

ORDINANCE NO. 2016- 11-13

1 An Ordinance updating chapters of Title 8 related to definitions regarding the possession,  
2 licensing, living conditions and regulation of animals, together with the enforcement of  
3 these provisions in the unincorporated area of Clark County.

4 WHEREAS, Clark County is authorized, pursuant to RCW 36.32.120(7) with the authority  
5 to adopt and enforce police power regulations necessary for the protection of the public  
6 health, safety and welfare; and

7 WHEREAS, the provisions contained in Title 8 related to animals require clarification and,  
8 in some instances, modification and repeal; and

9 WHEREAS, it is important to provide consistency among the municipalities related to the  
10 regulation of dogs and cats; and

11 WHEREAS, this matter is being considered at a duly advertised public hearing; and

12 WHEREAS, the Board finds and concludes that adoption of this Ordinance will further the  
13 public health, safety and welfare; now, therefore,

14 BE IT ORDERED AND RESOLVED by the Board of County Councilors in and for  
15 Clark County, State of Washington, as follows:  
16

17 **Section 1. Amendatory.**

18 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 of Ord. 2012-05-22 and codified  
19 by CCC 8.01.020 is each amended to read:

20 **8.01.020 Definitions.**

21 As used in this title:

22 (1) “Adult dog” means any ~~((dog having a set of permanent canine teeth, or past the age of six~~  
23 ~~(6) months))~~ member of the canine family past the age of six (6) months or which has  
24 acquired a permanent set of canine teeth.

25 (2) “Adult cat” means any member of the feline family past the age of six (6) months or which  
26 has acquired a permanent set of canine teeth.

27 ~~(((2)))~~3 “Advisory board” means the ~~((animal protection and control advisory board))~~ Animal  
28 Protection and Control Advisory Board created by Section 8.01.030.

- 29 ((3))4 “Agent” means any public or private establishment authorized by Clark County  
30 ((animal control)) Animal Protection and Control to issue pet licenses.
- 31 ((4))5 “Animal” means any member of the classes: reptile, bird or mammal, except man.
- 32 ((5))6 “Animal control ((department)) program” means the Clark County ((animal protection  
33 and control department)) Animal Protection and Control program created by Section  
34 8.01.040 to administer and enforce the provisions of this title and the laws of the state of  
35 Washington as they pertain to animal control and welfare. The term shall include such  
36 ((department’s)) program’s duly authorized officers, employees and agents.
- 37 ((6))7 “Animal control officer” means any employee of the animal control ((department))  
38 program, and deputized by the Clark County ((sheriff))Sheriff for the limited purpose of  
39 enforcing this title and the laws of the state of Washington as they pertain to animal  
40 control and welfare.
- 41 (8) “Animal day use facility” means any premises used to conduct a daytime-only business  
42 with hours of operation from 6:00 a.m. to 10:00 p.m. that involves domestic animals as  
43 defined in Section 8.01.020, including but not limited to breeding, training, grooming and  
44 day care.
- 45 ((7))9 “Animal shelter” means a facility which is used to house or contain stray, homeless,  
46 abandoned or unwanted animals, and which is owned, operated or maintained by a public  
47 body, an established humane society, animal welfare society, society for the prevention of  
48 cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and  
49 humane treatment of animals.
- 50 ((8))10 “Board” means the ((board of county commissioners)) Board of County Councilors of  
51 Clark County.
- 52 ((9))11 “County” means the unincorporated area of Clark County, Washington.
- 53 ((10)) “~~Dog rescue organization~~” is ~~an individual or group of individuals that houses up to five~~  
54 ~~(5) adult dogs to provide food, shelter, care, and possibly training until a permanent home~~  
55 ~~is found. Rescue organizations are registered and approved through the SW WA Humane~~  
56 ~~Society.)~~
- 57 ((11))12 “Domestic animal” or “pet” means any animal, other than livestock, ((that)) which  
58 lives and breeds in a tame condition. This generally refers to dogs, cats and some birds.
- 59 ((12))13 “Facility” means any premises used to conduct an animal shelter or animal-related  
60 business such as grooming, breeding, boarding, sale or training of domestic, exotic and/or  
61 guard animals, but excluding animal hospitals or clinics where animals are kept only for  
62 treatment by licensed veterinarians.
- 63 ((13))14 “Feral” means any animal, normally classified as domestic, which has escaped  
64 domestication and become wild.

65 (15) “Food and Drug Administration” or “FDA” means the Food and Drug Administration of  
66 the federal Health and Human Services Agency.

67 ~~((14))~~16) “Grooming parlor” means any establishment where animals are bathed, clipped or  
68 combed for a valuable consideration for the purpose of enhancing their aesthetic value.

69 ~~((15))~~17) “Hybrid animal” is a cross between a wild animal and domestic or subspecies  
70 animal. For the purpose of this chapter, a hybrid animal ~~((that cannot be vaccinated for~~  
71 ~~rabies by a licensed veterinarian in the state of Washington))~~ which has not been certified  
72 as effectively vaccinated for rabies by a veterinarian licensed in the state of Washington  
73 will be considered a wild animal.

74 ~~((16))~~18) “Kennel” means either:

75 (a) any premises used to conduct a commercial business involving the buying, selling,  
76 breeding for sale, letting for hire, boarding or training of dogs; or

77 (b) any premises outside the urban growth boundary at which more than nine (9) adult  
78 dogs are kept for any purpose, including animal shelters, but excluding animal hospitals or  
79 clinics where animals are kept only for treatment by licensed veterinarians; or

80 (c) any premises inside the urban growth boundary at which more than five (5) adult dogs  
81 are kept for any purpose, including animal shelters, but excluding animal hospitals or  
82 clinics where animals are kept only for treatment by licensed veterinarians; or

83 ~~((e))~~d) any premises where offspring puppies or adult dogs are sold to commercial outlets  
84 or are sold for research or experimental purposes; or

85 ~~((d))~~e) any premises where offspring from three (3) or more litters per twelve (12) month  
86 period are sold or traded, exchanged or bartered for a valuable consideration or joint  
87 ownership purpose; or

88 ~~((e))~~f) any premises used as the location for the training of dogs for obedience, hunting,  
89 protection, etc. (if the address is different from the office address), or the premises are  
90 used as a combination office/training location, except, if the training site is property  
91 belonging to a recognized school district, municipal body or not-for-profit organization.

92 ~~((17))~~19) “Lawful” in regard to herding, hunting, competition or training means to be engaged  
93 in such activity on the property of another by permission, or, on public land that is set  
94 aside and/or open for such use.

95 ~~((18))~~20) “Leash” means a cord, thong, or chain not more than nine (9) feet in length by which  
96 an animal is physically controlled by the person accompanying it.

97 ~~((19))~~21) “License tag” or “tag” means a pre-numbered identification license sold to an  
98 owner/custodian for a specific pet animal. Rabies identification or other identification  
99 may not be substituted or accepted in lieu of a license tag.

100 ((20))22 “Livestock” means any (~~horse~~) equine, mule, burro, dairy or beef (~~animal~~) cattle,  
101 llama, goat, sheep, swine, rabbit, domesticated hare, donkey, camelid and poultry.

102 ((21))23 “Owner” means any person possessing, harboring, keeping, having an interest in, or  
103 any person having control or custody of an animal. In a household setting, the owner is  
104 presumed to be the head of the household.

105 ((22))24 “Pack of dogs” means a group of three (3) or more dogs running upon lands, either  
106 public or private, not that of their owner, when such dogs are not restrained or under  
107 control.

108 ((23))25 “Person” means any individual, partnership, corporation or other legal entity.

109 ((24))26 “Pet shop” means an establishment where animals bred elsewhere are offered for  
110 sale to the public.

111 ((25))27 “Police dog” (~~means a dog used by a law enforcement agency and specially trained~~  
112 ~~for law enforcement work~~) shall have the meaning prescribed by RCW 4.24.410.

113 ((26))28 “Poultry” means all domesticated fowl and all game birds which are legally held in  
114 captivity.

115 ((27))29 “Running at large” means an animal off the owner’s or guardian’s (~~residential~~)  
116 property and not under physical control by leash, cord, chain, rope, cage or other suitable  
117 means of physical restraint. There is a rebuttable presumption that the animal has not  
118 been under control if injury, property damage or trespassing has occurred.

119 (30) “Service animal” shall have the meaning prescribed by RCW 49.60.218(3)(a).

120 ((28))31 “Stray” means any animal captured, impounded, or in the custody of animal control,  
121 its employees or agents, or at an area authorized by animal control to care for and keep  
122 custody of animals.

123 ((29))32 “Under control” means the voice, signal or physical control so as to be restrained  
124 from approaching a bystander, from entering private property, and from causing damage  
125 to property. An animal is presumed not to have been under control if injury, damage or  
126 trespass has occurred.

127 ((30))33 “Vicious behavior” means showing a propensity without sufficient provocation to do  
128 any act which endangers the safety of persons, animals or property.

129 ((31))34 “Wild animal” means any animal, except livestock and domesticated animals, which  
130 due to its size, habits, natural propensities, training or instinct presents a danger or  
131 potential danger to human beings, animals or property. Also means any living vertebrate  
132 animal normally found in the wild state and for which there is no FDA-approved anti-  
133 rabies vaccination.

134

135 **Section 2. Amendatory.**  
136 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 of Ord. 2015-03-10 and  
137 codified as CCC 8.01.030 is each amended to read:

138 **8.01.030 Animal (~~(protection and control advisory board)~~) Protection and Control Advisory**  
139 **Board.**

140 (1) There is created an (~~(animal protection and control advisory board)~~) Animal Protection and  
141 Control Advisory Board to be composed of ten (10) members, as follows:

142 (a) One (1) member who owns or operates a licensed facility (includes kennel) in Clark  
143 County;

144 (b) One (1) member who is a licensed veterinarian who practices in Clark County;

145 (c) One (1) member who is a Clark County resident who is affiliated as a member,  
146 employee or officer in a Clark County animal welfare organization;

147 (d) One (1) member who is a Clark County resident who is affiliated as a member,  
148 employee or officer in a Clark County livestock organization;

149 (e) One (1) member who owns dog(s) but (~~(who)~~) does not work in, own or operate any  
150 facility;

151 (f) One (1) member who owns cat(s) but (~~(who)~~) does not work in, own or operate any  
152 facility;

153 (g) One (1) member who is any animal owner other than dog/cat;

154 (h) One (1) member who is a Clark County resident who neither owns nor maintains  
155 domestic animals;

156 (i) Two (2) members at large who are Clark County residents.

157 No employee of the Clark County (~~(animal control department)~~) Animal Protection and Control  
158 program shall serve as a member of the advisory board; (~~(provided)~~) PROVIDED, that the  
159 (~~(director)~~)manager of the (~~(animal control department)~~) Animal Protection and Control program  
160 or their designee shall be an ex officio, nonvoting member of the advisory board. The terms shall  
161 be for a period of four (4) years or until successors are appointed thereafter. As the terms of  
162 current board members expire, their next term shall be four (4) years, (~~(with expiration dates of~~  
163 ~~October 31, 2019, or October 31, 2021,)~~) such that every other year the terms of half of board  
164 positions will expire. Any vacancies, including those caused by a change in status of a member  
165 which affects such member's continued qualification to serve on the advisory board under the  
166 applicable selection criteria set forth hereinabove, shall be filled for the unexpired term as  
167 outlined by Animal Advisory Board Bylaws.

