Owners who can be identified with reasonable effort will be notified in writing of the impoundment. Dogs not claimed within three days may be sold or disposed of.

6.04.100 Reclamation Of Impounded Animal

An owner reclaiming an impounded animal shall pay an impoundment fee for each offense resulting in the impoundment of the dog belonging to the owner, plus the actual cost to the city for the care and keep of the dog. The impoundment fee is twenty-five dollars for the first offense, fifty dollars for the second offense, and one hundred dollars for the third and each subsequent offense. If the dog is unlicensed, the owner will first be required to pay the licensing fees, and in addition thereto, the owners shall also be proceeded against for the violation of this chapter.

6.04.110 Exemption From Impoundment

Notwithstanding the provisions of CMC 6.04.100, if an animal is found at large and its owner can be identified and located, such animal need not be impounded, but may, instead, be taken or followed to the owner. In such case the police department or the dogcatcher shall notify the proper authority of the violation of this chapter and shall proceed against the owner for violation of this chapter.

6.04.120 Posting Of Announcement Of Impounded Dogs

Following the impoundment of each dog in the city pound, or wherever the dog is placed for impoundment, an announcement shall be posted by the police department for three days at the city pound, or the location where the dog is kept, and at the City Hall. Each announcement will contain the following information: the breed, color, sex and other identifying characteristics of the animal, together with the date and location of apprehension thereof, and the date after which the dog shall be destroyed or sold.

6.04.125 Sale Of Impounded Dogs

Sealed written bids for an impounded dog shall be accepted by the police clerk or the chief of police until the time specified in the announcement required by CMC 6.04.120. If a bid is received for a dog, it shall be sold rather than destroyed. A dog shall be sold to the highest responsible bidder.

6.04.130 Complaints

Upon written complaint filed by one citizen of the city against any one owner of any particular dog, the police department shall notify the owner that he is in violation of this chapter and shall be proceeded against.

6.04.140 Quarantine Of Biting Dog

Any dog which bites a person shall be quarantined for a period of ten days. During quarantine the dog shall be securely confined and kept from contact with any other

animal. The chief of police shall require said confinement and the owner shall surrender the animal for the quarantine period, at his own expense, in a veterinary hospital. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely destroyed and the head of the animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

6.04.150 Authority To Declare Quarantine

The mayor of the city shall have, and is expressly granted, the right in case of a national or natural disaster or upon request of the health officer, to declare a quarantine upon all dogs and to provide rules and regulations with reference to said quarantine.

6.04.160 Administration And Enforcement

The police department of the city shall be responsible for the administration and enforcement of this chapter and in the event a dogcatcher is appointed by the mayor of the city, such dogcatcher shall be a part of the police department to further the aims and intents of this chapter.

Section 2: Chapter 6.04 of the Chewelah Municipal Code is amended in its entirety to read as follows:

Chapter 6.04 - DOGS

6.04.010 Definitions

6.04.020 Purpose and Immunity

6.04.030 Administration, Enforcement, and Exemptions

6.04.040 License Required

6.04.050 License Fee

6.04.060 Issuance of License and Tag

6.04.070 Replacement of Lost Tags

6.04.080 Stealing or Removal of Tag or Collar

6.04.090 Leash Requirement

6.04.100 Dangerous or Potentially Dangerous Dog – Declaration

6.04.110 Dangerous or Potentially Dangerous Dog – Appeal

6.04.120 Dangerous or Potentially Dangerous Dog – Restrictions and Penalties

6.04.130 Quarantine, Penalties and Affirmative Defenses for Dog Attacks

6.04.140 Impoundment Procedures

6.04.150 Notification and Posting of Announcement of Impounded Dogs

6.04.160 Reclamation of Impounded Animal

6.04.170 Disposition of Impounded Dogs

6.04.180 Authority to Declare Quarantine

6.04.010 Definitions

As used in this chapter, unless the context indicates otherwise:

- A. "Animal control authority" (ACA) 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.
- B. "Animal control officer" means any individual employed, contracted with, or appointed by the ACA 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.

