

**Title 6**

**ANIMALS**

**Chapters:**

**6.05 Animal Control and Licensing**



## Chapter 6.05

## ANIMAL CONTROL AND LICENSING

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**6.05.010 Definitions.**

(1) “Abate” means to repair, replace, remove, destroy or otherwise remedy the condition in ques-

tion by such means and in such a manner and to such an extent as the animal control officer, in his judgment, determines is necessary in the interest of general health, safety and welfare of the community.

(2) “Animal control authority” means the person, association or corporation appointed or authorized (including contractual authorization) by the mayor of the town of La Conner and/or the town marshal to carry out the duties of the animal control officer and enforcement under this chapter.

(3) “Animal control officer” includes a police officer when animal control officer is unavailable or off duty.

(4) “Colony” means a grouping of bees that normally reside in one hive.

(5) “At large” means off the premises of the owner and not under the immediate control of the owner, a member of his or her immediate family or a person authorized by him or her by means of a leash, cord or chain no longer than eight feet and of such sufficient strength to control the animal.

(6) “Covered animals” means any hoofed animals usually found on farms, such as horses, ponies, mules, bovine animals, sheep, goats and/or swine.

(7) “Dangerous dog” means any dog that according to the records of the appropriate authority, (a) has inflicted severe injury upon a human being without provocation on public or private property, (b) has killed a domestic animal without provocation while off the owner’s property or (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals; provided, however, that dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

(8) “Domestic animals” means any animals that are usually tamed and bred for the uses of humans.

(9) “Dwelling unit” means one room or rooms connected together constituting a separate, independent housekeeping establishment for an owner, occupancy or rental, or lease, on a weekly, monthly,

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or longer basis and physically separated from any other dwelling units which maybe in the same structure and containing independent cooking, sleeping and toilet facilities.

(10) “Exotic animals” means any animals that are not native to or usually found in the United States.

(11) “Wild animals” means any animal which requires a state or federal permit to own or maintain.

(12) “Grooming parlor” means any place or establishment, public or private where animals are bathed, clipped, or combed, whether or not for compensation for the purpose of enhancing their aesthetic value.

(13) “Guard dog” means any member of the dog family which has been trained or represented as trained to protect persons and/or property by virtue of exhibiting hostile propensities and aggressiveness to unauthorized persons.

(14) “Hive” means a small movable frame box used as a habitation site for a colony of bees.

(15) “Inhumane treatment” means every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

(16) “Own” means owning, keeping, leasing, possessing or harboring an animal.

(17) “Person” means any person, firm, corporation or association.

(18) “Potentially dangerous dog” means any dog that when unprovoked: (a) inflicts bites on a human or a domestic animal either on public or on private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

(19) “Poultry” means domestic fowl normally raised for meat or eggs, chickens, turkeys, ducks and geese.

(20) “Proper enclosure for a dangerous or potentially dangerous dog” means while on the owner’s property a dangerous or potentially dangerous dog shall be 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. Such pen or structure shall have secure sides and secure top. If the pen has no bottom secured to the sides, the sides must be embedded in the ground no less than one foot, and shall also provide protection from the elements for the dog.

(21) “Swarm” means any grouping of bees that has split off from a colony and moved en masse to take up permanent residence elsewhere. Swarming is by its nature to be considered a public nuisance. [Ord. 1012 § 3, 2008; Ord. 551 § (1), 1987.]

### 6.05.020 Exotic animals.

The owner of an exotic animal must keep the animal, at all times, contained within a fence or cage consistent with the age, size and species of the animal, such that the animal cannot run at large. [Ord. 551 § 1, 1987.]

### 6.05.030 Wild animals.

No person shall own any wild animal unless he has obtained a permit from the state Game Department and/or federal Fish and Wildlife Service; provided, that the animal control authority may allow a person to temporarily care for an infant or injured wild animal native to this area which is homeless while the person acquires the necessary state and/or federal permits. [Ord. 551 § 2, 1987.]

### 6.05.040 Guard dogs.

(1) Guard dogs shall be kept contained within a building or on a leash under the control of a person, or enclosed within a six-foot solid or chain link fence and of sufficient height to prevent the dog from reaching persons off the property.

(2) The owner shall restrain the guard dog in such a manner that the dog is unable to reach those persons using the normal ingress and egress to and from the property. The owner shall post signs in two conspicuous places on the property, warning that a guard dog is on the premises. The owner must indicate at the time of obtaining a dog license that the dog is a guard dog. [Ord. 551 § 3, 1987.]