168 (2) The ~~((animal protection and control advisory board))~~ Animal Protection and Control  
169 Advisory Board shall annually select from its voting members a chairperson and such  
170 other officers ~~((as to))~~ that the advisory board ~~((may seem))~~ deems necessary.

171 (3) The duties of the ~~((animal protection and control advisory board))~~ Animal Protection and  
172 Control Advisory Board are as follows:

173 (a) Report to the ~~((board))~~ Board of County Councilors, no less often than once annually,  
174 on recommended modifications or additions to this title and to the general operations  
175 of the animal control ~~((department))~~ program;

176 (b) Act as an appeal hearing tribunal pursuant to Section 8.19.080; provided, that this  
177 hearing function may be delegated to a subcommittee of the advisory board  
178 composed of no less than three (3) of its voting members;

179 (c) Perform such further duties as may be authorized or directed by resolution of the  
180 board.

181 **Section 3. Amendatory.**

182 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 of Res. 2000-08-12 and codified  
183 as CCC 8.01.040 is each amended to read:

184 **8.01.040 Animal ~~((protection and control division))~~ Protection and Control program.**

185 There is established an ~~((animal protection and control division))~~ Animal Protection and Control  
186 program. It shall report to the ~~((community development))~~ Department of Community  
187 Development director or such other official as the board may from time to time determine. It  
188 shall administer and enforce the provisions of this title and the laws of the state of Washington as  
189 they pertain to animal control and welfare. The animal control manager and the animal control  
190 ~~((lead))~~ officers of such ~~((division))~~ program shall be specially deputized as law enforcement  
191 officers by the Clark County sheriff. It is recognized that other agencies, such as the Washington  
192 State Department of Wildlife, Washington State Department of Agriculture, the ~~((Vancouver))~~  
193 Humane Society for Southwest Washington ~~((and))~~ A.S.P.C.A., the Southwest Washington  
194 Health District, and the Clark County ~~((sheriff))~~ Sheriff, also have animal control and welfare  
195 responsibilities and interests. The animal control ~~((division))~~ program shall be cognizant of such  
196 overlapping jurisdiction, shall avoid duplication of services, and where appropriate, shall provide  
197 for coordination, referral and assistance to and among such agencies.

199  
200 **Section 4. Amendatory.**

201 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 2 of Ord. 1987-11-37 and codified  
202 as CCC 8.01.050 is each amended to read:

203 **8.01.050 County ~~((animal fund))~~ Animal Fund.**

204 There is established a fund to be known as the ~~((“county animal fund”))~~ ~~((“County Animal~~  
205 Fund”)) which shall be kept by the Clark County ~~((treasurer))~~ Treasurer, and all moneys  
206 collected by the animal control ~~((department))~~ program for the registration of animals, licensing  
207

208 of kennels, grooming parlors and pet shops, impoundment fees, and penalties shall be paid into  
209 such fund and such moneys shall be utilized for the implementation and enforcement of this title,  
210 to include the cost of impoundment and maintenance of an animal shelter, and other such  
211 purposes incidental to the enforcement of this title.

212  
213 **Section 5. Amendatory.**  
214 Sec. 1 of Ord. 1999-12-11 as most recently amended by Sec. 1 of Ord. 2011-04-06 and codified  
215 as CCC 8.01.060 is each amended to read:

216 **8.01.060 Spaying and neutering encouraged.**

217 An amount as set by board resolution from revenue generated by pet licensing shall be used for  
218 public education and low cost spay/neuter programs for the purpose of reducing the number of  
219 unwanted animals in the county. A current Clark County (~~animal protection and control~~)  
220 Animal Protection and Control pet license is required for those taking part in county programs.

221 **Section 6. New.**  
222 A new section (070) is added to CCC 8.01 to read:

223 **8.01.070 Agreements – Concessions – Revenue for County Animal Fund.**

224 The Manager is authorized, on behalf of the County, to enter into concession agreements with vendors to  
225 sell animal-related products and services at County facilities and events. The revenue from these  
226 concession agreements shall be applied to the County Animal Fund.

227 **Section 7. New.**  
228 A new section (080) is added to CCC 8.01 to read:

229 **8.01.080 Agreements – Advertising, sponsorship, naming rights – For Animal Protection and**  
230 **Control programs – Restrictions.**

231 (1) The manager is authorized, on behalf of the County, to negotiate and enter into advertising,  
232 sponsorship and naming rights agreements for the purpose of providing financial support for Animal  
233 Protection and Control programs. Advertising shall be restricted to commercial speech and found only on  
234 county-owned property under the control of Animal Protection and Control.

235 (2) Advertising is prohibited if it:

- 236 a) Is false, misleading, or deceptive;
- 237 b) Promotes unlawful or illegal goods, services, or activities;
- 238 c) Implies or declares an endorsement by the animal control program of any goods, services, or  
239 activities;
- 240 d) Contains any lewd or obscene matter as those terms are defined by RCW 7.48A.010(2);
- 241 e) Contains an image or description which, if furnished, or sent to a minor would give rise to a  
242 violation of RCW 9.68.050 and RCW 9.68.060;

- 243 f) Contains an image or description which would give rise to a violation of RCW 9.68.130 or RCW
- 244 7.42.010;
- 245 g) Is libelous;
- 246 h) Promotes the sale of tobacco or tobacco related products;
- 247 i) Promotes the sale of liquor, wine, beer, or distilled spirits;
- 248 j) Promotes the sale of marijuana or marijuana infused products;
- 249 k) Supports or opposes a religion, denomination, creed, tenet, or belief;
- 250 l) Displays any word, phrase, character or symbol likely to interfere with, mislead or distract traffic,
- 251 or conflict with any traffic control device; or
- 252 m) Incorporates any rotating, revolving, or flashing devices or any other moving parts.
- 253 n) Supports or opposes any political movement, candidate or party.

254 (3) The manager may impose additional subject-matter restrictions on advertising, sponsorship and  
 255 naming rights agreements consistent with applicable law.

256 (4) Revenue generated from advertising, sponsorships and naming rights agreements entered into under  
 257 this section shall be applied solely to the County Animal Fund.

258 **Section 8. New.**

259 A new section (090) is added to CCC 8.01 to read:

260 **8.01.090 Gifts, bequests and donations – Solicitation and acceptance – Deposit in County Animal**  
 261 **Fund.**

262 (1) Clark County staff is allowed to solicit and accept from the general public and business communities  
 263 and all other persons: gifts, bequests and donations to the County in support of County Animal Protection  
 264 and Control.

265 (2) All accepted gifts, bequests and donations of money to the County for Animal Protection and Control  
 266 shall be deposited and credited to the County Animal Fund.

267 (3) The manager shall assure that expenditures from the gift, bequest or donation are consistent with the  
 268 terms, if any, requested by the grantor.

269 **Section 9. Amendatory.**

270 Sec. 1 of Res. 1981-04-1081 as most recently amended by Sec. 2 of Ord. 2011-04-06 and  
 271 codified as CCC 8.07.010 is each amended to read:

272 **8.07.010 Dog license—Requirement.**

273 All dogs over eight (8) weeks of age harbored, kept or maintained within the county shall be  
 274 registered within the county with the ~~((animal protection and control))~~ Animal Protection and  
 275 Control program at all times; provided, however, that a license issued by an incorporated city



276 within Clark County shall be valid under the provisions of this chapter for a period not greater  
277 than one (1) year from its date of issuance; and provided further, that dogs while kept at facilities  
278 licensed pursuant to this chapter shall be exempt from the provisions of this section.

279 Dog licenses shall be valid for twelve (12) month((s)) increments from the date of issuance and  
280 shall be issued upon payment of the fee required by Section 8.07.040. Application for dog  
281 license issuance or renewal shall be made ((with))in a timely manner as listed below:

282 (1) In the case of a newly acquired dog, the application shall be made within thirty (30) days of  
283 such acquisition;

284 (2) In the case of a newly adult dog, the application shall be made within thirty (30) days of the  
285 time the dog becomes six (6) months of age or acquires a permanent set of canine teeth;  
286 and

287 (3) In the case of a new resident to the county with an adult dog unlicensed by Clark County  
288 ((animal protection and control)) Animal Protection and Control, the application shall be  
289 made within thirty (30) days of establishing residency.

290 **Section 10. Amendatory.**

291 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 3 of Ord. 1985-12-06 and codified  
292 as CCC 8.07.020 is each amended to read:

293 **8.07.020 Dog license—Application.**

294 The person registering a dog shall submit to the ((animal control department)) Animal Protection  
295 and Control program the following information:

296 (1) The name, email address, home address and phone number of the legal owner of the dog  
297 being registered;

298 (2) The name, email address, home address and phone number of the person having custody of  
299 the dog, if such person is one other than the legal owner;

300 (3) The name, age, breed, color and sex of the dog being registered, and whether or not such  
301 dog has been neutered or spayed;

302 (4) Distinguishing features, markings, microchip number or tattoos of the dog being registered;

303 (5) The address of the property at which the dog is ordinarily kept or maintained;

304 (6) A certificate of a veterinarian indicating the last date on which the dog received an initial or  
305 booster vaccination against the disease of rabies, along with the expiration date of such  
306 vaccination. ((~~Should the dog be unable to be immunized against rabies for medical  
307 reasons, the signed statement of a veterinarian shall be accepted as proof in lieu of the  
308 rabies vaccination certificate~~)) An owner of a dog shall have it vaccinated against rabies  
309 and revaccinated following veterinary and manufacturer instructions.

310

311 **Section 11. Amendatory.**

312 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 3 of Ord. 2011-04-06 and codified  
313 as CCC 8.07.040 is each amended to read:

314 **8.07.040 Dog license—Fees.**

315 The annual fee for licenses issued or renewed shall be as outlined in Section 6.150.030;  
316 provided, that:

317 (1) If a certificate from a veterinarian, or if such is unavailable, a statement from the owner  
318 under oath, is presented certifying that the dog for which a license application is made is  
319 either a spayed female or a neutered male, the dog license fee shall be as outlined in  
320 Section 6.150.030.

321 ~~((2) No license fee shall be charged to an owner who is legally blind and who uses such dog as  
322 a guide dog, or to an owner who is legally deaf and who uses such dog as a hearing ear  
323 dog, upon presentation of proof that such dogs have been properly trained by an  
324 accredited seeing-eye/hearing ear dog training facility. A license fee shall be waived,  
325 when requested, for a therapy/service animal when the animal provides a service to the  
326 owner and meets the definition of a service animal consistent with ADA, WAC and  
327 RCW.))~~

328 ~~((3))~~2) A senior citizen who is over the age of sixty-five (65) may register not more than one  
329 (1) spayed female or neutered male dog per household at one-half (1/2) the fee otherwise  
330 applicable.

