

ATTACHMENT "A"  
PROPOSED Amendments to SCC Chapter 5.04

PROPOSED AMENDMENTS THROUGHOUT Chapter 5.04 SCC are denoted as follows:  
Additions appear underlined. Deletions appear ~~striketrough~~.

## **Chapter 5.04 DOGS AND CATS**

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**5.04.010 Purpose.**

It is the public policy of Spokane County to secure and maintain such levels of animal control within the unincorporated areas of Spokane County, and within the incorporated areas of any municipalities under contract with Spokane County for animal control and protection services that have adopted provisions of this chapter, as will protect the general public's health and safety and to the greatest degree practicable prevent damage to property. It is therefore the purpose of this chapter to provide a means of licensing dogs/cats, and controlling errant dog/cat behavior so that it does not become a public nuisance.

It is also the public policy of Spokane County to prevent the inhumane treatment of animals. It is also therefore the purpose of this chapter to provide for the humane use, care and treatment of animals so that cruelty to such animals is reduced or eliminated.

**5.04.020 Definitions.**

Except where otherwise plainly declared, defined or clearly apparent from the context, the words used in this chapter shall be given their common and ordinary meaning. The following definitions shall apply in construing the provisions of this chapter:

- (1) "Abatement" means the termination of any violation by reasonable and lawful means determined by the animal protection officer, in order that a person or persons presumed to be the owner or keeper of an animal complies with this chapter.
- (2) "Animal" means any nonhuman mammal, bird, reptile, or amphibian.

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- (3) "Animal Bite" means a seizing or clamping with the teeth or jaws of an animal so as to puncture or wound.
- (4) "Animal care and control facility" means any facility that is used to house or contain stray, homeless, abandoned, impounded, or unwanted animals; and which is owned, operated, maintained by or under contract to Spokane County and authorized to regulate the care, control, licensing, or treatment of animals.
- (5) "Animal shelter" means a facility ~~recognized by SCRAPS that is used to~~ whose principal business is to house or contain stray, homeless, abandoned, impounded or unwanted animals; and which is owned, operated or maintained by an incorporated public body, 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 and is qualified under section 501(c)(3) of the internal revenue code. Designation as a recognized "Animal Shelter" is at the discretion of the director and must include a determination, by the Director, that the facility meets accepted standards of care for such facilities. The Director may impose any conditions, deemed appropriate to meet accepted standards of care, on a facility before designating the facility as an "Animal Shelter." The director will maintain a list of recognized "Animal Shelters", may review a facility designation at any time and may revoke such designation based upon a good cause finding, reduced to writing that the facility no longer meets accepted standards of care for such facilities.
- (6) "At large dog" means a dog that is physically off the premises of the owner, handler, or keeper of the dog and which is not secured by a leash that is under the control of the owner, handler, or keeper not exceeding eight (8) feet in length. Such term does not include dogs exhibited in dog shows, field trials, obedience training or trials, or the training of dogs therefore; the use of a dog under the supervision of a person to hunt, chase or tree predatory animals or game birds; the use of a dog to control or protect livestock or property, or for other agricultural activities; a dog when otherwise safely and securely confined or completely controlled within or upon any vehicle; a dog under control in a designated off-leash area; or dogs used by law enforcement agencies.
- (7) "At large cat" means a cat that is physically off the premises of the owner, handler, or keeper of the cat and which is not secured by a leash that is under the control of the owner, handler, or keeper not exceeding eight (8) feet in length. Such term does not include cats exhibited in cat shows or when otherwise safely and securely confined or completely controlled within or upon any vehicle.
- (8) "Cat" means a ~~domesticated~~ Felis Catus; to include both domesticated and feral Felis Catus.
- (9) "Commercial kennel" means a place where five (5) or more dogs over six (6) months of age and/or five (5) or more cats over six (6) months of age, irrespective of duration, are boarded, bred, bought, sold, exhibited or trained for compensation, ~~but not including a pet shop, animal shelter or veterinary clinic/hospital where boarding is incidental to treatment.~~ If more than eight (8) dogs over six (6) months of age and/or ten (10) cats over six (6) months of age are kept, then such establishment shall be deemed a "commercial kennel", regardless of whether the owner or keeper receives compensation. Municipalities that are under contract with Spokane County for animal control and protection services and have adopted provisions of this chapter may in their codes prescribe different numbers of dogs and/or cats that make up a commercial kennel or contain different requirements for commercial kennels. Facilities owned, operated, or maintained by or under contract to Spokane County, pet shops, designated animal shelters, and veterinary clinics/hospitals where boarding is incidental to treatment are not commercial kennels.
- (10) "Community Cat Program" means a program in which healthy, free-roaming cats are humanely trapped or otherwise humanely captured. The Community Cat Program provides an alternative

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to euthanasia and authorizes sterilization, rabies vaccination, ear-tipped identification, and return of the free-roaming cat to the location where they were seized.

- (11) "Computation of time". In computing any period of time prescribed in this chapter, relating to notice, service, and appeal periods, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Sunday or legal holiday, in which event the period runs until the end of the next day that is not a Sunday or legal holiday. Delivery of any applications, correspondence, proofs of compliance, notice of appeals, fees, or other requirements must be received by SCRAPS by end of business on the last day of the prescribed time period. Legal holidays are prescribed in RCW 1.16.050. Computation of time in any matter under this chapter involving enforcement under the RCW or an appeal other than to the SCRAPS director or designee shall be determined by the applicable RCW or Court Rule.
- (12) "Dangerous dog" means any dog that (a) inflicts severe injury or multiple bites on a human being without provocation on public or private property, (b) inflicts severe injury, multiple bites, or kills an animal without provocation while the dog is off the owner's or keeper's property, or (c) has previously been declared potentially dangerous under this chapter or a previous version of this chapter or under a comparable ordinance in any jurisdiction within the state of Washington, or under RCW 16.08.080, and after the owner or keeper received notice of such declaration the dog engages in behavior that meets the definition of "potentially dangerous dog" in subsection (4922) of this section; provided, a declaration of dangerous dog under part (c) of this subsection cannot become a final determination under section 5.04.032 unless and until the previous declaration of potentially dangerous dog has become final under this code or a previous version of this code or under an comparable ordinance in any jurisdiction within the state of Washington, or under RCW 16.08.080. If two (2) or more dogs jointly engage in any conduct described in parts (a) or (b) of this subsection, thereby rendering proof of the individual dog that inflicted any particular injury difficult to ascertain, then regardless of the degree of participation by the individual dog(s), all such dogs shall be deemed dangerous dogs. ~~"Day" means a calendar day unless otherwise described. In computing any period of time prescribed in this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday or legal holiday. Legal holidays are prescribed in RCW 1.13.050~~
- (13) "Dog" means a ~~domesticated~~ Canis fFamiliaris, bred in a great many varieties, including wolf hybrids; to include both domesticated and feral Canis Familiaris.
- (14) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves near instantaneous unconsciousness and ~~immediate~~ death, or by a method that causes near painless loss of consciousness and death during such loss of consciousness.
- (15) "Exhibits vicious propensities" or "vicious propensities" shall mean behavior by a dog or cat that results in the following:
- (a) ~~The infliction~~ of a bite, or bites, on a human being or animal, either on public or private property; or
  - (b) Killing or severely injuring ~~another~~ animal while the dog or cat is off the owner's or keeper's property; provided, the above definition of vicious propensities shall not include those situations described in RCW 16.08.100(2) and (3).

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- (16) "Fee schedule" shall mean the published "Fees", and "Service Charges" established by the Director of SCRAPS reasonably related to providing Animal Protection and Care services authorized in this chapter. The Director is authorized to conduct periodic review and amendment of the fee schedule to ensure the fees remain consistent with the guidelines prescribed or provided by state law, and the cost of providing services.
- (17) "License year" means the renewable time that a license issued under this chapter is in effect, which time expires twelve (12) months from the month of issue.
- (18) "Microchip implant" means a passive electronic transponder that is subcutaneously injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owner(s). The microchip implant shall be supplied with an exterior collar-type tag for purposes of an external means of notifying others that the animal has been implanted with a microchip.
- (19) "Off-leash area" means an area described in section 5.04.045(1) in which an owner, handler, or keeper may allow or permit their dog to run at large subject to the rules and regulations in section 5.04.045(2).
- (20) "Owner, handler or keeper" as used in this chapter are interchangeable and whether it appears as "owner", "handler", "keeper" or any combination of the three, unless specifically identified otherwise through context, shall mean any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in or having control or custody of an animal, regardless of whether the animal is licensed pursuant to the ordinance codified in this chapter.
- (21) "Pet shop" means a legally permitted establishment where animals bred and or whelped off the premises are offered for sale to the public.
- (22) "Potentially dangerous dog" means any dog that when unprovoked: (a) inflicts a bite on a human being or animal either on public or private property, or (b) in a menacing fashion or apparent attitude of attack snaps at, growls at, barks at, jumps upon, restrains, chases or approaches a human being on public or private property, or (c) in a menacing fashion or apparent attitude of attack snaps at, growls at, barks at, jumps upon, restrains, or chases another animal while the dog is off the owner's or keeper's property.
- (233) "Premises" means the real property, house, dwelling unit or enclosure that the owner or keeper of a dog or cat has a legal or equitable right to occupy or own. "Premises" does not extend into areas of common ownership or use in the case of easements, trailers parks, apartment complexes, private communities, etc.
- (24) "Private kennel" means a place, other than a designated animal shelter or animal care and control facility, where between five (5) to and eight (8) dogs over six (6) months of age and/or between five (5) and ten (10) cats over six (6) months of age are kept for personal or noncommercial purposes. If more than eight (8) dogs over six months of age and/or ten (10) cats over six (6) months of age are kept at a private kennel, then such establishment shall be deemed a "commercial kennel", regardless of whether the owner or keeper receives compensation. Municipalities that are under contract with Spokane County for animal control and protection services and have adopted provisions of this chapter may in their codes prescribe different numbers of dogs and/or cats that make up a commercial private kennel or contain different requirements for private kennels. Facilities owned, operated, or maintained by or under contract to Spokane County, pet shops, designated animal shelters or veterinary clinics/hospitals where boarding is incidental to treatment are not private kennels.

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- (25) "Proof of vaccination" means a currently valid health or rabies certificate issued by a licensed veterinarian.
- (26) "Proper enclosure of a dangerous dog" means, while on the owner's or keeper's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. The pen or structure must have secure sides and a secure top and bottom enclosure and must also provide protection from the elements for a dog.
- (27) "Recoverable Costs" or "Recoverable Expenses" as referenced in this Chapter include but are not limited to boarding and reasonable veterinary expenses.
- (28) "Senior rate" means the special discounted rate available to any dog or cat owner sixty-five (65) years of age or older ~~may upon request for the~~ to obtain an annual license of one (1) ~~spayed/neutered animal dog or cat.~~
- (29) "Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Except for the very limited exception provided under RCW 49.60.218(2), other species of animals, whether wild or domestic, or trained or untrained, are not service animals for the purpose of this definition. The works or tasks performed by a service animal must be directly related to the person's disability. The work or tasks performed by a service animal must be directly related to the person's individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks. See definition in RCW 49.60.218(3)(a).

