

Ordinance No. 19 - 2006

Ordinance Amending the Chapter 6.08 of the San Juan County Code Regarding the Regulation of Dogs and Other Animals

WHEREAS, the San Juan County Council desires to amend the provisions of the San Juan County Code regarding the regulation of dogs and other animals; and

WHEREAS, the San Juan County Council has received requests for amendments of the County code from law enforcement officers, citizens and the San Juan County Agricultural Resources Committee; and

WHEREAS, the San Juan County Council finds that this ordinance is in the best interest for the health and safety of the citizens of San Juan County;

WHEREAS, the San Juan County Council has published notice and conducted a duly advertised public hearing on December 5, 2006;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNTY COUNCIL OF SAN JUAN COUNTY, WASHINGTON AS FOLLOWS:

Section 1. SJCC 6.08.015 and Ordinance 3-2003 § 2 shall be amended to read as follows:

6.08.015 Definitions.

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

“Allow” means to permit including by failing or neglecting to restrain or prevent.

“Animal control authority” means the San Juan County sheriff, acting alone or in concert with other local governmental units or with humane societies for enforcement of the animal control laws of the city, County, and state.

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

“At large” means off the premises of the owner and not under the immediate control of the owner, member of his/her immediate family or person authorized by him, by means of voice control, whistle or hand signal, or a leash, cord or chain no longer than 15 feet.

“Dangerous dog” means any dog that (1) inflicts severe injury on a human being without provocation on public or private property, (2) kills a domestic animal without provocation while off the owner’s property, (3) has been previously found to be potentially dangerous by the animal control authority 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.

“Dog” means all members of the dog family, including wolf breeds.

“Domestic animal” means any animal or pet that is bred and kept by humans, including livestock. ~~farm animals and fowl.~~

“Livestock” means animals normally kept for the production of food or fiber, including but not limited to sheep, goats, swine, cows, horses, fowl, llamas, alpacas and rabbits.

“Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping having an interest in, or having control or custody of an animal.

“Person” means any person, firm, corporation or association.

“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 or private property not belonging to the dog owner 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.

“Poultry” means ~~domestic fowl, chickens, turkeys, ducks and geese, normally raised for meat or eggs.~~

“Provocation” means taunting or striking at a dog or unauthorized entry onto the premises where a dog is kept.

“Secure enclosure” 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.

“Severe injury” means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

“Unconfined” means that the dog is not securely confined indoors or confined 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.

Section 2. SJCC 6.08.070 and Ordinance 3-2003 § 8; Ordinance 14-1994; Ordinance 66-1991 Exh. A; Res. 163-1985. (Formerly 6.08.053) shall be amended to read as follows:

6.08.070 License – Fees.

A. License fees shall be valid for one calendar year; however, a license purchased between November 15th and December 31st shall be valid from the date of purchase through the following calendar year.

B. License fees are as follows:

Neutered \$12.00 annually
Unneutered ~~\$25.00~~ \$30.00 annually

Late fee of \$10.00 shall be added to the license fee if the owner of the dog is a County resident and has not purchased the license by March 31st. New resident owners have 30 days to purchase the license. A replacement tag is available for a \$2.00 fee.

C. License fees shall be transferred to the San Juan County dog license fund to be disbursed as follows:

1. Two dollars of each license fee shall be paid to the person who sold the license, provided such person is authorized by the County auditor to issue licenses, including animal protection societies who issue dog licenses pursuant to agreement with the County auditor.

2. If the balance of the livestock fund is below ~~\$1,000~~ \$5,000, then \$4.00 of each license fee shall be deposited in the livestock fund for payment of compensation for injury to ~~persons or as compensation to~~ the owners of ~~livestock~~ domestic animals killed or injured by dogs, in accordance with provisions of SJCC 6.08.110. The auditor shall prepare a report on the activity and balance of the livestock fund on an annual basis.

3. The balance of all fees collected shall be deposited to the animal control fund to be used by the County for the purpose of developing and supporting animal control and animal impounding facilities and to support the costs of enforcement.