331 ~~((4))~~3) There shall be added to license fees any civil penalties assessed against the owners  
332 pursuant to Chapter 8.19 which are due and owing but not paid.

333 ~~((5))~~4) The board may provide for optional registration of dogs by veterinarians or other  
334 suitable parties, in which case an “agent’s fee” not to exceed five dollars (\$5.00) may be  
335 added to the licensing fee.

336 ~~((6))~~5) No license fee shall be charged to an owner licensing a dog that is under the age of six  
337 (6) months. In such cases, the license shall be valid up to the time the dog becomes six (6)  
338 months of age. No certificate of rabies vaccination will be required for such early  
339 licensing.

340 ~~((7))~~6) License fees may be prepaid for a three (3) year period if such period coincides with  
341 the vaccination required by Section 8.07.030.

342 (7) Licenses purchased online will incur transaction fees in addition to the dog licensing rates.

343 (8) A late penalty of two dollars will be charged for all license applications not received by the  
344 County or designated licensing agent within a timely manner as provided for in Section  
345 8.07.

346 **Section 12. Amendatory.**  
347 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 8 of Ord. 1993-08-13A and  
348 codified as CCC 8.07.060 is each amended to read:

349  
350 **8.07.060 Dog license—License tag.**

351  
352 Upon application, submission of proof of immunization and payment of fees by the owner or  
353 person having the custody and control of any dog, the (~~animal control department~~) Animal  
354 Protection and Control program, or its designated agent, shall issue such person a numbered  
355 license identification tag for each dog so registered, and such person shall ensure that the tag is  
356 securely affixed to a substantial collar or harness to be worn by the dog at all times except at the  
357 time the dog is displayed in exhibition. License tags are not transferable between dogs or  
358 between owners. For newly acquired dogs, applications are required within thirty (30) days or as  
359 outlined in Section 8.07.010.

360  
361 **Section 13. Amendatory.**

362 Sec. 10 of Res. 1984-12-65 as most recently amended by Sec. 7 of Ord. 1985-12-06 and codified  
363 as CCC 8.07.070 is each amended to read:

364  
365 **8.07.070 Dog license—Incomplete applications.**

366  
367 License applications that lack complete information shall be processed as follows:

368 (a) When rabies or spay/neuter information is lacking, notification shall be sent to the applicant  
369 to supply the information within thirty (30) days or the license amount will be forfeited  
370 and the application voided. A new application and fee shall be required after the thirty  
371 (30) days have expired. All amounts shall be deposited in the (~~animal control fund~~)  
372 Animal Control Fund.

373 (b) When the fee amount received is incorrect, notification will be sent to the applicant to send  
374 the correct amount within thirty (30) days or the fee received will be forfeited and the  
375 application voided. A new application and fee shall be required.

376 (c) When the information on the animal to be licensed is incomplete, notification shall be sent  
377 to request the correct description within thirty (30) days or the application will be voided  
378 and the funds forfeited. A new application and fee shall be required if the thirty (30) day  
379 deadline is not met. No tag will be sent unless completed information is received.

380 Any moneys from initial application fees that cannot be processed shall be deposited into a  
381 special revenue account within the (~~animal control fund~~) Animal Control Fund and held in that  
382 fund for a period of not less than thirty (30) days or until the corrected information is received.  
383 After thirty (30) days have expired, the fees shall become miscellaneous revenues. Any  
384 overpayment of fees (~~shall be refunded to the applicant~~) may be prorated to the applicant's  
385 account, transferred to program miscellaneous revenue, or refunded to the applicant per  
386 department policy.

387 **Section 14. Amendatory.**

388 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 of Ord. 2006-09-13 and codified  
389 as CCC 8.07.110 is each amended to read:

390

391 **8.07.110 Facility licenses—Application.**

392

393 Any person making application for a facility license shall submit to the ((~~animal control~~  
394 ~~department~~)) Animal Protection and Control program the following information:

395 (1) The name, email address, business address and phone number of the owner of such facility;

396 (2) The name, email address, business address and phone number of the person having primary  
397 supervision of such facility;

398 (3) The address or location and phone number of such facility;

399 (4) The maximum number of animals which such facility will contain at any single time;

400 (5) The name and address of the person designated by the applicant as agent for service of legal  
401 process or notice; and

402 (6) A statement giving permission for the inspection of such facility at any reasonable time.

403 **Section 15. Amendatory.**

404 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 14 of Res. 1984-12-65 and  
405 codified as CCC 8.07.130 is each amended to read:

406

407 **8.07.130 Facility licenses—Processing.**

408

409 Upon application for a facility license, the ((~~animal control department~~)) Animal Protection and  
410 Control program shall inspect the proposed facilities.

411 **Section 16. Amendatory.**

412 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 12 of Ord. 1993-08-13A and  
413 codified as CCC 8.07.150 is each amended to read:

414 **8.07.150 Facility licenses—Expiration and renewal.**

415 Facilities shall be licensed on a yearly basis ((~~ending with June 30<sup>th</sup>~~)). Fees for new applications  
416 shall be prorated and charged one-twelfth (1/12) the fee for each month remaining in the year.  
417 License renewals shall be processed in the same manner as the original application, except that a  
418 certificate of zoning compliance is not required.

419

420 **Section 17. Amendatory.**

421 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 17 of Res. 1984-12-65 and  
422 codified as CCC 8.07.160 is each amended to read:

423

424 **8.07.160 Facility licenses—Revocation, denial or refusal to renew.**

425  
426 A license for any facility may be revoked, denied or not renewed, for failure to comply with the  
427 provisions of this title, and such action by the (~~animal control department~~) Animal Protection  
428 and Control program shall be final and conclusive unless within twenty (20) days of written  
429 notification thereof an appeal is filed in the manner provided in Section 8.19.080 of this title.  
430

431 **Section 18. Amendatory.**

432 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 17 of Res. 1984-12-65 and  
433 codified as CCC 8.07.170 is each amended to read:

434 **8.07.170 Facility licenses—Inspections.**

435 Subject to Section 8.19.010, an animal control officer or an agent designated by the (~~animal~~  
436 ~~control department~~) Animal Protection and Control program shall have the authority to enter  
437 and inspect a facility licensed pursuant to this chapter at reasonable times to determine whether  
438 such facility is being operated in compliance with the provisions of this title and other applicable  
439 laws, rules and regulations.  
440

441 **Section 19. Amendatory.**

442 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 13 of Ord. 1993-08-13A and  
443 codified as CCC 8.07.180 is each amended to read:  
444

445 **8.07.180 Facility licenses—Records required.**

446  
447 Facilities licensed pursuant to this title are required to maintain the ability to function as an agent  
448 for licensing. Each facility with the exception of grooming parlors and training facilities where  
449 the owner and dog are trained as a team shall prepare, maintain and make available to the  
450 (~~animal control department~~) Animal Protection and Control program a current record of all  
451 animals auctioned off, sold, let, or otherwise disposed of, proof of vaccination as required by  
452 Section 8.11.050, and a current record of all animals born within such facility or acquired from  
453 other sources. Such records shall include the origin, the age and type of animal, and the name  
454 and address of the transferee or transferor. Each kennel and pet shop shall prepare, maintain and  
455 make available to the (~~animal control department~~) Animal Protection and Control program  
456 proof of vaccination as required by Section 8.11.050.  
457

458 **Section 20. Amendatory.**

459 Sec. 1 of Res. 1981-04-108 codified as CCC 8.07.190 is amended to read:  
460

461 **8.07.190 Facility licenses—Incomplete applications.**

462  
463 Incomplete applications are those that cannot be processed due to missing information or  
464 incorrect fees. Also included are those applications on which a zoning or legal decision is  
465 pending. These applications shall be processed as follows:

- 466 (a) Incorrect Amounts. When the amount sent is incorrect, notification shall be sent to the  
467 applicant to send the correct amount within thirty (30) days, or the fee will be forfeited

468 and the application voided. A new application and fee shall then be required. No license  
469 shall be issued until the full fee amount is received.

470 (b) New Businesses. Missing zoning compliance certificate. When the applicant has failed to  
471 submit the certificate of zoning compliance, notification shall be sent to request the  
472 certificate within thirty (30) days or the application will be voided and the fee forfeited. If  
473 the thirty (30) day period has elapsed, a new application and fee shall be required.

474 (c) Pre-existing use pending zoning or legal review.

475 (1) An applicant who has maintained a facility for six (6) months or more without having  
476 first obtained a certificate of zoning compliance may have a temporary license issued  
477 pending compliance with Clark County's zoning regulations. Should the applicant be  
478 unable to obtain the certificate of zoning compliance, the fee paid shall be  
479 reimbursed on a prorated basis.

480 (2) A temporary license shall not be issued for a facility maintained for less than six (6)  
481 months or previously found to be non-Compliant.

482 (d) Appeals. Any decision made concerning the type of facility licensed and thus the fee  
483 charged may be appealed by the applicant as outlined in Section 8.19.080, by using the  
484 facility license number as the citation or violation number. Should the appeal be in favor  
485 of the appellant, the excess of the facility license fee shall be refunded to the applicant,  
486 from the date the appeal was filed on a prorated monthly basis.

487 (e) Any monies from the initial application fees that cannot be processed shall be deposited  
488 into a special revenue account in the (~~animal control fund~~) Animal Control Fund as a  
489 special revenue item at the end of the forfeiture period. Non-forfeited amounts shall be  
490 deposited into the facility license fees category when correct fees are received. All refunds  
491 are to be made from the facility license fee revenue account upon completion of a  
492 completed and approved refund request form.

493 **Section 21. Amendatory.**

494 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 4 of Ord. 2011-04-06 and codified  
495 as CCC 8.07.200 is each amended to read:

496

497 **8.07.200 Cat license—Requirement.**

498 All cats over eight (8) weeks of age harbored, kept or maintained within the county shall be  
499 registered with the (~~animal protection and control~~) Animal Protection and Control program and  
500 shall wear a current license tag issued by the program at all times; provided, however, that a  
501 license issued by an incorporated city within Clark County shall be valid under the provisions of  
502 this chapter for a period no greater than one (1) year from its date of issuance; and provided  
503 further, that cats while kept at kennels, pet shops and animal shelters, or the facilities licensed  
504 pursuant to this chapter shall be exempt from the provisions of this section.

505 Cat licenses shall be valid for twelve (12) month((s)) increments from the date of issuance.  
506 Application for cat license issuance or renewal shall be made within a timely manner as listed  
507 below:

508 (1) In the case of a newly acquired cat, the application shall be made within thirty (30) days of  
509 such acquisition;

510 (2) In the case of a newly adult cat, the application shall be made within thirty (30) days of the  
511 time the cat becomes six (6) months of age, or acquires a permanent set of canine teeth;  
512 and

513 (3) In the case of a new resident to the county with an adult cat unlicensed by Clark County  
514 ~~((animal protection and control))~~ Animal Protection and Control, the application shall be  
515 made within thirty (30) days of establishing residency.