Owners or keepers of a service animal are entitled annually to one (1) pet license fee waiver upon request at the time of license issuance regardless of whether the dog is spayed/neutered or not by meeting the conditions under section 5.04.030 (8).

- (30) "Severe injury" means any physical injury that results in a broken bone, disfigurement, laceration requiring suture(s) or surgery, or multiple bites requiring medical treatment.
- (31) "Spokane County" means the unincorporated area or government of Spokane County, Washington, and the incorporated areas of municipalities under contract with Spokane County for animal control and protection services that have adopted provisions of this chapter.
- (32) "Spokane County Regional Animal Protection Service" (hereinafter referred to as "SCRAPS") means the department established by the Spokane County Board of County Commissioners by resolution to administer and enforce the provisions of this chapter, chapter 5.12 of this code, and chapters 16.08, 16.30, 16.52 and 16.54 of the Revised Code of Washington (RCW). The department head of SCRAPS, titled as the regional animal protection director, shall be referred to hereinafter as the "director". All references to "director" in this Chapter shall be constructed to include the director and his/her designee. An "animal protection officer" is any person designated

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by the director with a limited law enforcement commission and employed by SCRAPS for the purpose of administering or aiding in the enforcement of this chapter, chapter 5.12 of this code, and chapters 16.08, 16.52 and 16.54 RCW.

- (33) "Trip fee" means the response fee an owner or keeper of an animal may be charged by SCRAPS when an animal is impounded.
- (34) "Unprovoked" or "without provocation" means that a dog is not "provoked". A dog is provoked if the dog at the time of the incident was being tormented, physically abused or injured, or was defending itself, its owner or keeper, an immediate family member of the owner or keeper, or another human being within its immediate vicinity from an imminent physical attack, or was defending the premises of its owner or keeper from a willful trespass, other tortious act, or crime; provided, a dog is not provoked under such circumstances if a reasonable person would conclude that the dog's reaction was grossly out of proportion to the act of provocation. A dog is also not provoked if the human victim alleged to have provoked the dog is less than six (6) years of age, unless such victim was injuring the dog at the time and a reasonable person would conclude that the dog's reaction was not grossly out of proportion to the act of provocation.

**5.04.030 Dog and cat license—Required.**

- (1) The harboring, keeping, or maintaining more than four (4) dogs and/or four (4) cats over six (6) months of age any place in Spokane County shall require a kennel license as identified in section 5.04.042 or section 5.04.043; provided, a municipality under contract with Spokane County for animal control and protection services that have adopted provisions of this chapter may in their codes prescribe different numbers of dogs and/or cats that make up a kennel or contain different requirements for kennels.
- (2) All dogs six (6) months of age or older harbored, kept or maintained in Spokane County shall be licensed. The annual license fee for each dog shall be twenty-eight dollars (\$28.00) for neutered/spayed dogs and fifty-three dollars (\$53.00) for non-spayed/non-neutered dogs. ~~Three dollars (\$3.00) of fee shall be dedicated for the purposes identified in section 5.04.170.~~ A penalty of twenty dollars (\$20.00) shall be added to the fee for failure to ~~timely~~ obtain or renew a license per the deadlines established as required by subsection (6) of this section. The senior rate, if applicable, shall reduce the fee by ten (\$10.00) dollars on one (1) neutered/spayed dog license. Licenses may be obtained from, and fees paid to, either the "County" or ~~to an authorized~~ "private" licensing outlets ~~as designated by the director to issue dog licenses.~~ A service charge of ~~two three dollars (\$23.00) in addition to the fee~~ may be collected and retained by all "private" licensing outlets designated by the director for each dog license issued. Upon payment of the annual license fee and any applicable service charge, the licensing outlet shall deliver to the owner or keeper of the dog a license and metallic tag, renewable annually, for each dog licensed and forward the license fee to SCRAPS.
- (3) All cats six (6) months of age or older harbored, kept or maintained in Spokane County shall be licensed. The annual license fee for each cat shall be ~~fifteen~~ eighteen dollars (\$18.00) for spayed/neutered cats and twenty-eight dollars (\$28.00) for non-spayed/non-neutered cats. ~~Two three (32) dollars (\$32.00) of the fee shall be dedicated for the purposes identified in section 5.04.170.~~ A penalty of twenty dollars (\$20.00) shall be added to the fee for failure to obtain or renew a license per the deadlines established as required by subsection (6) of this section. The senior rate, if applicable, shall reduce the fee by five dollars (\$5.00) on one (1) neutered/spayed cat. Licenses fees may be obtained from, and fees paid to, either the "County" or a "private" licensing outlet designated authorized by the Director to issue cat licenses. A service charge of ~~two three dollars (\$23.00) in addition to the fee~~ may be collected and retained by all "private" licensing outlets ~~appointed~~ designated by the director for each cat license issued. Upon payment of the annual license fee and any applicable service charge,

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the licensing outlet shall deliver to the owner or keeper of the cat a license and metallic tag, renewable annually, for each cat licensed and forward the license fee to SCRAPS.

- (4) All licenses issued pursuant to this section shall be dated and numbered, and shall bear the name of SCRAPS, the name and address of the owner ~~and~~ or keeper of the dog or cat ~~license~~, and a description of the dog or cat, including its color and sex. The metallic tag shall bear a serial number corresponding with the number of the license, and Spokane County or part thereof for which it is issued. It shall be the duty of each owner or keeper of a dog or cat to keep a substantial collar on the animal and to keep firmly attached thereto the metallic tag for the current licensing year. There shall be a fee of ~~two five dollars (\$25.00)~~ for replacement of any lost license tag prescribed in the department fee schedule.
- (5) Any person who for the purpose of securing a dog or cat license falsely represents whether the dog or cat is spayed/neutered or non-spayed/non-neutered shall be guilty of a misdemeanor.
- (6) Licenses must be renewed within twelve (12) months of the date the previous license was issued. A new license must be purchased within thirty (30) days after a dog or cat was first acquired, harbored, kept, maintained, or brought into Spokane County by a person residing therein.
- (7) All fees, ~~and fines, and recouped costs and expenses~~ collected under the provisions of this chapter, other than criminal fines, ~~and the portion of the license fees dedicated for the purposes identified in section 5.04.170~~ shall be deposited in the SCRAPS Enterprise Fund.
- (8) The director shall honor ~~one (1) request per year by the owner or keeper of a service animal that they not to be charged a fee to license one (1) spayed/neutered service animal~~ a request by an owner or keeper of a service animal for a waiver of licensing fees for one (1) dog upon presentation that the requester is legally blind, hearing impaired, or disabled, or is making the request in the capacity of the custodial parent, legal guardian or legal caregiver of such person.
- (9) The owner or keeper of any dog or cat shall provide proof to the director upon request that the dog or cat is currently licensed and vaccinated as provided by this chapter.
- (10) Any change in current dog and cat licensing fees or penalties in this section shall become effective on ~~January~~ March 1, 2014~~2018~~, at 12:00 a.m.

#### **5.04.031 Dog/cat to have current vaccination against rabies.**

All dogs and cats six (6) months of age or older shall be vaccinated against rabies. The owner or keeper of such dog or cat shall provide the director with proof that the dog or cat has been vaccinated against rabies, as well as the expiration date of such vaccination. An owner or keeper who refuses to provide proof of such vaccination to the director upon request director shall be deemed to have failed to provide such proof.

#### **5.04.032 Determination of dangerous dog—Administrative appeal hearing and appeal— Impounding of dog.**

- (1) In the event the director has sufficient articulable information to determine ~~that a dog has engaged in actions that meet the definitional elements of a~~ dangerous dog identified in section 5.04.020(12) and may pose a threat of serious harm to human beings or animals, the director shall seize and impound the dog pending notice, hearings, appeals and other determinations hereunder. The owner or keeper of the dog shall be liable to SCRAPS for the costs and expenses of keeping such dog, unless a determination is made that the dog is neither a dangerous dog nor a potentially dangerous dog.



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- (2) When the director has sufficient information to determine that a dog is a dangerous dog as defined by section 5.04.020(~~§12~~), the director shall declare the dog a dangerous dog and shall notify the owner or keeper of the dog of such determination in writing, either in person or by regular and certified mail. Any notice or determination mailed pursuant to this section shall be deemed received by the party to whom it is addressed on the third (3rd) day after it is placed in the mail, as set forth by declaration of the sender. The notice shall contain the following information:
- (a) That the person receiving the notice is the owner or keeper of a dangerous dog as defined in section 5.04.020(~~§12~~);
  - (b) The breed, color, sex, and license number (if known) of the dog;
  - (c) A copy of the records relied upon by the director that form the basis for declaring the dog to be a dangerous dog; which records may be supplemented with additional information as it becomes available;
  - (d) That receipt of the notice renders final the declaration of dangerous dog unless the owner or keeper of the dog submits a request for an administrative appeal hearing in writing to the director on a form provided with the notice within fifteen (15) days of the receipt of the notice;
  - (e) ~~That if an administrative appeal hearing is requested, such hearing and appeal will be held and adjudicated pursuant to subsection (3) through (11) of this section; that at the hearing the records of the director and any supplementary material shall be admissible to prove the dog is a dangerous dog; that the owner or keeper of the dog may upon request require the officer compiling the record or alternatively an officer with personal knowledge of the record to be present at the hearing, unless such officer is unavailable; that the owner or keeper of the dog, and the director, may call witnesses, present evidence, examine witnesses present, and be represented by counsel at the hearing; and that the burden shall be on the director to establish by a preponderance of the evidence that the dog is a dangerous dog; and That any dog declared dangerous under this section shall be immediately impounded at the animal care and control facility at the owner's or keeper's expense until the owner or keeper fulfills the registration requirements for the dog in accordance with section 5.04.035; and that the dog will be euthanized at the direction of the director unless the owner or keeper within fifteen (15) days of receiving notice of the dangerous dog declaration either registers the dog or timely appeals the declaration; and that if the owner appeals the declaration, the dog must be registered provisionally registers the dog pursuant to section 5.04.035 or it will be held at the shelter or animal care and control facility at the owner's or keeper's expense pending the results of the appeal.~~
  - (f) That if an administrative appeal hearing is requested, such hearing and appeal will be held and adjudicated pursuant to subsection (3) through (11) of this section; that at the hearing the records of the Director and any supplementary material shall be admissible to prove the dog is a dangerous dog; that the owner or keeper of the dog may upon request require the officer compiling the record or alternatively an officer with personal knowledge of the record to be present at the hearing, unless such officer is unavailable; that the owner or keeper of the dog, and the Director, may call witnesses, present evidence, examine witnesses present, and be represented by counsel at the hearing; and that the burden shall be on the Director to establish by a preponderance of the evidence that the dog is a dangerous dog.
- (3) The procedures and requirements described in subsections (~~24~~)c) through (~~2~~)f) of this section shall apply to the dangerous dog declaration issued by the director and to any appeal of such declaration by the owner or keeper.

