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SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 06-133

RELATING TO ANIMAL CONTROL ENFORCEMENT  
AMENDING CHAPTER 9.12 SNOHOMISH COUNTY CODE

BE IT ORDAINED:

Section 1. Snohomish County Code Section 9.12.020, adopted by resolution on July 9, 1973, is amended to read:

**9.12.020 Misdemeanor**

~~((Any))~~ Unless otherwise specifically provided herein, any violations of this title shall be deemed a misdemeanor and punishable under the provisions as set out in SCC 1.01.100.

Section 2. Snohomish County Code Section 9.12.060, last amended by Ordinance No. 97-020 on May 7, 1997, is amended to read:

**9.12.060 Enforcement – Nuisance - Abatement**

It shall be unlawful for any person, firm or corporation to own, keep, harbor and/or maintain any animal or to cause, allow, permit or participate in any of the following, which are, singly or together, ~~((defined as))~~ hereby declared to be a public nuisance:

(1) Frequent~~((:))~~ or repetitive ~~((-or-continuous))~~ sounds, including the frequent or repetitive sounds emanating from a private kennel, commercial kennel, animal shelter, grooming parlor or pet shop either unlicensed or duly licensed under chapter 6.06 SCC, made by any animal or animals, whether or not continuous, occurring at least ten (10) minutes or more during any half hour period, which unreasonably disturb or interfere with the peace, comfort, and repose of any person within hearing distance of the sounds; ~~((property owners or possessors, except:))~~ provided however, that ~~((a) Such))~~ such sounds made by pigs, cattle, sheep, horses, goats and poultry, and from dogs while used to control or protect the aforesaid listed animals or other domesticated animals or livestock, and from dogs while used to guard farm premises and bark only in response to stimuli which a human would reasonably regard as a threat to the farm premises, whether from commercial or noncommercial activities in unincorporated areas outside of the area bounded by Puget Sound on the west, the Snohomish county/King county line on the south, 164<sup>th</sup> Street SE on the north

and the Bothell Highway (SR 527) on the east shall be exempt under this subsection.

(2) Any domesticated animal which enters upon private or public property, so as to damage or destroy any real property or personal property thereon.

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

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

(5) Any non-domesticated animal, either predatory or nonpredatory, in the custody, possession or control of any person within the county, which due to its size, habits, natural propensities or instincts represents a danger or potential danger to people or property, if such animal is not ~~((reasonably))~~ securely confined, restricted or restrained or under control.

(6) ~~((Animals))~~ Dogs running in packs.

(7) A female domesticated animal, whether licensed or not, while in heat, not confined and accessible to other animals for purposes other than controlled and planned breeding.

(8) Any domesticated animal, whether licensed or not, which runs at large ~~((in any park or enters any public beach, pond, fountain or upon any public playground or school ground))~~; PROVIDED, HOWEVER, That this section shall not apply to ~~((dogs being walked or exercised while on an automatic retractable leash or leash of 8 feet or less; to any blind person using a Seeing Eye dog))~~ service animals; to animals participating in animal shows or exhibitions; or to dogs participating in organized dog training classes on county park property where written approval is ~~((secured))~~ obtained in advance from the Snohomish county ~~((parks))~~ department of parks and recreation ~~((after giving reasonable advance notice))~~.

(9) Any animal which enters any place where food is prepared, served, stored or sold to the public; PROVIDED HOWEVER, That this section shall not apply to any person using a ~~((certified))~~ service ~~((dog))~~ animal or duly authorized law enforcement officers ~~((security guards or postmen))~~ using ~~((guard))~~ dogs in performance of their duties.

(10) Animals confined, staked or kept on public property without prior consent of the ~~((applicable agency))~~ public entity having custody, control, or ownership of the property.

(11) Animals kept, harbored or maintained and known to have a contagious disease, unless under the treatment of a licensed veterinarian or being kept for medical research by a licensed facility as lawfully authorized.

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

(13) ~~((The ownership, harboring, or keeping of any))~~ Any species of animal designated by the state board of health pursuant to WAC 248-100-450, together with amendments thereto, as dangerous to the public including any skunk, fox or raccoon, except as lawfully authorized for fur farming by a licensed facility.

(14) Any vicious animal (~~((or animal with vicious propensities))~~) which runs at large (~~((at any time, or such animal when off or outside of the owner's premises, not under the physical restrictions of a person of suitable age and discretion to control such animal))~~).

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

(16) Any dog found in violation of the provisions of chapter 9.14 SCC.

~~((17) Any animal violating or involved in a violation of the provisions of chapter 9.08 SCC.))~~

~~((18) Any dangerous dog or potentially dangerous dog as defined by chapter 9.01 SCC that is not restrained as required by that chapter either on the premises of the owner or off the premises of the owner.))~~

Section 3. Snohomish County Code Section 9.12.070, last amended by Ordinance No. 87-047 on July 8, 1987, is amended to read:

**9.12.070 ~~((Dangerous dog, potentially dangerous dog or))~~ Vicious Animal Restraint**

Upon filing of a public nuisance action in a court in Snohomish County alleging that a specific animal is vicious (~~((or a specific dog is dangerous or potentially dangerous))~~), the owner of such animal (~~((or dog))~~) shall cause the animal (~~((or dog))~~) to be restrained or confined thereafter until the conclusion of any court proceedings.

Section 4. Snohomish County Code Section 9.12.090, last amended by Ordinance No. 93-077 on September 9, 1993, is amended to read:

**9.12.090 Notice of violation.**

(1) Whenever an authorized county animal control officer has reasonable grounds to believe that an animal is violating or being maintained in violation of this title, ~~((he))~~ the officer shall be authorized to issue to the violator a notice of violation containing:

(a) The names and address, if known, of the owner or person in violation of ~~((the resolution codified herein))~~ this title.