516 **Section 22. Amendatory.**

517 Sec. 11 of Ord. 1985-12-06 as most recently amended by Sec.14 of Ord. 1993-08-13A and  
518 codified as CCC 8.07.210 is each amended to read:

519 **8.07.210 Cat license—Application.**

520 The person registering a cat shall submit to the ~~((animal control department))~~ Animal Protection  
521 and Control program the following information:

522 (1) The name, email address, house address, and phone number of the legal owner of the cat  
523 being registered;

524 (2) The name, email address, house address and phone number of the person having custody of  
525 the cat, if such person is one other than the legal owner;

526 (3) The name, age, breed, color and sex of the cat being registered, and whether or not such cat  
527 has been neutered or spayed;

528 (4) Distinguishing features, markings, microchip number or tattoos of the cat being registered;

529 (5) The address of the property at which the cat is ordinarily kept or maintained.

530 (6) A certificate of a veterinarian indicating the last date on which the cat received an initial or  
531 booster vaccination against the disease of rabies, along with the expiration date of such  
532 vaccination. ~~((Should the cat be unable to be immunized against rabies for medical~~  
533 ~~reasons, a signed statement of a veterinarian shall be accepted as proof in lieu of the rabies~~  
534 ~~vaccination))~~ An owner of a cat shall have it vaccinated against rabies and revaccinated  
535 following veterinary and vaccine manufacturer instructions.

536 **Section 23. Amendatory.**

537 Sec. 12 of Ord. 1985-12-06 as most recently amended by Sec. 5 of Ord. 2011-04-06 and codified  
538 as CCC 8.07.220 is each amended to read:

539 **8.07.220 Cat license—Fees.**

540 The annual fee for cat licenses issued or renewed hereunder is as outlined in Section 6.150.030;  
541 provided, that:

542 (1) A senior citizen who is over the age of sixty-five (65) may register not more than one (1)  
543 spayed female or neutered male cat per household at one-half (1/2) the fee otherwise  
544 applicable;

545 (2) There shall be added to the license fee any civil penalties assessed against the owners  
546 pursuant to Chapter 8.19 which are due but not paid;

547 (3) The board may provide for optional registration of cats by veterinarians or other suitable  
548 parties, in which case an “agent’s fee” not to exceed five dollars (\$5.00) may be added to  
549 the licensing fee;

550 (4) License fees may be prepaid for a three (3) year period, if such period coincides with the  
551 vaccination required by Section 8.07.210.

552 (5) Licenses purchased online will incur transaction fees in addition to the cat licensing rates.

553 (6) A late penalty of two dollars will be charged for all license applications not received by the  
554 County or designated licensing agent within a timely manner as provided for in Section  
555 8.07.

556 **Section 24. Amendatory.**

557 Sec. 14 of Ord. 1985-12-06 codified as CCC 8.07.240 is amended to read:

558 **8.07.240 Cat license—License tag.**

559 Upon application and payment of fees by the owner or person having the custody and control of  
560 any adult cat, the (~~animal control department~~) Animal Protection and Control program or its  
561 designated agent shall issue such person a numbered license identification tag for each cat so  
562 registered and such person shall ensure that the tag is securely affixed to a substantial collar or  
563 harness to be worn by the cat at all times except at the time the cat is displayed in exhibition.  
564 License tags are not transferable between cats or between owners. For newly acquired cats,  
565 applications are required within thirty (30) days or as outlined in Section 8.07.200.

566 **Section 25. New.**

567 A new section (245) is added to CCC 8.07 to read:

568 **8.07.245 Dog or Cat license – Fee waiver for exchange of impounded dog or cat.**

569  
570  
571 The animal license fee shall be waived for any person who exchanges one impounded dog or cat  
572 which he or she has adopted for another impounded dog or cat within fourteen days of the  
573 animal's adoption from the city's designated shelter. The shelter shall issue a corrected new  
574 license for the exchange impounded animal; and provided, that such owner shall return the



575 unsuitable animal to the shelter along with its license and tags. The shelter shall forward these  
576 and the owner's statement under oath to Clark County or a designated licensing agent within  
577 fifteen days of the exchange of the unsuitable animal. No more than one such license fee waiver  
578 for any owner shall be permitted in any five-year period.  
579

580 **Section 26. Amendatory.**

581 Sec. 8 of Ord. 1987-11-37 as most recently amended by Sec. 1 (Att. A) of Ord. 2009-03-02 and  
582 codified as CCC 8.07.300 is each amended to read:

583 **8.07.300 Wild animal license.**

584 It is unlawful for any person to bring into the county, or to keep or harbor within the county, any  
585 wild animal as defined in Section 8.01.020 unless a license to do so shall have been first obtained  
586 from the ~~((animal control department))~~ Animal Protection and Control program. Wild animal  
587 license applications shall contain a description of the place where the wild animal or animals are  
588 to be temporarily or permanently quartered. If it appears from an inspection by the ~~((animal~~  
589 ~~control department))~~ Animal Protection and Control program that such quarters are of a size  
590 large enough to comfortably contain the animals and are sufficiently secure that the animals to be  
591 kept therein will not escape, the ~~((department))~~ program shall issue a wild animal license upon  
592 payment of a fee as outlined in Section 6.150.030. The quarters wherein such animals are kept  
593 shall be subject to inspection upon reasonable notice. If such animal escapes, or if it appears  
594 from such inspection or otherwise that such animal might escape, an order may be given by the  
595 ~~((department))~~ program that such quarters be immediately repaired or improved and, if this is not  
596 done, the animal may be impounded as provided herein and thereafter humanely destroyed,  
597 subject to an appeal pursuant to the appeal procedures of Section 8.19.080; PROVIDED, that  
598 such appeal shall be filed no later than the end of the next business day following impoundment.  
599 Licenses issued under this section shall be valid for one (1) year. This section shall not apply to  
600 the uninterrupted transport of wild animals through the county by train or truck. Any person  
601 licensed under this section shall at all times keep convenient to the quarters where the wild  
602 animal is being kept the appropriate equipment as determined by the ~~((animal control~~  
603 ~~department))~~ Animal Protection and Control program to aid in the capture of the animal were it  
604 to escape.

605 **Section 27. Amendatory.**

606 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 (Att. A) of Ord. 2012-02-03 and  
607 codified as CCC 8.11.060 is each amended to read:

608  
609 **8.11.060 Nuisances.**

610 It is unlawful for the owner or person responsible to cause, allow, or permit, either ~~((wilfully))~~  
611 willfully or by failure to exercise due care or participate in any of the following, which are singly  
612 or together, defined as a public nuisance:

- 613 (1) Any animal which by habitual howling, yelping, barking or other noise disturbs or annoys  
614 any person or neighborhood to an unreasonable degree, taken to be continuous noise for a  
615 period of ten (10) or more minutes or intermittent noise for a period of thirty (30) or more  
616 minutes, except: such noises made by livestock, whether from commercial or

617 noncommercial activities on land which is properly zoned to allow keeping of livestock,  
618 and such sounds made in facilities licensed under and in compliance with the provisions  
619 of this title. Livestock on properties inside of urban growth boundaries may be subject to  
620 the provisions of Section 40.260.235. Additionally, turkeys, peacocks or roosters are  
621 prohibited within the urban growth boundary for the City of Vancouver. It shall be an  
622 affirmative defense under this subsection that the animal was intentionally provoked to  
623 make such noise; provided, that enactment of this provision shall in no way abrogate any  
624 other provision under this code concerning animal noise.

625 (2) Any domesticated animal which enters upon private or public property, so as to damage or  
626 destroy any real or personal property, including but not limited to domestic animals and  
627 livestock, thereon.

628 (3) Any domesticated animal which chases, runs after or jumps at vehicles using the public  
629 streets and alleys.

630 (4) Any domesticated animal which snaps, growls, snarls, jumps, at or upon, or otherwise  
631 threatens persons lawfully using public sidewalks, streets, alleys or other public ways.

632 (5) Animals running in packs.

633 (6) Any animal which dumps garbage or strews trash on public or private property.

634 (7) Any dog, whether licensed or not, which runs at large (i.e., off the owner's property).

635 (8) Any animal which enters any place where food is prepared, served, stored or sold to the  
636 public; provided, however, that this section shall not apply to any (~~blind person using a~~  
637 ~~seeing eye dog, a deaf person using a hearing ear dog~~) service animal as described in  
638 8.01.020, or a duly authorized law enforcement officer or security guard using guard dogs  
639 in performance of their duties.

640 (9) Animals confined, staked or kept on public property without prior consent of the applicable  
641 agency.

642 (10) Animals kept, harbored or maintained and known to have a contagious disease, unless  
643 under the treatment of a licensed veterinarian or being kept for medical research.

644 (11) Animals on public property not under the control of the owner or other competent person  
645 and without the consent of the applicable agency.

646 (12) The ownership, harboring, or keeping of any species of animals designated by the  
647 Washington State Department of Health pursuant to WAC (~~(248-100-450)~~) 246.100,  
648 (~~(together with amendments thereto)~~), as dangerous to the public including any skunk, fox  
649 or raccoon, except as lawfully authorized for fur farming.

650 (13) Any vicious animal which runs at large at any time, or such animal when off or outside of  
651 the owner's premises, not under the control of a person of suitable age and discretion to  
652 restrain such animal, or such animal when uncontrolled on the owner's premises;

653 PROVIDED, that this subsection shall not apply to ~~((potentially dangerous or))~~ previously  
654 declared dangerous dogs regulated by Chapter 8.18.

655 (14) The taking from the wild, or the holding in captivity, or the having in one's possession, or  
656 the exportation from or importation into the county of any species designated in WAC  
657 ~~((232-12-015 and 232-12-030 and 232-12-040 together with amendments thereto))~~ 232-  
658 12, as protected wildlife, as furbearing animals, or as game fish, birds, or animals, except  
659 as lawfully authorized.

660 (15) Any dog in an established leash law zone found in violation of the provisions of Chapter  
661 8.15, this title.

662 (16) Any animal violating or involved in a violation of the provisions of Chapter 8.07, this title.

663 (17) Any animal which deposits excrement or other solid waste in any place not designated to  
664 receive such waste when such waste is not removed by the owner or other person having  
665 control over the animal.

666 (18) Any domesticated animal which causes injury or harm to any person while such person is  
667 in or on a public place or lawfully in or on a private place including the property of the  
668 owner of such animal.

669 (19) Any unconfined female animal while in estrus which is accessible to other animals, except  
670 those used for controlled and planned breeding.