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- (4) If the owner or keeper of the dog requests an administrative appeal hearing within time provided in subsection (2)(e) of this section, the hearing shall be held before the Spokane County Hearing Examiner, as appointed under chapter 1.46 ~~of this code~~ Spokane County Code. The hearing shall be held within twenty (20) days after the receipt of such request, unless it is continued by the hearing examiner based on a showing of good cause. The director shall notify the owner or keeper of the date, time, and place of the hearing at least ten (10) days before the hearing date, which time for notification may be shortened by the examiner based on the agreement of the parties or good cause. The hearing is a public hearing open to public view, but participation in the hearing is limited to the parties and their witnesses.
- (5) The administrative appeal hearing shall be electronically recorded. All testimony at the hearing shall be taken under oath, and witnesses may be subpoenaed by the hearing examiner and held in contempt if they refuse to testify. The hearing shall be conducted in accordance with the hearing examiner rules of procedure adopted by the Board of County Commissioners to the extent such rules are relevant and are not in conflict with this section.
- (6) The hearing examiner shall render an oral recommendation at the conclusion of the administrative appeal hearing or within five (5) business days thereafter, unless a written recommendation as provided in this subsection has already been prepared and filed by the examiner. The examiner shall prepare a written recommendation that includes findings of fact and conclusions of law, and shall file the recommendation with the Board of County Commissioners within fifteen (15) days of the hearing. The examiner may extend the time for issuing the oral recommendation or for filing the written recommendation upon notification of the parties, but in no event shall the written recommendation be filed more than thirty (30) days from the date of the hearing unless good cause is shown.
- (7) The hearing examiner's recommendation shall be to affirm, reverse or modify the dangerous dog declaration issued by the director. If the recommendation is to affirm the declaration, the examiner shall recommend that the requirements of section 5.04.035 be imposed upon the owner or keeper as a condition of continued ownership or keeping of the dog. If the recommendation is to modify the declaration, the examiner may recommend that the dog be deemed potentially dangerous and that reasonable conditions be imposed on the owner or keeper as a condition of continued ownership or keeping of the dog. Reasonable conditions may include but are not limited to the following measures:
- (a) Erection of new or additional fencing to keep the dog within the confines of the owner's or keeper's premises.
  - (b) Construction of a run consistent with the size of the dog within which the dog must be kept.
  - (c) Keeping the dog on a leash adequate to control the dog or securely fastened to a secure object when left unattended.
  - (d) Keeping the dog indoors at all times, except when on a leash adequate to control the dog and under the actual physical control of the owner or keeper or a competent person at least fifteen (15) years of age.
  - (e) Keeping the dog muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent it from biting any person or animal when outside a proper enclosure.
  - (f) Spaying/neutering of the dog.
  - (g) Microchip implanting of the dog for identification purposes. The microchip shall be implanted in accordance with policy established by the Director.

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The examiner may alternatively recommend that the director be given the authority to establish the reasonable conditions from the measures listed above, or from revisions or additions to such measures that the director deems necessary to effectuate the purposes of this chapter.

- (8) Upon receipt of the hearing examiner's written recommendation, the clerk of the Board of County Commissioners shall place consideration of the examiner's recommendation on the board's next regular meeting agenda for action. On the day the examiner files the recommendation with the board or within one (1) business day thereafter, the examiner shall provide the electronic recording of the hearing and the documents admitted into the hearing record to the clerk of the board; mail a copy of the recommendation to the owner or keeper of the dog, and to the director, along with notice of the date, time and place of the regular meeting at which the board will take action on the recommendation; provide a copy of such notifications to the clerk of the board; and provide copies of the recommendation, electronic recording, hearing record and notifications to each board member and the prosecuting attorney's office.
- (9) At the time, date and place that the Board of County Commissioners considers the written recommendation of the hearing examiner, no additional testimony or evidence will be considered. The record before the board will include the electronic recording of the hearing held by the examiner, the exhibits and other documents admitted into the hearing record by the examiner, the examiner's written recommendation, and the examiner's notifications to the parties. The board may ask the examiner to summarize the recommendation or clarify aspects of the recommendation, as long as no new testimony or evidence is provided or considered. The hearing examiner may bring clerical errors, obvious ambiguity or other irregularities in the written recommendation to the attention of the board in writing at or prior to the meeting, for the purpose of correcting or clarifying the recommendation.
- (10) The Board of County Commissioners may accept, reject or modify the hearing examiner's written recommendation; or may remand ~~the administrative appeal~~ the matter to the examiner with direction for further consideration if the board finds the written recommendation deficient or that a substantial procedural error regarding the hearing and affecting the rights of the parties was made by the examiner or SCRAPs. The board shall render its decision in writing.
- (11) If the decision of the Board of County Commissioners determines the dog to be dangerous or potentially dangerous, the owner or keeper of the dog may appeal the board's decision within twenty (20) days to superior court in accordance with RCW 36.32.330. If the owner or keeper does not appeal the board's decision determining the dog to be dangerous, or register the dog as a dangerous dog, in accordance with section 5.04.035, within twenty (20) days, ~~in accordance with section 5.04.035~~, the dog if not in the possession of SCRAPs will be confiscated and euthanized at the direction of the director in an expeditious and humane manner.
- (12) If the decision of the Board of County Commissioners determining a dog to be dangerous is affirmed on appeal and no further appeal is taken, the owner or keeper of the dog must register the dog as a dangerous dog in accordance with section 5.04.035 within twenty (20) days of notification of the board's decision being affirmed, or the dog will be confiscated and euthanized at the direction of the director in an expeditious and humane manner.
- (13) A determination that a dog is not a dangerous dog shall not prevent the director from seeking to have the dog declared a dangerous dog as the result of any subsequent action by the dog.

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- (14) An owner or keeper of a dangerous dog who violates any conditions imposed under this section shall be guilty of a gross misdemeanor. An owner or keeper of a potentially dangerous dog who violates any conditions imposed under this section shall be guilty of a misdemeanor.

**5.04.033 Determination of potentially dangerous dog—Notice, administrative review, and appeal.**

- (1) When the director has sufficient articulable information to determine that a dog is a potentially dangerous dog as defined in section 5.04.020~~(4920)~~, the director shall declare the dog potentially dangerous and shall notify the owner or keeper of the dog in writing of such determination, either in person or by regular mail. Any notice or determination mailed pursuant to this section shall be deemed received by the party to whom it is addressed on the third (3rd) day after it is placed in the mail, as set forth by declaration of the sender. The notice shall contain the following information:
- (a) That the person receiving the notice is identified as the owner or keeper of a potentially dangerous dog as defined in section 5.04.020~~(4920)~~;
  - (b) The breed, color, sex, and license number (if known) of said dog;
  - (c) The facts upon which the declaration of potentially dangerous dog is based;
  - (d) That if there are future similar incidents involving the dog, the dog could be declared a dangerous dog pursuant to section 5.04.032, and required to be registered as provided in section 5.04.035;
  - (e) That the owner or keeper must comply with restrictions set forth in the notice as a condition of continued ownership or keeping of the dog, and that restrictions may include, but are not limited to, those ~~which that~~ may be imposed on the owner or keeper of a potentially dangerous dog pursuant to section 5.04.032~~(76)~~;
  - (f) That the notice renders final the director's declaration that the dog is a potentially dangerous dog, unless the owner or keeper of the dog submits a request for an administrative review meeting to the ~~(4920)~~, in writing on a form provided with the notice within fifteen (15) days of the receipt of the notice; and
  - (g) That a failure by the dog owner or keeper to ~~timely~~ request an administrative review meeting within the time provided in subsection (1)(f) of this section, or attend an administrative review meeting with the director after being duly notified of the meeting, shall constitute a failure to exhaust all administrative remedies, render final the director's declaration that the dog is potentially dangerous, and preclude any appeal of the director's declaration to the hearing examiner, Board of County Commissioners, or court.
- (2) The procedures and requirements described in subsections (1)(e) through (1)(g) of this section shall apply to the potentially dangerous dog declaration issued by the director, and to any review meeting or appeal requested by the dog owner or keeper regarding such declaration.
- (3) If the owner or keeper of a dog requests an administrative review meeting as described in subsection (1)(f) of this subsection, the meeting shall be ~~held-scheduled~~ within thirty (30) days of the receipt of the request. The meeting date may be continued by the director based on a showing of good cause. The director shall notify the owner or keeper of the date, time and place of the meeting, as well as the owner's or keeper's right to present evidence as to why the dog should not be found potentially dangerous, and the right to be represented by counsel at the meeting. Administrative review meetings shall be informal, open to public view, and at the option of the director held telephonically.

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- (4) Following an administrative review meeting, the director may affirm or reverse the director's determination that the dog is potentially dangerous. If the determination is affirmed, the director may impose the same reasonable conditions as may be imposed on the owner or keeper of a potentially dangerous dog pursuant to section 5.04.032(7).
- 5) The director shall notify the owner or keeper of the dog in writing of the director's decision, either by regular mail or in person, within ten (10) days of the administrative review meeting. The director's decision is final unless the owner or keeper submits a ~~timely~~ request for an administrative appeal hearing in the same manner and within the same timeframe as provided in section 5.04.032(23). The hearing, recommendation and decision procedures set forth in section 5.04.032 shall apply to the appeal.
- (6) The owner or keeper of the dog may appeal the Board of County Commissioner's decision to affirm the potentially dangerous dog determination within twenty (20) days to superior court in accordance with RCW 36.32.330.
- (7) An owner or keeper of a potentially dangerous dog who violates any of the conditions imposed under this section shall be guilty of a misdemeanor.
- (8) Conditions imposed on a potentially dangerous dog under this section may be reviewed and modified at the discretion of the Director. Any modification of conditions must be supported by written findings and conclusions issued by the Director, which will become final and effective fifteen days (15) after notice to the owner or keeper of the dog unless appealed. The notice and appeal of any modification of conditions shall be only of the changed conditions and shall follow the notice and appeal procedures contained in the section.
- (9) Dogs deemed potentially dangerous by other jurisdictions in the state of Washington shall be subject to the same regulations as if they have been deemed potentially dangerous in Spokane County and the owner or keeper shall present the dog to SCRAPS within thirty (30) days of their arrival in Spokane County in order to allow the Director to evaluate the dog on an individual basis and determine which restrictions authorized under this section to impose. Any owner or keeper of a dog deemed potentially dangerous by a jurisdiction outside of the state of Washington who is relocating to Spokane County shall present the dog to SCRAPS within thirty (30) days of their arrival in Spokane County in order to allow the Director to evaluate the dog on an individual basis and determine which restrictions authorized under this section to impose.