Section 3. SJCC 6.08.080 and Ordinance 3-2003 § 9; Ordinance 14-1994; and Resolution 163-1985 (Formerly 6.08.070) shall be amended to read as follows:

6.08.080 Public nuisances.

A. It is unlawful and a public nuisance for any owner or keeper of a dog to:

~~1. Fail to timely register and license a dog; or~~

~~2-1. Allow a dog to pursue or follow in a menacing manner, chase, bite, injure or kill any livestock, domestic animal ~~or poultry~~; or~~

~~3-2. Allow a dog to pursue or follow in a menacing manner, chase, bite, or injure any person; or~~

~~4-3. Allow a dog to bite or cause injury to any deer if wild or kept as a domestic animal.~~

B. Any violation of this section is a misdemeanor and the court may impose any remedy at law or equity.

Section 4. NEW SECTION. A new section shall be added as SJCC 6.08.085 to read as follows:

At large dogs.

It is unlawful for the owner or keeper of any dog to allow the dog to be at large or to roam, stray or be away from the premises of the owner or keeper, or to allow such animal to be at large upon any public street, highway or public place, or on the property of another without the permission of the owner or tenant of such property, unless such dog is within the immediate control of the owner or keeper or other authorized person by means of a leash, voice, whistle or hand signal; provided that the immediate control requirement of this section shall not apply to dogs which are engaged in the lawful herding of livestock, lawful competition sanctioned by a nationally recognized body or local chapter thereof, or training for such herding or competitive activities, or while in the performance of duty as part of a law enforcement activity.

Section 5. SJCC 6.08.100 and Ordinance 3-2003 § 21; Ordinance 14-1994; Resolution 163-1985. (Formerly 6.08.040) shall be amended to read as follows:

6.08.100 Dogs injuring or killing ~~stock~~ domestic animals.

A. Pursuant to RCW 16.08.020, it is lawful for the owner or caretaker of any domestic animal ~~or poultry~~ to kill any dog such person sees chasing, biting, injuring or killing such person's domestic animal ~~or poultry~~; provided, that the dog is killed on property owned, leased or under the control of the owner or caretaker of the victim animal.

B. It is the duty of the owner or keeper of any dog ~~found~~ seen chasing, biting or injuring any domestic animal ~~or poultry~~, upon being notified of that fact by the owner or caretaker of such domestic animal ~~or poultry~~ to thereafter keep such dog on a leash or confined upon the premises of the dog's owner or keeper.

C. After notification to an owner or keeper, as provided in SJCC 6.08.100B, it shall be unlawful for the owner or keeper to allow such dog to be at large and the owner of any such domestic animal that has been chased, bitten or injured may kill such dog found running at large while such dog is on any real property owned by or under the control of the owner of the victim animal.

Section 6. SJCC 6.08.110 and Ordinance 3-2003 § 22; Ordinance 14-1994; and Resolution 163-1985 shall be amended to read as follows:

6.08.110 Dogs injuring or killing ~~stock~~ domestic animals – Damages.

A. The owner or keeper of a dog is liable to the owner of any animal killed or injured by such dog for the amount of damages sustained and costs of collection, to be recovered in a civil action (RCW 16.08.010); provided, that in case the owner or keeper of such dog or dogs is unknown or the damages cannot be collected, the person suffering damages may present a claim for such damages to the judge of the district court within 30 days after any such animal or animals are killed or injured and make an affidavit, under oath, stating:

1. The number of animals killed or injured;
2. The information needed to determine the damages allowed under the current damage schedule including a statement of actual expenses incurred as a result of the injury or death;
3. A description of the dog or dogs;
- 3-4. The name of the owner or keeper of the dog or dogs, if known; or
- 4-5. If the owner or keeper of such dog or dogs is unknown, the fact that the claimant does not know the identity or address of the owner or keeper; and
- 5-6. The circumstances under which the animals were killed or injured.

B. The claim, affidavit and verification shall be reviewed by the judge of the district court to ensure that the claimant has fully complied with the procedures set forth in this section. The owner of the dog shall have the ability to submit a response to the claimant. If the court finds that the claimant has presented sufficient credible facts to establish a claim for damages, the court shall issue and file with the County auditor an order certifying the amount of damages sustained. The damages allowed shall be based upon the current damage schedule ~~as passed by resolution of the board of commissioners~~. The

damages awarded shall not exceed the damages provided by the current damage schedule.

C. Upon filing with the County auditor the certificate of the district court judge fixing the damages as above provided, the auditor shall pay to the claimant out of the livestock fund for the amount of damages certified by the district court judge; provided, that the claims shall be paid pursuant to this section only to the extent that there are sufficient funds in the livestock fund. Claims certified under this section at a time when there are not sufficient funds shall be held by the auditor until the livestock fund is sufficient to compensate claimants whose claims shall be paid in the order received.

