



## Clark County Code, Title 8

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### 8.01.020 Definitions

As used in this title:

(4) "Animal" means any member of the classes reptile, bird or mammal, except man.

(7) "Animal shelter" means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals, and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

(12) "Facility" means any premises used to conduct an animal shelter or animal-related business such as grooming, breeding, boarding, sale or training of domestic, exotic and/or guard animals, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians.

(13) "Grooming parlor" means any establishment where animals are bathed, clipped or combed for a valuable consideration for the purpose of enhancing their aesthetic value.

(16) "Kennel" means either

- (a) any premises used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, boarding or training of dogs;
- (b) any premises at which ten (10) or more adult dogs are kept for any purpose, including animal shelters, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians;
- (c) any premises where offspring puppies or adult dogs are sold to commercial outlets or are sold for research or experimental purposes;
- (d) any premises where offspring from three (3) or more litters per twelve (12) month period are sold or traded, exchanged or bartered for a valuable consideration or joint ownership purpose;
- (e) any premises used as the location for the training of dogs for obedience, hunting, protection, etc., (if the address is different from the office address,) or the premises are used as a combination office/training location, EXCEPT, if the training site is property belonging to a recognized school district, municipal body or not-for-profit organization.

(23) "Person" means any individual, partnership, corporation or other legal entity.

(24) "Pet shop" means an establishment where animals bred elsewhere are offered for sale to the public.

### 8.07.100 Facility licenses—Requirement

It is unlawful for any person to own, maintain or operate a facility as defined in Section 8.01.020 unless such person has obtained the applicable license as provided hereinafter. If there is a change in the ownership of any such facility, the new owner shall have the license transferred to his name upon receipt of a new updated application and payment of a twenty-five dollar (\$25) transfer fee.

### 8.07.110 Facility licenses—Application

Any person making application for a facility license shall submit to the animal control department the following information:

1. The name, address and phone number of the owner of such facility;
2. The name, address and phone number of the person having primary supervision of such facility;
3. The address or location and phone number of such facility;
4. The maximum number of animals which such facility will contain at any single time;
5. The name and address of the person designated by the applicant as agent for service of legal process or notice;
6. A statement giving permission for the inspection of such facility at any reasonable time;

### 8.07.120 Facility licenses—Fees and late penalties

The application for a facility license shall be accompanied by a fee as follows:

Kennel \$150.00  
Grooming parlor 75.00  
Pet shop 100.00  
Training facility 50.00  
Combination facility (any combination of the above) not to exceed a total of 200.00  
Animal shelter 75.00  
All other facilities 75.00  
Late penalty fee 1/2 the applicable amount  
Transfer fee 25.00

The late penalty fee of fifty percent (50%) of the license fee shall be assessed if the license is not applied for within thirty (30) days of its due date. Payment of this penalty shall not preclude the imposition of any additional penalties prescribed in Chapter 8.19 of this title. Payment of any outstanding civil penalties imposed under Chapter 8.19 shall be a prerequisite to licensing.

#### **8.07.130 Facility licenses—Processing**

Upon application for a facility license, the animal control department shall inspect the proposed facilities.

#### **8.07.140 Facility licenses—Display**

The license issued for a facility shall be posted in a conspicuous place upon the premises where such facility is located.

#### **8.07.150 Facility licenses—Expiration and renewal**

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

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

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

#### **8.07.170 Facility licenses—Inspections.**

Subject to Section 8.19.010, an animal control officer or an agent designated by the animal control department shall have the authority to enter and inspect a facility licensed pursuant to this chapter at reasonable times to determine whether such facility is being operated in compliance with the provisions of this title and other applicable laws, rules and regulations.

