

1 APPROVED: 11/14/16
2 EFFECTIVE: 12/08/16

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 16-111

7
8 RELATING TO ANIMAL CONTROL; AMENDING LICENSE FEES AND
9 CHAPTERS 9.04, 9.10 AND 9.12 SCC

10 BE IT ORDAINED:

11
12
13 Section 1. Snohomish County Code Section 9.01.030, last amended by Amended
14 Ordinance 10-070 on Sept. 8, 2010, is hereby amended to read:

15
16 **9.01.030 Definitions.**

17
18 In this title and in chapter 6.06 SCC, unless the context clearly requires otherwise, the
19 following definitions shall apply:

20 (1) "Abatement" means the termination of any violation of this title by lawful and
21 reasonable means as determined by Snohomish County animal control agency personnel in order
22 that the presumed owner of an animal comply with this title.

23 (2) "Adult dog or cat" means any dog or cat six months of age or older.

24 (3) "Animal" means any member of the classes: reptile, amphibian, bird, marsupial or
25 non-human mammal.

26 (4) "Animal control agency" means the agency designated in SCC 9.01.040.

27 (5) "Animal control officer" means any individual employed, contracted or appointed by
28 the animal control agency for the purpose of enforcing this code or Title 6 SCC, or the laws of
29 the state of Washington pertaining to animals.

30 (6) "Cat" means a domesticated *Felis catus*.

31 (7) "Certificate of registration for dangerous dog" means the document issued by the
32 licensing authority under chapter 16.08 RCW and SCC 9.10.040.

33 (8) "Certification authority" means the licensing authority.

34 (9) "County" for purposes of this title, means the unincorporated areas of Snohomish
35 county.

36 (10) "Dangerous dog" means any dog that (a) inflicts severe injury on or kills a human
37 being without provocation, (b) inflicts severe injury on or kills a domestic animal without
38 provocation while the dog is off the property where the owner resides, or (c) has been previously
39 found to be potentially dangerous, the owner having received notice of such and the dog again
40 aggressively bites, attacks, or endangers the safety of humans or other animals. If two or more
41 dogs jointly engage in any conduct described in this subsection, then regardless of the degree of
42 participation by the individual dog, all such dogs shall be deemed dangerous dogs. Dogs shall
43 not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the
44 time, was committing a willful trespass or other tort upon the property where the owner resides,
45 or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported
46 to have tormented, abused, or assaulted the dog or was committing or attempting to commit a
47 crime.

48 (11) "Dog" means a domesticated *Canis familiaris*, including wolf-hybrids.

1 (12) "Domesticated animal" means any animal including dogs, cats, rabbits, horses,
2 mules, asses, cattle, sheep, swine, goats or other animals made to be domestic.

3 (13) "Euthanasia" means the humane destruction of an animal by a method that is
4 painless to such animal either causing instant painless unconsciousness and subsequent death or
5 immediate death.

6 (14) "Licensing authority" means the Snohomish county auditor or the Snohomish county
7 auditor's duly authorized representative.

8 (15) "Owner" means any adult person, firm, corporation, organization, or department
9 possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

10 (16) "Dogs running in packs" means a group of three or more dogs running at large.

11 (17) "Person" means any individual, partnership, corporation, trust, estate, or other legal
12 entity.

13 (18) "Potentially dangerous dog" means any dog that (1) when unprovoked: (a) bites a
14 human or bites a domestic animal, or (b) chases or approaches a person in a menacing fashion or
15 apparent attitude of attack while the dog is off the property where the owner resides, or (2) has a
16 known propensity, tendency, or disposition to attack unprovoked, or to cause injury, or otherwise
17 threaten the safety of humans or domestic animals. If two or more dogs jointly engage in any
18 conduct described in this subsection, then regardless of the degree of participation by the
19 individual dog(s), all such dogs shall be deemed potentially dangerous dogs. Dogs shall not be
20 declared potentially dangerous if (a) or (b) above happened to a person who was committing a
21 willful trespass or other tort upon the property where the owner resides, or was tormenting,
22 abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented,
23 abused, or assaulted the dog or was committing or attempting to commit a crime.

24 (19) "Premises" means where the dog is owned, kept and/or otherwise maintained and
25 includes the dwelling unit or residence of multi-family dwellings. "Multi-family dwellings"
26 includes duplexes, apartments and condominiums.