671 ~~((20) Interfere with, obstruct, torture, beat, kick, strike, mutilate, disable, shoot, poison, kill or  
672 in any other way abuse or harass any police dog;))~~

673 ~~((21)20) Harass a police dog while said police dog is confined in its quarters, an automobile,  
674 kennel fenced area, training area, or while it is under the control of a dog handler;~~

675 ~~((22)21) Interfere with a police dog or dog handler while said police dog or dog handler is  
676 engaged in lawful police activities.~~

677 **Section 28. Amendatory.**

678 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 2 of Ord. 2012-05-22 and codified  
679 as CCC 8.11.070 is each amended to read:

680 **8.11.070 Cruelty to animals.**

681 The following, singly or together, are deemed to constitute cruel treatment to animals. Therefore,  
682 it is unlawful for any person, firm, or corporation to:

683 (1) ~~((Willfully))~~ Willfully and cruelly kill, injure, poison, torture or torment any animal;

684 (2) Intentionally or negligently cause or allow any animal to endure pain, suffering or injury, or  
685 to fail or neglect to aid or attempt to alleviate pain, suffering or injury, including not  
686 providing needed veterinarian care, he has so caused to any animal;

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

692 (a) In each period of twenty-four (24) consecutive hours, food of sufficient quantity and  
693 quality to allow for normal growth or maintenance of body weight;

694 (b) In each period of twenty-four (24) consecutive hours, open or adequate access to  
695 potable water in sufficient quantity to satisfy the animal's needs. Neither snow nor  
696 ice is an adequate water source;

697 (c) In the case of pet or domestic animals, access to a barn, dog house or other enclosed  
698 structure sufficient to protect the animal from wind, rain, snow or sun, and which has  
699 adequate bedding to protect against cold and dampness;

700 (d) In the case of livestock, protection from adverse environmental elements detrimental  
701 to the health and well-being of the animal;

702 (e) Veterinary care deemed necessary by a reasonably prudent person to relieve distress  
703 from injury, neglect or disease;

704 (f) Animals shall not be confined to an area without adequate space for exercise necessary  
705 for the health of the animal or which does not allow access to a dry place for the  
706 animals to rest. The air temperature in a confinement area must be suitable for the  
707 animal involved. The confinement area must be kept reasonably clean and free from  
708 excess waste or other contaminants which could affect the animal's health;

709 (g) Tether, confine or restrain any animal in such a way as to permit said animal to  
710 become entangled in such tether, or render said animal incapable of consuming food  
711 or water provided for it; while at the same time failing to allow adequate space for  
712 freedom of movement necessary when tethered for extended periods of time; said  
713 tether to be not shorter than three times the length of the animal, measured from the  
714 tip of its nose to the base of its tail.

715 ~~((4) To leave a dog outdoors and unattended by use of a tether such as a chain, rope, cord, or~~  
716 ~~other device used to tie an animal to a running cable or pulley system, or to a stationary~~  
717 ~~object:~~

718 ~~(a) For more than ten (10) hours within a twenty-four (24) hour period;~~

719 ~~(b) During any inclement weather such as snow or freezing rain;~~

720 ~~(c) When the tether is less than five (5) times the length of the dog (from the tip of its nose~~  
721 ~~to the base of its tail), or a minimum of ten (10) feet and of sufficient weight not to~~  
722 ~~put undue drag on the dog;~~

- 723 (d) ~~When the tether is used as a restraint for more than one dog at the same time;~~  
724 (e) ~~That restricts the dog's access to adequate shelter and shade;~~  
725 (f) ~~That renders the dog incapable of consuming fresh food and water provided for it; and~~  
726 (g) ~~That gives the dog any access to any public right-of-way.~~

727 ~~Any tether, fastener, chain, tie or other restraint permissible under this section must be attached~~  
728 ~~to a properly fitted body harness with enough room between the collar and the dog's throat~~  
729 ~~through which two (2) fingers may fit. Choke, pinch or prong type collars may not be used for~~  
730 ~~tethering, fastening, chaining, tying or otherwise restraining a dog.~~

731 ~~Nothing in this section shall prevent the tethering or otherwise restraining of a dog pursuant to~~  
732 ~~the requirements of a camping or recreational area; or the tethering or otherwise restraining of a~~  
733 ~~dog while engaged in, or training for, an activity related to use of the dog as a service dog or by~~  
734 ~~any military or law enforcement agency;))~~

735 ~~((5))4~~ Abandon any animal by dropping off or leaving said animal on the street, road, or  
736 highway, or in a public place, or the private property of another person, firm or  
737 corporation;

738 ~~((6))5~~ Confine an animal within or on a motor vehicle or other enclosure or structure when  
739 unattended and under such conditions as may endanger the health and well-being of the  
740 animal. Such conditions include, but are not limited to, dangerous temperature, lack of  
741 food or water, and confinement with a vicious animal;

742 ~~((7))6~~ Knowingly place food of any description containing poisonous or other injurious  
743 ingredients in any area reasonably likely to be accessible to domesticated animals or  
744 livestock;

745 ~~((8))7~~ Knowingly and intentionally, whether for amusement of self or others, or for financial  
746 gain, cause any animal to fight or injure any other animal, cause it to be fought or injured  
747 by any animal, or train or keep for the purpose of training any animal with the intent that  
748 the animal shall be exhibited combatively with any other animal. Anyone who permits  
749 such conduct on premises under that person's control, and any person present as a  
750 spectator at that exhibition shall be considered a violator of this subsection and subject to  
751 punishment upon conviction;

752 ~~((9))8~~ Transport or confine any living animal on the outside part of a motor vehicle except  
753 when attached to or enclosed in the vehicle by a harness, leash, cage or other enclosure  
754 which protects the animal from falling or being thrown from the vehicle and which  
755 prevents the animal from leaving the vehicle while unattended. The outside part of a  
756 motor vehicle includes the running board, fender or hood of any motor vehicle or the  
757 flatbed of a truck and/or the open portion (bed) of a pickup truck;

758 ((40))9) Sell or offer for sale or to give away, or display any living baby rabbits, chicks,  
759 ducklings or other fowl which have been dyed, colored or otherwise treated so as to have  
760 an artificial color;

761 ((41))10) Abandon or transfer to another person by gift, sale or exchange for consideration any  
762 animal while on public property;

763 (12) Trap any domestic animal with a device other than a humane live animal trap.

764 Any practice of good animal husbandry is not a violation of this section. "Good animal  
765 husbandry" includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or  
766 swine, and the castration or neutering of livestock, according to accepted practices of veterinary  
767 medicine or animal husbandry.

768 **Section 29. Amendatory.**

769 Sec. 12 of Ord. 1987-11-37 codified as CCC 8.18.010 is each amended to read:

770 **8.18.010 Purpose.**

771 ~~((The purpose of this chapter is to implement the provisions of Chapter 16.08 RCW))~~ The  
772 purpose of this section is to work within the framework of Chapter 16.08 RCW to protect the  
773 public health, safety and welfare by regulating "potentially dangerous dogs" and "dangerous  
774 dogs" within Clark County, thereby encouraging responsible dog ownership.  
775

776 **Section 30. Amendatory.**

777 Sec. 13 of Ord. 1987-11-37 as most recently amended by Sec. 20 of Ord. 1993-08-13A and  
778 codified as CCC 8.18.020 is each amended to read:

779 **8.18.020 Definitions.**

780 In addition to the definitions set forth in Section 8.01.020, as used in this title:

781 (1) "Dangerous dog" means any dog that, when unprovoked:

782 (a) Inflicts severe injury on a human being without provocation on public or private  
783 property; or

784 (b) Kills a domestic animal or livestock, except non-domestic poultry or rabbit, without  
785 provocation while off the owner's property; or

786 (c) Has been previously found to be potentially dangerous and the owner having received  
787 notice of such and the dog again aggressively bites, attacks or endangers the safety of  
788 humans or domestic animals or livestock.

789 (2) "Potentially dangerous dog" means any dog that, when unprovoked:

790 (a) Inflicts bites on a human, domestic animal or livestock either on public or private  
791 property; or

792 (b) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a  
793 menacing fashion or apparent attitude of attack, or any dog with a known propensity,  
794 tendency or disposition to attack unprovoked, or to cause injury or otherwise to  
795 threaten the safety of humans or domestic animals.

796 (3) "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous  
797 dog shall be securely confined indoors or in a securely enclosed and locked pen or  
798 structure, suitable to prevent the entry of young children and designed to prevent the  
799 animal from escaping. Such pen or structure shall have secure sides and a secure top, and  
800 shall also provide protection from the elements for the dog.

801 (4) "Provocation" includes, but is not limited to situations where threat, injury, or damage is  
802 sustained by a person who, at the time, was committing a ~~((wilful))~~ willful trespass or  
803 other tort upon the premises occupied by the owner of the dog, or was tormenting,  
804 abusing, or assaulting the dog or has, in the past, been observed or reported to have  
805 tormented, abused, or assaulted the dog or was committing or attempting to commit a  
806 crime.

807 (5) "Severe injury" means any physical injury that results in broken bones or disfiguring  
808 lacerations requiring multiple sutures or cosmetic surgery.

809 **Section 31. Amendatory.**

810 Sec. 14 of Ord. 1987-11-37 codified as CCC 8.18.030 is each amended to read:

811 **8.18.030 License required.**

812 It is unlawful for any owner of a dog declared by the ~~((animal control department))~~ Animal  
813 Protection and Control program to be dangerous to keep such dog within the county unless such  
814 owner has procured a special license from the ~~((animal control department))~~ Animal Protection  
815 and Control program. The special license shall be obtained within five (5) working days  
816 following the service of such ~~((department))~~ program declaration or, if the declaration is timely  
817 appealed pursuant to Section 8.18.040, within seven (7) working days following the mailing of a  
818 decision affirming such determination; PROVIDED, that the director of the ~~((animal control~~  
819 ~~department))~~ Animal Protection and Control program may grant an extension upon a showing of  
820 good cause.

821

822 **Section 32. Amendatory.**

823 Sec. 15 of Ord. 1987-11-37 codified as CCC 8.18.040 is each amended to read:

824 **8.18.040 Determination.**

825 (1) The ~~((animal control department))~~ Animal Protection and Control program may find and  
826 declare an animal potentially dangerous or dangerous if it has probable cause to believe  
827 that the dog falls within the definitions set forth in Section 8.18.020 ~~((The finding must be~~  
828 ~~based upon))~~. Probable Cause means a reasonable belief in the existence of facts to  
829 support the definitions of "potentially dangerous" and "dangerous". Examples may  
830 include but are not limited to:

- 831 (a) The written complaint of a citizen who is willing to testify that the animal has acted in  
832 a manner which causes it to fall within the definition in Section 8.18.020; or
- 833 (b) Dog bite reports filed with the ~~((animal control department))~~ Animal Protection and  
834 Control program as required by the ordinance codified in this chapter or state law; or
- 835 (c) Actions of the dog witnessed by any animal control officer or law enforcement officer;  
836 or
- 837 (d) The designation by another animal control authority pursuant to Chapter 16.08 RCW;  
838 or
- 839 (e) Other substantial credible evidence.
- 840 (2) The declaration of potentially dangerous or dangerous dog shall be in writing and shall be  
841 served on the owner in one of the following methods:
- 842 (a) Certified mail to the owner or keeper's last known address, if known; or
- 843 (b) Personally; or
- 844 (c) If the owner cannot be located by one of the first two (2) methods, by publication in a  
845 newspaper of general circulation.
- 846 (3) The declaration shall state at least:
- 847 (a) A description of the dog;
- 848 (b) The name and address of the owner or keeper of the dog, if known;
- 849 (c) The whereabouts of the animal if it is not in the custody of the owner;
- 850 (d) The facts upon which the declaration is based;
- 851 (e) The availability of a hearing in case the owner objects to the declaration, if a request is  
852 made within five (5) days;
- 853 (f) The restrictions placed on the animal as a result of the declaration;
- 854 (g) The penalties for violation of the restrictions, including the possibility of destruction  
855 of the animal, and imprisonment or fining of the owner.
- 856 (4) If the owner of the dog wishes to object to the declaration of potentially dangerous or  
857 dangerous dog ~~((:))~~ the owner may, within five (5) working days of receipt of the  
858 declaration, or with five (5) working days of the publication of the declaration, request a  
859 hearing by submitting a written appeal to the Animal Protection and Control program.