### 6.05.050 Service animals.

Physically and mentally challenged individuals who own service animals shall not be required to have the animal on a leash if such leash shall put the person at risk, but the persons are responsible for actions of their service animals. [Ord. 947 § 1, 2005; Ord. 551 § 4, 1987.]

**6.05.060 Certain dogs deemed nuisance.**

(1) The following dogs shall be, and are hereby, declared to be a nuisance:

(a) Any dog which habitually runs after or barks at persons traveling the streets or other public thoroughfares, or which runs after or chases fowl;

(b) Any dog which by frequent or habitual howling, yelping or barking shall annoy or disturb a neighborhood or the quiet and repose of several persons;

(c) Any dog at large;

(d) Any potentially dangerous or dangerous dog;

(e) Any dog which acts in a menacing or threatening manner towards any person who is upon public or private property;

(f) Any dog whether licensed or not while in heat accessible to other animals for purposes other than controlled or planned breeding;

(g) Any dog which enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall; provided, this section shall not apply to any physically challenged person using a trained dog; to veterinarian offices or hospitals; or to dog shows, exhibitions or organized dog training classes; or to dogs used by any armored car service;

(h) Dogs, kept, harbored or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian;

(i) Dogs running in packs; provided, for the purpose of this section “packs” is defined as dogs in groups of three or more.

(2) Whenever it shall be affirmed by the animal control officer that any dog is a public nuisance, the animal control officer shall serve notice upon the owner that such nuisance must be abated within 48 hours, after which the animal control officer shall determine whether such nuisance has been abated and if not, the owner may be proceeded against for violation of this chapter, except for potentially dangerous and dangerous dogs, see LCMC 6.05.240 and 6.05.250.

(3) The owner of any dog who causes an injury to a person or persons shall be responsible for all medical expenses incurred by the injured party. [Ord. 551 § 5, 1987.]

**6.05.070 Grooming parlors.**

Grooming parlors shall:

(1) Not board animals but keep dogs and cats for a reasonable time in order to perform the business of grooming.

(2) Provide such restraining straps for the dog or cat while it is being groomed so that such animal shall neither fall nor be hanged.

(3) Sterilize all equipment after each dog or cat has been groomed.

(4) Not leave animals unattended before a dryer.

(5) Not prescribe nor administer treatment or medicine that is the province of a licensed veterinarian as proved in RCW 18.92.010.

(6) Not put more than one animal in each cage.

(7) Have floors and walls in rooms, pens, and cages used to retain animals or in areas where animals are clipped, groomed or treated constructed of water impervious material that can readily be cleaned, and which must be maintained in good repair.

(8) Have hot and cold water conveniently available and a large sink or tub provided (minimum size 24 inches by 18 inches by 12 inches).

(9) Have all cages, pens, or kennels used for holding animals kept in a clean and sanitary condition and disinfected on a routine basis. [Ord. 551 § 6, 1987.]

**6.05.080 Running at large prohibited.**

No domestic, covered, exotic, or wild animal of any kind shall be permitted to run at large during any hours of the day or night. [Ord. 551 § 7, 1987.]

**6.05.090 Impound procedures.**

(1) Notice of Impounding. When any licensed animal is impounded (see LCMC 6.05.240 and 6.05.250 for potentially dangerous dogs and dangerous dogs) the office or department impounding such animal shall attempt to give notice the same day by mail, or by leaving written notice at the address contained in the license application or by telephone, to the owner, informing him of the impounding of such animal and the reason thereof. It shall, however, be the entire responsibility of the owner to ascertain that this animal has been impounded and to take such measures as he deems fit for redeeming such animal. Neither the town nor

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any office nor agent of the town shall be responsible for failing to notify an animal owner under this chapter.

(2) **Redemption of Animals by Owner.** If, at any time before sale or disposition by the town or its contracted agents, the owner of animals so impounded shall claim the same, he/she shall be entitled to the possession thereof upon payment of all charges incurred by the town or fees charged to the town by its contracted agents incidental to such impounding and keeping of the animal.

(3) **Impounding Sick or Injured Animals.** When in the judgment of a licensed veterinarian or the animal control authority an animal should be destroyed for humane reasons, such animal may not be redeemed. The animal control authority, or its agents, shall not be held liable for the destruction of the animal. Before such licensed animal is destroyed, the animal control authority or its agents shall take reasonable steps to serve the owner with a notice of destruction, informing him that his animal is going to be destroyed and of the owner's rights of appeal. Upon such notice, the owner may appeal the decision to destroy the animal to the superior court within 14 days of notice by the town. The destruction of the animal shall be stayed for the 14-day appeal period if the owner serves the town with a notice of appeal within two working days of receipt of the town's notice of destruction. If the superior court holds that the animal should be destroyed, the owner shall pay all costs and fees for board and care of the animal. [Ord. 767 § 1, 2000; Ord. 551 § 8, 1987.]