27 (20) "Proper enclosure of a dangerous dog" means, a securely enclosed and locked pen or
28 structure, suitable to prevent the entry of young children and designed to prevent the animal from
29 escaping and surrounded by a perimeter fence with a locked gate. Such pen or structure shall
30 have a locking door with a padlock, secure sides, a concrete floor, and a secure top, and shall
31 also provide protection from the elements for the dog and comply with all applicable provisions
32 of the Snohomish county building and zoning code. The premises where the dangerous dog is
33 located must be posted with a clearly visible warning sign/symbol that informs children as well
34 as adults of the presence of a dangerous dog.

35 (21) "Running at large" means to be off the owner's premises and not under control.

36 (22) "Secure fence" means a board or wire fence that: a) will contain the type of animal to
37 be restrained; b) is securely fastened to posts firmly set in the ground; and c) is properly
38 maintained to keep the animal confined. Fences must conform to the Unified Development Code
39 if applicable.

40 (23) "Service animal" means an animal that is trained to assist or accommodate a disabled
41 person's sensory, mental, or physical disability.

42 (24) "Severe injury" means a physical injury resulting in broken bones or lacerations
43 requiring sutures or surgery.

44 (25) "Under control" means the dog is restrained by a secure leash or other restraint not
45 more than eight feet in length and under the physical control of a person capable of restricting
46 the animal's movement while off the owner's premises. The dog is presumed not to be under

1 control if it chases or approaches a human or domestic animal in a menacing fashion or apparent
2 attitude of attack, or injuries, damages, or trespass result.

3 (26) "Vicious" means any domesticated animal that chases or approaches or has a known
4 propensity to chase or approach a human or domestic animal in a menacing fashion or apparent
5 attitude of attack, or snaps, growls, snarls, bares teeth, lunges, jumps at or upon, or otherwise
6 threatens a human or domestic animal.

7
8 Section 2. Snohomish County Code Section 9.04.010, last amended by Ordinance 03-
9 041, on May 14, 2003, is hereby amended to read:

10
11 **9.04.010 Dog and Cat licenses required.**

12
13 Owners of all adult dogs and cats residing in unincorporated areas of the county (~~and~~
14 ~~within the boundaries of those municipalities participating in the Regional Pet Licensing~~
15 ~~program~~)) shall license their dogs and cats with the licensing authority unless specifically
16 exempted under SCC 9.04.020 of this chapter. (~~Owners of dogs and cats under the age of six~~
17 ~~months shall obtain a junior license for their animal. When an animal reaches six months of age~~
18 ~~an adult dog or cat license must be applied for with the licensing authority. The fee paid for the~~
19 ~~junior license will be credited toward the purchase of an adult dog or cat license. Dogs under the~~
20 ~~age of six months bred and whelped from the adult dogs within a private kennel breeding are~~
21 ~~exempt from the junior licensing requirement.~~))

22
23 (~~Owners of dogs and cats which have a valid license from other jurisdictions and who~~
24 ~~move into unincorporated Snohomish County or within the boundaries of those municipalities~~
25 ~~participating in the Regional Pet Licensing program may transfer the license within 30 days of~~
26 ~~becoming a resident by paying a transfer fee. Full license fees must be paid after 30 days.~~))

27
28 Section 3. Snohomish County Code Section 9.04.040, last amended by Ordinance 02-
29 082, on December 4, 2002, is hereby amended to read:

30
31 **9.04.020 Exemptions.**

32
33 (1) The provisions of this chapter do not apply to:

- 34 (a) Dogs and cats kept in duly licensed commercial kennels, boarding facilities, pet
35 shops and animal shelters or in the custody of a veterinarian;
36 (b) Dogs and cats brought into unincorporated areas of the county for a period not
37 to exceed 30 days for the sole purpose of competing in a show or competition or
38 for breeding purposes;
39 (c) Dogs and cats whose owners are nonresidents temporarily visiting within the
40 county for a period not to exceed 30 days;
41 (d) Dogs and cats duly licensed by a municipality located within the county not
42 contracting with the county for licensing services;
43 (e) Dogs and cats held in foster care as pursuant to SCC 6.06.050.
44 (f) Cats maintained and/or owned in connection with agricultural pursuits as
45 defined in SCC 6.06.005.

1 (2) In this section, "commercial kennel", "boarding facility", "pet shop" and "animal
2 shelter" have the meaning given in Title 6 SCC.