**5.04.035 Registration of dangerous dogs—Requirements—Annual fee.**

- (1) The owner or keeper of a dog declared or determined to be dangerous under section 5.04.032 must obtain a certificate of registration for the dog from the director within fifteen (15) days of the receipt of notice of the declaration from the director, or if ~~the declaration or determination was timely appealed within the time allowed,~~ within twenty (20) days of the final appeal decision if the declaration or determination was timely appealed as provided in section 5.04.032 and must renew said certificate of registration every twelve (12) months. Any dog required to be registered under this section that is not registered, has a lapsed registration, or has failed to maintain any conditions or restrictions imposed under this section or section 5.04. or the dog will shall be confiscated and euthanized at the direction of the director in an expeditious and humane manner. No dangerous dog shall be returned by SCRAPS to anyone prior to the issuance of a current certificate of registration under this section. The certificate of registration shall be issued only if the owner or keeper of the dangerous dog presents sufficient proof of all the following:

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- (a) A proper enclosure, approved by SCRAPS, to confine a dangerous dog and posting of the premises with a clearly visible sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog.
- (b) A microchip implanted for identification purposes pursuant to section 5.04.036.
- (c) A muzzle and leash, approved by SCRAPS as to strength and fit, for the dangerous dog.
- (d) ~~The A surety bond or a policy of liability insurance such as homeowner's insurance, as described in this subsection. The surety bond or policy of liability insurance shall be issued by a surety or insurer qualified under chapter 48.28 RCW, be in a form acceptable to the SCRAPS, be in the sum of at least two hundred fifty thousand dollars (\$250,000.00) with a maximum five-hundred dollar (\$500.00) deductible, provide for prior written notification to SCRAPS of cancellation or material change, insure the owner or keeper for any and be payable to any person for personal injuries or property damage caused inflicted by the dangerous dog regardless of whether the personal injury or property damage occurs on or off the owner or keeper's premises.~~

~~The policy of liability insurance shall be issued by an insurer qualified under RCW Title 48, be in the amount of at least \$250,000.00 with a maximum \$500.00 deductible, provide for prior written notification to SCRAPS of cancellation or material change, insure the owner or keeper for any personal injuries and property damage inflicted by the dangerous dog regardless of whether the personal injury or property damage occurs on or off the owner or keeper's premises.~~

The owner or keeper of a dangerous dog shall furnish to SCRAPS a complete copy of the surety bond or certificate of insurance specified in this subsection and shall allow Spokane County a reasonable time to review the bond or policy to determine whether the surety bond or certificate of insurance is sufficient, prior to issuing the certificate of registration.

- (e) The dangerous dog must be spayed/neutered at the owner's expense in order to complete the registration. Any impounded dangerous dog will be transported by SCRAPS to a veterinarian for spaying/neutering as part of the registration process prior to release; and
  - (f) In addition to the regular dog licensing fees set forth in section 5.04.030, the owner or keeper of a dangerous dog shall pay an annual registration and inspection fee as prescribed in the department fee schedule. ~~fee in the amount of one hundred dollars (\$100.00).~~ The registration will be valid for twelve (12) months.
- (2) Notwithstanding the requirements set forth in subsection (1) of this section, the director may issue a provisional registration certificate where: (a) the dangerous dog declaration or determination has been appealed, provided all conditions of this section have been met with the exception of subsection (1)(e) requiring spaying/neutering; or (b) the owner is relocating the dangerous dog outside of Spokane County and all conditions of this section have been met with the exception of subsection (1)(d) requiring a surety bond or insurance policy. Any provisional permit issued pursuant to (2)(a) of this subsection shall expire twenty (20) days following the appeal decision as provided in section 5.04.032. Any provisional permit issued pursuant to (2)(b) of this subsection shall be valid for the sole purpose of immediate transport and relocation of the dog from the shelter or animal care and control facility to a location outside Spokane County.
- (3) ~~The is~~ provisions of this section shall not apply to police dogs as defined in RCW 4.24.410.
- (4) The owner or keeper of a dog declared or determined to be a dangerous dog must notify SCRAPS in writing if the dog is deceased, is to be relocated, or if there is a change in ownership. In the event of a change of ownership and/or relocation of the dangerous dog, the owner or keeper shall provide SCRAPS with written notice at least ten (10) days in advance of any change, including providing the

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complete address and phone number of the new owner or keeper prior to the change of ownership and/or relocation of the dangerous dog. The owner or keeper of the dangerous dog shall also notify any subsequent owner or keeper of the dog's designation as a dangerous dog. If the change of ownership and/or relocation of a dangerous dog is within Spokane County, all conditions imposed under this section shall be in place for the new owner and at the new location prior to such change.

- (5) Dogs deemed dangerous by other jurisdictions in the state of Washington shall be subject to the same regulations as if they have been deemed dangerous in Spokane County and shall register the dog pursuant to subsection (1) of this section prior to bringing the dangerous dog into Spokane County. Any owner or keeper of a dog deemed dangerous by a jurisdictions outside of the state of Washington who is relocating to Spokane County shall present the dog to SCRAPS within thirty (30) days of their arrival in Spokane County in order to allow the director r to evaluate the dog on an individual basis and determine whether the dog meets the definition of dangerous dog in section 5.04.020(912). A dogs deemed or determined to be a dangerous dog under this subsection shall be registered as such by the owner or keeper, and ~~are~~is subject to all other restrictions imposed under this section.
- (6) An owner or keeper of a dog previously deemed or determined to be a dangerous dog by SCRAPS or Spokane County and subsequently relocated outside Spokane County, shall register the dog pursuant to subsection (1) of this section prior to bringing the dangerous dog back into Spokane County. Such dogs are prohibited from re-entering Spokane County without prior written consent from the director and/or full re-registration.
- (7) Dangerous dog registration shall be renewed every twelve (12) months. A re-inspection of the facility housing the dog is required prior to renewal. Issuance of a dangerous dog registration or renewal thereof shall be conditioned on the registered owner allowing the Director to inspect the premises at any time to insure compliance with the provisions of this section. The owner or keeper shall also provide the director with proof of a surety bond or proper insurance certificate as specified in subsection (1) of this section, prior to re-registration.
- (8) An owner or keeper of a dog declared, deemed or determined to be a dangerous dog shall be responsible for meeting and maintaining the requirements set forth in this section and section 5.04.032 at all times and at their expense. A violation of conditions imposed under this section is a gross misdemeanor.

**5.04.036 Dangerous dogs—Identification.**

The owner or keeper of a dog determined to be dangerous pursuant to section 5.04.032 or section 5.04.035(75) shall have the dog identified by a microchip implant at the owner's expense. The microchip shall be implanted in accordance with policy established by the director. ~~A fee of twenty-five dollars (\$25.00) for the cost of microchip implanting shall be charged to the owner or keeper of the dog.~~

**5.04.040 Unlawful use of license tags.**

- (1) It is unlawful for any owner or keeper to use any license tag on any dog or cat other than the one for which it was issued. If there is a change of ownership or keeper of a licensed dog or cat, the new owner or keeper must apply for and obtain a new license as required in this chapter.
- (2) It is unlawful for any person to use the license tag for an unlawful purpose, or to conceal the ownership of the dog or cat or remove the license tag provided for in this chapter from any dog or cat, with the intent to deprive the owner or keeper thereof.
- (3) A willful violation of this section is a misdemeanor.

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**5.04.042 Commercial kennels.**

- (1) Commercial kennels located in Spokane County shall be licensed as required by this section, except as otherwise may be required or provided under the municipal codes of municipalities under contract with Spokane County for animal control and protection services that have adopted provisions of this chapter. All applicants requesting a commercial kennel license must submit a completed application for license with all applicable documentation and fees prescribed in the department fee schedule. Commercial kennel licenses shall be valid for a twelve (12) month period and shall be renewed on or before the expiration of such period. SCRAPS shall mail a notice of renewal to the license holder not less than thirty (30) days prior to the expiration of the license. Individual licenses are not required for any animals legally maintained within a licensed commercial kennel. All applicants requesting renewal of a commercial kennel license must submit a completed renewal application with applicable documentation and fees prescribed in the department fee schedule. ~~The fee for a commercial kennel license is one hundred-fifty dollars (\$150.00), payable to SCRAPS. An additional fee of twenty-five dollars (\$25.00) shall be assessed and payable if the~~ Late applications for renewal license is not timely renewed within the above timeframe incur additional fees as prescribed in the department fee schedule. All renewal rights ~~to stemming from an~~ existing license shall cease to exist ninety (90) days after the renewal date, and continued operation of the kennel after such time period shall be deemed to be operation of an illegal kennel.
- (2) Applications for commercial kennel licenses shall be made to SCRAPS. Each application shall be in writing and signed and sworn to by the applicant. The application shall contain the following information:
- (a) The name, home address, and telephone number of the applicant;
  - (b) The business name, business address, and telephone number of the proposed commercial kennel.
  - (c) A diagram to scale or approximately to scale showing the property and structures for which the license is sought;
  - (d) A diagram of the kennel facility;
  - (e) A description of the premises where the kennel will be operated, as well as a description of the magnitude and nature of the proposed business; and
  - (f) A written statement from the Spokane County Building and Planning Department, or pertinent municipal department, that the contemplated business complies with applicable zoning laws.
- (3) The director may deny issuance or renewal of a license, ~~or~~ and may revoke or suspend an existing license for good cause upon finding after an investigation or hearing any of the following: it deems necessary that:
- (a) The license fee has not been paid;
  - (b) The application does not satisfy the requirements of subsection (2) of this section;
  - (c) Upon the inspection by the director, the business does not meet the standards for a commercial kennel set forth in subsection (7) of this section;
  - (d) Such license was issued illegally, or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts, or that any of the material facts contained in the application are false;
  - (e) The licensee, or any agent of the licensee, ~~is~~ is connected with the operation of the commercial kennel, has, within a two (2) year period:



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- (i) Been found guilty of or committed a violation of any provisions of this chapter, chapter 5.12 of this code, or chapters 16.08, 16.52, or 16.54 RCW;
  - (ii) Been found to have engaged in any other misconduct, or improper, fraudulent, or wrongful behavior relating to the operation of a commercial kennel; or
  - (iii) Violated any of the standards imposed for operation of a commercial kennel in subsection (7) of this section.
- (f) A servant, agent, employee or representative of the commercial kennel has been found guilty of or committed an act or omission on the premises of the commercial kennel that constitutes a criminal violation of this chapter, chapter 5.12 of this code, or chapters 16.08, 16.52, or 16.54 RCW; or has engaged in any misconduct or improper, fraudulent or wrongful behavior relating to the operation of the commercial kennel and:
- (i) Such act, omission, conduct or behavior was knowingly allowed by a person sharing in the profits of the commercial kennel; an officer or director of the corporation, if the commercial kennel is incorporated; or a person acting as a proprietor, manager, or person in charge of the commercial kennel; or
  - (ii) Two (2) or more such acts or omissions have occurred on the premises within a two (2) year period.
- (g) Any of the operations standards set forth in subsection (7) of this section have failed to be observed for the commercial kennel.
- (4) The director shall notify an applicant of the director's decision to deny an application for a new license or the renewal of an existing license under the provisions of this section, and shall notify any person holding an existing license of the director's decision to revoke or suspend such license under the provisions of this section. Such notifications shall be made in writing, either in person or by regular or certified mail. Any notice or determination mailed pursuant to this section shall be deemed received by the person to whom it is addressed on the third (3rd) day after it is placed in the mail, as set forth by declaration of the sender. The notice shall contain the following information:
- (a) The facts upon which the denial, revocation or suspension is based;
  - (b) That the notice renders the director's decision final unless the applicant or licensee submits a request for an administrative appeal hearing to the director in writing on a form provided with the notice within fifteen (15) days of the receipt of the notice.
- (5) The director's decision is final unless the applicant or licensee requests an administrative appeal hearing in the same manner and under the same timeframe as provided in section 5.04.032. The hearing, recommendation and decision procedures set forth in section 5.04.032 shall apply to the appeal. If an administrative appeal hearing is ~~timely requested~~, within the time allowed, regarding the director's decision to not renew, suspend or revoke a current legally issued license, the director's decision is stayed and the license shall remain in effect pending final determination of the appeal as provided in this section; provided, the director may take such other lawful action regarding operation of the commercial kennel as may be required to enforce the provisions of this chapter, chapter 5.12 of this code, or chapter 16.08, 16.52 and 16.54 RCW. All evidence bearing on the question of whether the director's decision is proper under the provisions of this section may be received at the administrative appeal hearing.
- (6) If the Board of County Commissioners reverses the director's decision, the clerk of the board shall notify the director of such determination, and the director shall cause the license to be issued, renewed or reinstated forthwith. If the board affirms or modifies the director's decision, the determination shall be final unless ~~it is~~ timely appealed to superior court within 20 days in accordance with RCW 36.32.330.

