



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2019-027

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First Assigned to: Council					
Agenda Date:	02/26/2019	Next Mtg. Date:	02/26/2019	Hearing Date:	02/26/2019

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 6.04 Animal Control, Chapter 6.04.020 Definitions and 6.04.031 Administration and Enforcement

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance amending Whatcom County Code 6.04 Animal Control, Chapter 6.04.020 Definitions and 6.04.031 Administration and Enforcement

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
02/12/2019	Council	INTRODUCED FOR PUBLIC HEARING	Council
02/26/2019	Council	ADOPTED	

Attachments: Memo WCC 6.04, Ordinance to amend WCC 6.04, WCC definitions 6.04.020 redline, WCC definitions 6.04.020 clean, Animal Control WCC code 6.04.031 redline, Animal Control WCC code. 6.04.031 clean, Hearing Notice 2.26 .pdf

*Returned unsigned by the Executive on 2/28/2019

Final Action: 02/26/2019
Enactment Date: 02/26/2019
Enactment #: ORD 2019-017

SPONSORED BY: _____
PROPOSED BY: County Executive
INTRODUCTION DATE: 2/12/2019

ORDINANCE NO. 2019-017

AMENDING WHATCOM COUNTY CODE
SECTION 6.04, ANIMAL CONTROL

WHEREAS, Section 6.04 of the Whatcom County Code provides regulations within the unincorporated areas of Whatcom County and specific controls within designated urban areas of Whatcom County to control animal conduct; and

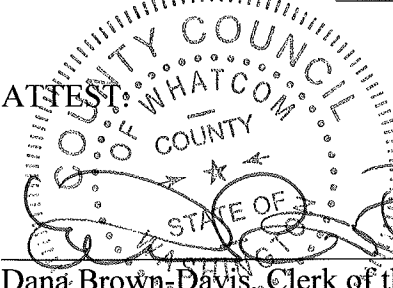
WHEREAS, Section 6.04.060 of the Whatcom County Code does not provide legal recourse to residents that have at large domestic animals trespassing upon their property outside of dog control zones and does not provide the animal control agency the ability to impound such animals; and

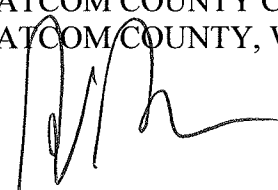
WHEREAS, in order to protect residents and their property from trespassing domestic animals and to permit the animal control agency to impound said domestic animals, Section 6.04.060 needs to be amended; and

WHEREAS, in order to provide a more democratic process for animal owners to request a hearing to contest a declaration of dangerous or potentially dangerous dog, Section 6.04.100 should be repealed and Section 6.04.232 "Contested Hearing" should be added to the Whatcom County Code to reflect that these contested hearings will be heard by the District Court of Whatcom County.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Section 6.04.060 of the Whatcom County Code be amended as indicated in Exhibit A to this ordinance; that Section 6.04.100 of the Whatcom County Code be repealed as indicated in Exhibit B to this ordinance; and that Section 6.04.232 be added to the Whatcom County Code as indicated in Exhibit C to this ordinance.

ADOPTED THIS 26th DAY OF February, 2019.

ATTEST:

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Council Chair

APPROVED AS TO FORM

APPROVED () DENIED ()



Deputy Prosecuting Attorney

Returned unsigned by the Executive on 2/28/2019
Jack Louws, County Executive

EXHIBIT A

6.04.020 Definitions.

- A. “Adult dog” means any dog, male or female, seven months of age or older.

- B. “Allow” means to permit by neglecting to restrain or prevent.

- C. “Animal” shall have its customary common meaning and shall include dogs where applicable.

- D. “Animal control authority” means a County department or agency, or a humane society or other animal care and control agency designated by action of the county council, that provides animal housing, care, and control services for the unincorporated areas of Whatcom County, and whose employees are either deputized by the Whatcom County sheriff or are otherwise authorized pursuant to this title and RCW 16.52 to enforce this title and laws of the state of Washington as they pertain to animal control and welfare

- E. "Animal control officer" means any individual employed, contracted, or appointed pursuant to RCW 16.52.025 by an animal control authority or humane society, or deputized by the Whatcom County sheriff, to aid in the enforcement of ordinances or laws regulating the care and control of animals.