(b) A statement that the animal control officer has found the animal is violating, or being maintained ~~((illegally))~~ in violation of this title with a brief description of the violation.

(c) A statement assessing a civil penalty for each violation, which penalty(ies) shall be paid to the county within ~~((20))~~ fifteen days from the date of issuance. The penalties assessed within any one-year period shall be as follows:

~~((\\$20.00))~~ \\$50.00 for first offense ~~((;\\$25.00))~~ and \\$100.00 for ~~((second offense;~~  
~~\\$30.00 for third and))~~ each subsequent ~~((offenses))~~ offense.

(d) A statement setting out an order of abatement and a reasonable period during which to comply as determined by the Snohomish county animal control officer.

(e) A statement advising that if any required ~~((statement))~~ abatement is not commenced within the time specified, or any civil penalty is not timely paid, the animal control officer shall have the authority to issue a criminal citation or report such noncompliance to the office of the prosecuting attorney, which shall also have authority to issue a criminal citation, charging such person with violation of ~~((the resolution codified in this))~~ this title, or authorizing him to take such other recourse as ~~((if))~~ is provided for within this title.

(f) A statement advising:

(i) that the notice of violation may be appealed to the Snohomish county hearing examiner pursuant to the provisions of SCC 2.02.125 and SCC 9.12.101;

(ii) that any per diem civil penalty shall not accrue during the pendency of such administrative appeal; and

(iii) that the failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under county code.

(2) The notice of violation shall be served on the owner or keeper of the animal in violation of this title either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to the person at his or her last known address. If service is by certified mail, the service shall be deemed complete upon the third day following the day upon which the notice was placed in the mail. Proof of personal service of the notice shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring time, date and manner in which service was made.

Section 5. Snohomish County Code Section 9.12.101, last amended by Ordinance No. 96-003 on February 21, 1996, is amended to read:

#### **9.12.101 Appeals -- Procedure.**

(1) Any person aggrieved by the issuance of any license required by this title, ~~((the denial of a license pursuant to SCC 9.08.070))~~ or the issuance of a notice of violation pursuant to SCC 9.12.090 may appeal to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) The enforcement stay contained in SCC 2.02.125(3) shall not apply to the impoundment of an animal which is vicious or cruelly treated.

(3) At the hearing, the director of the animal control agency and his officers shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence.

(4) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by an action for writ of review filed in Snohomish County superior court as provided in chapter 2.02 SCC.

Section 6. Snohomish County Code Section 9.12.110, last amended by Ordinance No. 04-017 on March 24, 2004, is amended to read:

#### **9.12.110 Redemption**

Any animal impounded or confiscated pursuant to the provisions of this title may be redeemed upon payment of the redemption fee as herein provided and ~~((upon evidence))~~ demonstration that the violation has been corrected. The correction of a violation includes the licensing of any unlicensed animal required by this title to be licensed. The redemption fee for an animal includes assessments for apprehension, transportation, impoundment, and care of the animal. The amounts assessed by contracting shelters for impoundment and care of a dog or cat shall be ~~((\$20.00))~~ \$50.00 for impoundment and ~~((\$3.00))~~ \$15.00 per day for care. The amount assessed for apprehension of a dog or cat shall be ~~((\$45.00))~~ \$50.00, except that if the animal was previously impounded within one year the amount shall be ~~((\$70.00))~~ \$100.00. The amount assessed for transportation shall be ~~((\$14.00))~~ \$25.00 for dogs or cats. The cost of apprehension, care, impoundment, and transportation for all other animals shall be based on the direct cost to the County as determined by the director of the animal control agency.

Section 7. Snohomish County Code Section 9.12.115, adopted by resolution July 10, 1978, is amended to read:

#### **9.12.115 Dead/injured animals**

The director of the animal control agency~~((, upon request,))~~ shall have the authority to assess a fee for the picking up, and disposing of or caring for, any dead or injured animals not provided for in SCC 9.16.020 from private property when requested by the property owner. Fees shall be assessed pursuant to SCC 9.12.110. ((; PROVIDED, HOWEVER, That said fee be reasonably commensurate with the related actual costs; PROVIDED FURTHER, That said fee shall not exceed \$7.00.)) The assessment may be made against the animal's owner if such can be determined or against the owner of the property upon which the animal is found, or both.

Section 7. Snohomish County Code Section 9.12.130, adopted by resolution July 10, 1978, is amended to read:

**9.12.130 Rabies Control**

In the event that any animal has bitten a human ((being)) and the animal control agency has reason to suspect that the animal is rabid, or in the event the animal control agency has reason to suspect an animal is rabid, the appropriate official of the Snohomish health district shall be notified and the animal control agency shall coordinate any further activities with said health district. ((The Snohomish health district shall have jurisdiction over any matter possibly involving rabies. WAC 248-100-450 and WAC 248-100-451 and WAC 248-100-452, together with amendments thereto, are incorporated herein by reference and prevail over any conflicting provision of this title in any suspected rabies matter.))

PASSED this 28<sup>th</sup> day of February, 2007.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

*Dave Carrett*  
Chairperson

ATTEST:

*Sheila McCallister*  
Clerk of the Council, *asst*

- APPROVED
- VETOED
- EMERGENCY

Date: *3/6/07*

*[Signature]*  
*for* County Executive  
**MARK SOINE**  
Deputy Executive

ATTEST:

*Cora E. Palmer*

Approved as to form only:

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Deputy Prosecuting Attorney

*D-16*