### 6.05.100 Acts prohibited.

(1) Any person except the owner of a dog or his authorized agent who willfully opens any door or gate on any private premises or unleashes any dog for the purpose of enticing or enabling any dog to leave such private premises and be at large as provided in this chapter, shall be guilty of a misdemeanor and punishable as provided in this chapter.

(2) Any person who willfully molests, provokes or mistreats any animal while confined on its owner's premises shall be guilty of a misdemeanor and punishable as provided in this chapter.

(3) Every person who shall willfully injure, torture, torment, mutilate, or deprive of the necessary food or water, or who shall overdrive, overload, overwork, or work when disabled, cruelly beat, mutilate, or cruelly kill any cat, dog or other ani-

mal, or cause or procure an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of the necessary food and water, cruelly beaten or killed or who shall kill or wound any domestic animal by use of any gun, club, knife, bow and arrow or other weapon which may be used for the purpose of inflicting injury or death to any such animal, shall be deemed guilty of a misdemeanor.

(4) If any person shall maliciously kill, maim or disfigure any horse, cattle, or domestic animal or dog of another, or maliciously administer poison to any such animal; or expose any poisonous substance with intent that the same should be taken by such animal or shall commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or animals, whether the acts of omission herein contemplated be committed either maliciously, willfully, or negligently, and if any person shall knowingly permit such act or omission or shall cause or procure the same to be done, he shall be deemed guilty of a misdemeanor.

This section shall not apply to the killing of any animal by a police officer, humane society official, a duly licensed veterinarian, the owner of such an animal or a person authorized by him to destroy such animal; provided, however, that the death of such an animal is accomplished in a humane manner and for lawful purpose.

(5) A person who is convicted of violating this section shall be found guilty of a misdemeanor. The penalty shall be a maximum fine of \$1,000 and/or a jail sentence of six months. [Ord. 551 § 9, 1987.]

### 6.05.110 Licensing.

(1) **Licensing Required.** It is unlawful for any person to own any dog over the age of six months within the town unless the owner has first procured a license therefor or unless no license is required by this chapter.

(2) **Dogs Excluded from License Requirements.** The licensing provisions of this chapter shall not apply to the following dogs:

(a) Whose owners are nonresidents temporarily within the town;

(b) Brought into the town for the purpose of participating in any dog show;

(c) Licensed pet stores are exempt from the dog licensing requirement of those dogs kept and intended for sale;

(3) The town of La Conner shall issue animal licenses consisting of a metal tag with a number corresponding to the number of the application to the applicant.

(4) The applicant shall cause the same to be attached or fixed to the animal and the tags shall not be transferable from one animal to another.

(5) The following fees shall be paid for licenses required under this chapter:

(a) Spayed female or neutered male with a veterinarian certificate: \$5.00;

(b) Unspayed female or unneutered male dog over six months of age: \$15.00;

(c) Replacement of metal tag: \$1.00;

(d) Penalty fee for unlicensed dogs: \$10.00;

(e) Impoundment: Humane Society charge plus \$10.00;

(f) In-town care and feeding (per day): \$5.00;

(g) Dog at large or barking: \$10.00;

(h) Dangerous dogs: \$500.00. Renewal license fee: \$100.00;

(i) Potentially dangerous dogs: \$250.00. Renewal license fee: \$50.00.

Licenses shall be valid for a period of one year from January 1st through December 31st.

(6) Before a license is issued for any dog, the owner must present evidence that the dog has been vaccinated against rabies. Such evidence shall be a certificate of vaccination signed by a licensed veterinarian, and the certificate shall show that the vaccination does not expire within six months from the effective date of the dog license.

(7) As proof that a dog has been neutered (spayed or castrated) the license applicant shall exhibit to the licenser a certificate from a licensed veterinarian to that effect. Absent such filing, the unspayed fee shall be assessed.

(8) License Purchased by Residents 65 Years of Age or Older. Town residents 65 years of age or older shall be entitled to purchase a dog license at a cost of \$2.50 per year for a spayed female or neutered male with a veterinarian certificate or an affidavit, or \$7.50 per year for an unspayed female or unneutered male.