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- (7) The following operation standards shall ~~be observed in connection with~~ apply to commercial kennels:
- (a) All animals must have an adequate supply of drinking water, sanitary sleeping quarters, adequate shelter, medical attention, grooming and exercise areas appropriate to their size, breed characteristics and climate;
  - (b) All animals shall be supplied with sufficient good and wholesome food as often as the feeding habits of the respective animals require, but not less than, in the case of puppies or kittens under four (4) months of age, three (3) times every twenty-four (24) hours; and, in the case of adults, once every twenty-four (24) hours;
  - (c) Food shall be stored in a fashion ~~which that~~ prevents contamination or infestation;
  - (d) The facilities shall be maintained and operated in a healthful, sanitary manner, free from disease, infestation and foul odors;
  - (e) All animals and animal buildings or enclosures shall be maintained in a clean and sanitary condition. Housing facilities shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entry of other animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
  - (f) Sick animals shall be isolated from healthy ones in quarters adequately ventilated to prevent contamination of healthy animals;
  - (g) Animals shall be immunized from disease as is usual and customary for the animals' age and species.
  - (h) All animal rooms, cages, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. If individual runs are utilized, the surface shall be cement, gravel, or shavings. At a minimum, sufficient space must be provided for every animal in an enclosure to separately and together, stand up, lie down, and turn around in a natural position.
  - (i) All animals shall be maintained so as to comply with section 5.04.070(7).
- (8) No commercial kennel license, or any renewal thereof, may be issued until the owner or operator thereof allows the director to inspect the premises of the license applicant. Such inspections shall be made during regular business hours. The purpose of such inspection shall be to determine if the commercial kennel does or can meet the standards set forth in subsection (7). The director, may inspect the premises at any time to ensure compliance with the provisions of this section.
- (9) Any person owning or exercising control of an unlicensed commercial kennel is guilty of a misdemeanor.

**5.04.043 Private kennels.**

- (1) Private kennels located in Spokane County shall be licensed as required by this section, except as otherwise may be required under the municipal codes of municipalities under contract with Spokane County for Animal Control and Protection Services that have adopted provisions of this chapter. All applicants requesting a private kennel license must submit a completed application for license with all applicable documentation and fees prescribed in the department fee schedule. Private kennel licenses shall be for a twelve (12) month period and shall be renewed on or before the expiration of such period.

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~~All applicants requesting renewal of a private kennel license must submit a completed renewal application with applicable documentation and fees prescribed in the department fee schedule. The fee for a private kennel license is one hundred dollars (\$100.00), payable to SCRAPS. An additional fee of twenty-five dollars (\$25.00) shall be assessed and payable if the license is not timely renewed within the above timeframe. All renewal rights to an existing license shall cease to exist ninety (90) days after the renewal date, and continued operation of the kennel shall be deemed operation of an illegal kennel. SCRAPS shall mail a notice of renewal to the license holder not less than thirty (30) days prior to the expiration of said license. Individual licenses are not required for any animals legally maintained within a licensed private kennel.~~

- (2) Applications for private kennel licenses shall be made to SCRAPS. Each application shall be in writing ~~and~~ signed and sworn to by the applicant. The application shall contain the following information:
- (a) The name, home address, and telephone number of the applicant;
  - (b) A diagram to scale or approximately to scale showing the property and structures for which the license is sought;
  - (c) A diagram of the kennel facility;
  - (d) A description of the premises where the kennel will be operated, as well as a description of the magnitude and nature of the proposed private kennel, including the number and breed of dogs or cats to be housed there;
  - (e) A description of the uses to which the properties surrounding the proposed private kennel are devoted;
  - (f) A written statement from the Spokane County Department of Building and Planning, or pertinent municipal department, that the proposed private kennel complies with applicable zoning laws.
- (3) The director may deny issuance or renewal of a license, ~~or~~ and may revoke or suspend an existing license for good cause upon finding after investigation or hearing ~~it deems necessary that any of the following:~~
- (a) The license fee has not been paid;
  - (b) The application does not satisfy the requirements of subsection (2);
  - (c) Such license was issued illegally, or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts, or that any of the material facts contained in the application are false;
  - (d) Upon the inspection by the Director, the business does not meet the standards for a private kennel set forth in subsection (6) of this section;  
~~Operation of the kennel constitutes a public nuisance;~~
  - (e) The licensee, or any agent of the licensee, ~~is~~ ~~connected~~ ~~to~~ with the operation of the private kennel, has, within a two (2) year period:
    - (i) Been found guilty of or committed a violation of any of the provisions of this chapter, chapter 5.12 of this code, or chapters 16.08, 16.52, or 16.54 RCW;
    - (ii) Violated any of the standards imposed for operation of private kennels by subsection (6) hereof; or
    - (iii) Kept more than the number of dogs or cats allowed under subsection (7) of this section.

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- (4) The director shall notify an applicant of the director's decision to deny an application for a new license or renewal of an existing license under the provisions of the section, and shall notify any person holding an existing license of the director's decision to revoke or suspend such license under the provisions of this section. Such notifications shall be made in writing, either in person or by regular or certified mail. Any notice or determination mailed pursuant to this section shall be deemed received by the person to whom it is addressed on the third (3rd) day after it is placed in the mail, as set forth by declaration of the sender. The notice shall contain the following information:
  - (a) The facts upon which the denial, revocation or suspension is based;
  - (b) That the notice renders the director's decision final unless the applicant or licensee requests an administrative appeal hearing by submitting a written request to the director on a form provided with the notice within fifteen (15) days of the receipt of the notice.
- (5) The director's decision is final unless the applicant or licensee timely requests an administrative appeal hearing in the same manner as provided in section 5.04.032. The appeal is subject to the same procedures as provided in section 5.04.042 for the appeal of the director's decision to deny, not renew, suspend or revoke a commercial kennel license.
- (6) The following operation standards shall ~~be observed in connection with~~ apply to private kennels:
  - (a) The animals must have an adequate supply of drinking water, sanitary sleeping quarters, and adequate shelter, medical attention, grooming and exercise areas appropriate to their size, breed characteristics and climate;
  - (b) All animals shall be supplied with sufficient good and wholesome food as often as the feeding habits of the respective animals require, but not less than, in the case of puppies or kittens under four (4) months of age, three (3) times every twenty-four (24) hours; and in the case of adults, once every twenty-four (24) hours.
  - (c) All animals and animal buildings or enclosures shall be maintained in a clean and sanitary condition. Housing facilities shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entry of other animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public;
  - (d) Sick animals shall be isolated from healthy ones in quarters adequately ventilated to prevent contamination of healthy animals;
  - (e) Animals shall be immunized from disease as is usual and customary for the animals' age and species;
  - (f) All animal rooms, cages, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. If individual runs are utilized, the surface shall be cement, gravel, or shavings. At a minimum, sufficient space must be provided for every animal in an enclosure to separately and together, stand up, lie down, and turn around in a natural position; and
  - (g) All animals shall be maintained so as to comply with section 5.04.070(7).
- (7) No private kennel shall have more than eight (8) dogs and/or ten (10) cats over six (6) months of age without the consent of the director.
- (8) No private kennel license, or any renewal thereof, may be issued until the owner or operator allows the director to inspect the premises of the license applicant at a mutually convenient time. The purpose of such inspection shall be to determine if the private kennel does or can meet the standards set forth

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in subsection (6). Any license or renewal thereof shall be conditioned on the owner or operator allowing the director to inspect the premises at any time to insure compliance with the provisions of this section.

- (9) Any person owning or exercising control of an unlicensed private kennel is guilty of a misdemeanor.

**5.04.044 Prohibited sales—Rules and regulations.**

- (1) No person shall display, sell, deliver, offer for sale, barter, auction, give away, dispose, or advertise the availability of an animal upon any public property or upon private property open to the public.
- (2) For purposes of this section, public property shall include, but not be limited to, any county-owned real property, air space, or other interest in real estate, including streets, roads, alleys or other public right-of ways, owned by or controlled by Spokane County or any governmental entity within the unincorporated areas or incorporated areas under contract that have adopted this chapter.
- (3) For purposes of this section, "private property open to the public" shall include, but not be limited to, any parking lot, sidewalk, and empty lot.
- (4) This section shall not apply to the sale of an animal that occurs:
  - (a) On private property not open to the public;
  - (b) At legally permitted pet shops and kennels; or
  - (c) At or through any 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 and approved by the director.
- (5) Nothing in this section shall permit the sale or harboring of an inherently dangerous animal within Spokane County prohibited pursuant to chapter 5.12 of this code.

**5.04.045 Designated off-leash area(s)—Rules and regulations.**

- (1) Dogs may be allowed to run at large in the following designated off-leash areas:
  - (a) Designated off-leash area within Gateway Park, located off Interstate 90 in Spokane County adjacent to the Idaho/Washington border;
  - (b) Other designated off-leash areas in Spokane County approved by ordinance or resolution by the Board of County Commissioners or by municipalities that contract with Spokane County for animal protection and control services and have adopted provisions of this chapter.
- (2) An area designated as off-leash area in subsection (1) of this section, is governed by the following rules and regulations:
  - (a) Any person bringing a dog into the off-leash area remains liable for damage or injury inflicted by the dog and is subject to all applicable Washington State and Spokane County laws regulating dogs.
  - (b) Any dog deemed potentially dangerous or dangerous by any recognized animal control authority is not allowed in an off-leash area.
  - (c) Any person bringing a dog into an off-leash area must maintain control of the dog(s) at all times.

