

2022 Fall Biannual Code Amendments
Code Enforcement, Animal Control, Fire Marshal
Board of County Councilors Work Session
August 24, 2022

Periodically staff “batch” minor amendments to the Clark County Code to correct scrivener’s errors, update references, clarify standards, and to make some minor policy changes. These batches of code changes are commonly known as “Biannual Code Amendments”.

Language proposed to be deleted is ~~struck through~~. Language proposed to be added is double-underlined

1. Section 6.120.040 Fees - Update the fee table to include Open Burning permit fees.

Table 6.120.040—Fire Marshal Review and Inspection Fees

10	Inspections—Special Hazards	
<u>H</u>	<u>Land Clearing Burn Permit</u>	\$ <u>142</u>

Rationale: The fee table needs to be updated to adequately reflect the fee that the Fire Marshal’s office has been charging for this review and inspection. This update was recommended by the state’s auditor through an audit process. This fee is the same as what is currently charged by the Washington State Department of Natural Resources.

2. Section 6.120.040 Fees - Update the fee table for fireworks retail stand and display.

Table 6.120.040—Fire Marshal Review and Inspection Fees

5	Reviews—Special Hazards	
C	Explosive materials	
I	Storage of black or smokeless powder, small arms ammunition, percussion caps and primers for consumer consumption	\$ 94
II	Manufacture, assembly, testing of ammunition, fireworks, blasting agents and other explosives or explosive material	\$ 469
III	Other storage, use, handling or demolition of explosives or explosive material	\$ 156
IV	Magazines	
a	Permanent Class 1, 4, or 5	\$ 156
b	Portable Class 1, 4, or 5	\$ 156

c	Type 2 or 3	\$ 156
V	Fireworks	
a	Retail stand	\$ 108 <u>\$100</u>
b	Display	\$108

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3 **Rationale:** RCW 70.77.555 outlines limits on local permit and license fees.

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5 (1) A city or county may provide by ordinance for a fee in an amount sufficient to cover all
6 legitimate costs for all needed permits, licenses, and authorizations from application to and
7 through processing, issuance, and inspection, but in no case to exceed a total of one
8 hundred dollars for any one retail sales permit for any one selling season in a year, whether
9 June 28th through July 5th or December 27th through December 31st, or a total of two
10 hundred dollars for both selling seasons.

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3. Section 8.01.030 (3)(b) – Animal Control Advisory Board duties

1 (3) (b) May act as an appeal hearing tribunal pursuant to Section [8.19.080](#); provided, that this
2 hearing function may be delegated to a subcommittee of the advisory board composed of no
3 less than three (3) of its voting members;

4 **Rationale:** Not all appeals of Title 8 should be heard in front of the advisory board. By adding
5 the word “may”, it clarifies this intent.

6 **4. Section 8.19.080 (5) Appeals. Hearing Examiner role.**

7 (5) The hearings examiner appointed pursuant to Section [8.19.170](#) shall hear all appeals under
8 this chapter except those cases approved by the program manager to be heard by the animal
9 control advisory board hearings tribunal .

10 **Rationale:** The way the code section is currently written conflicts with the duties of the animal
11 control advisory board outlined in 8.01.030 (3)(b) – see above. By adding the proposed
12 language, it gives discretion to the program manager to decide which violations of Title 8 should
13 be heard by the advisory board tribunal instead of the Hearing Examiner.

14 **5. Section 8.03 Stock Restricted Area – add impound fee**

15 **8.03.010 Designated**

16 Pursuant to Chapter 16.24 RCW, the entirety of Clark County is designated as a “stock restricted
17 area” within which livestock shall not run at large. (Sec 1 of Res. 1981-04-108)

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19 **8.03.020 Transportation charge.**

20 In the event that the sheriff of Clark County or an animal control officer shall impound any
21 livestock, including cattle, horses, ~~mares~~, swine, goats, sheep, mules or asses, pursuant to
22 Chapter [16.24](#) RCW and Section [8.03.010](#), said animal shall not be released to the owner
23 thereof at the sale conducted pursuant to RCW [16.24.070](#) until Clark County is reimbursed for
24 the actual costs of transportation.

25 Actual costs shall be assessed with a minimum charge of fifty dollars (\$50). This fee shall be
26 considered as a portion of the expense allowable by RCW [16.24.070](#) and not as payment in lieu
27 of other costs allowable by statute. (Sec. 1 of Res. 1981-04-108; amended by Sec. 4 of Res.
28 1984-12-65; amended by Sec. 5 of Ord. 1993-08-13A; amended by Sec. 1 (Att. A) of Ord. 2009-
29 03-02)

30 **8.03.030 Impound charge**

31 In the event that the sheriff or Clark County or an animal control officer or its designated agent
32 shall impound any livestock, including cattle, horses, swine, goats, sheep, mules or asses,
33 pursuant to Chapter [16.24](#) RCW and Section [8.03.010](#), said animal shall not be released to the
34 owner until Clark County is reimbursed for the actual costs of the impound or \$150 per animal
35 (whichever is greater).