(9) Enforcement Procedure. All animals not licensed under this section, or who do not exhibit

the metal identification tag provided for in subsection (3) of this section, are declared to be public nuisances, and it shall be the duty of the town to impound and restrain the animals for a period of three days (except Saturday, Sunday and holidays), and/or issue a citation to the owner. If not redeemed within the three-day period, the animal control authority may sell or destroy the animal. The animal control officer, or such other person designated by the mayor and/or town council, shall as soon as possible after January 10th of each year make an inquiry from house to house within the town limits and in a lawful manner inquire as to the number of dogs owned and whether such dogs are licensed. Upon finding dogs unlicensed, the animal control officer shall give notice in writing to the owner or keeper of the animals that a license must be procured immediately at the regular license fee plus \$5.00 for each such unlicensed dog as a penalty for the owner's or keeper's neglect in procuring the license, or that the dog or dogs must be disposed of by the owner or keeper thereof. Upon failure to comply with the notice the animal control officer will then issue a citation to the owner or keeper of the animal or animals. [Ord. 1039 § 3, 2009; Ord. 687 § 1, 1996; Ord. 551 § 10, 1987.]

#### **6.05.120 Owner responsibility to remove animal manure.**

(1) Every person who owns or has under his or her control or care any animal shall be responsible for picking up and removing immediately any offal or manure left by any such animal upon any public place in town or upon any private property not owned by him or her.

(2) It is unlawful for any person who owns or who has under his or her control or care any animal and who fails to pick up and remove immediately any offal or manure left by any such animal upon any public property or any private property not owned by him or her. [Ord. 1012 § 3, 2008; Ord. 947 § 1, 2005; Ord. 551 § 11, 1987.]

#### **6.05.130 Exposure of poison prohibited.**

It is unlawful for any person to lay out or expose any kind of poison, or leave exposed any poisoned foods or drink for human, animal or fowl, or any substance of fluid whatever, on the premises of another or in any unenclosed place. [Ord. 551 § 12(A), 1987.]

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### 6.05.140 Found stray animals.

It shall be the duty of a person who takes into his possession any stray animal, not owned by him or not placed into his possession by the person having the lawful custody and control thereof, to notify the animal control authority or town marshal at once, and to release such animal to the town officer upon demand and without any charge. Any person who finds a stray animal within the corporate limits of the town of La Conner and, instead of delivering the animal to the animal control authority, impounds such animal with the Humane Society of Skagit Valley, shall provide his or her name and address to the Humane Society. The Humane Society will bill the town their current impound rate, and the town will collect from the person that sum plus a \$10.00 administration fee. [Ord. 971 § 1, 2006; Ord. 551 § 12(B), 1987.]

### 6.05.150 Duty when striking domestic animal with motor vehicle.

Any person who, while operating a motor vehicle, strikes a domestic animal, 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 the animal cannot be ascertained and located, such person shall at once report the accident to the town marshal or deputy. This section shall in no way be construed as requiring the person striking the animal with the motor vehicle to be financially responsible for any injury or death of the animal. [Ord. 551 § 12(C), 1987.]

### 6.05.160 Slaughtering of animals.

No persons shall kill or slaughter, within the town, any animal or animals, the flesh of which is intended to be sold or offered for sale or bartered. [Ord. 551 § 12(D), 1987.]

### 6.05.170 Animals outdoors.

Dogs or animals kept outdoors for more than six hours at one time must be provided with a moisture-proof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable. [Ord. 551 § 12(E), 1987.]

### 6.05.180 Killing exotic, wild, or dangerous animals.

If any fierce, dangerous, vicious or depredatory animal cannot be safely taken up and impounded, such animal may be slain by any police officer, or authorized animal control officer. [Ord. 551 § 12(F), 1987.]

### 6.05.190 Inhumane treatment of animals unlawful.

It is unlawful for any person to knowingly subject any animal to any inhumane treatment. [Ord. 551 § 12(G), 1987.]

### 6.05.200 Abandoning of animals unlawful.

It is unlawful for any person to abandon any animal within the town in any manner. [Ord. 551 § 12(H), 1987.]

### 6.05.210 Hindrance to impounding.

No person shall willfully do the following:

(1) Prevent or hinder the impounding of any animal found in violation of the provisions of this chapter;

(2) Remove any animal from the public pound without the authority of the town marshal, the animal control authority or the officer in charge of the pound;

(3) Remove any animal from the public pound without paying all lawful charges against the animal;

(4) Resist or obstruct the animal control authority in the performance of his duties. [Ord. 551 § 12(I), 1987.]