- C. "At heel" means that the dog is positioned and controlled in such a manner so as to remain within a distance of two feet from its owner or other competent person having charge of such dog.
- D. "At large" means off the premises of the owner or upon the public streets, alleys, public grounds, school grounds or parks within the City. A dog shall not be deemed at large if:
 - 1. It is attached to a leash or chain of sufficient strength to restrain the dog and not more than eight feet in length, when said leash or chain is held by a person competent to restrain and control the dog off the owner's premises; or
 - 2. It is properly restrained within a motor vehicle or housed in a veterinary hospital; or
 - 3. It is accompanied by and at heel beside the owner or a competent responsible person; or
 - 4. It is left unattended on the owner's premises, and it is so confined, tied or restrained as to be unable to range beyond the owner's premises.
- E. "Dangerous dog" means any dog that has been declared to be a dangerous dog pursuant to the provisions of this chapter, or has been declared to be a dangerous dog pursuant to applicable code provisions by any other jurisdiction, by reason of the fact that the dog: (a) inflicted severe injury on a human being without provocation on public or private property, (b) killed a domestic animal without provocation while the dog is off the owner's property, or (c) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans.
- F. "Department" means the police department of the city of Chewelah.
- G. "Dog" means and includes female, spayed female, male and neutered male dogs. For the purpose hereof, "dog" means a domesticated member of the family Canidae, specifically species *Canis lupus familiaris*, and excludes non-domesticated members of the family Canidae and any hybrids thereof, including but not limited to wolves, coyotes, wolf-dog hybrids, and coyote-dog hybrids.
- H. "Harboring" (for the purpose of this chapter) means an occupant of any premises knowingly permits a dog to remain on the occupant's premises for the purpose of feeding it or sheltering it daily for a period of at least twenty-five consecutive days.
- I. "Leash", unless otherwise defined, means a cord, rope, strap, or chain of not more than eight feet in length and of sufficient strength so that the animal is controlled by the person accompanying it.
- J. "License" means a dog license issued by the city of Chewelah.
- K. "Neutered male" means a male dog that, because of a medical operation, can no longer sire offspring.
- L. "Offense" means any violation of this chapter and each day of such violations constitutes a separate offense.
- M. "Owner", "keeper", or "handler" means any person, firm, association, organization, department, or corporation possessing, owning, keeping, harboring, having an interest in, or having control or custody of an animal.
- N. "Pound" means a place within or without the city of Chewelah, provided and operated by the city employees or by an independent agency under the authority of the city acting alone or in concert with other municipalities for the restraint and care of animals.

- O. "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.
- P. "Premises" means all the real property under one ownership inside the inner line of a sidewalk or, if there is no sidewalk, inside of the curb, ditch, or shoulder marking the edge of the used public right-of-way. "Premises" also means the inside of a closed motor vehicle.
- Q. "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.
- R. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.
- S. "Spayed female" means a female dog that, because of a medical operation, is no longer capable of bearing young.
- T. "Under control" or "restraint" means that the dog is appropriately confined on the owner or keeper's premises, or, if off the owner or keeper's premises, is on a leash, as defined herein.

All other words and phrases used in this chapter will have their commonly accepted meanings.

6.04.020 Purpose and Immunity

The purpose of this chapter is to provide regulations to control dog behavior and to delineate the responsibilities of dog owners and keepers within the city of Chewelah, whether residents or non-residents. The City, its officers, employees, contractors, ACA, and any Animal Control Officer executing the responsibilities set forth in this chapter shall be immune from all civil liability for an action or actions taken pursuant to this chapter, or for failure to take action to enforce the provisions of this chapter. It is not the purpose or intent of this chapter to create on the part of the city agents any special duties to, or relationship toward, specific individuals. This chapter has been enacted for the safety and welfare of the public as a whole.

6.04.030 Administration, Enforcement, and Exemptions

- A. Administration and enforcement of the provisions of this chapter shall be the responsibility of the ACA, which shall be the Chewelah Police Department under direction of the Chewelah Chief of Police.
- B. Upon written complaint filed by any one citizen of the city against any one owner of any particular dog, the ACA shall notify the owner that he or she may be in violation of this chapter, and such alleged violation shall be investigated.
- C. The ACA is authorized to secure and maintain a suitable pound for the purposes of carrying out the provisions of this chapter, or to make arrangements with a private agency for the care of any animals collected and impounded by an Animal Control Officer.
- D. The provisions of this chapter shall not apply to dogs registered for use by government officials for any government purposes, whether or not such animals are maintained at its handler's residence, or to animals held in quarantine by a licensed veterinarian.