36 **Rationale:** There are over 30,000 horses alone in Clark County and there has been a significant
37 increase in livestock complaint calls to Animal Control. There is currently no fee established for
38 livestock impoundment. This section would establish that fee to cover the cost to impound
39 livestock when necessary.

40 **6. Animal Fees Table 6.150.030 Dog and Cat Licenses**

Table 6.150.030—Dog and Cat License Fees

License Requirement	Fee
Dog—unaltered	\$50
Dog—spayed or neutered	25
Cat—unaltered	40
Cat—spayed or neutered	20
Wild animal license	100 <u>150</u>
Dangerous dog license	300
<u>Annual</u> Renewal	100 <u>300</u>
Kennel	150 <u>200</u>
Grooming parlor	75 <u>100</u>
Pet shop	100
Training facility	50 <u>100</u>
Combination facility	200 <u>300</u>
Animal shelter	75 <u>150</u>
All other facilities	75 <u>150</u>
Late penalty fee	1/2 applicable amount
Transfer fee	25

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2 **Rationale:** The county cost to inspect facilities is not covered by the current fee schedule. An
3 increase is proposed. To keep wild animals and dangerous dogs requires additional
4 requirements and inspections by Animal Control staff. An increase in fees is proposed to more
5 accurately reflect the cost associated with increased inspection and monitoring.

6 **7. Section 8.11.070(3)(d) Cruelty to animals – add the requirement for a structure to**
7 **provide sufficient protection.**

8 (3) Neglect or fail to provide minimum care to any animal within his care, custody or control. For
9 the purpose of this section, “minimum care” means care sufficient to preserve the health and
10 well-being of an animal and, except for emergencies or circumstances beyond the
11 reasonable control of the owner, includes, but is not limited to, the following requirements:

12 (d) In the case of livestock (except dairy or beef cattle), protection from adverse
13 environmental elements detrimental to the health and well-being of the animal to include

1 access to a barn, lean-to, or other structure sufficient to protect the animal from wind,
2 rain, snow, or sun.

3 **Rationale:** Complaints for livestock neglect and cruelty are on the rise in Clark County. In most
4 cases, there is a correlation between neglect and the lack of shelter provided. To reduce neglect
5 and cruelty to livestock, a minimum shelter requirement is proposed.

6 **8. Section 8.11.070(3)(g) Cruelty to animals – tether, confine, or restrain**

7 (3) Neglect or fail to provide minimum care to any animal within his care, custody or control. For
8 the purpose of this section, “minimum care” means care sufficient to preserve the health and
9 well-being of an animal and, except for emergencies or circumstances beyond the
10 reasonable control of the owner, includes, but is not limited to, the following requirements:

11 (g) Tether, confine or restrain any animal in such a way as to permit said animal to become
12 entangled in such tether, or rend said animal incapable of consuming food or water
13 provided for it; while at the same time failing to allow adequate space for freedom of
14 movement necessary when tethered for extended period of time; said tether to be not
15 shorter than three (3) times the length of the animal, measured from the tip of its nose
16 to the base of its tail; no prong or self-tightening collar that could cause harm shall be
17 used when an animal is tethered.

18 **Rationale:** The use of prong or self-tightening collars can cause severe injury or death to
19 animals that are tethered. The proposal is to prohibit the use of such collars when an animal is
20 tethered.

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23 **9. Section 8.11.080 Found domestic animals**

24 Any person who finds and harbors an animal, subject to licensing pursuant to Chapter 8.07, shall
25 notify the animal control program or its designated agent, furnishing a description of the animal.
26 The finder may surrender the animal to the animal control program or retain its possession,
27 subject to surrender, upon demand of the animal control program. Should such animal violate
28 any provision of this title while retained by the finder, such finder shall be responsible for any
29 penalty assessed hereunder. Records of reported findings shall be retained by the animal control
30 program or its designated agent, and made available for public inspection. Should the finder
31 retain the animal for a period of thirty (30) days, the finder must then license the animal as a
32 newly acquired animal, unless such animal shall be too young to license, or surrender the animal
33 to the county animal shelter. (Sec. 1 of Res. 1981-04-108; amended by Sec. 27 of Res. 1984-12-
34 65; amended by Sec. 19 of Ord. 1993-08-13A; amended by Sec. 2 of Ord. 2018-04-10)

35 **Rationale:** To make this consistent with other areas of Title 8 giving authority to any designated
36 agent the county may contract with to provide services.

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38 **10. Section 8.18.060 Dangerous Dogs – Additional requirements**

- (1) The animal protection and control program shall issue a license to the owner of a dangerous dog only if the owner presents to the animal protection and control program sufficient evidence of:
- (a) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. A proper enclosure shall mean a fully enclosed dog run or fence with a fence height of not less than 6 feet with self-closing and self-latching gates. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and
 - (b) A surety bond issued by a surety insurer qualified under Chapter [48.28](#) RCW in a form acceptable to the program in the sum of at least two hundred fifty thousand dollars (\$250,000), payable to any person injured by the dangerous dog; or
 - (c) A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title [48](#) 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.
 - (d) Evidence that the labeled dog has been implanted with a microchip and placed on the local and national registry, at the owner's expense, must be submitted to the office of animal control. This must be accomplished within five (5) days after receipt of the dangerous dog declaration issued by the Clark County animal control representative.
 - (e) Any other reasonable action determined by the program manager to ensure the health, safety, and welfare of the public or other animals.