### 6.05.220 Animal bites to be reported.

Every animal which bites a person shall be promptly reported to the animal control authority and shall thereupon be securely quarantined at the direction of the animal control authority for a period of 10 days. At the discretion of the animal control authority, such quarantine may be at the animal shelter, or, at the owner's option and expense, in a veterinary hospital of the owner's choice. In the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the town animal shelter or veterinary hospital. [Ord. 551 § 12(J), 1987.]

**6.05.230 Confining dogs in heat.**

The owner or person having charge of any unspayed female dog shall confine such dog in a building or enclosed area during the period such dog is in heat. [Ord. 551 § 12(K), 1987.]

**6.05.240 Potentially dangerous dogs.**

(1) It shall be unlawful for any owner of a potentially dangerous dog, who has been notified by the animal control authority that he or she is the owner of a potentially dangerous dog, to keep such dog within the town limits of La Conner unless such owner has procured a license from the animal control authority.

(2) The animal control authority may find and declare an animal potentially dangerous if it has probable cause to believe that the animal falls within the definition set forth in LCMC 6.05.010(18). The finding must be based upon:

(a) The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition in LCMC 6.05.010(18); or

(b) Dog bite reports filed with the animal control authority as required by this chapter or state law; or

(c) Actions of the dog witnessed by any animal control officer or law enforcement officer; or

(d) Other substantial evidence admissible in district court.

(3) The declaration of potentially dangerous dog shall be in writing, and shall be served on the owner in one of the following methods:

(a) Certified mail to the owner or keeper's last known address, if known; or

(b) Personally; or

(c) If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation;

(d) The owner of any animal found to be a potentially dangerous dog under this section shall be assessed all service costs expended under this subsection.

(4) The declaration shall state at least:

(a) A description of the animal;

(b) The name and address of the owner or keeper of the animal, if known;

(c) The whereabouts of the animal if it is not in the custody of the owner;

(d) The facts upon which the declaration of potentially dangerous dog is based;

(e) The availability of a hearing in case the person objects to the declaration, if a request is made within five days;

(f) The restrictions placed on the animal as a result of the declaration of potentially dangerous dog;

(g) The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.

(5) If the owner of the animal wishes to object to the declaration of potentially dangerous dog:

(a) The owner may, within five days of receipt of the declaration, or within five days of the publication of the declaration pursuant to subsection (3)(c) of this section, request a hearing before the La Conner municipal court by submitting a written request to the clerk of the court.

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

(c) If the court finds sufficient evidence to support the declaration, it shall impose court costs on the appellant, and may impose additional restrictions on the animal.

(d) In the event the court finds that the animal is not a potentially dangerous dog, no court costs shall be assessed against the town of La Conner or the animal control authority or officer.

(6) Following service of a declaration of potentially dangerous dog, and pending appeals under this section or to any other court with jurisdiction, the animal control authority may, if circumstances require, impound the animal at the owner's expense, pursuant to the provisions of this chapter, until a court orders either its redemption or destruction.

(7) The owner of a potentially dangerous dog shall obtain a license for such dog from the animal control authority, and shall be required to pay the fee for such license in the amount set forth herein, or as hereafter amended. In addition, the owner of a potentially dangerous dog shall pay an annual renewal fee for such license in the amount set forth herein, or as hereafter amended.

(8) The license fee for each potentially dangerous dog to be licensed under this section is \$250.00. The annual renewal fee for each potentially dangerous dog licensed under this section is \$50.00. [Ord. 551 § 13, 1987.]

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### 6.05.250 Dangerous dogs.

(1) It is unlawful for an owner to have a dangerous dog in La Conner without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

(2) The animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the animal control authority sufficient evidence of:

(a) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning 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 surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog; or

(c) A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

(3) A certificate of registration as used in this section shall be obtained from the animal control authority. The owner of a dangerous dog shall obtain a certificate of registration from the animal control authority, and shall be required to pay the fee for such certificate of registration in the amount set forth herein, or as hereafter amended. In addition the owner of a dangerous dog shall pay an annual renewal fee for each dangerous dog licensed under this section in the amount set forth herein, or as hereafter amended, and shall submit proof of compliance with subsection (2) of this section.

(4) The owner of a dangerous dog shall pay a fee for the certificate of registration in the amount of \$500.00. The annual renewal fee for each dangerous dog licensed under this section is \$100.00. [Ord. 551 § 14, 1987.]