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- (d) No handler is allowed to have more than three (3) dogs in an off-leash area at any one time. A handler must attend his/her dog within an off-leash area at all times.
- (e) Any dog exhibiting dangerous or aggressive behavior, including but not limited to biting and fighting, is prohibited from an off-leash area.
- (f) A female dog in heat is not allowed in an off-leash area.
- (g) Any person bringing a dog to an off-leash area must leash the dog when it is outside the off-leash area and must carry a leash for each dog while inside the off-leash area.
- (h) Pinch and choke collars are not allowed when a dog is off leash in the off-leash area.
- (i) A dog must ~~be have vaccinated~~ up-to-date on vaccines.
- (j) Any person bringing a dog into an off-leash area must clean up feces left by the dog, deposit the feces in the containers at the off-leash site, and visibly carry equipment for removing feces.
- (k) Any children less than sixteen (16) years of age in the off-leash area must be accompanied by a parent or guardian.
- (l) Glass containers and alcohol are prohibited in an off-leash area.
- (m) Bicycles, skateboards, and other wheeled items are prohibited in an off-leash area.

**5.04.050 Enforcement power.**

- (1) The director is authorized to take such lawful action as may be required to enforce the provisions of this chapter, chapter 5.12 of this code, and chapters 16.08, 16.52 and 16.54 RCW.
- (2) The director, unless authorized by the owner or person entitled to possession thereof, ~~or in response to exigent circumstances,~~ shall not enter private dwellings that are not licensed as either commercial or private kennels, unless a proper warrant has been issued upon a showing ~~that the affiant the director has reasonable probable~~ cause to believe that there is a violation of this chapter, chapter 5.12 of this code, or chapters 16.08, 16.30, 16.52 or 16.54 RCW. The director, while pursuing any ~~dog~~ animal observed by the officer to be in violation of this chapter, or during investigation for unlicensed dogs or cats, may enter upon any public or private property, except any private dwellings that are not licensed as either commercial or private kennels, for the purpose of abating the ~~dog~~ animal violation being investigated.
- (3) No person shall deny, prevent, obstruct or attempt to deny, prevent or obstruct the director from pursuing any animal observed to be in violation of this chapter, chapter 5.12 of this code, or chapters 16.08, 16.30, 16.52 or 16.54 RCW. No person shall fail or neglect, after a proper warrant has been presented, to properly permit the director to enter upon private property or private dwelling homes to perform any duty imposed by this chapter, chapter 5.12 of this code, or chapters 16.08, 16.30, 16.52 or 16.54 RCW.

**5.04.060 Impounding of dogs—Notice of owner or keeper—Redemption—Fee.**

- (1) The director may impound any dog(s) committing any of the acts prohibited by this code or chapter 16.08 RCW, and any dog determined by the director to be in danger of being subjected to cruel

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treatment as defined by this chapter or chapters ~~16.52 RCW or abandoned under 16.54 RCW~~, or found to be sick, injured or dead.

- (2) The director upon impounding a dog shall record the breed, color and sex of the dog, and whether or not the dog is wearing a current license tag. If the dog is currently licensed, the director shall also record the name and address of the owner or keeper and the number of the license tag. If the dog is not returned to its owner or keeper, the director shall notify the owner or keeper either by mail, telephone or in-person that the dog has been impounded and where it may be redeemed. Any dog identified as currently licensed and impounded pursuant to this chapter shall be held for the owner or keeper for at least one hundred twenty (120) hours from the time of impoundment. Any unlicensed dog shall be held for the owner or keeper for at least seventy-two (72) hours from the time of impoundment.
- (3) Any impounded dog not redeemed after the expiration of the holding period as provided in subsection (2) of this section ~~shall be deemed abandoned and ownership shall be vested in SCRAPS, and the dog may be adopted out, transferred to an animal shelter or animal rescue approved by the director, or humanely euthanized. All adoptions shall be conducted pursuant to~~ section 5.04.064.
- (4) Notwithstanding the holding periods referenced in subsection (2) of this section, the director may in accordance with policy established by SCRAPS, authorize any unlicensed impounded dog be humanely euthanized if the director determines the animal to be feral and/or dangerous to the safety of humans or other animals, or suffering from serious injury or disease; or the designated shelter area for dogs is at capacity.
- (5) Any dog impounded pursuant to this section may be redeemed by the owner or keeper upon compliance with the redemption procedures in section 5.04.110 and payment of all redemption fees as prescribed in the department fee schedules. ~~provided in section 5.04.110. In addition, any unlicensed dog must be licensed at the time of redemption.~~
- (6) Any dog running at large during a rabies quarantine shall be immediately impounded by SCRAPS and kept at the animal care and control facility or an animal shelter for the remainder of the quarantine at the owner's or keeper's expense.

**5.04.064 Release for adoption.**

- (1) The director may, in the director's sole discretion, decline to release an animal for adoption under any circumstances, including but not limited to:
  - (a) The prospective adoptive owner has a history of violations of this chapter or has been convicted of an animal-related crime;
  - (b) The prospective adoptive owner has inadequate or inappropriate facilities for confining the animal and for providing proper care to the animal as required by this chapter, chapter 5.12 of this code, and RCW Title 16.
  - (c) The existence of other circumstances which, in the opinion of the director, would endanger the welfare of the animal or the health, safety and welfare of the people residing in ~~the Spokane County;~~ or
  - (d) The animal is classified as a dangerous dog or a potentially dangerous dog.
- (2) The following requirements shall apply to Any adoption of an animal~~shall be subject to the following requirements:~~
  - ~~(a) The adoptive owner shall agree in writing to furnish proper care to the animal in accordance with this chapter, chapter 5.12 of this code, and RCW Title 16;~~

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- (a) ~~The payment of required fees under this chapter~~prescribed in the department fee schedule; and
  - (b) ~~The a~~The animal is spayed/neutered as set forth in section 5.04.065; and
  - (c) The animal is currently licensed and up-to-date on ~~vaccinations~~vaccines.
- (3) Notwithstanding the requirements set forth in subsections (1) and (2) of this section, the director may release an animal to an approved animal shelter or rescue/adoption agency that has agreed in writing to abide by the constraints of this section in the placement of rescue animals.

**5.04.065 Adoption of animal—Agreement to spay or neuter—Sterility fee —Forfeiture of animal—~~SCRAPS enterprise fund.~~**

- (1) Any dog or cat adopted from SCRAPS shall at the direction of SCRAPS be spayed or neutered prior to adoption, unless the director determines in the director's sole discretion that the sterilization procedure should be postponed, for a maximum of ninety (90) days, due to the animal's age, health or other appropriate factors.
- (2) At the time of adoption of any dog or cat from SCRAPS, a ~~thirty five dollar (\$35.00) sterility fee for dogs and a twenty five dollar (\$25.00) sterility fee for cats~~ will be charged in addition to other fees enumerated ~~5.04.030. in this chapter and prescribed in the department's fee schedule.~~ The Director of SCRAPS in their sole discretion may from time to time issue written approval to waive adoption fees on an individual or event basis.
- ~~(3) The sterility fee collected by SCRAPS from the adoption of any dog or cat will be deposited into the SCRAPS Enterprise Fund of Spokane County and restricted for use to reimburse veterinarians for the spay/neuter of adopted dogs and cats; and, if excess funds are available, at the discretion of the director, for treatment and care of injured or sick animals impounded by SCRAPS and projects/programs/services that may benefit the people and animals in the community.~~
- (3) All persons adopting animals from SCRAPS ~~which that~~ have not been sterilized will agree in writing to have the animal sterilized within 90-days or surrender the animal to SCRAPS; and, be provided a sterility voucher which ~~that~~ will contain space for the signature of a licensed veterinarian who performs the spaying or neutering of the animal. In addition, the person adopting will be provided a list of licensed veterinarians participating in the SCRAPS neutering program. In order for the person adopting to have his or her new pet spayed or neutered for no additional charge, the person must have their pet sterilized within ninety days of purchase by a participating veterinarian. The sterility voucher shall be presented to the participating veterinarian, who shall sign and date it and return it to SCRAPS for reimbursement. If the person adopting decides to use a veterinarian who does not participate in the SCRAPS neutering program, they will be responsible for all fees charged by the nonparticipating veterinarian. Whether a participating or nonparticipating veterinarian is used, the pet must be sterilized within ninety days of purchase.
- (4) The person adopting an animal ~~which that~~ has not been sterilized shall be responsible for providing proof that the animal has been spayed or neutered to SCRAPS within ninety (90) days of adoption. Proof shall consist of the completed sterility voucher from a veterinarian participating in the SCRAPS neutering program; or where the animal has been spayed or neutered by a nonparticipating veterinarian, the proof shall consist of a written statement from the veterinarian or clinic which spayed or neutered the animal, indicating the date the animal was spayed or neutered.
- (6) Upon return of the signed and dated sterility voucher by a licensed participating veterinarian to SCRAPS, the director will ~~cause the issuance of a check or warrant~~ facilitate payment to the



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veterinarian in accordance with the then scheduled reimbursement rate and by a method agreed to between the director and the participating veterinarian. Methods of payments and records relating to said payments must be in accordance with the requirements established by the Spokane County Auditor.

- (7) Any person adopting an animal who fails to provide proof the animal adopted has been spayed or neutered shall surrender the animal to SCRAPS.
- ~~(8) SCRAPS shall maintain a neutering program revolving account which will constitute a checking account set up under the control of the SCRAPS director to facilitate payment to participating veterinarians after required proof of spaying/neutering or other qualified veterinarian services has been submitted. Veterinarians may also be reimbursed through the county voucher payment system.~~
- ~~(9) The neutering program revolving account shall be balanced and reimbursed by county warrant at least monthly; reimbursement vouchers shall have sterility voucher or other qualified veterinarian service receipts attached. The receipts will be charged to the SCRAPS Enterprise Fund of Spokane County.~~

**5.04.066 Impounding of cats—Notice to owner or keeper – Redemption – Fee.**

- (1) The director may impound any cat(s) committing any of the acts prohibited by this code that is in danger of being subjected to cruel treatment, as defined by this chapter or chapters 16.52 and 16.54RCW, or found to be sick, injured, or dead.
- (2) The director upon the impounding of a cat shall record the breed, color and sex of the cat, and whether or not the cat is wearing a current license tag. If currently licensed, the director shall also record the name and address of the owner or keeper and number of the license tag. If the cat is not returned to its licensed owner or keeper, the director shall notify the cat's owner or keeper either by mail, or telephone, or personal notice that the cat has been impounded and where it may be redeemed. Any cat identified as currently licensed and impounded pursuant to this chapter shall be held for the owner or keeper for at least one hundred twenty (120) hours from the time of impoundment. The length of time an unlicensed cat is to be held depends on the temperament of the animal, if the animal is sick or injured, space available in the animal ~~shelter~~care and control facility, and whether placement through adoption or transfer to an animal shelter or animal rescue approved by the director is available.
- (3) Any impounded cat(s) not redeemed after the expiration of the holding period as provided in subsection (2) of this section shall be deemed abandoned, ownership vested in SCRAPS and the cat may be adopted out, transferred to an animal shelter or animal rescue approved by the director identified as community cat program eligible, or humanely euthanized. All cats adopted out shall be pursuant to section 5.04.064.
- (4) Notwithstanding the holding periods referenced in subsection (2) of this section, the director may in accordance with policy established by SCRAPS, authorize any impounded cat to be humanely euthanized if the director determines the animal is feral and/or dangerous to the safety of humans or other animals, or suffering from serious injury or disease; or the designated shelter area for cats is at capacity.
- (5) Any cat impounded pursuant to this section may be redeemed by the owner or keeper upon compliance with the redemption procedures in section 5.04.110 and payment of all redemption fees as provided prescribed in the department fee schedule in section 5.04.110. In addition, any unlicensed cats must be licensed at the time of redemption

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- (6) Any cat running at large during a rabies quarantine shall be immediately impounded by SCRAPS and kept at the animal care and control facility or animal shelter for the remainder of the quarantine at the owner's or keeper's expense.