860 The Animal Protection and Control program will schedule an appeal hearing before a  
861 hearing officer. The program will prepare the findings and submit them to the appellant  
862 and the hearing officer.

863 ~~((a) The owner may, within five (5) working days of receipt of the declaration, or within~~  
864 ~~five (5) working days of the publication of the declaration, request a hearing by submitting~~  
865 ~~a written appeal to the animal control department.~~

866 ~~(b) If the hearing body finds that there is insufficient evidence to support the declaration, it~~  
867 ~~shall be rescinded, and the restrictions imposed thereby annulled.~~

868 ~~(c) If the hearing body finds sufficient evidence to support the declaration, it may impose~~  
869 ~~additional restrictions on the animal.))~~

870 If the hearing officer finds the declaration of the designated program:

871 (a) is not supported by a preponderance of the evidence, the hearing examiner shall  
872 reverse the declaration, including assessment costs or civil penalties.

873 (b) is supported by a preponderance of the evidence, the declaration shall be affirmed and  
874 all costs and civil penalties will be assessed in accordance with this chapter.

875 (5) Following service of a declaration, and pending appeals under this section, the ~~((animal~~  
876 ~~control department))~~ Animal Protection and Control program may, if circumstances  
877 require, impound the dog at the owner's expense, pursuant to the provisions of this title.

878 **Section 33. Amendatory.**

879 Sec. 17 of Ord. 1987-11-37 as most recently amended by Sec. 1 (Att. A) of Ord. 2009-03-02 and  
880 codified as CCC 8.18.060 is each amended to read:

881 **8.18.060 Dangerous dogs—Additional requirements.**

882 (1) The ~~((animal control department))~~ Animal Protection and Control program shall issue a  
883 license to the owner of a dangerous dog only if the owner presents to the ~~((animal control~~  
884 ~~department))~~ Animal Protection and Control program sufficient evidence of:

885 (a) A proper enclosure to confine a dangerous dog and the posting of the premises with a  
886 clearly visible warning sign that there is a dangerous dog on the property. In  
887 addition, the owner shall conspicuously display a sign with a warning symbol that  
888 informs children of the presence of a dangerous dog; and

889 (b) A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form  
890 acceptable to the ~~((animal control department))~~ program in the sum of at least two-  
891 hundred fifty-thousand dollars (\$250,000), payable to any person injured by the  
892 dangerous dog; or

893 (c) A policy of liability insurance, such as homeowner's insurance, issued by an insurer  
894 qualified under RCW Title 48 in the amount of at least two-hundred fifty-thousand

895 dollars (\$250,000), insuring the owner for any personal injuries inflicted by the  
896 dangerous dog.

897 (d) Evidence that the labeled dog has been implanted with a microchip and placed on the  
898 local and national registry, at the owner's expense, must be submitted to the office of  
899 animal control. This must be accomplished within five (5) days after receipt of the  
900 dangerous (~~(or potentially dangerous)~~) dog declaration issued by the Clark County  
901 (~~(animal control)~~) Animal Control representative.

902 (2) The owner of a dangerous dog shall not permit the dog to be outside the proper enclosure  
903 unless the dog is muzzled and restrained by a substantial chain or leash and under physical  
904 restraint of a responsible person. The muzzle shall be made in a manner that will not cause  
905 injury to the dog or interfere with its vision or respiration but shall prevent it from biting  
906 any person or animal.

907 (3) Owners of Potentially Dangerous dogs shall provide evidence that the labeled dog has been  
908 implanted with a microchip and placed on the local and national registry at the owner's  
909 expense. This evidence must be submitted within five (5) days after receipt of the  
910 potentially dangerous dog declaration issued by the Clark County Animal Control  
911 representative.

912 **Section 34. Amendatory.**

913 Sec. 18 of Ord. 1987-11-37 as most recently amended by amended by Sec. 21 of Ord. 1993-08-  
914 13A and codified as CCC 8.18.070 is each amended to read:  
915

916 **8.18.070 Penalties.**

917 Notwithstanding the provisions of this code, and in addition to the penalties prescribed therein:

918 (1) Any dangerous dog may be immediately confiscated if:

919 (a) The dog is not validly licensed under Section 8.18.030 of this chapter;

920 (b) The owner does not secure and maintain the liability insurance coverage required  
921 under Section 8.18.060;

922 (c) The dog is not maintained in a proper enclosure;

923 (d) The dog is outside of the dwelling of the owner, or outside of the property enclosure  
924 and not under physical restraint of the responsible person.

925 In addition, the owner shall be guilty of a gross misdemeanor pursuant to Chapter 16.08 RCW.  
926 The owner of any dog confiscated under this subsection may recover such dog from the (~~(animal~~  
927 ~~control department)~~) Animal Protection and Control program upon the payment of a civil fine  
928 which shall be in the amount of two-hundred fifty dollars (\$250) plus (~~(ten dollars (\$10) per~~  
929 ~~day)~~) impoundment fees as outlined in 8.19.060 for each day said dog has been in the control of  
930 the (~~(animal control department)~~) Animal Protection and Control program; PROVIDED,

931 HOWEVER, that in the event the owner has not picked up the dangerous dog within ten (10)  
932 days of being notified by the ~~((animal control department))~~ Animal Protection and Control  
933 program that such dog is under the control of such ~~((department))~~ program, the dog shall be  
934 destroyed in an expeditious and humane manner.

935 (2) If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a  
936 person or domestic animal, the dog's owner is guilty of a Class C felony, pursuant to  
937 Chapter 16.08 RCW. In addition, the dangerous dog shall be immediately confiscated by  
938 an animal control officer, placed in quarantine for the proper length of time, and thereafter  
939 destroyed in an expeditious and humane manner.

940 (3) The owner of any dog that aggressively attacks and causes severe injury or death of any  
941 human, regardless of whether there has been any previous determination of whether such  
942 dog is potentially dangerous or dangerous, shall be guilty of a Class C felony pursuant to  
943 Chapter 16.08 RCW. In addition, the dog shall be immediately confiscated by an animal  
944 control officer, placed in quarantine for the proper length of time, and thereafter destroyed  
945 in an expeditious and humane manner.

946 (4) The foregoing provisions for humane destruction of dogs shall be subject to the appeal  
947 process of Section 8.19.080; PROVIDED, that a written appeal is filed with the ~~((animal~~  
948 ~~control department))~~ Animal Protection and Control program within five (5) days of the  
949 impoundment.

950 **Section 35. Amendatory.**

951 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 2 of Res. 2000-08-12 and codified  
952 as CCC 8.19.010 is each amended to read:

953 **8.19.010 Enforcement—General.**

954 (1) The manager of the ~~((animal control division))~~ Animal Protection and Control program and  
955 his authorized personnel are authorized to take such lawful action, including but not  
956 limited to the issuance of criminal citations and notices of civil violation, as may be  
957 required to enforce the provisions of this title and the laws of the state of Washington as  
958 they pertain to animal cruelty, shelter, welfare and control. PROVIDED, only animal  
959 control personnel who are specially deputized pursuant to Section 8.01.040 may issue  
960 criminal citations.

961 (2) The manager of the program and/or their authorized personnel, while pursuing any animal  
962 observed by them to be in violation of this chapter may enter upon private property except  
963 any private residence for the purpose of abating the animal violation being pursued. Entry  
964 into a building designated and used for private purposes may be accomplished only upon  
965 issuance of a search or arrest warrant from a court of competent jurisdiction based on a  
966 showing of probable cause, meaning that the officer is aware of credible facts that show  
967 more likely than not that a violation exists in the subject building.

968 (3) No person shall deny, prevent or obstruct the manager of the program, an animal control  
969 officer or other employee appointed or contracted by the program from enforcing any  
970 provision of this title.

971 **Section 36. Amendatory.**

972 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 20 of Ord. 1987-11-37 and  
973 codified as CCC 8.19.020 is each amended to read:

974 **8.19.020 Misdemeanor.**

975 (a) Any of the following violations of this title is a misdemeanor punishable upon conviction  
976 by not more than ~~((one (1) year))~~ ninety (90) days in jail and/or a fine not to exceed one  
977 thousand dollars (\$1,000):

978 (1) Section 8.07.300 (wild animals);

979 (2) Section 8.11.060 (nuisances);

980 (3) Section 8.11.070 (cruelty);

981 (4) Section 8.11.071 (duty when striking with motor vehicle);

982 (5) Section 8.19.010 (obstruction);

983 (6) Section 8.19.070 (failure to respond to notice);

984 (7) Section 8.19.140 (rabies control).

985 (b) Any violation of any other provision of this title shall be a misdemeanor punishable by a  
986 fine of not more than one thousand dollars (\$1,000).

987 **Section 37. Amendatory.**

988 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 21 of Ord. 1987-11-37 and  
989 codified as CCC 8.19.030 is each amended to read:

990 **8.19.030 Civil penalty.**

991 In addition to or as an alternative to any other penalty provided herein or by law, any person  
992 whose animal or facility regulated herein is maintained in violation of this title shall incur a civil  
993 penalty as provided in Section 8.19.070.

994 The civil penalty provided in this chapter shall generally be applied to first violations or other  
995 violations when deemed effective. The criminal penalty shall be used when, in opinion of the  
996 prosecuting attorney, in consultation with the animal control ~~((director))~~ manager, the civil  
997 remedy will not be effective, timely, or when the violation is a second or subsequent violation.

998 **Section 38. Amendatory.**

999 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 22 of Ord. 1993-08-13A and  
1000 codified as CCC 8.19.040 is each amended to read:

1001 **8.19.040 Impoundment.**

1002 The (~~county animal control department~~) Clark County Animal Protection and Control program  
1003 may apprehend any animal found doing or involved in any of the acts defined as a public  
1004 nuisance and/or being subjected to cruel treatment as defined by law. After such animals are  
1005 apprehended, the (~~county animal control department~~) program shall determine whether they are  
1006 licensed or otherwise identifiable, and, if reasonably possible, return the animal to the owner,  
1007 together with a notice of violation of the code. If it is not reasonably possible to immediately  
1008 return the animal to its owner, the (~~county animal control department~~) program shall notify the  
1009 owner of the animal within a reasonable time by telephone, email, mail, direct personal contact  
1010 or posting at the residence of owner that the animal has been impounded and may be redeemed at  
1011 the designated animal holding facility.