### 6.05.260 Penalties.

(1) Any owner of a potentially dangerous dog who fails to obtain a license or renewal for such dog as described in LCMC 6.05.240 shall be assessed a civil penalty in the amount of \$250.00;

provided, however, that no such civil penalty shall be assessed until five days have elapsed from the date such owner is notified by the animal control authority that such a license or renewal for such potentially dangerous dog is required, or until any appeal brought under that section has been complete, whichever is later.

(2) Any owner of a dangerous dog who fails to obtain a certificate of registration or renewal for such dog as set forth in LCMC 6.05.250 shall be assessed a civil penalty in the amount of \$500.00; provided, however, that no such civil penalty shall be assessed until five days have elapsed from the date such owner is notified by the animal control authority that such a license or renewal for such dangerous dog is required.

(3) Any dangerous dog or potentially dangerous dog for which a license or certificate of registration (or renewal) has not been obtained by its owner, pursuant to subsections (1) and (2) of this section, is subject to being impounded by the animal control authority. The owner of any potentially dangerous dog or dangerous dog so impounded shall be subject to a civil penalty in the amount of \$10.00 per day such dog remains impounded with the animal control authority. Any potentially dangerous dog or dangerous dog impounded due to the failure of the owner of such dog to obtain the required license or certificate of registration, and which remains impounded for a period of at least 20 days due to the failure of the owner to obtain such license or certificate of registration (or renewal), may be destroyed in an expeditious and humane manner by the animal control authority. A civil penalty in the amount of \$10.00 per day shall be assessed against the owner of each potentially dangerous dog or dangerous dog impounded by the animal control authority under this subsection.

(4) It is unlawful for the owner of a dangerous dog to permit the dog to be outside the 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 shall prevent it from biting any person or animal. Any owner who violates this provision shall be assessed a civil penalty of \$250.00 for each violation thereof.

(5) Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) dog is not validly registered under LCMC 6.05.250; (b) owner does not secure the liability insurance coverage required under LCMC 6.05.250(2)(c); (c) dog is not maintained in a proper enclosure; (d) dog is outside of the dwelling of the owner, or outside of the property enclosure and not under physical restraint of the responsible person. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021. The owner of any dog confiscated under this subsection may recover such dog from the animal control authority upon the payment of a civil fine which shall be in the amount of \$250.00 plus \$10.00 per day for each day the dog has been in the control of the animal control authority; provided, however that in the event the owner has not picked up the dangerous dog within 10 days of being notified by the animal control authority that such dog is under the control of such authority, the dog shall be destroyed in an expeditious and humane manner and the owner shall be assessed an additional civil penalty in the amount of \$50.00 for the cost of destroying such dangerous dog.

(6) If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. The owner of any dangerous dog confiscated and destroyed pursuant to this subsection shall be assessed a civil penalty in the amount of \$10.00 per day for each day such dangerous dog is quarantined with the animal control authority and in the amount of \$50.00 for the cost of destroying such dangerous dog.

(7) The owner of any dog that aggressively attacks and causes severe injury or death of any human, regardless of whether there has been any previous determination of whether such dog is potentially dangerous or dangerous, shall be guilty of a class C felony punishable in accordance with RCW 9A.20.021. In addition, the dog shall be immediately confiscated by an animal control

authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. The owner of any dangerous dog confiscated and destroyed pursuant to this subsection shall be assessed a civil penalty in the amount of \$10.00 per day for each day such dangerous dog is quarantined with the animal control authority and in the amount of \$50.00 for the cost of destroying such dangerous dog.

(8) Any person entering a dog in a dog fight is guilty of a class C felony punishable in accordance with RCW 9A.20.021. [Ord. 551 § 15, 1987.]

#### **6.05.270 Enforcement.**

(1) All civil penalties required to be paid by owners for violations of the provisions of this chapter shall be made to the animal control authority.

(2) No potentially dangerous dog or dangerous dog confiscated by the animal control authority shall be returned to any owner until such owner has paid all civil penalties which have been assessed against such owner under this chapter.

(3) La Conner shall have the authority to place a lien upon the real property of any owner of a dangerous dog or potentially dangerous dog against whom a civil penalty has been assessed under this chapter, who has been given notice of such civil penalty and has failed to pay such civil penalty; provided, however, that no such lien shall be placed until 30 days have elapsed from the date of any final determination of the validity of such civil penalty.

(4) The town of La Conner shall have the authority to place a lien upon the real property of any resident who fails to pay any properly levied impoundment fee after having been notified of same for a period of 60 days or more. [Ord. 971 § 2, 2006; Ord. 551 § 16, 1987.]

#### **6.05.280 Hearings.**

(1) Any owner against whom a civil penalty has been assessed under this chapter may contest such civil penalty by requesting a hearing in the La Conner municipal court by requesting such hearing within five days of notification of such civil penalty by the animal control authority.