**5.04.067 Control of cats.**

The following cat control regulations are police regulations designed to protect public health and safety. The owner or keeper of a cat is strictly liable to control his/her cat(s) as required herein, meaning that the penalty for violation of such regulations is imposed without regard to any wrongful intention of the violator. It is unlawful for the owner or keeper of a cat(s) to violate any of the following regulations. The owner or keeper of a cat(s) shall prevent said cat(s) from:

- (1) Being accessible to other cats, while in heat, for purposes other than controlled or planned breeding;
- (2) Running at large when the cat has not been neutered or spayed, and the cat is six (6) months of age or older;
- (3) Being kept, harbored, ~~or~~ maintained, or allowed to be running at large and known to have a contagious disease, unless under the treatment of a licensed veterinarian, and appropriately isolated to protect the public and other animals;
- (4) Running at large while being on private property without the permission of the property owner or the person entitled to possession of the property;
- (5) Without provocation, and in a menacing fashion or apparent attitude of attack, hisses at, snarls at, jumps upon, chases, restrains or approaches a human being on public or private property, or domesticated animal while the cat is off the owner's or keeper's property;
- (6) Exhibiting vicious propensities; and
- (7) Entering any place where food is stored, prepared, served or sold to the public or any public building or hall; provided, that this section shall not apply ~~to any trained service cat;~~ to veterinarian offices or hospitals; or to exhibitions or organized cat shows.

**5.04.070 Control of dogs.**

The following dog control regulations are police regulations designed to protect public health and safety. The owner or keeper of a dog is strictly liable to control his or her dog(s) as required herein, meaning that the penalty for violation of such regulations is imposed without regard to any wrongful intention of the violator. It is unlawful for the owner or keeper of a dog(s) to violate any of the following regulations. The owner or keeper of a dog or dogs shall prevent said dog(s) from:

- (1) Running at large in Spokane County, whether licensed or not; provided, that this subsection shall not: a) prohibit a person from walking or exercising a dog in public when the dog is on a leash, tether or chain not exceeding eight (8) feet in length; or, b) prohibit a person from having a dog off-leash in an area described in section 5.04.045(1) as an off-leash area, provided that the requirements of section 5.04.045(2) are met;

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- (2) Entering any place where food is stored, prepared, served or sold to the public or any public building or hall; provided, that this subsection shall not apply to any dog that is a service animal, veterinarian offices or hospitals, dog exhibitions or organized dog training classes, or dogs used by armored car services or law enforcement agencies;
- (3) Being accessible to other animals, while in heat, for purposes other than controlled or planned breeding;
- (4) Chasing, running after or jumping at vehicles using public streets and alleys;
- (5) Without provocation, and in a menacing fashion or apparent attitude of attack, ~~snapping at, growling at, snarling at, barking at, jumping upon, chasing, restraining or approaching~~ a human being on public or private property, or an animal while the dog is off the owner's or keeper's property;
- (6) Exhibiting vicious propensities;
- (7) Howling, yelling, whining or barking or making other oral noises that unreasonably disturb a person or group of persons;
- (8) Being kept, harbored or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian and appropriately isolated to protect the public and other animals;
- (9) Running in packs; provided, for the purpose of this section "packs" means dogs in groups of three (3) or more;
- (10) Running at large when the dog has not been neutered or spayed, and the dog is six (6) months of age or older;
- (11) If declared, deemed or determined to be a potentially dangerous dog, running at large or off the owner's or keeper's property, unless the dog is on a leash and under physical restraint of a responsible person; or
- (12) If declared, deemed or determined to be a dangerous dog, ~~running~~ at large or outside a proper enclosure, unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent the dog from biting any person or animal.

**5.04.071 Violations as infractions—Exceptions.**

Failure to perform any act required by this chapter or the performance of any act prohibited by this chapter is designated as an infraction and may not be classified as a criminal offense, except the following violations shall be classified as:

- (1) Misdemeanors:
  - (a) Section 5.04.030(5), falsely representing dog or cat as spayed/neutered or ~~non-~~unspayed/non-unneutered;
  - (b) Sections 5.04.032(14) and 5.04.033(7), failure to abide by conditions imposed on potentially dangerous dogs;
  - (c) Section 5.04.040, theft or misuse of license tags.

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- (d) Section 5.04.042(9), operating an unlicensed commercial kennel;
  - (e) Section 5.04.043(9), operating an unlicensed private kennel;
  - (f) Section 5.04.045(2)(e), allowing a dog to exhibit dangerous or aggressive behavior in a designated off-leash area;
  - (g) Section 5.04.045(2)(f), allowing a female dog in heat in a designated off-leash area;
  - (h) Section 5.04.067(5), cats exhibiting vicious propensities ~~which that~~ constitute a danger to persons or domestic animals;
  - (i) Section 5.04.070(6), dogs exhibiting vicious propensities ~~which that~~ constitute a danger to persons or animals;
  - (j) Section 5.04.070(11), potentially dangerous dog at large;
  - ~~(k) Section 5.04.079(1), failure to sign a promise to appear;~~
  - (k) Section 5.04.080, failure to identify - person receiving notice;
  - (l) Section 5.04.081, failure to obey an officer;
  - (m) Section 5.04.120(3), interference with lawful euthanasia;
  - (n) Section 5.04.150, failure to report striking domestic animal with motor vehicle;
  - (o) Section 5.04.160, failure to report animal bites; and
  - (p) The third (3<sup>rd</sup>) or subsequent violation of any provision constituting an infraction of this chapter within a twelve (12) month period. For purposes of this subsection, a third (3<sup>rd</sup>) or subsequent violation within a twelve (12) month period is determined according to the date of the offense for which an infraction, citation or complaint has been issued, regardless of whether the court has deemed the violation to have been committed, *provided* that a finding by the court that the prior infraction was not committed shall render the prior violation not countable toward the third (3<sup>rd</sup>) or subsequent violation;
- (2) Gross misdemeanors:
- (a) Section 5.04.035, failure to comply with dangerous dog registration and ownership requirements;
  - (b) Section 5.04.045(2)(b), prohibited dog in dog park; and
  - (c) Section 5.04.070(12), dangerous dog at large.

**5.04.072 Notice of infraction—Issuance.**

- (1) The director and animal protection officers shall be specially commissioned by the Spokane County Sheriff and may ~~additionally be specially commissioned by a local municipality's chief law enforcement officer contracting for animal control and protection services with SCRAPS~~ to issue a notice of infraction if committed in their presence or if after investigation they have reasonable cause to believe that the owner or keeper of an animal has committed an infraction.
- (2) The court may issue a notice of infraction upon receipt of a written statement of the director or an animal protection officer that there is reasonable cause to believe that an infraction was committed.

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**5.04.073 Notice of infraction—Determination final unless contested—Form.**

- (1) A notice of infraction represents a determination that an infraction has been committed. The determination is final unless contested as provided in this chapter.
- (2) The notice of infraction shall include the following:
  - (a) A statement that the notice represents a determination that an infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;
  - (b) A statement that an infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;
  - (c) A statement of the specific infraction for which the notice was issued;
  - (d) A statement of the monetary penalty established for the infraction;
  - (e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;
  - (f) A statement that at any hearing to contest the determination, the Spokane County has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;
  - (g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction, the person will be deemed to have committed the infraction and may not subpoena witnesses;
  - (h) A statement that the person must respond to the notice as provided in this chapter within fifteen (15) days;
  - (i) A statement which the person shall sign, ~~that the person promises~~ ing to respond to the notice of infraction in one of the ways provided in this chapter; and
  - (j) A statement that failure to respond to the notice of infraction or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty.

**5.04.074 Response to notice of infraction—Contesting determination—Hearing—Failure to respond or appear.**

- (1) Any person who receives a notice of infraction shall respond to such notice as provided in this section within fifteen (15) days of the date of the notice.
- (2) If the person determined to have committed the infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in-person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a

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response ~~which does not contest the infraction, it is deemed to be~~ determination committed is made is received, and an appropriate order shall be entered in the court's records.

- (3) If the person determined to have committed the infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in-person, to the court specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing, and that date shall not be sooner than seven (7) days from the date of the notice, except by agreement.
- (4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in-person, to the court specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing.
- (5) The court shall enter a default judgment assessing the monetary penalty prescribed for the infraction and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of infraction:
  - (a) Fails to respond to the notice of infraction as provided in subsections (1) or (2) of this section; or
  - (b) Fails to appear at a hearing requested pursuant to subsections (3) or (4) of this section.

**5.04.075 Hearings—Infraction—Rules of procedure—Counsel.**

- (1) Procedures for the conduct of all infraction hearings provided for in this chapter shall be in accordance with the infraction rules for courts of limited jurisdiction.
- (2) Any person subject to proceedings under this chapter may be represented by counsel.

**5.04.076 Hearings—Contesting determination that infraction committed—Appeal.**

- (1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.
- (2) The court may consider the notice of infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.
- (3) In the event the defendant contests any infraction, the burden of proof is upon ~~the~~ Spokane County to establish the commission of the infraction by a preponderance of the evidence.
- (4) After consideration of the evidence and argument the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed, an appropriate order shall be entered in the court's records.

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- (5) An appeal from the court's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

**5.04.077 Hearings—Infraction—Explanation of mitigating circumstances.**

- (1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.
- (2) After the court has heard the explanation of the circumstances surrounding the commission of the infraction, an appropriate order shall be entered in the court's records.
- (3) There is no appeal from the court's determination or order at a hearing on mitigation.

**5.04.078 Order of court—Infraction—Civil nature—Waiver, reduction suspension of penalty—Restitution.**

- (1) An order entered after the receipt of a response which does not contest the determination or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.
- (2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction.
- (3) The court may order a person found to have committed a civil infraction to make restitution.

**5.04.079 Failure to sign—Failure to satisfy penalty.**

- ~~(1) It is a misdemeanor for any person who has been personally served with a notice of criminal citation or a civil infraction, as provided by Spokane County District Court rule, as it presently exists or as may be hereinafter amended, to refuse to sign a written promise to respond to the notice.~~

A person who willfully fails to pay a monetary penalty or to perform community service as required by a court under this chapter may be found in civil contempt of court as provided for in chapter 7.21 RCW.