Rationale: The code does not adequately define a proper enclosure for dangerous dogs. This language clarifies an adequate enclosure and also mirrors the requirements for the City of Vancouver. In addition, if any other reasonable, mitigating protection measure needs to be taken, the animal control manager would have the authority to require it. The language changes are meant to provide clarity to the dog owner and protect the public as well as the animal.

11. Section 8.19.010 (1) Enforcement

(1) The manager of the animal protection and control program and ~~his~~ their authorized personnel are authorized to take such lawful action, including but not limited to the issuance of criminal citations and notices of civil violation, as may be required to enforce the provisions of this title and the laws of the state of Washington as they pertain to animal cruelty, shelter, welfare and control. PROVIDED, only animal control personnel who are specially deputized pursuant to Section [8.01.040](#) may issue criminal citations.

Rationale: remove gender specific language.

1 **12. Section 8.19.070 (1)(c) Notices of violation and/or abatement – civil penalties**

2 (c) A statement assessing a civil penalty for each violation, which penalty(ies) shall be paid to
 3 the county within thirty (30) days from the date of issuance. The penalties assessed against the
 4 violations grouped as below within any twelve (12) month period will be as follows:

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Violation	1st Offense	2nd Offense	3rd Offense
Unlicensed animal 8.07.010 and 8.07.200	\$100.00* <u>\$250.00</u>	\$200.00 <u>\$400.00</u>	\$400.00 <u>\$500.00</u>
Nuisance violations 8.11.060			
(1) Noise	100.00 <u>250.00</u>	200.00 <u>400.00</u>	400.00 <u>500.00</u>
(2) Property damage	100.00 <u>250.00</u>	200.00 <u>400.00</u>	400.00 <u>500.00</u>
(4) Threatening	100.00 <u>250.00</u>	200.00 <u>400.00</u>	400.00 <u>500.00</u>
(7) Running at large	100.00 <u>250.00</u>	200.00 <u>400.00</u>	400.00 <u>500.00</u>
(12) Health code	100.00 <u>250.00</u>	200.00 <u>400.00</u>	400.00 <u>500.00</u>
(13) Vicious	150.00 <u>300.00</u>	300.00 <u>500.00</u>	600.00 <u>1,000.00</u>
(14) Possessing wildlife	100.00 <u>250.00</u>	200.00 <u>400.00</u>	400.00 <u>500.00</u>
(18) Injury	100.00 <u>250.00</u>	200.00 <u>400.00</u>	400.00 <u>500.00</u>
Quarantine violations 8.19.140	100.00 <u>250.00</u>	200.00 <u>400.00</u>	400.00 <u>500.00</u>
Cruelty to animals 8.11.070	250.00	500.00	1,000.00

	<u>500.00</u>	<u>1000.00</u>	<u>1,500.00</u>
Facility violations 8.07.100 to 8.07.190 ; Chapter 8.11	100.00 <u>250.00</u>	200.00 <u>400.00</u>	400.00 <u>500.00</u>
All other violations	100.00 <u>250.00</u>	200.00 <u>400.00</u>	400.00 <u>500.00</u>
Late payment penalties:			
If unpaid between 30 and 60 days	original penalty plus 100%		
If unpaid between 60 and 90 days	original penalty plus 200%		

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2 **Rationale:** Penalties have not been raised in over a decade and to advance the effectiveness of
3 these penalties, a raise is proposed to strengthen their deterrent effect.

4 **13. Section 8.19.080 (1) Appeals. Change appeal period.**

5 (1) Any person appealing a determination under this title shall file in writing with the manager of the
6 animal protection and control program and within thirty (30) or for cases involving the health of an
7 animal five (5) days, or the period otherwise provided in this title, of the notice of adverse action, a
8 written appeal containing:

- 9 (a) The names, email addresses and telephone numbers of all appellants participating in the appeal;
- 10 (b) A brief statement setting forth the action protested and reasons why it is claimed the protested
11 action should be reversed, modified or otherwise set aside;
- 12 (c) The signatures of all parties named as appellants and their official mailing addresses; and
- 13 (d) The verification (by declaration under penalty of perjury) of at least one (1) appellant as to the
14 truth of the matters stated in the appeal.

15 **Rationale:** The current appeal period is 30 days. Abatement orders generally require action
16 within seven (7) days to fix a problem and/or require an animal to be seen by a veterinarian for
17 care. An appeal can sometimes take up to 60 days to get scheduled before the hearing
18 examiner which can result in continued suffering, serious injury, or death to an animal. A
19 reduction of the appeal period provides an expedited appeal process to ensure proper care is
20 timely provided to avoid further injury or death.

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