(2) Where an owner has requested a hearing pursuant to subsection (1) of this section, no potentially dangerous dog or dangerous dog which is in the possession of the animal control authority shall

## 6.05.290

be destroyed until the resolution of such hearing; provided, however, that an additional civil penalty in the amount of \$10.00 per day shall be assessed against any owner whose dog remains in the custody of the animal control authority during any hearings requested under this section where resolution of such hearing is that all or any part of the civil penalty against such owner is found to be properly assessed.

(3) Following resolution of any contested hearing regarding a civil penalty as provided herein, the owner of any dangerous dog or potentially dangerous dog in the possession of the animal control authority shall pay all civil penalties which may have been assessed as authorized in subsection (2) of this section and LCMC 6.05.260 within 10 days of the final resolution of any hearing regarding such civil penalties.

(4) Any dangerous dog or potentially dangerous dog which has not been picked up from the animal control authority by its owner within 10 days of the final resolution of any hearing regarding any civil penalties under this section shall be destroyed in an expeditious and humane manner; provided, however, that an additional civil penalty in the amount of \$50.00 for the cost of destroying such dog shall be assessed against the owner, and may be collected as provided in LCMC 6.05.260. [Ord. 551 § 17, 1987.]

## 6.05.290 Muzzling and vaccination.

Whenever it becomes necessary to safeguard the public from the dangers of rabies or other communicable disease, the mayor or designee, if it deems it necessary for the public's health and safety, shall declare an emergency ordering every person owning or keeping the infected type animal, to confine it securely on his premises unless such animal has a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled animal running at large during the time of the proclamation shall be seized and impounded. All animals noticeably infected with rabies shall be killed by the animal control authority or by a police officer, without notice to the owner. Animals impounded during the first two days of such proclamation shall, if claimed within five days, be released to the owner, unless infected, upon payment of the fees and charges provided for in this chapter. If unclaimed after that period, such animal may be summarily destroyed. The resolution may also provide for and

require the vaccination of all dogs with anti-rabies vaccine, or other appropriate vaccines in the case of animals or diseases. [Ord. 551 § 18, 1987.]

## 6.05.300 Quarantine – Duties of owner.

During the period of any quarantine, the owner or keeper of a quarantined animal shall not allow the animal to come into contact with any other animal or person or permit such animal to run at large outside of the premises where quarantined or upon the premises itself unless the premises is enclosed by a secure fence from which the animal cannot escape. When a fence encloses the access to the premises, the animal must be restricted to leave free access to those persons lawfully entering the premises. The owner or keeper shall not remove or cause the animal to be removed from the premises without the prior consent of the health officer. These restrictions shall continue until the animal is released from quarantine. Any animal found running at large or which is removed from the premises where quarantined shall be impounded, and unless claimed and redeemed by its owner or keeper within two days after the expiration of the quarantine period, may be destroyed by the proper authorities. Further, a dog under quarantine which bites a person or domestic animal while running at large shall be automatically declared to be a "dangerous dog", and may be destroyed at the end of the quarantine period. [Ord. 551 § 19, 1987.]

## 6.05.310 Maximum number of dogs and/or cats permitted.

No person shall keep more than four cats or four dogs or any combination of cats and dogs exceeding four. [Ord. 551 § 20, 1987.]

## 6.05.320 Horses on First Street.

It is unlawful for any person to ride or lead or allow any horse, mare, pony or related animal on First Street in the town of La Conner. Prior council approval shall be required in order for horses or related animals to participate in a parade in the town of La Conner. [Ord. 551 § 21, 1987.]

## 6.05.330 Keeping of fowl and rabbits.

*Repealed by Ord. 773.* [Ord. 551 § 23(A), 1987.]

## 6.05.340 Keeping of certain domestic animals.

*Repealed by Ord. 773.* [Ord. 551 § 23(B), 1987.]

**6.05.345 Unreasonable animal noise or odor.**

Any animal kept within 100 feet of another residence, including but not limited to chickens, geese, ducks, other domestic fowl, rabbits, dogs and cats, shall be deemed a public nuisance if that animal or group of animals makes such unreasonable noise or odor as to annoy, injure, interfere with, or endanger the comfort of, repose, health, or safety of any person who is personally affected within his or her residence or upon his or her property. [Ord. 773 § 3, 2000.]

**6.05.350 Restricted animals.**

No cows, horses, mules, sheep, goats, swine, calves, steers, bulls or heifers shall be permitted to run at large within the limits of the town at any time during the day or night upon any of the streets, alleys or public places of the town. [Ord. 551 § 23(C), 1987.]