1012 Any unlicensed animal impounded pursuant to this title shall be held for at least seventy-two  
1013 (72) hours commencing with apprehension. For licensed animals, the holding period shall be at  
1014 least one hundred twenty (120) hours commencing upon notification to the owner of such  
1015 impoundment. If reasonable attempts have been made by the appropriate authority to notify said  
1016 owner but without success, the licensed animal shall be held for at least one hundred twenty  
1017 (120) hours from the time of apprehension. All impound periods shall continue to run during  
1018 those hours when the designated impound facility is not open for business. Any animal not  
1019 redeemed by its owner during the prescribed period may be humanely destroyed or placed for  
1020 adoption to a new owner. Should the original owner wish to redeem an animal that has been  
1021 held, he shall first be required to pay all redemption costs as outlined in this chapter. The use of a  
1022 payment plan may, at the discretion of the (~~director~~) manager of animal control, be used.

1023 Should the original owner wish to redeem an unlicensed dog or cat that has been held, in addition  
1024 to paying the required redemption costs as outlined in this chapter, he shall be required to  
1025 purchase the appropriate license at the time of redemption. If required rabies or spay/neuter  
1026 information is lacking, the licensing fee shall be accepted and the application processed in  
1027 accordance with Sections 8.07.070 and 8.07.250.

1028 Should the animal be suffering from serious injury or disease that would endanger the other  
1029 sheltered animals or cause the animal to endure unnecessary pain and suffering if left untreated  
1030 for at least twenty-four (24) hours as determined by a licensed veterinarian, or continues to act in  
1031 a feral manner after a reasonable observation period, the (~~animal control department~~) program  
1032 or its employees or agents, the animal may be destroyed prior to the expiration of the required  
1033 holding period. Such cases shall be documented on the animal custody report.

1034 No live animals shall be used, sold or donated for experimental purposes. The owner of any  
1035 animal impounded pursuant to the provisions of this title may recover said animal pursuant to the  
1036 provisions of Section 8.19.060; provided, that redemption may be denied pursuant to Section  
1037 8.19.120 or to an owner who has cruelly treated such animal as defined in Section 8.11.070.

1038 Animals delivered for impoundment by a police officer who removed such animal from the  
1039 possession of a person in the custody of the police officer shall be held for the period prescribed  
1040 in this section. An impoundment receipt shall be given to the police officer who shall deliver  
1041 such receipt to the person in custody from whom the animal was taken. The impoundment

1042 receipt shall recite redemption requirements and shall serve as the notice to the owner required in  
1043 this chapter.

1044 The above return and notification requirements shall not apply to any animal that is deemed  
1045 abandoned under the provisions of Chapter 16.54 RCW. For purposes of this section, such  
1046 animal shall be deemed to be without owner.

1047 **Section 39. Amendatory.**

1048 Sec. 1 of Res. 1981-04-108 as most recently amended by Section 6 of Ord. 2011-04-06 and  
1049 codified as CCC 8.19.070 is each amended to read:

1050 **8.19.070 Notices of violation and/or abatement.**

1051 (1) Whenever a county (~~(animal protection and control)~~) Animal Protection and Control officer  
1052 has reasonable grounds to believe that an animal or facility is violating or being  
1053 maintained in violation of this title, they shall be authorized to issue to the violator a  
1054 notice of violation or an abatement notice containing:

1055 (a) The name and address, if known, of the owner or person in violation of the resolution  
1056 codified herein;

1057 (b) A statement that the animal control officer has found the animal or facility to be  
1058 maintained illegally, with a brief description of the violation;

1059 (c) A statement assessing a civil penalty for each violation, which penalty(ies) shall be  
1060 paid to the county within thirty (30) days from the date of issuance. The penalties  
1061 assessed against the violations grouped as below within any twelve (12) month  
1062 period will be as follows:

Violation	1st Offense	2nd Offense	3rd Offense
Unlicensed animal 8.07.010 & .200	\$100.00*	\$200.00	\$400.00
Nuisance violations 8.11.060			
(1) Noise	100.00	200.00	400.00
(2) Property damage	100.00	200.00	400.00
(4) Threatening	100.00	200.00	400.00
(7) <u>Running at Large</u>	<u>100.00</u>	<u>200.00</u>	<u>400.00</u>
(12) Health code	100.00	200.00	400.00
(13) Vicious	<del>((100.00))</del> \$150.00	<del>((200.00))</del> 300.00	<del>((400.00))</del> 600.00
(14) Possessing wildlife	100.00	200.00	400.00
(18) Injury	100.00	200.00	400.00
Quarantine violations	100.00	200.00	400.00

8.19.140/((Obstructing an officer 8.19.010(3)))			
Cruelty to animals 8.11.070	250.00	500.00	1,000.00
Facility violations 8.07.100 to 8.07.190; Chapter 8.11	100.00	200.00	400.00
All other violations	100.00	200.00	400.00
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%		

1063 At the discretion of the manager of the ((~~animal protection and control~~)) Animal Protection and  
1064 Control program or if there is a financial inability to pay, any penalty, or portion thereof,  
1065 imposed as described above may be converted to community service hours. The community  
1066 service hours will be administered by the Clark County ((~~corrections department~~)) Corrections  
1067 Department. The Clark County ((~~corrections department~~)) Corrections Department will convert  
1068 the dollar amount indicated by the manager of the ((~~animal protection and control~~)) Animal  
1069 Protection and Control program to a certain number of hours of community service to be worked  
1070 based upon the prevailing conversion rate that the ((~~corrections department~~)) Corrections  
1071 Department credits dollar amounts of fines into community service hours. ((~~\*The first violation~~  
1072 ~~for an unlicensed animal will have the civil penalty automatically reduce fifty percent (50%) if~~  
1073 ~~compliance is complete within ten (10) business days of the date of the violation.~~))

1074 At the discretion of the manager of the ((~~animal protection and control~~)) Animal Protection and  
1075 Control program or ((his)) their authorized personnel, any civil penalty(ies) not paid within thirty  
1076 (30) days from the date of issuance of the notice of violation may be assigned to a collection  
1077 agency for collection;

1078 (d) A statement setting out any order of abatement and a reasonable period during which  
1079 to comply as determined by the animal control officer;

1080 (e) A statement advising that if any required abatement, or other corrective action, is not  
1081 complete within the time specified, or any civil penalty is not timely paid, the animal  
1082 control officer shall report such noncompliance to the office of the prosecuting  
1083 attorney, which shall have authority to issue a criminal citation, charging such person  
1084 with violation of this title, and that the ((~~animal protection and control~~)) Animal  
1085 Protection and Control program may take such other recourse as is provided for  
1086 within this title;

1087 (f) A statement that the determination of violation or imposition of any penalty may be  
1088 appealed by filing written notice of appeal with the manager of the ((~~animal~~  
1089 ~~protection and control~~)) Animal Protection and Control within twenty (20) days of  
1090 service of the notice of violation;

1091 Unpaid penalties must reach the Animal Protection and Control program within 30 of  
1092 service of notice of violation. Unpaid penalties shall double in amount after 30 days  
1093 from service and triple if unpaid 60 days from service.  
1094

1095 (g) The notice of violation or abatement notice and order shall be served on the owner or  
1096 keeper of the animal or facility in violation of this title either personally or by  
1097 mailing a copy of such notice by certified mail, postage prepaid, return receipt  
1098 requested, to the person at his last known address.

1099 Proof of personal service of the notice shall be made at the time of service by a written  
1100 declaration under penalty of perjury executed by the person effecting service, declaring time,  
1101 date and manner in which service was made;

1102 (h) A notation stating that failure to respond to this notice of violation and/or abatement  
1103 notice by timely payment of civil penalties, timely compliance with the abatement  
1104 notice, timely performance of the community service hours, or timely appeal is a  
1105 misdemeanor punishable as provided for in Section 8.19.020.

1106 (2) Notices of violation issued for violations of the pet licensing requirement as set forth in  
1107 Sections 8.07.010 and 8.07.020 may be dismissed by the ~~((director))~~ manager of the  
1108 ~~((animal control department))~~ program upon proof that the required pet license(s) have  
1109 been obtained within ten (10) days of service of the notice(s) of violation. The first  
1110 violation for an unlicensed animal will have the civil penalty automatically waived if  
1111 compliance is complete within ten (10) days of the date of the violation.

1112 (3) Any person who has been issued a notice of violation or order to abate pursuant to this  
1113 chapter and who ~~((willfully))~~ willfully fails to respond to the notice of civil violation by  
1114 either the payment of the civil penalty and all late payment penalties within ninety (90)  
1115 days of issuance or to the order to abate by compliance therewith within the time specified  
1116 in the order, or by the timely filing of a notice of appeal shall be guilty of a misdemeanor  
1117 regardless of the disposition of the notice of violation or order to abate.

1118 **Section 40. Amendatory.**

1119 Sec. 1 of Res. 1981-04-108 as most recently amended by Secs. 7, 8 of Ord. 2011-04-06 and  
1120 codified as CCC 8.19.080 is each amended to read:

1121 **8.19.080 Appeals.**

1122 (1) Any person appealing a determination under this title shall file in writing with the manager  
1123 of the ~~((animal protection and control))~~ Animal Protection and Control program and  
1124 within thirty (30) days, or the period otherwise provided in this title, of the notice of  
1125 adverse action, a written appeal containing:

1126 (a) The names, email addresses and telephone numbers of all appellants participating in  
1127 the appeal;



- 1128 (b) A brief statement setting forth the action protested and reasons why it is claimed the  
1129 protested action should be reversed, modified or otherwise set aside;
- 1130 (c) The signatures of all parties named as appellants and their official mailing addresses;
- 1131 (d) The verification (by declaration under penalty of perjury) of at least one (1) appellant  
1132 as to the truth of the matters stated in the appeal; and
- 1133 ~~((e) The verification of payment of the filing fee of twenty-five dollars (\$25.00).))~~
- 1134 (2) Upon filing an appeal, a place and time for hearing shall be set by the ~~((director))~~ manager  
1135 of the ~~((animal control department))~~ program. If, for whatever reason, the appellant is  
1136 unable to attend the hearing on the date set by the ~~((director))~~ manager of the ~~((animal~~  
1137 ~~control department))~~ program, the hearing may be rescheduled one (1) time only, only if  
1138 such a request is received prior to three (3) working days before the hearing date. Failure  
1139 to provide three (3) working days' notice of request for cancellation, and subsequent  
1140 failure to attend the hearing, will result in the assessment of costs related to the  
1141 conducting of the hearing in addition to civil penalty as stated on the notice of violation.  
1142 Additional rescheduling of appeals may only occur upon payment of a fee of thirty-five  
1143 dollars (\$35) related to the cost of the conducting of the hearing. Appeals may only be  
1144 rescheduled two (2) times.
- 1145 (3) Failure of any person to file an appeal in accordance with this section, or failure of any  
1146 person who has filed an appeal to attend the scheduled hearing, shall constitute a waiver  
1147 of his right to an administrative hearing and the actions of the animal control officer(s)  
1148 will be upheld. In the event of any person who has filed an appeal but fails to attend the  
1149 scheduled hearing, the costs related to the scheduling of the hearing will be assessed him  
1150 in addition to the civil penalty(ies) as stated on the notice of violation.
- 1151 (4) Enforcement of any violation notice issued under this chapter shall be stayed during the  
1152 pendency of an appeal, except the impoundment of an animal which is vicious or cruelly  
1153 treated.
- 1154 (5) The hearings examiner appointed pursuant to Section 8.19.170 shall hear all appeals under  
1155 this chapter.
- 1156 (6) The appointed hearings examiner shall have the power and authority to make all final  
1157 determinations in matters brought before it under this title including the authority to alter,  
1158 modify, reverse or affirm the violations appealed from. The ~~((director))~~ manager of the  
1159 ~~((animal control department))~~ program and his officers shall have the burden of proving  
1160 the violation, which burden shall be met by a preponderance of the evidence.
- 1161 (7) A copy of the final order shall be mailed to the appellants within three (3) days, exclusive  
1162 of Saturdays, Sundays and holidays, following the entering of a written order under this  
1163 section.