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

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

#### **8.07.190 Facility licenses—Incomplete applications**

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

- (a) Incorrect Amounts. When the amount sent is incorrect, notification shall be sent to the applicant to send the correct amount within thirty (30) days, or the fee will be forfeited and the application voided. A new application and fee shall then be required. No license shall be issued until the full fee amount is received.
- (b) New Businesses - Missing zoning compliance certificate. When the applicant has failed to submit the certificate of zoning compliance, notification shall be sent to request the certificate within thirty (30) days or the application will be voided and the fee forfeited. If the thirty (30) day period has elapsed, a new application and fee shall be required.
- (c) Pre-existing use pending zoning or legal review.
  - (1) An applicant who has maintained a facility for six (6) months or more without having first obtained a certificate of zoning compliance may have a temporary license issued pending compliance with Clark County's zoning regulations. Should the applicant be unable to obtain the certificate of zoning compliance, the fee paid shall be reimbursed on a prorated basis.
  - (2) A temporary license shall not be issued for a facility maintained for less than six (6) months.
- (d) Appeals. Any decision made concerning the type of facility licensed and thus the fee charged may be appealed by the applicant as outlined in Section 8.19.080, by using the facility license number as the citation or violation number. Should the appeal be in favor of the appellant, the excess of the facility license fee shall be refunded to the applicant, from the date the appeal was filed on a prorated monthly basis.
- (e) Any monies from the initial application fees that cannot be processed shall be deposited into a special revenue account in the animal control fund as a special revenue item at the end of the forfeiture period. Nonforfeited amounts shall be deposited into the facility license fees category when correct fees are received. All refunds are to be made from the facility license fee revenue account upon completion of a completed and approved refund request form.

#### **8.11.010 Facilities—General conditions**

Animal shelters, kennels and pet shops shall meet the following conditions:

- (1) Animal housing facilities shall be provided the animals, shall be structurally sound, shall be maintained in good repair, and shall be designed so as to protect the animals from injury and restrict the entrance of other animals.
- (2) Each animal shall be provided with adequate floor space to allow such animal to turn about freely and to easily stand, sit and lie in a comfortable normal position.
- (3) Any electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating and lighting as may be required by this chapter.
- (4) Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.
- (5) Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.
- (6) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.
- (7) Washroom facilities, including sinks and toilets, with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.
- (8) Sick, diseased or injured animals shall be separated from those appearing healthy and normal and if for sale, shall be removed from display and sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.
- (9) There shall be an employee or keeper on duty at all times during hours any store is open whose responsibility shall be the care and supervision of the animals in that shop or department held for sale or display.
- (10) \*An employee, keeper or owner shall make provision to feed, water and do the necessary cleaning of animals on days the store or establishment is closed.
- (11) \*No person shall misrepresent an animal to a consumer in any way.
- (12) \*No person shall knowingly sell a sick or injured animal without disclosing the sickness or injury to the purchaser.

- (13) \*Animals which are caged, closely confined or restrained shall be permitted daily, and for an appropriate length of time, as determined by their size, age and species, to exercise in a yard or area suitable for that purpose.

#### **8.11.020 Indoor facilities**

Animal shelters, kennels, and pet shops which have indoor facilities for animals shall:

- (1) Be sufficiently heated or cooled when necessary to protect the animals from temperatures to which they are not accustomed, taking into consideration their age, size and species.
- (2) Be adequately ventilated to provide for the health of the animals and to remove foul odors there from. The ventilation system so utilized shall be designed so that the volume of air within any enclosed indoor facility or part hereof shall be replaced by fresh air three or more times per hour. If ventilation equipment is used, it shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts.
- (3) Have ample light, either natural or artificial, or both, of good quality and well distributed to provide for such illumination as is necessary to inspect and clean during the entire working period. Such facilities shall be placed as to protect animals from excessive illumination. Sufficient lighting shall additionally be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers.
- (4) Have interior wall, ceiling and floor surfaces constructed of materials which are resistant to the absorption of moisture and odors, or such surfaces shall be treated with a sealant or with paint. Floor surfaces shall not be made of unsealed wood. Interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris.
- (5) Contain a suitable method of drainage to facilitate the rapid elimination of excess water under any weather or temperature condition from indoor housing facilities. Such system shall be connected to a sanitary sewer or septic tank system which shall conform with standards of county building codes: PROVIDED, this requirement shall not apply to pet shops. If drains are used, they shall be maintained in a clean and sanitary condition and a safe and effective disinfectant shall be used in the cleaning of such facilities.
- (6) Be maintained in a clean and sanitary condition, with the use of a safe and effective disinfectant in cleaning.