**6.05.360 Public nuisance.**

Whenever it shall be affirmed by the animal control office that any fowl or domestic animal is a public nuisance, the animal control officer shall serve written notice upon the owner that such nuisance must be abated within five days. The animal control officer shall determine whether such nuisance has been abated and if not, the owner may be proceeded against for violation of this chapter. Any fowl or domestic animal that causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the animal control officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall become a civil debt against the owner or other responsible person and be collected in the same manner as any other civil debt owing to the town. [Ord. 551 § 23(D), 1987.]

**6.05.370 Nonliability of town.**

Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the town or its officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with the terms of this chapter, or by reason or in consequence of any omission in connection

with the implementation or enforcement of this chapter on the part of the town by its officers, employees or agents. [Ord. 551 § 24, 1987.]

**6.05.380 Keeping of bees.**

(1) It shall be the duty of any person, firm or corporation having honey bees, *apis mellifera*, on its property to maintain each colony in the following conditions:

(a) Commercial keeping of bees is prohibited within the town limits. Temporary placement of hives within the town limits for pollination of farm crops is not considered to be commercial keeping of bees.

(b) Two hives per household.

(c) Colonies shall be maintained in movable frame hives.

(d) Adequate space and conditions shall be maintained to prevent overcrowding and swarming.

(e) Colonies shall be re-queened following swarming or after consistent aggressive behavior.

(f) All colonies shall be registered with the Director of Agriculture pursuant to RCW 15.60.030 prior to April 1st of each year and registered with the town clerk by presenting the certificate from Department of Agriculture.

(g) Hives shall not be located within 25 feet of any property line except when located eight feet or more above the grade immediately adjacent to the subject lot or when situated less than eight feet above the adjacent existing grade and behind a solid fence or hedge six feet high, parallel to any property line within 25 feet of a hive and extending at least 25 feet beyond the hive in both directions. If the configuration of the lot forces the placement of the hive abutting a street or sidewalk, then the eight-foot fence or hedge shall be 25 feet in both directions.

(h) Bees living in trees, buildings or any other space (except in movable frame hives), abandoned colonies or diseased bees shall constitute a public nuisance and shall be abated.

(i) This chapter shall be deemed to apply to all bee keeping facilities and/or activities presently existing or hereafter established; provided, however, that all persons or other legal entities presently maintaining beekeeping facilities on property within the town of La Conner shall have 90 days within which to comply with the requirements of this chapter. [Ord. 551 § 25, 1987.]

**6.05.390**

**6.05.390 Penalties for violation.**

(1) Animals kept, harbored or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian.

**Fee Schedule:**

First offense	\$30.00
Second offense	\$60.00
Third offense	\$120.00

(2) Dogs running in packs:

**Fee Schedule:**

First offense	\$30.00
Second offense	\$60.00
Third offense	\$120.00

(3) Dog with another dog's tag:

**Fee Schedule:**

First offense	\$10.00
Second offense	\$20.00
Third offense	\$30.00

(4) No tag on dog:

**Fee Schedule:**

First offense	\$10.00
Second offense	\$20.00
Third offense	\$30.00

(5) Animal at large:

**Fee Schedule:**

First offense	\$10.00
Second offense	\$20.00
Third offense	\$30.00

(6) Failure to confine a dog in heat:

**Fee Schedule:**

First offense	\$30.00
Second offense	\$60.00
Third offense	\$120.00

(7) Any dog which chases, runs after, or jumps at vehicles using the public streets and alleys:

**Fee Schedule:**

First offense	\$15.00
Second offense	\$30.00
Third offense	\$60.00

(8) Any dog which is in a vehicle which is open and accessible to the public which dog snaps, growls, barks, or lunges at or otherwise threatens persons lawfully using the public sidewalks, streets, alleys, or other public ways:

**Fee Schedule:**

First offense	\$30.00
Second offense	\$60.00
Third offense	\$120.00

(9) Any dog which howls, yelps, whines, barks or makes other oral noises, in such a manner as to disturb any person or groups of persons:

**Fee Schedule:**

First offense	\$10.00
Second offense	\$20.00
Third offense	\$30.00

(10) Owner responsibility to remove animal manure:

**Fee Schedule:**

First offense	\$10.00
Second offense	\$20.00
Third offense	\$30.00

[Ord. 1012 § 3, 2008; Ord. 812 § 6, 2001; Ord. 551 § 22, 1987.]