D. The County ~~Council~~ ~~board of commissioners~~ desires to provide compensation to persons whose animal is damaged or killed by dogs at the price of the actual expenses incurred but not more than the amount specified in the under circumstances described in the dog control law according to the following schedule:

Dog Control Law Damage Schedule

	Unregistered	Registered		
Animal	Days Old	When Weaned	Before Weaned	After Weaned
Sheep (60 days)	\$37.50	\$75.00	\$75.00	\$75.00
Goat (90 days)	\$17.50	\$40.00	\$35.00	\$80.00
(castrated male goat)	\$5.00	\$12.50	-----	-----
Beef (180 days)	\$150.00	*	\$250.00	*
Dairy (40 days)	\$50.00	*	\$100.00	\$250.00
Swine (60 days)	\$20.00	\$60.00	\$40.00	\$120.00
Rabbit (40 days)	\$1.00	\$2.00	\$2.00	\$4.00
Horse, Alpaca, Llama or Other	-----	*	*	* * * *

* ~~Value to be determined by the judge of the district court after consultation with the agricultural extension agent. In no event shall any damages awarded exceed \$500.00 per animal.~~

Poultry	Unregistered	Registered
Chicken	\$2.00	\$4.00
Duck	\$2.50	\$5.00
Goose	\$7.50	\$15.00
Turkey	\$10.00	\$20.00

<u>Animal</u>	<u>Value</u>
<u>Sheep</u>	
<u>Ram</u>	<u>\$ 500.00</u>
<u>Ewe</u>	<u>1,000.00</u>

<u>Lamb</u>	<u>250.00</u>
<u>Ewe, dairy</u>	<u>600.00</u>
<u>Goat</u>	
<u>Buck</u>	<u>400.00</u>
<u>Doe</u>	<u>350.00</u>
<u>Kid</u>	<u>150.00</u>
<u>Doe, dairy</u>	<u>300.00</u>

Bovine

<u>Bull</u>	<u>1,000.00</u>
<u>Beef Cow</u>	<u>1,000.00</u>
<u>Calf</u>	<u>300.00</u>
<u>Cow, Dairy</u>	<u>1,000.00</u>

Swine

<u>Boar</u>	<u>1,000.00</u>
<u>Sow</u>	<u>750.00</u>
<u>Piglet</u>	<u>100.00</u>

Poultry/Fowl

<u>Chicken</u>	<u>15.00</u>
<u>Duck</u>	<u>20.00</u>
<u>Goose</u>	<u>35.00</u>
<u>Turkey</u>	<u>25.00</u>
<u>Peacock</u>	<u>70.00</u>
<u>Juvenile/Immature</u>	<u>one half of value</u>

Rabbit

<u>Buck</u>	<u>25.00</u>
<u>Doe</u>	<u>20.00</u>
<u>Kid</u>	<u>10.00</u>

Horse

<u>Stud</u>	<u>1,000.00</u>
<u>Gelding</u>	<u>1,000.00</u>
<u>Mare</u>	<u>1,000.00</u>
<u>Colt</u>	<u>700.00</u>

Alpaca

<u>Stud</u>	<u>1,000.00</u>
<u>Gelding</u>	<u>1,000.00</u>
<u>Mare</u>	<u>1,000.00</u>
<u>Colt</u>	<u>700.00</u>

Llama

<u>Stud</u>	<u>1,000.00</u>
<u>Gelding</u>	<u>1,000.00</u>
<u>Mare</u>	<u>1,000.00</u>
<u>Colt</u>	<u>400.00</u>

Dog

<u>Any breed</u>	<u>500.00</u>
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Cat	
Any breed	250.00

Section 7. SJCC 6.08.113 and Ordinance. 3-2003 § 23; Ordinance. 14-1994; Res. 163-1985. (Formerly 6.08.090, 6.08.100) shall be amended to read as follows:

6.08.113 Impound and redemption of animals.

A. In addition to the provisions of state law and the San Juan County Code pertaining to potentially dangerous dogs and dangerous dogs, any dog or other animal may be impounded and taken into the care and custody of the animal control authority in the following situations:

1. 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;
2. When an animal, required by law to be licensed, does not carry a current license tag;
3. When an animal is brought to the animal shelter, or appropriate agency by a private citizen who has found the animal;
4. When the animal has been deemed abandoned pursuant to RCW 16.54.010;
5. When a dog has been declared potentially dangerous or dangerous pursuant to this chapter and/or state law, and the dog is at large, or has otherwise violated the restrictions placed upon it;
6. When any animal has been subjected to cruel treatment as defined by RCW 16.52.205 and/or 16.52.207 and/or this chapter, removal is necessary for the immediate safety and well-being of the animal;
7. When the animal's owner or keeper is incapable or unable to continue to care for it;
8. When an animal has bitten a person, breaking or puncturing the skin, and the owner and/or keeper is unable, incapable or unwilling to provide the 10-day quarantine requirements. If such an animal is found at large, the owner will be deemed unable to provide quarantine and said animal may be impounded.