3
4 Section 4. Snohomish County Code Section 9.04.040, last amended by Ordinance 08-
5 150, on November 24, 2008, is hereby amended to read:

6
7 **9.04.040 License fee and term.**

8
9 (1) The fee for licensing an animal under this chapter is due and payable in full upon
10 submitting an application. The term of a license is one year from the date of issuance.
11 Dogs within a private kennel as defined in SCC 6.06 are also subject to these fees.
12 ~~((Upon presentation of confirming documentation to the licensing authority, altered
13 dogs and altered cats micro-chipped using an industry standard chip shall receive a
14 50% discount in licensing fees.))~~

15
16 (2) The annual fees for dog and cat licenses are established as follows:

- 17 (a) ~~Altered dog or cat ((-\$20.00 per year)) - \$25.00;~~
18 (b) ~~Unaltered dog or cat ((-\$40.00 per year)) - \$50.00;~~
19 (c) ~~Altered and microchipped dog or cat ((-\$20.00 per year)) - \$15.00;~~
20 (d) ~~((Unaltered cat -\$40.00 per year))~~ Senior citizen (62 or older) owned altered
21 dog or cat - \$20.00;
22 (e) Senior citizen ~~((discount (65)) (62 or older) -\$15.00 per altered animal per~~
23 ~~year))~~ owned altered and microchipped dog or cat - \$10.00;
24 (f) Service Dogs ~~((-\$10.00 per year))~~ \$15.00;
25 (g) Law enforcement agency dog license - No charge ~~((-\$free));~~
26 (h) Replacement of license tag ~~((-\$10.00 per tag)) - \$15.00.~~
27 ~~((i) Transfer fee -\$10.00 per license.))~~

28
29 Owner shall provide proof that animal is altered and/or microchipped at time of licensing.

30
31 ~~((Cats maintained and/or owned in connection with agricultural pursuits as defined in SCC
32 6.06.005 are exempt from this licensing requirement.))~~

33
34 Section 5. Snohomish County Code Section 9.04.060, last amended by Amended
35 Ordinance 91-154, on November 6, 1991, is hereby amended to read:

36
37 **9.04.060 Late penalties.**

38
39 ~~(((1) A late penalty shall be charged on all license applications submitted more than 30
40 days after the end of the assigned expiration month.))~~

41 ~~(((2) The late penalty shall be \$10.00 per animal on renewal applications only.))~~

42
43 A late penalty fee of \$10.00 shall be assessed on all expired licenses.

44
45 Section 6. Snohomish County Code Section 9.10.040, last amended by Amended
46 Ordinance 06-134, on February 28, 2007, is hereby amended to read:

1
2 **9.10.040 Certification of registration of a dangerous dog required.**
3

4 (1) It shall be unlawful for a person or persons to keep, own or otherwise maintain a
5 dangerous dog in Snohomish county without a certificate of registration issued under this
6 section.

7 (2) Following the declaration of dangerous dog, the owner of a dangerous dog must
8 obtain a certificate of registration for the dog with the licensing authority within fifteen days as
9 provided in this section.

10 (3) The licensing authority is authorized to issue ~~((a))~~ an annual certificate of registration
11 to the owner of a dangerous dog upon payment of a ~~(((\$200))~~ \$250.00 registration fee and if the
12 owner presents sufficient evidence of compliance with the following requirements:

13 (a) that the dog is kept in a proper enclosure of a dangerous dog;

14 (b) ~~((either:))~~

15 ~~((i))~~ ~~a surety bond issued by a surety insurer qualified under chapter 48.28~~
16 ~~RCW and in a form acceptable to the licensing authority in the sum of at~~
17 ~~least \$250,000, payable to any person injured by the dangerous dog; or))~~

18 ~~((ii))~~ that the owner maintains a policy of liability insurance, such as
19 homeowner's insurance, issued by an insurer qualified under Title 48 RCW and in
20 a form acceptable to the ~~((licensing authority))~~ Snohomish County Risk Manager
21 in the amount of at least \$250,000 per dog, insuring the owner for any personal
22 injury inflicted by the dangerous dog~~((;))~~. A policy of liability insurance with
23 exclusions for off premises or off leash injuries or damage is not acceptable. The
24 policy of insurance must be documented with either a Certificate of Insurance or a
25 policy declaration page specifying that the dangerous dog is covered by or not
26 excluded from the policy. Snohomish County must be listed as Certificate Holder;

27 (c) that the dog has been microchipped;

28 (d) that the dog has been licensed; and

29 (e) that the dog has been neutered or spayed.