1164 (8) An order by the hearing authority relating to an appeal under this section shall be final and  
1165 conclusive unless within ten (10) days from the date thereof any party of record makes  
1166 application to a court of competent jurisdiction.

1167 (9) A person may not appeal those notices of violation issued for unlicensed pets (Sections  
1168 8.07.010 and 8.07.200); determination of these violations may be resolved as set forth in  
1169 Section 8.19.070(2).

1170 ~~((10) The appellant who does not prevail is liable to pay one-half (1/2) of all costs for the  
1171 hearing and the hearing examiner.))~~

1172 **Assessment of costs for frivolous appeals.**

1173 Upon motion from the investigating Animal Control Officer, the hearings examiner may assess  
1174 the appellant the costs of an appeal hearing under this chapter, including, but not limited to, the  
1175 hearing examiner's fees and reasonable costs of staff time, if they find the appeal was frivolous.  
1176 As used in this section, a "frivolous appeal" is an appeal that cannot be supported by any rational  
1177 argument of the law or facts.

1178

1179 **Section 41. Amendatory.**

1180 Sec. 1 of Res. 1981-04-108 codified as CCC 8.19.090 is amended to read:

1181 **8.19.090 Personal obligation.**

1182 The civil penalty and costs of abatement are personal obligations of the animal owner. The  
1183 prosecuting attorney on behalf of the county may collect the civil penalty and abatement costs by  
1184 use of appropriate legal remedies. In cases of small claims, the county ~~((animal control agency))~~  
1185 Animal Protection and Control program shall be authorized to collect such costs, fees~~((;))~~ and  
1186 penalties~~((, as shall be owing))~~ owed.

1187 **Section 42. Amendatory.**

1188 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 33 of Res. 1984-12-65 and  
1189 codified as CCC 8.19.110 is amended to read:

1190 **8.19.110 Compromise, settlement and disposition of suits.**

1191 The prosecuting attorney is authorized to enter into negotiations with the parties or their legal  
1192 representatives named in a lawsuit involving any provision of this title for the collection of civil  
1193 penalties to negotiate a settlement, compromise or otherwise dispose of a lawsuit when to do so  
1194 will be in the best interests of the county; PROVIDED, that a report shall be submitted to the  
1195 board and to the animal control ~~((director))~~ manager in any instance where a compromise  
1196 settlement is negotiated.

1197 **Section 43. Amendatory.**

1198 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 21 of Ord. 1985-12-06 and  
1199 codified as CCC 8.19.120 is amended to read:

1200 **8.19.120 Habitual violator.**

1201 In addition to any legal remedy available under the provisions of this title, the county ~~((animal~~  
1202 control department)) Animal Protection and Control program may personally notify and direct in

1203 writing the owner of any animal which is the subject of more than three (3) separate notices of  
1204 violation or abatement notices in any twelve (12) month period to abate and remove said animal  
1205 from the county within ninety-six (96) hours from the date of said notice, or in the alternative, to  
1206 abate and transfer ownership and possession of said animal to another person not living at the  
1207 same place of residence. Such notice to abate shall state the method of appealing the order which  
1208 shall be in the manner provided for in Section 8.19.080, except that any appeal must be filed  
1209 before closure of the (~~animal control department~~) program's office on the second business day  
1210 following service of the notice. If such animal is found in violation of the abatement notice after  
1211 ninety-six (96) hours have elapsed from the date of notice, or the date of affirmance of such  
1212 order if a timely appeal is filed, said animal shall be abated and removed by the (~~animal control~~  
1213 ~~department~~) program by impoundment, subject to all impoundment procedures; PROVIDED,  
1214 HOWEVER, said animal may not be returned to the same residence or property from which it  
1215 was impounded or where it resided.

1216 **Section 44. Amendatory.**

1217 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 26 of Ord. 1987-11-37 and  
1218 codified as CCC 8.19.140 is amended to read:

1219 **8.19.140 Rabies control.**

1220 (1) It is unlawful to own, keep or harbor any species of animals designated as unlawful by the  
1221 Washington State Department of Health pursuant to WAC 248-100-450(1) by reason of  
1222 such species being a transmitter or rabies to human beings, including any skunk, fox or  
1223 raccoon, except under circumstances permitted by said WAC 248-100-450(1), which is  
1224 incorporated herein by reference.

1225 (2) In the event that any animal has bitten a human being, the (~~department~~) Animal Protection  
1226 and Control program may quarantine such animal for a period of up to fourteen (14) days.  
1227 In the event that the (~~animal control department~~) program has reason to suspect that an  
1228 animal is rabid, the appropriate officials of the Southwest Washington Health District  
1229 shall be notified and the (~~animal control department~~) program shall coordinate any  
1230 further activities with said health district. Said health district shall have jurisdiction over  
1231 any matter possibly involving rabies. WAC 248-100-450 and 248-100-451 and 248-100-  
1232 452, together with amendments thereto, are incorporated herein by reference and prevail  
1233 over any conflicting provision of this title in any suspected rabies matter.

1234 (3) Quarantine is defined as the keeping of a biting animal or the suspected biting animal  
1235 separate and apart from other animals and people for a period of up to fourteen (14) days.  
1236 The animal must not be kept in any area that is accessible to other animals or persons, but  
1237 may be kept indoors, caged, or confined in a completely fenced yard by a chain or secure  
1238 harness device. Should the quarantine be broken, the animal may be impounded and held  
1239 in the animal shelter or other suitable location at owner expense for the remainder of the  
1240 quarantine period. Redemption is subject to payment of any fees allowable under this title.

1241 **Section 45. Amendatory.**

1242 Sec. 1 of Res. 1981-04-108 as most recently amended by Sec. 1 (Att. A) of Ord. 2009-03-02 and  
1243 codified as CCC 8.19.150 is amended to read:

1244 **8.19.150 Dead/injured animals.**  
1245 The ~~((director))~~ manager of the ~~((animal control department))~~ Animal Protection and Control  
1246 program, upon request, shall have the authority to assess a fee for the picking up, and disposing  
1247 of or caring for, any dead or injured animal not provided for in Chapter 8.03 of this title from  
1248 private property; PROVIDED, HOWEVER, that said fee be reasonably commensurate with the  
1249 related actual costs. The assessment may be made against the animal's owner if such can be  
1250 determined, or against the owner of the property upon which the animal is found, or both

1251 **Section 46. Amendatory.**

1252 Sec. 1 of Res. 1981-04-108 codified as CCC 8.19.160 is amended to read:

1253 **8.19.160 Legal or equitable relief.**

1254 The ~~((director))~~ manager of the Clark County ~~((animal control department))~~ Animal Protection  
1255 and Control program, in addition to the use of any other remedy herein set out, may seek legal or  
1256 equitable relief to enjoin acts or practices and abate any conditions which constitute a violation  
1257 of this title or other regulations here adopted.

1258 **Section 47. Amendatory.**

1259 Sec. 38 of Res. 1984-12-65 codified as CCC 8.19.180 is amended to read:

1260 **8.19.180 Hearings officer—Powers and duties.**

1261 The hearings officer shall hear appeals from any civil violations, abatement notices or other  
1262 actions due to the enforcement of this title. The hearings officer shall have the authority to act as  
1263 does the hearings tribunal. Final orders shall be sent to the ~~((director))~~ manager of the ~~((animal~~  
1264 ~~control department))~~ Animal Protection and Control program within two (2) business days of the  
1265 appeal hearing.

1266 **Section 48. Amendatory.**

1267 Sec. 27 of Ord. 1987-11-37 codified as CCC 8.19.190 is amended to read:

1268 **8.19.190 Police dogs.**

1269 All police dogs ~~((and all dogs being trained as police dogs))~~ currently owned by law enforcement  
1270 agencies shall be exempt from all provisions of this title, with the exception of Section 8.19.140  
1271 (Rabies Control). If a police dog is required by Section 8.19.140 to be quarantined, such dog will  
1272 be remanded to the control of its handler. Police dogs so controlled may be used in the line of  
1273 duty. All police dogs ~~((and all dogs being trained as police dogs))~~ shall be exempt from all  
1274 licensing fees, but such dogs shall be registered.

1275 **Section 49. Instructions to Clerk.**

1276 The Clerk to the Board shall:

- 1277 1. Record a copy of this ordinance with the Clark County Auditor.
- 1278 2. Transmit a copy of this ordinance to the State Department of Commerce within ten  
1279 days of its adoption.
- 1280 3. Cause notice of adoption of this ordinance to be published forthwith pursuant to  
1281 RCW 36.70A.290.

1282  
1283  
1284

4. Transmit a copy of this ordinance to Code Publishing, Inc. to update the electronic version of the Clark County Code.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Attest:

BOARD OF COUNTY COUNCILORS  
CLARK COUNTY, WASHINGTON

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Marc Boldt, Chair

Approved as to form only:  
ANTHONY F. GOLIK  
Prosecuting Attorney

By: \_\_\_\_\_  
Jeanne E. Stewart, Councilor

By: \_\_\_\_\_  
Prosecuting Attorney

By: \_\_\_\_\_  
Julie Olson, Councilor

By: \_\_\_\_\_  
David Madore, Councilor

By: \_\_\_\_\_  
Tom Mielke, Councilor

1282  
1283  
1284

- 4. Transmit a copy of this ordinance to Code Publishing, Inc. to update the electronic version of the Clark County Code.

ADOPTED this 29<sup>th</sup> day of Nov, 2016.

Attest:

Rebecca J. Hor  
Clerk to the Board

Approved as to form only:  
ANTHONY F. GOLIK  
Prosecuting Attorney

By: [Signature]  
Prosecuting Attorney

BOARD OF COUNTY COUNCILORS  
CLARK COUNTY, WASHINGTON

By: [Signature]  
Marc Boldt, Chair

By: \_\_\_\_\_  
Jeanne E. Stewart, Councilor

By: \_\_\_\_\_  
Julie Olson, Councilor

By: \_\_\_\_\_  
David Madore, Councilor

By: \_\_\_\_\_  
Tom Mielke, Councilor