B. Except as provided in SJCC 6.08.113C, A any impounded animal may be redeemed by its owner or keeper upon identification of the owner and payment of licensing fees and payment of the reasonable costs of impoundment and care to the person, agency or business holding the dog. of all costs of impoundment, licensing and care.

C. An animal impounded upon reasonable suspicion of having chased, bitten or killed a person or domestic animal may not be redeemed by the owner until after the animal control authority has been notified and given 48 hours to determine whether to declare the dog a potentially dangerous dog as provided in SJCC 6.08.091 or to provide other notices that the dog was seen chasing, biting or killing a person or domestic animal.

(Section 8. SJCC 6.08.117 and Ordinance 3-2003 § 20 shall be amended to read as follows:

6.08.117 Disposition of unclaimed animals.

Any animal which has been impounded and not redeemed by its owner after seven (7) ~~15~~ days' notice, except any animal impounded upon reasonable suspicion of having chased, bitten or killed domestic animals or any person and which the animal control authority has pending a declaration that such dog is a dangerous dog or potentially dangerous dog, may, in the discretion of the animal control authority, be humanely destroyed, or sold, or placed for adoption with a new owner, unless the impounded animal is suffering from serious injury, illness or disease that would endanger the other sheltered pets or cause the animal to endure unnecessary- pain and suffering if left untreated, or if any impounded animal is feral or wild and thereby human care and confinement is not possible or poses a threat to caretakers, the animal may be humanely destroyed before the expiration of the required holding period.

Section 9. SJCC 6.08.120 and Ordinance 3-2003 shall be amended to read as follows:

6.08.120 Violation – Penalty.

A. Unless otherwise indicated, every violation of this chapter is a civil infraction. Where an offense is a civil infraction and criminal offense, the sheriff or prosecuting attorney has discretion to determine the appropriate penalty to charge.

B. Any person found to have committed an infraction shall be assessed the following monetary penalty ~~which shall not be suspended or deferred:~~

~~A.~~ 1. First offense: \$100.00;

~~B.~~ 2. Second offense: \$200.00;

~~C.~~ 3. Third or subsequent offense: \$500.00.

C. Restitution for a criminal offense may include reimbursement of funds paid from the livestock fund on account of the actions of the offending dog.

D. For every civil and criminal offense found to have been committed under this chapter, the Court shall require restitution for the actual expense paid out of the livestock reimbursement fund for injuries caused by the offending dog.

E. For every civil and criminal penalty, the courts shall order that \$100.00 of such penalty shall be directed to be paid by the court clerk to the Livestock Reimbursement Fund.

NEW SECTION. Section 10. A new section shall be added to Chapter 6.08 SJCC to read as follows:

Signs.

The San Juan County Public Works Department shall install and maintain appropriate signs with the following notice:

“All dogs at large are subject to impound. Dogs seen chasing or injuring livestock may be shot by property owner. Chapter 6.08 SJCC.”

Section 11. Effective Date. This ordinance shall be effective ten days after publication.

Adopted this 12th day of December, 2006.

**COUNTY COUNCIL
SAN JUAN COUNTY,
WASHINGTON**

ATTEST: Clerk of the Council

By: _____ (Signed) _____
Carolyn Morrison - Clerk
Date: 12/12/06

REVIEWED BY COUNTY
ADMINISTRATOR

_____ (Signed) _____
Pete Rose Date: 12/11/06

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

By: _____
Date: 12/11/06

_____ (Signed) _____
Alan Lichter, Chair
District 4, Orcas West

_____ (Signed) _____
Bob Myhr, Vice Chair
District 6, Lopez/Shaw

_____ (Signed) _____
Kevin M. M. Ranker, Member
District 1, San Juan South

_____ (Signed) _____
Rich Peterson, Member
District 2, San Juan North

_____ (Signed) _____
Howard Rosenfeld, Member
District 3, Friday Harbor

_____ (Signed) _____
Gene Knapp, Member
District 5, Orcas East