30
31 Section 7. Snohomish County Code Section 9.10.090, last amended by Ordinance 10-
32 069, on September 8, 2010, is hereby amended to read:

33
34 **9.10.090 Potentially dangerous and dangerous dog -- Confiscation -- Conditions --**
35 **Penalties for owners of dogs that attack -- Dog Fights, penalty.**
36

37 (1) Any potentially dangerous dog shall be immediately confiscated by the animal control
38 agency if:

39 (a) the dog is either not contained by a secure fence or under control while on the
40 property where the owner resides and outside of the owner's dwelling; or

41 (b) the dog is off the property where the owner resides, and the dog is either not
42 under control or not securely muzzled.

43
44 In addition, the owner shall be guilty of a misdemeanor punishable in accordance with RCW
45 9A.20.021.
46

- 1 (2) Any dangerous dog shall be immediately confiscated by the animal control agency if:
2 (a) the dog is not validly registered pursuant to SCC 9.10.040;
3 (b) ~~((the owner does not maintain continuous liability insurance coverage or~~
4 ~~surety bond required under SCC 9.10.040; or)) the owner fails to maintain~~
5 ~~compliance with the requirements of SCC 9.10.040(3)(a)-(e) throughout the year~~
6 ~~for which the certificate of registration was issued; or~~
7 (c) the dog is not in a proper enclosure of a dangerous dog and ~~((either))~~ not under
8 control ~~((or not))~~ and securely muzzled.

9
10 In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with
11 RCW 9A.20.021.

12
13 (3) If a dog is confiscated under section (1) or (2) above, the animal control agency must
14 serve notice pursuant to this chapter upon the dog owner within seventy-two hours of the
15 confiscation, specifying the reason for the confiscation of the potentially dangerous or dangerous
16 dog, that the owner is responsible for redemption of the dog pursuant to SCC 9.12.110, and that
17 the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the
18 dog was confiscated are not corrected within fifteen calendar days of the receipt of the
19 notification unless an appeal is filed under SCC 2.02.125. The animal control agency shall
20 destroy the confiscated potentially dangerous or dangerous dog in an expeditious and humane
21 manner if any deficiencies required by the notice are not corrected within fifteen days of service
22 of the notification and an appeal has not been filed under SCC 2.02.125.

23
24 (4) Any dog which threatens the safety of any animal or person may be immediately
25 confiscated by the animal control agency prior to a notice being served pursuant to SCC
26 9.10.020. Within seventy-two hours of the confiscation, the animal control agency shall serve
27 notice under SCC 9.10.020 on the owner. If the requirements included in the notice are satisfied
28 and the dog is redeemed pursuant to SCC 9.12.110, the dog shall be released. The animal control
29 agency shall destroy the confiscated dog in an expeditious and humane manner if the
30 requirements included in the subsequent notice are not satisfied or the dog is not redeemed
31 within fifteen calendar days of the notification and an appeal has not been filed under SCC
32 2.02.125.

33
34 (5) An owner of a dog confiscated under SCC 9.10.090 may appeal the confiscation of
35 the dog pursuant to SCC 9.10.030.

36
37 (6) If a potentially dangerous dog of an owner with a prior conviction under this chapter
38 attacks or bites a person or a domestic animal, the dog's owner is guilty of a misdemeanor,
39 punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant
40 must prove by a preponderance of the evidence that he or she was in compliance with the
41 requirements for ownership of a potentially dangerous dog pursuant to this chapter and the
42 person or domestic animal attacked or bitten by the defendant's dog trespassed on the
43 defendant's real or personal property or provoked the defendant's dog without justification or
44 excuse.

1 (7) If a dangerous dog of an owner with a prior conviction under this chapter attacks or
2 bites a person or another domestic animal, the dog's owner is guilty of a class C felony,
3 punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant
4 must prove by a preponderance of the evidence that he or she was in compliance with the
5 requirements for ownership of a dangerous dog pursuant to this chapter and the person or
6 domestic animal attacked or bitten by the defendant's dog trespassed on the defendant's real or
7 personal property or provoked the defendant's dog without justification or excuse. In addition,
8 the dangerous dog shall be immediately confiscated by the animal control agency, placed in
9 quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane
10 manner.