- F.. “Animal shelter” means a facility used to care for homeless, stray or unwanted animals by a governmental entity or authorized animal welfare society, and may include more than one location.

- G.. “Animal sanctuary” means a housing and living facility for non-domesticated animals to live their lives free from abuse and neglect. The facility serves as an alternate to euthanasia and provides a secure home where rescued animals can live with dignity and proper care.

- H.. “At large” means to be off the premises of the owner and not under the control of either the owner or a person authorized by the owner.

I. "Dangerous dog" means any dog that, according to the records of the appropriate authority, (1) has inflicted severe injury on a human being without provocation on public or private property, (2) has killed a domestic animal without provocation while off the owner's property, or (3) 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.

J. "Director" means the head administrative official of the animal control authority, the humane society, or the department that has been authorized by the Whatcom County council.

K "Dog" means any member, male or female, of the family *Canis familiaris*.

L. "Exotic animal" means any animal not native to or usually found as domestic pets in the United States, including but not limited to lions, tigers, bears, gorillas, chimpanzees, lynx, cougars, jaguars, venomous snakes, and includes "wild animals" such as but not limited to wolves, raccoons, skunks, foxes, coyotes, and hybrid wolves and coyotes.

M. "Good animal husbandry" includes, but is not limited to, the dehorning of cattle and other horn-bearing livestock, and castration or neutering of any animal, according to accepted practices of veterinary medicine or normally accepted animal husbandry.

N. "Harboring or keeping an animal" means providing food and care for the animal on one's premises. An occupant of any premises will be presumed to be harboring or keeping an animal within the meaning of this chapter when an animal remains on the premises or regularly returns to the premises for food and care for a period of 14 days.

O. "Livestock" means horses, cattle, sheep, goats, swine, donkeys, mules and domestic fowl and rabbits.

P. "Owner" means any person, firm, corporation, organization or department possessing, harboring, keeping, having any interest in, or having control or custody of an animal.

Q. “Pet shop” is any establishment or premises maintained for the purchase, sale or exchange of pets of any type.

R. “Potentially dangerous dog” means any dog that when unprovoked: (1) inflicts bites on a human or domestic animal either on public or private property, or (2) 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 otherwise to threaten the safety of humans or domestic animals.

S. “Psittacine bird” includes all birds commonly known as parrots, macaws, cockatoos, lovebirds, parakeets and all other birds of the order Psittaciformes.

T. “Severe injury” means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

U “Stray animal” means any unidentified dog, cat or other animal whose owner is unknown or who has no owner. The stray animal is declared to be a nuisance, and any such stray may be seized and impounded. For the purpose of this section, “stray dog” or “stray animal” means any dog, cat or other animal appearing or remaining in a neighborhood or any public place without an apparent home.

V. “Under control” means that the owner, by means of a leash, restrains the dog to the owner’s immediate proximity, preventing the dog from trespassing upon property or annoying or chasing other persons, animals, or vehicles of any sort.

W. “Vicious animal” includes any whose temperament or habits create danger of injury to persons or other animals or create a reasonable apprehension of injury to persons or other animals.

X. “Wild animal” means an animal living in its natural state and native to the United States, but not normally domesticated, raised or bred by man. (Ord. 2002-052; Ord. 98-022; Ord. 90-82 (part); Ord. 90-53 (part)).

EXHIBIT B

6.04.031 Administration and enforcement.

A. A humane society or other animal control authority as defined under RCW 16.52 and that is designated by the County Council and the County Executive shall be responsible for administration and enforcement of this chapter, to include the following:

1. Operate or cause to be operated an animal shelter;
2. If the designee deems it necessary, select, train, hire, and retain a qualified animal control officer or officers to enforce the provisions of this chapter;
3. Investigate complaints pertaining to animal misconduct occurring in the unincorporated areas.
4. Administer animal licensing obligations provided for in this chapter, to include: the issuance and re-issuance of licenses; the collection of licensing fees, taxes, and penalties; and the enforcement of licensing requirements.

B. In the absence of a designated humane society or other animal control authority pursuant to Section A, the Whatcom County Sheriff's Office shall be responsible for the administration and enforcement of this chapter. (Ord. 98-022; Ord. 90-82 (part)).