6.04.040 License Required

The keeping of dogs over four months of age within the city limits is forbidden, unless the owner or keeper thereof shall procure a license for each dog as provided in this chapter. Any person violating any provision of this chapter shall be deemed to have committed a civil infraction, the penalty for which shall be ONE HUNDRED DOLLARS (\$100.00) for the first offense, ONE HUNDRED FIFTY DOLLARS (\$150.00) for the second offense, and TWO HUNDRED FIFTY DOLLARS (\$250.00) for the third or subsequent offense. Additional license requirements apply as set forth in section 6.04.120 for a dog classified by the city as a dangerous or potentially dangerous dog as set forth in section 6.04.100.

6.04.050 License Fee

For each neutered male and spayed female dog, the annual license fee for any given calendar year is FIVE DOLLARS (\$5.00) if paid on or before January 31st of that year. For each natural male and unspayed female, the annual license fee is SEVEN AND 50/100 DOLLARS (\$7.50) if paid on or before January 31st of that year. For each dog, the annual license fee for any given year is TWENTY-FIVE DOLLARS (\$25.00) if purchased between February 1st and February 29th of that year. If purchased after February 29th of that year, the annual license fee is FIFTY DOLLARS (\$50.00). PROVIDED THAT, if a person moves to Chewelah or acquires a dog after January 31st in any particular year, said owner shall have thirty days to acquire a dog license at the rate applicable during the month of January. If the city declares a dog to be a dangerous or potentially dangerous dog as set forth in section 6.04.100, the annual fee shall be FIVE HUNDRED DOLLARS (\$500.00), to license a DANGEROUS dog and TWO HUNDRED FIFTY DOLLARS (\$250.00) to license a POTENTIALLY dangerous dog. Seeing-eye dogs, properly trained, and actually used by blind persons for the purpose of aiding them in going from place to place, shall be issued a license tag free of charge, unless declared as a dangerous or potentially dangerous dog.

6.04.060 Issuance of License And Tag

On payment to the city of the amount of such license fee and presentation of proof that the dog has had a rabies shot or a booster shot as required for the control of rabies, it shall be the duty of city staff to issue a receipt to the person paying such license fee, which receipt shall constitute a license and shall remain and be in full force or effect through December 31st of the year in which the license is issued except that any license issued on or after December 15th of any calendar year shall be valid until December 31st of the following calendar year. City staff shall furnish with such license a metal tag upon which will be stamped a number corresponding with the number of such license and such tag shall be appended or affixed to a collar which the owner shall provide and place and keep upon the neck of a dog so licensed. In the event there is no proof of a rabies shot or rabies booster shot as required for the control of rabies, then no license or tag shall be issued. Additional license requirements apply as set forth in section 6.04.120 for a dog classified by the city as a dangerous or potentially dangerous dog as set forth in section 6.04.100.

6.04.070 Replacement of Lost Tags

Any owner or keeper of a licensed animal whose current license tag has been lost may obtain a replacement tag, prior to impounding of such animal, by payment of a fee of ONE DOLLAR (\$1.00) to the city.

6.04.080 Stealing or Removal of Tag or Collar

It is unlawful for any person to steal a dog collar, as provided for in this chapter, from any dog, or for any other person, other than the owner or keeper, to remove the tag or

collar as provided for in this chapter, from any dog, and any violation of this section shall be deemed a misdemeanor punishable in accordance with RCW 9A.20.021.

6.04.090 Leash Requirement

All dogs shall be kept on a leash while off the premises of their owner or keeper, and shall be under control or restraint while on the premises of their owner or keeper. Any person violating this section shall be deemed to have committed a civil infraction, the penalty for which shall be ONE HUNDRED DOLLARS (\$100.00) for the first offense, ONE HUNDRED FIFTY DOLLARS (\$150.00) for the second offense, and TWO HUNDRED FIFTY DOLLARS (\$250.00) for the third or subsequent offense.

6.04.100 Dangerous or Potentially Dangerous Dog – Declaration

The ACA may issue a Declaration finding a dog to be dangerous or potentially dangerous, if the ACA has probable cause to believe that the animal falls within the definitions set forth in section 6.04.010 of this chapter.