11
12 (8) The owner of any dog that aggressively attacks and causes severe injury or death of
13 any human, whether or not the dog has previously been declared potentially dangerous or
14 dangerous, shall be guilty of a class C felony punishable in accordance with RCW 9A.20.021. It
15 is an affirmative defense that the defendant must prove by a preponderance of the evidence that
16 the human severely injured or killed by the defendant's dog:

17
18 (a) trespassed on the defendant's real or personal property which was enclosed by
19 fencing suitable to prevent the entry of small children and designed to prevent the dog
20 from escaping and marked with clearly visible signs warning people, including
21 children, not to trespass and to beware of dog; or

22
23 (b) provoked the defendant's dog without justification or excuse on the defendant's
24 real or personal property which was enclosed by fencing suitable to prevent the entry
25 of small children and designed to prevent the dog from escaping and marked with
26 clearly visible signs warning people, including children, not to trespass and to beware
27 of dog. In such a prosecution, the state has the burden of showing that the owner of
28 the dog either knew or should have known that the dog was potentially dangerous as
29 defined in this chapter. The state may not meet its burden of proof that the owner
30 should have known the dog was potentially dangerous solely by showing the dog to
31 be a particular breed or breeds. In addition, the dog shall be immediately confiscated
32 by the animal control agency, quarantined, and upon conviction of the owner
33 destroyed in an expeditious and humane manner.

34
35 (9) Any person entering a dog into a dog fight is guilty of a class C felony punishable in
36 accordance with RCW 9A.20.021.

37
38 Section 8. Snohomish County Code Section 9.12.090, last amended by Ordinance 06-
39 133, on February 28, 2007, is hereby amended to read:

40
41 **9.12.090 Notice of violation.**

42
43 (1) Whenever an authorized county animal control officer has reasonable grounds to
44 believe that an animal is violating or being maintained in violation of this title, the officer shall
45 be authorized to issue to the violator a notice of violation containing:

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

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

3 (c) A statement assessing a civil penalty for each violation (~~(, which penalty(ies) shall~~
4 ~~be paid to the county within fifteen days from the date of issuance. The penalties~~
5 ~~assessed within any one-year period shall be as follows: \$50.00 for first offense; and~~
6 ~~\$100.00 for each subsequent offense.)) and that the penalty shall be paid to the county
7 within fifteen days from the date of service. The penalties assessed shall be as
8 follows: \$100.00 for the first violation; \$250.00 for the second violation; and \$500.00
9 for each subsequent violation.~~

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

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

18 (f) A statement advising:

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

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

23 (iii) that the failure to file a timely and complete appeal will constitute a waiver of
24 all rights to an administrative appeal under county code.
25

26 (2) The notice of violation shall be served on the owner or keeper of the animal in
27 violation of this title either personally or by mailing a copy of such notice by certified mail,
28 postage prepaid, return receipt requested, to the person at his last known address. If service is by
29 certified mail, the service shall be deemed complete upon the third day following the day upon
30 which the notice was placed in the mail.
31

32 Proof of personal service of the notice shall be made at the time of service by a written
33 declaration under penalty of perjury executed by the person effecting service, declaring time,
34 date and manner in which service was made.
35


36 Section 9. Snohomish County Code Section 9.12.135 adopted by Resolution on July 9,
37 1973, is hereby amended to read:
38

39 **9.12.135 Personal obligation.**
40

41 The civil penalty and costs of abatement are personal obligations of the animal owner.
42 (~~The prosecuting attorney on behalf of the county may collect the civil penalty and abatement~~
43 ~~costs by use of appropriate legal remedies. In cases of small claims, the county animal control~~
44 ~~agency)) The county shall be authorized to collect such costs, fees, penalties, as shall be owing.
45
46~~

1 PASSED this 14th day of November, 2016.


2
3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7
8 
9 Chairperson


10
11 ATTEST:

12 
13 _____
14 Clerk of the Council

- 15
16 APPROVED
17 EMERGENCY
18 VETOED

19
20
21 DATE: 11/28/16
22 
23 _____
24 County Executive

25
26 ATTEST:

27
28 
29 _____

30
31
32 Approved as to form only:

33 
34 _____
35 Deputy Prosecuting Attorney

36
37
38
39
40
41
42
43
44
45

D-32