#### **8.11.030 Outdoor facility conditions**

Animal shelters, kennels and pet shops which have outdoor facilities for animals shall:

- (1) Be constructed to provide shelter from excessive sunlight, rain, snow, wind, heat, cold or other elements.
- (2) Be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein.
- (3) Contain a suitable system of drainage and be constructed to prevent an accumulation of water, mud, debris, excreta or other material and capable of being kept clean and sanitary and shall be so kept.
- (4) Be enclosed by walls or fences sufficient to keep animals within and to prevent entrance of other animals.

#### **8.11.040 Grooming parlors—Conditions**

Grooming parlors shall:

- (1) Not board animals, but keep said animals for a reasonable time in order to perform the business of grooming.
- (2) Keep each animal in an individual cage.
- (3) Not permit animals therein kept for the direct purpose of grooming to have contact with other animals kept therein.
- (4) Sanitize all equipment after each animal has been groomed.
- (5) Not prescribe treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010.
- (6) Not leave animals unattended during the drying process.
- (7) Take reasonable precautions to prevent injury from occurring to any animals while in the custody of said parlor.

### **8.11.050 Vaccination required**

Each pet shop shall cause each dog and cat owned or sold by it to receive current and proper immunization from disease. Such immunization shall consist of distemper, hepatitis, leptospirosis, parainfluenza, and for inoculation for dogs and, in addition, rabies inoculation for dogs and cats over six months of age. Immunization for cats shall consist of Rx, calici-panleutopenia, chlamydia, psittuci, rabies inoculation.

### **8.19.080 Appeals**

- (1) Any person appealing a determination under this title shall file in writing with the director of the animal control department and within thirty (30) days, or the period otherwise provided in this title, of the notice of adverse action, a written appeal containing:
  - (a) The names of all appellants participating in the appeal;
  - (b) A brief statement setting forth the action protested and reasons why it is claimed the protested action should be reversed, modified or otherwise set aside;
  - (c) The signatures of all parties named as appellants and their official mailing addresses;
  - (d) The verification (by declaration under penalty of perjury) of at least one (1) appellant as to the truth of the matters stated in the appeal.
- (2) Upon filing an appeal, a place and time for hearing shall be set by the director of the animal control department. If, for whatever reason, the appellant is unable to attend the hearing on the date set by the director of the animal control department, the hearing may be rescheduled one (1) time only, only if such a request is received prior to three (3) working days before the hearing date. Failure to provide three (3) working days' notice of request for cancellation, and subsequent failure to attend the hearing, will result in the assessment of costs related to the conducting of the hearing in addition to civil penalty as stated on the notice of violation. Additional rescheduling of appeals may only occur upon payment of a fee of thirty-five dollars (\$35) related to the cost of the conducting of the hearing.
- (3) Failure of any person to file an appeal in accordance with this section, or failure of any person who has filed an appeal to attend the scheduled hearing, shall constitute a waiver of his right to an administrative hearing and the actions of the animal control officer(s) will be upheld. In the event of any person who has filed an appeal but fails to attend the scheduled hearing, the costs related to the scheduling of the hearing will be assessed him in addition to the civil penalty(ies) as stated on the notice of violation.
- (4) Enforcement of any violation notice issued under this chapter shall be stayed during the pendency of an appeal, except the impoundment of an animal which is vicious or cruelly treated.
- (5) For the purpose of deciding appeals under this chapter, the board of county commissioners may designate the hearings officer (Section 8.19.170), the advisory board, or a subcommittee of the advisory board as provided for in Section 8.01.030, as an appeal hearings tribunal.
- (6) The board or its appointed hearings tribunal shall have the power and authority to make all final determinations in matters brought before it under this title including the authority to alter, modify, reverse or affirm the violations appealed from. The director of the animal control department and his officers shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence.
- (7) A copy of the final order shall be mailed to the appellants within three (3) days, exclusive of Saturdays, Sundays and holidays, following the entering of a written order under this section.
- (8) An order by the hearing authority relating to an appeal under this section shall be final and conclusive unless within ten (10) days from the date thereof any party of record makes application to a court of competent jurisdiction.
- (9) A person may not appeal those notices of violation issued for unlicensed pets (Sections 8.07.010 and 8.07.200); determination of these violations may be resolved as set forth in Section 8.19.070(