- A. For the purposes of this chapter, probable cause may include:
1. The written complaint of a citizen who testifies that the animal has acted in a manner within the definitions in section 6.04.010;
 2. Dog bite reports filed by or with the ACA as required by this chapter or state law;
 3. Actions of the dog witnessed by any Law Enforcement Officer;
 4. A verified report that the animal previously has been found to be either dangerous or potentially dangerous by any ACA or Hearing Examiner; or
 5. Other substantial evidence admissible in a court of law.
- B. Any such Declaration shall be in writing, and shall be served on the owner or keeper in one of the following methods:
1. Regular and certified mail, return receipt requested, to the owner's or keeper's last known address, if known; or
 2. Personally; or
 3. If the owner or keeper cannot be located by one of the first two methods, by publication in a newspaper of general circulation for at least seven days which requirement may be met by publication in one issue of a weekly newspaper provided that the required seven days shall not have run until seven days following first publication of that weekly issue.

The owner or keeper of any animal found to be a dangerous or potentially dangerous dog under this chapter shall be assessed all service costs expended under this chapter.

- C. The Declaration set forth here in shall state at least:
1. A description of the animal;
 2. The name and address of the owner or keeper of the animal, if known;
 3. The location of the animal if it is not in the custody of the owner or keeper;
 4. The facts upon which the declaration is based;
 5. The availability of a meeting with the Chewelah Chief of Police in case the person objects to the declaration, with notice that the person may provide orally or in writing any reasons or information why the dog should not be declared dangerous or potentially dangerous. The declaration shall state that the meeting shall be held at a date, time and location within fifteen days of the delivery of the declaration. The owner may propose an alternative meeting date and time, provided such meeting occurs within the fifteen-day time period set forth above. After such meeting, the final determination of the City will be issued within fifteen calendar days in the form of an order. In the event the City declares the dog to be dangerous or potentially dangerous, the order shall recite the authority for

the determination, the statements of facts and the signature of the person who made the determination. The order shall be sent by regular and certified mail, return receipt requested, or delivered in person to the owner at the owner's last known address;

6. The restrictions placed on the animal as a result of the declaration, to include registration and controls required by this chapter; and
 7. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner or keeper.
- D. Dogs shall not be declared dangerous or potentially dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was tormenting, abusing, or assaulting the dog or had, in the past, been observed and reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

6.04.110 Dangerous or Potentially Dangerous Dog - Appeal

- A. The Mayor shall appoint or contract with one or more Hearing Examiners to hear appeals relating to the interpretation and/or enforcement of this chapter. The Hearing Examiner may not be a City employee and shall not be an employee of the City Attorney's office. The Hearing Examiner shall adhere to the rules of evidence recognized in the Administrative Procedures Act. Witnesses shall be sworn by the Hearing Examiner, the proceedings recorded and a written decision issued.
- B. An initial dangerous or potentially dangerous dog order may be appealed to the Hearing Examiner. An appeal must be filed with the Clerk/Treasurer within fourteen days of receipt of the order, or within five days of the publication of the order. Failure to exhaust this administrative appeal process shall be a bar to further action in any Court. A written request for appeal must contain the following:
 1. Name and complete mailing address, phone number, and the name of others who intend to participate or testify in the appeal.
 2. A brief statement setting forth the action that is being appealed, a statement of the error committed by the ACA, and a concise statement of facts upon which the appellant(s) relies to sustain the statement of error.
 3. The appeal letter shall be certified as true under penalty of perjury pursuant to RCW Chapter 9A.72, stating: "I (insert name here), certify under penalty of perjury that the contents of this appeal statement are true and correct."
- C. If the appellant(s) follows the procedure set out above, the appellant(s) shall be entitled to a hearing in front of the Hearing Examiner. The Hearing Examiner will set a date and time for hearing the appeal. The appellant(s) will be notified by U.S. mail of the date and time the hearing is scheduled. At the hearing, the appellant(s) will be entitled to present evidence and question witnesses. If the Hearing Examiner finds:
 1. **That there is insufficient evidence to support the order:** said Order shall be rescinded, and the restrictions imposed thereby annulled. No costs shall be assessed. OR;
 2. **That there is sufficient evidence to support the order:** said Order shall be affirmed, and all costs of the appeal process, including attorneys' fee(s), assessed against the owner or keeper.
- D. Based on the evidence presented, the Hearing Examiner shall enter a final decision in writing which will be mailed to the appellant(s). This decision shall be final and conclusive unless the appellant(s) or the City appeals the Hearing Examiner's

decision to the Stevens County District Court within fourteen days of the date the decision was mailed.