**5.04.080 Person receiving notice—Identification and detention.**

- (1) A person who is to receive a notice of infraction or a criminal citation under this chapter, chapter 5.12 of this code, or chapters 16.08, ~~16.30~~, 16.52 or 16.54 RCW is required to identify himself or herself to the director, animal protection officer, or ~~a sheriff's deputy~~ law enforcement officer by giving his or her

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name, address, and date of birth and, upon request, shall produce reasonable identification, including a driver's license or identicard.

- (2) A person who is unable or unwilling to reasonably identify himself or herself to the director, animal protection officer, or ~~a sheriff's deputy~~ law enforcement officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a notice of infraction or citation.
- (3) Willful failure to identify, following a lawful request under this section, is a misdemeanor.

**5.04.081 Failure to obey instructions of an officer.**

A person is required to stop when requested or signaled to do so by the director, animal protection officer, or ~~a sheriff's deputy~~ law enforcement officer in the enforcement of this chapter, chapter 5.12 of this code, or chapters 16.08, 16.30, 16.52 or 16.54 RCW. Any person who willfully violates this section is guilty of a misdemeanor.

**5.04.090 Regional animal protection director or animal protection officer—Issuance of criminal citation.**

The director or animal protection officer shall be specially commissioned by the Spokane County Sheriff as a deputy and may be specially commissioned by another local municipality's chief law enforcement officer as an officer for the purpose of enforcing any provision of this chapter, chapter 5.12 of this code, or chapters 16.08, 16.30, 16.52 or 16.54 RCW; and shall have the authority to issue infractions and criminal citations and to facilitate arrests with the assistance of law enforcement officers where the director or animal protection officer has information to support a reasonable belief that the owner, handler, or keeper of the animal is in violation of any sections constituting a misdemeanor or gross misdemeanor.

**5.04.110 Redemption procedures.**

- (1) Any dog impounded pursuant to the provisions of this chapter, ~~chapter 5.12 of this code~~, or chapters 16.08, 16.52 or 16.54 RCW may, be redeemed by the owner provided the following subsequent to the satisfaction of all conditions for redemption are met:
  - (a) Completion of applicable redemption paperwork.
  - (b) Proof or purchase of a current license.
  - (c) Proof or purchase of a current rabies vaccination or written agreement to present such proof within thirty (30) days.
  - (d) Payment of all applicable fees and services charges prescribed in the department fee schedule.
  - (e) Payment of all recoverable costs and expenses incurred in caring for the dog, including but not limited to boarding and reasonable veterinary expenses.



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~~for release, be redeemed upon payment of any fees and penalties due and owing, any recoverable expenses incurred by SCRAPS and proof of a current license; and, proof of a current rabies vaccination or written agreement to present such proof within thirty days. The redemption fee for a dog shall be twenty-five dollars (\$25.00) for each dog plus an additional fee of ten dollars (\$10.00) for each twenty-four (24) hour period or portion thereof during which such dog is retained by the impounding agency; provided, that the redemption fee for a dog redeemed a second (2nd) or a third (3rd) time in any twelve (12) month period shall be thirty-five dollars (\$35.00) and fifty-five dollars (\$55.00) respectively, plus an additional fee of ten dollars (\$10.00) for each twenty-four (24) period or portion thereof during which such dog is retained by the impounding agency; and provided further, the director for good cause may waive and/or reduce the redemption fee.~~

- (2) Any cat impounded pursuant to the provisions of this chapter, chapter 5.12 of this code, or chapters 16.08, 16.52 or 16.54 RCW may, be redeemed by the owner provided the following conditions for redemption are met:
- (a) Completion of applicable redemption paperwork.
  - (b) Proof or purchase of a current license.
  - (c) Proof or purchase of a current rabies vaccination or written agreement to present such proof within thirty (30) days.
  - (d) Payment of all applicable fees and services charges prescribed in the department fee schedule.
  - (e) Payment of all recoverable costs and expenses incurred in caring for the cat, including, but not limited to boarding and reasonable veterinary expenses.

~~subsequent to the satisfaction of all conditions for release, be redeemed upon payment of the any fees and penalties due and owing, any recoverable expenses incurred by SCRAPS and proof of current license and rabies vaccination presented. The redemption fee for a cat shall be twenty-five dollars (\$25.00) for each cat, plus an additional fee of ten dollars (\$10.00) for each twenty-four (24) hour period or portion thereof during which such cat is retained by the impounding agency, provided, that the redemption fee for a cat redeemed a second (2nd) or third (3rd) time in any twelve (12) month period shall be thirty-five dollars (\$35.00) and fifty-five dollars (\$55.00) respectively; plus an additional fee of ten dollars (\$10.00) for each twenty-four (24) period or portion thereof during which such cat is retained by the impounding agency; provided further, the director for good cause may waive and/or reduce the redemption fee.~~

~~(3) Recoverable expenses incurred include, but are not limited to, trip fees of twenty-five dollars (\$25.00) for a regular response and fifty dollars (\$50.00) for an emergency response; and, reasonable veterinary expenses incurred by SCRAPS.~~

- (3) All fees, costs and expenses payable under this section shall be made payable to SCRAPS.

#### **5.04.120 Destruction of vicious and dangerous dogs.**

- (1) The owner or keeper of any dog having vicious propensities, as defined in this chapter, shall turn the dog over to SCRAPS for disposal by means of euthanasia, if ordered to do so by a judicial officer of the district court or municipal court, upon the owner's or keeper's conviction of any violation of section 5.04.070(6).

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- (2) Any dog declared a dangerous dog that has failed to receive a certificate of registration shall be euthanized as provided for in section 5.04.032(10) and (11).
- (3) Any owner or keeper of a dog to be destroyed by means of euthanasia under this chapter, chapter 5.12 of this code, and chapters 16.08, 16.52, and 16.54 RCW has twenty-four hours (24) from notification to turn the dog over to ~~the~~ SCRAPS shelter for disposal by means of euthanasia. Willful interference with the lawful disposal of a dog pursuant to this section is a misdemeanor.

**5.04.130 Penalties.**

- (1) The maximum penalty for the violation of any provision of this chapter constituting an infraction other than section 5.04.030 relating to failure to obtain animal licenses shall be the monetary amount established under section IRLJ 6.2(b) of the Infraction Rules for Courts of Limited Jurisdiction for unscheduled infractions as it now exists or is hereafter amended for the first infraction, and the same amount plus twenty-five dollars (\$25.00) for the second (2nd) infraction committed within a twelve (12) month period. In addition, the court may impose any applicable statutory assessments.
- (2) Any person, in addition to any other penalties provided by this chapter, found in violation of any provisions or any amendments thereto ~~which that~~ are designated as misdemeanors shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than ninety (90) days or by both such fine and imprisonment; or, if designated as a gross misdemeanor, shall be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment in the county jail for not more than three hundred sixty-five (365) days, or by both such fine and imprisonment.
- (3) The penalties for violation of section 5.04.030, other than subsection (5) thereof, shall be two hundred dollars (\$200.00) per violation; provided, however, the district court by local court rule or general order may allow for a reduction in said sum by way of mitigation or where a license is obtained or renewed within ten (10) calendar days of the issuance of an infraction.

**5.04.131 Violation as constituting a public nuisance.**

In addition to the foregoing remedies, the repeat violation of any provisions of this chapter after official notice of the violation shall constitute a public nuisance and may be abated in any manner authorized by chapters 7.48 and 9.66 RCW.

**5.04.140 Fee setting authority.**

The director is granted the authority to set a schedule of fees not otherwise established in this chapter that are reasonably related to SCRAPS fulfilling its responsibilities under this chapter. This authority shall be construed consistently with all local Spokane County district court rules and general orders on the subject involving the failure to license dogs or cats as set forth in Sections 5.04.030 and 5.04.031 ~~SCC hereof~~. The Director for good cause may waive and/or reduce fees on an individual basis. Fee schedules shall be posted at the SCRAPS ~~shelter~~ animal care and control facility and on the SCRAPS Spokane County web site

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**5.04.150 Duty when striking domestic animal with motor vehicle.**

Any person who, while operating a motor vehicle, strikes a domestic animal in Spokane County shall stop at once, render reasonable assistance, and ~~shall~~ immediately report such injury or death to the animal's owner. In the event the owner of said animal cannot be ascertained and located, such person shall at once report the accident to ~~the~~ SCRAPS or another law enforcement agency with authority in the jurisdiction. This section shall in no way be construed as requiring the person striking the animal with a motor vehicle to be financially responsible for any injury or death of the animal. A person who willfully violates this section shall be guilty of a misdemeanor.

**5.04.160 Animal bites to be reported.**

Every animal ~~which that~~ bites a person shall be promptly reported to SCRAPS and shall thereupon be securely quarantined at the direction of SCRAPS for a period of ten (10) days. At the discretion of SCRAPS, such quarantine may be on the premises of the owner or keeper, at ~~the a~~ county animal ~~shelter care and control facility~~, or at the owner's or keeper's option and expense, in a veterinary hospital or designated animal shelter of the owner's or keeper's choice. In the cases of animals whose ownership is not known, such quarantine shall be at the county animal ~~shelter care and control facility~~, and designated animal shelter approved by SCRAPS, or a veterinary hospital. If the animal is quarantined at a county animal shelter care and control facility, the owner or keeper of the animal shall be charged a fee as prescribed in the department fee schedule. ~~ten fifteen dollars (\$105.00) for each twenty four (24) period or portion thereof.~~ Any owner or keeper of an animal who knowingly violates this section shall be guilty of a misdemeanor.

**5.04.170 Spaying and neutering services.**

- (1) ~~Three (3) dollars (\$3.00) of every dog and cat license shall be set aside each year to be used for the purpose of implementing a spaying and neutering program of licensed dogs and cats residing within the unincorporated areas of Spokane County and any jurisdictions under contract for SCRAPS services that have adopted this chapter by reference. The director shall may develop and maintain a spaying and neutering program, which and shall determine requirements for eligibility to participate in the program. Availability of spay neutering services through the program is dependent upon available funding. may utilize excess funds for SCRAPS projects/programs/services that are deemed to benefit the people and animals of the community.~~
- (2) The spaying and neutering program is deemed to benefit the people and animals of the community and the Director may utilize excess funds for SCRAPS projects/programs/services for licensed dogs and cats residing within the unincorporated areas of Spokane County and jurisdictions under contract with SCRAPS that have adopted this chapter by reference.
- (3) Spaying and neutering of licensed dogs and cats under this section shall be voluntary with the animal's owner or keeper.

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**5.04.900 Severability.**

If any portion of this chapter is held invalid, it is the intent of the Spokane County Board of County Commissioners that such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this chapter.

**5.04.910 Effective date—Preservation of existing cases.**

Resolution No. 18-- shall take effect on March 1, 2018, at 12:01 a.m. All cases filed and offenses committed prior to the effective date of this resolution are deemed preserved in accordance with section 10.01.040 RCW, and shall be governed by chapter 5.04 as it existed prior to March 1, 2018.