- E. If the appellant(s) fails to file a written appeal of the order, or fails to attend the hearing before the Hearing Examiner, the appellant(s) shall have waived their right to appeal.

6.04.120 Dangerous or Potentially Dangerous Dog – Restrictions and Penalties

No owner may keep a dangerous or potentially dangerous dog without a license issued pursuant to this chapter. Said license shall be acquired within fourteen days from either the order giving rise to the declaration or the determination by the Hearing Examiner. If an owner fails to license a dangerous or potentially dangerous dog within fourteen days of the ACA's notice, or of the Hearing Examiner's decision affirming the ACA's determination, the dog may be impounded.

- A. **DANGEROUS Dog Licenses:** The City will issue a dangerous dog license (which is considered a certificate under RCW 16.08.080(6)) to the owner of a dangerous dog, upon payment of the fee set forth in section 6.04.050 if the owner presents to the ACA sufficient evidence of:
1. A proper enclosure to confine a dangerous dog that must pass inspection by the City's ACA; and
 2. The posting of the premises with clearly visible warning signs on all sides of the property that there is a dangerous dog on the property, and a sign with a warning symbol that informs children of the presence of a dangerous dog; and
 3. Specific insurance in the form of:
 - a. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the City, in the sum of at least TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), 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 (\$250,000), insuring the owner for any personal injuries inflicted by the dangerous dog. A certificate issued to satisfy the insurance requirements of this chapter shall provide for written notice to the City within thirty days of cancellation, reduction of limits or termination of coverage; and
 4. Permanent identification on the dog including microchip identification, a tattoo or other methods of identification acceptable to the ACA; and
 5. A muzzle to use when the dog is off the animal owner's property, which shall be constructed so that it will not cause injury to the dog or interfere with its vision or respiration. Such muzzle shall be constructed so that it will prevent the dog from biting any person or animal.

The ACA can certify for the owner the above requirements. If any deficiencies required by this subsection are not corrected within twenty days of notification of such deficiency, the dog may be impounded and dispositioned as set forth in sections 6.04.140 and 6.04.170 of this chapter. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

- B. **POTENTIALLY Dangerous Dog Licenses:** The City will issue a potentially dangerous dog license to the owner of a potentially dangerous dog, upon payment of the fee set forth in section 6.04.050, if the owner presents to the ACA sufficient evidence of:

1. A proper enclosure or chain/cable and collar to confine a potentially dangerous dog that must pass inspection by the City's ACA; and
2. The posting of the premises with clearly visible warning signs on all sides of the property that there is a potentially dangerous dog on the property, and a sign with a warning symbol that informs children of the presence of a potentially dangerous dog; and
3. Specific Insurance in the form of:
 - a. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the City, in the sum of at least ONE HUNDRED THOUSAND DOLLARS (\$100,000), payable to any person injured by the potentially 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 ONE HUNDRED THOUSAND DOLLARS (\$100,000) insuring the owner for any personal injuries inflicted by the potentially dangerous dog. A certificate issued to satisfy the insurance requirements of this chapter shall provide for written notice to the City within thirty days of cancellation, reduction of limits, or termination of coverage; and
4. Permanent identification on the dog including microchip identification, a tattoo or other methods of identification acceptable to the ACA; and
5. A muzzle to use when the dog is off the animal owner's property, which shall be constructed so that it will not cause injury to the dog or interfere with its vision or respiration. Such muzzle shall be constructed so that it will prevent the dog from biting any person or animal.

The ACA can certify for the owner the above requirements. If any deficiencies required by this subsection are not corrected within twenty days of notification of such deficiency, the dog may be impounded and dispositioned as set forth in sections 6.04.140 and 6.04.170 of this chapter. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

- C. Additional rules for dangerous and potentially dangerous dogs include:
1. It is unlawful for an owner or keeper of a dangerous dog or potentially dangerous dog to permit such animal to be outside the proper enclosure, unless the dog is muzzled and restrained by a substantial chain or leash not longer than forty-eight inches and under the physical control of a person eighteen years of age or older who is capable of restraining such animal. Such dogs shall not be leashed or otherwise tied or tethered to inanimate objects, such as trees, posts, buildings, mail boxes, newspaper vending machines, and the like.
 2. It is unlawful for any person under the age of eighteen years to own or keep a dangerous or potentially dangerous dog within the City limits.
 3. It is unlawful for any person to own or keep more than one dangerous or potentially dangerous dog within the City limits.
 4. It is unlawful to transfer ownership of a dangerous or potentially dangerous dog unless the recipient has complied with requirements of this chapter for such animal.
 5. It is unlawful for the owner or keeper of any animal which is subject to any licensing requirements of the City to fail to report any bites or injuries suffered by any person or domestic animal as a result of an attack incident or other contact with such animal, regardless of the geographical location where such attack, incident or other contact occurs.

6. It is unlawful for any owner or keeper to fail to immediately notify the ACA in writing of:
 - a. The removal from the City or death of any dangerous or potentially dangerous dog licensed under this chapter; or
 - b. The birth of an offspring of any dangerous or potentially dangerous dog; or
 - c. The new address of the owner or keeper of any dangerous or potentially dangerous dog licensed under the chapter should such person move within the City limits.

6.04.130 Quarantine, Penalties and Affirmative Defenses for Dog Attacks

- A. Any dog which bites a person shall be quarantined for a period of ten days. During quarantine the dog shall be securely confined and kept from contact with any other animal. The ACA shall require said confinement and the owner shall surrender the animal for the quarantine period, at his or her own expense, in a veterinary hospital. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely destroyed and the head of the animal sent to a laboratory for pathological examination and confirmation of the diagnosis.
- 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 dangerous or potentially dangerous, shall, upon conviction, be guilty of a class C felony punishable in accordance with RCW 9A.20.021. It is an affirmative defense if the defendant proves 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 any such prosecution, the City 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 City 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, any such dog shall be immediately confiscated by an ACA, quarantined, and upon conviction of the owner destroyed in an expeditious and humane manner.
- C. If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, said dog shall be immediately impounded in accordance with section 6.04.140 of this chapter, and the dog's owner may be guilty of a class C felony, punishable in accordance with RCW 9A.20.021. It is an affirmative defense if the defendant proves 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.

6.04.140 Impoundment Procedures

A dog may be taken into the care and custody of the ACA in any of the following situations:

- A. When a dog is off the premises of its owner or keeper and not under the control of its owner, keeper or other authorized person, and when the owner/keeper cannot be immediately identified by the Animal Control Officer by a license tag or other visible identification. This prohibition shall not apply to any areas designated by the City for off-leash training or exercise; or
- B. If any dog is on public property or the private property of another and the caretaker or said private property owner requests in writing that the dog be removed; provided, that the owner or keeper of the dog(s) cannot be located in a timely manner or is unknown. Such written request shall state the reason why removal is requested; or
- C. When a dog is brought to the Chewelah Police Department by a private citizen who has found the dog at large within the Chewelah city limits; or
- D. When a dog has been declared dangerous or potentially dangerous pursuant to this chapter and/or state law, and:
 - 1. Its owner fails to license it within fourteen days of the ACA's notice, or of the Hearing Examiner's decision affirming the ACA's determination; or
 - 2. It is a DANGEROUS dog running at large, or outside the dwelling of its owner, or outside the proper enclosure, and not under physical restraint of a responsible person and properly muzzled, meaning that a dog must wear a muzzle that 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; or
 - 3. It is a POTENTIALLY dangerous dog running at large, or outside the dwelling of its owner, or outside the proper enclosure or not secured on the owner's property by a chain/cable and collar, and not under physical restraint of a responsible person and properly muzzled, meaning that a dog must wear a muzzle that 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; or
 - 4. Its owner does not have the specific insurance as required in section 6.04.120 of this chapter.
- E. When a dog, not previously declared dangerous or potentially dangerous, engages in behavior which would qualify the dog as potentially dangerous pursuant to definitions in section 6.04.010 and this chapter, and the owner and/or keeper is unable, incapable or unwilling to meet the ten-day quarantine requirements. If such a dog is found at large, the owner shall be deemed unable to quarantine and said dog shall be impounded; or
- F. When any dog has been subjected to cruel treatment as defined by Chapter 16.52 RCW and/or the provisions of this chapter; provided, that removal is necessary for the immediate safety and well-being of the animal; or
- G. When the dog's owner or keeper is incapable or unable to continue to care for it because of incarceration, severe illness, death, house fire, or other emergency circumstances, and an agent for the owner cannot be readily located.

It is unlawful for any person to willfully prevent or hinder the impounding of any animal, or to by force or otherwise remove any animal from the city pound, or wherever the dog is placed for impoundment, without authority of the ACA or without payment of all lawful

charges against such dog. Violation of this section is a gross misdemeanor punishable in accordance with RCW 9A.20.021.

6.04.150 Notification and Posting of Announcement of Impounded Dogs

Following the impoundment of each dog in the city pound, or wherever the dog is placed for impoundment, the ACA shall notify the owner or keeper, if known, of its impoundment, using whatever reasonable means possible. If the dog's owner is unknown or cannot be located, an announcement shall be posted by the ACA for three days at the city pound, or the location where the dog is kept, and at the City Hall. Each announcement shall contain the following information: the breed, color, sex and other identifying characteristics of the animal, together with the date and location of apprehension thereof, and the date after which the dog shall be destroyed or sold. If a dangerous dog is impounded by the ACA, notice shall be given to the owner pursuant to RCW 16.08.100 (1).

6.04.160 Reclamation of Impounded Animal

All owners or keepers claiming impounded animals of any kind shall provide identification and shall sign a statement that verifies they are the owner, keeper, or authorized agent of the owner. Names, street or road addresses, city and phone numbers (if available) shall be required to be provided by the owner to the City. An owner reclaiming an impounded animal shall pay an impoundment fee for each offense resulting in the impoundment of the dog belonging to the owner, plus the actual cost to the city for the care and keep of the dog. The impoundment fee is TWENTY-FIVE DOLLARS (\$25.00) for the first offense, FIFTY DOLLARS (\$50.00) for the second offense, and ONE HUNDRED DOLLARS (\$100.00) for the third and each subsequent offense. If the dog is unlicensed, the owner shall first be required to pay the licensing fees, and in addition thereto, the owner shall also be proceeded against for the violation of this chapter.

6.04.170 Disposition of Impounded Dogs

- A. Any animal not reclaimed by its owner within seventy-two hours of impoundment shall become the property of the ACA, and may be sold or humanely destroyed. Sealed written bids for an unclaimed impounded dog shall be accepted by the Chewelah Police Clerk or the Chewelah Chief of Police until the time specified in the announcement required by section 6.04.150. If a bid is received for a dog, it shall be sold rather than destroyed, unless the dog has been declared a dangerous dog. When sold, a dog shall be sold to the highest responsible bidder.
- B. Any dangerous or potentially dangerous dog which is impounded due to the failure of the owner or keeper of such dog to obtain the required license, and which remains impounded for a period of at least fourteen days due to the failure of the owner or keeper to obtain such license, or renewal, may be destroyed in an expeditious manner by the ACA. If the dog is destroyed, the owner will be assessed a fee equal to actual costs plus an administrative fee of ten percent of the cost of destroying such dog.

6.04.180 Authority to Declare Quarantine

The mayor of the city shall have, and is expressly granted, the right in case of a national or natural disaster, or upon request of the appropriate Stevens County health authority, to declare a quarantine upon all dogs, and to provide rules and regulations with reference to said quarantine.

Section 3: REPEAL Ordinances 288, 529, 557 and 785 are repealed.

Section 4: SEVERABILITY CLAUSE Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5: EFFECTIVE DATE This Ordinance shall be in full force and effect five days after passage and publication as required by law.

M. Gregory McCunn, Mayor

Authenticate: Pamela McCart
Clerk/Treasurer

Approved as to form:

Michael D. Waters, WSBA #46497
McGrane & Schuerman, PLLC
City Attorney

Introduced: October 5, 2022

Adopted:

Published: