

ORDINANCE NO. 479-N

AN ORDINANCE OF THE TOWN OF GARFIELD, WASHINGTON, amending Ordinance Nos. 246-N and 306-N, and amending Garfield Municipal Code Chapter 8.02, thereby regulating dogs and cats within the Town of Garfield.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GARFIELD AS FOLLOWS:

Section 1. Garfield Municipal Code Chapter 8.02, and those portions of Ordinance Nos. 246-N and 306-N, which are codified as Garfield Municipal Code Chapter 8.02 are hereby amended to read as follows:

Chapter 8.02
Dogs and Cats

Sections:

8.02.011 - Definitions

8.02.021 - Commercial Kennel License Required - Procedure

8.02.031 - Dog License Required - Procedure

8.02.041 - Dog Must be Restrained

8.02.051 - Unrestrained Dogs Subject to Impoundment - Notice of Impoundment

8.02.061 - Dangerous and Potentially Dangerous Dogs Prohibited

8.02.071 - Impoundment and Bond Pending Appeal of Dangerous or Potentially Dangerous Dog Adjudicated

8.02.081 - Public Nuisance Prohibited - Penalty for Violation

8.02.091 - Care

8.02.111 - Interference with Enforcement of this Chapter Prohibited

8.02.121 - Penalties

8.02.011 - Definitions. The following terms shall have the following definitions:

- (1) **Animal Control Officer:** A person designated by the Town to enforce this chapter.
- (2) **Animal Shelter:** A facility operated by the Town or its authorized agents to care for dogs impounded or held by authority of this chapter or state law.

- (3) **Commercial Kennel**: A property maintained primarily to keep, board, train, treat, or breed three or more dogs, but not more than six adult dogs, wherein the dogs are confined or otherwise kept in such a manner so as to prevent them leaving the property unrestrained.
- (4) **Impounded**: A dog or cat shall be considered as being impounded upon seizure by an animal control officer.
- (5) **Household**: A home, house, apartment or other property where one or more dogs are kept by one or more owners or keepers of a dog or dogs.
- (6) **Potentially Dangerous Dog**: Any dog that when unprovoked:
- (a) inflicts bites on a human or a domestic animal either on public or private property; and/or
 - b) chases or approaches a person in a menacing fashion or apparent attitude of attack, upon the streets, sidewalks, or any public or private grounds within the Town other than the grounds of the dog's owner or keeper; and/or
 - (c) any dog with a known propensity, tendency, or disposition to attack unprovoked or to cause injury or otherwise to threaten the safety of humans or domestic animals.
- (7) **Dangerous Dog**: any dog that according to records of the animal control officer or Town police: (a) has inflicted severe injury on 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.
- (8) **Public Nuisance**:
- a. a dog that chases vehicles upon streets or other public grounds;
 - b. a dog or cat that is running at large or otherwise not restrained

- as required under the provisions of this chapter;
- c. a dog or cat that damages public or private property other than that of its owner or keeper;
 - d. a dog that continuously barks, whines or howls in such a manner as to disturb or annoy neighbors or the public;
 - e. a dog or cat that defecates on public or private property other than that of its owner or keeper;
 - f. any person who feeds a dog or cat not owned by such person; provided, this does not apply to any employees or agents of the Town feeding a dog or cat which has been impounded pursuant to this chapter; or
 - g. the owning or keeping of more than six cats within the Town.

- (9) **Restraint or Restrained:** Any dog: (a) secured by a leash or lead under the immediate control of a person of sufficient age and competence to control the dog; or (b) any dog which is secured by a leash or confined within a kennel, residence, cage, or other building or structure located on its owner's or keeper's private property, and which is constructed in such a manner so as to keep the dog confined at all times within the building or structure; or (c) any dog present on the property of its owner or keeper which is not physically confined or secured by a leash or lead, but is confined to the property by training, habit, or voice command.
- (10) **Town Police:** Any person or persons designated by the Town to act as the Town law enforcement officer or officers.

8.02.021 - Commercial kennel license required--procedure. All commercial kennels shall be continuously licensed by the person, persons, or entity operating the kennel as follows:

- (1) Written application for a license shall be made to the Town Treasurer or animal control officer. The application shall include the applicant's name, address, location of kennel, description of kennel facilities, description of methods to be used to keep the dogs from leaving the property unrestrained, and the number of dogs to be kept or expected to be kept in the facilities.

- (2) No dog kept in a commercial kennel shall be confined or kept in an enclosure or cage smaller than 75 sq. feet in size. All dogs kept in the kennel shall be provided with sanitary and humane quarters, reasonably protected from inclement weather.
- (3) Prior to issuance of a commercial kennel license, and from time-to-time after the license has been issued, the kennel facilities shall be subject to inspection by the animal control officer to ensure that the facilities meet the conditions specified in subsection (2), above. All inspections shall be at reasonable times, and upon at least 24 hours prior notice to the licensee or applicant.
- (4) An annual fee of \$25.00 shall be assessed for each commercial kennel license issued.
- (5) Upon completion of the application for a commercial kennel, payment of the license fee, and approval of the kennel by the animal control officer after inspection, the Treasurer shall issue a commercial kennel license to the person, persons, or entity operating the kennel; PROVIDED, in the event the animal control officer has not made a reasonable attempt to inspect the kennel within 30 days after the application has been completed, such inspection shall not be considered a prerequisite to issuance of a license.
- (6) Subject to compliance with the provisions of this section, each commercial kennel license shall be valid for up to one year, from January 1 through December 31. The Treasurer shall maintain a record of each commercial kennel license issued, and shall make this record available for public inspection. If a licensee shall violate any provisions of this section, the animal control officer shall have authority to revoke the license five days after written notice to the licensee. The notice shall specify the violation, and shall notify the licensee of the impending revocation unless the violation is cured within five days. The notice shall also state that the licensee may appeal the revocation in the manner set forth in subsection (8), below.
- (7) All dogs kept within a commercial kennel must be licensed as provided in §8.02.031.
- (8) Any applicant denied a commercial kennel license, or any licensee whose license has been or is about to be revoked, shall have the right to appeal the denial or revocation to the Town Council. To appeal a denial or revocation, the applicant

or licensee must first give written Notice of the intent to appeal to the Town Clerk and animal control officer. The Town Clerk shall then schedule a hearing on the matter before the Town Council. The hearing shall be scheduled during a regular or special council meeting within 45 days after written notice of the intent to appeal is received by the Town Clerk. The applicant or licensee and the animal control officer shall be given written notice of the hearing not later than seven days before the scheduled hearing. At the hearing, the applicant or licensee and animal control officer may present testimony or other evidence relevant to the matter. The Town Council shall then either confirm or overrule the denial or revocation within 20 days after the hearing.

8.02.031 - Dog License Required-Procedure. All dogs three months of age or older kept or harbored within the Town must be continuously licensed by the owner or keeper of the dog as follows:

- (1) Written application for a license shall be made to the Town Treasurer or animal control officer. The application shall include the applicant's name and address, a description of the dog, and a rabies vaccination certificate issued by a licensed veterinarian or clinic.
- (2) An annual license fee for any license for which application is made after January 1, 1995, shall be assessed as follows:
 - a. for each dog kept in a licensed commercial kennel.....\$2.00
 - b. for all neutered or spayed dogs to be licensed by an owner or keeper.....\$5.00
 - c. for all other dogs to be licensed by an owner or keeper.....\$10.00Any application for a neutered or spayed dog shall be accompanied by a veterinarian's certification that the dog has been neutered or spayed.
- (3) Upon completion of the application and payment of the appropriate fee, the Treasurer shall issue a license in the form of a tag. Any dog three months of age or older kept or harbored within the Town must at all times have a current year tag attached to its neck. The tag shall bear an identification number and year of its issuance.

- (4) Dog licenses shall be valid for one year, from January 1 through December 31. The Treasurer shall maintain a record of the identifying number of each tag issued, and shall make this record available for public inspection.
- (5) Duplicate dog tags shall be issued upon payment of a \$2.00 replacement fee.
- (6) No person shall use a tag for any dog other than the dog for which it was issued.

8.02.041 - Restraint.

- (1) Any dog within the Town must be continuously kept under restraint. No dog shall be tethered in such a manner as to permit it to enter within ten feet of any public street, alley, sidewalk, or area open to the public, or to enter upon any neighboring property without the authorization of the occupant of the neighboring property.
- (2) Every female dog in heat shall be reasonably restrained in a building or secure enclosure in such a manner that such dog cannot come into contact with another dog except for planned breeding purposes.
- (3) Every female cat in heat shall be reasonably restrained in a building or secure enclosure in such a manner that such cat cannot come into contact with another cat except for planned breeding purposes.
- (4) No more than four cats per household shall be allowed to be outdoors at the same time.

**8.02.051 - Unrestrained Dogs and Cats Subject to Impoundment--
Notice of Impoundment.**

- (1) Any dog or cat in violation of §8.02.041, above, shall be subject to impound by the Town Police or animal control officer. Upon impound, if the owner or keeper of the dog is known or can be reasonably identified, the impounding officer shall immediately notify the owner or keeper by telephone, mail or in person. The impounding officer shall advise the owner or keeper that the dog or cat has been impounded, and that the dog or cat may be reclaimed by payment of an impoundment fee equal to \$25.00 for the initial impound and \$8.00 each subsequent calendar day or part-day the dog or cat has been impounded. Also, if the dog does not have a current-year tag, in addition to

- the impound fee, the owner or keeper shall be advised that the dog cannot be reclaimed until a current year tag is secured.
- (2) Upon payment of all impound and licensing fees, an impounded dog or cat shall be released to its owner or keeper.
 - (3) If a dog or cat has not been reclaimed within 72 hours following notification to the owner or keeper, or within 72 hours after impoundment if the owner or keeper cannot be reasonably identified, the dog or cat shall become the property of the Town and shall be placed for adoption in a suitable home, or shall be humanely destroyed.
 - (4) The impound fee and dog license requirement shall be in addition to any fine or penalty which may be subsequently be assessed as a result of any violation of this chapter.

8.02.061 - Dangerous and Potentially Dangerous Dogs Prohibited. No dog meeting the definition of a dangerous or potentially dangerous dog as defined in §8.02.011 (6) and (7), above, shall be kept, harbored, or present at any time within the Town of Garfield. At all times during the pendency of any legal proceeding upon a complaint or citation alleging a violation of this section, the dog in question shall either be removed from the Town, or impounded by the Town. The cost of keeping any dog impounded under this section shall be assessed to the owner or keeper of the dog if the dog is adjudged a dangerous or potentially dangerous dog; otherwise, the Town shall bear the cost.

8.02.071 - Impoundment and Bond Pending Appeal of Dangerous or Potentially Dangerous Dog Adjudication. Pending appeal from an Order adjudging a dog to be kept, harbored, or present in violation of §8.02.051 or 8.02.061, above, the subject dog shall, at the option of the owner or keeper, either be removed from the Town, or impounded by the Town. If impounded by the Town, the owner or keeper must bear the cost of keeping the dog and must post a cash bond for the dog in the amount of the daily animal shelter charge multiplied by 545 days. Such bond shall indemnify the Town against the cost of keeping the dog.

8.02.081 - Public Nuisance Prohibited—Penalty for Violation. No person shall maintain, keep or harbor a dog or cat in Garfield which meets the definition of a public nuisance as defined in §8.02.011 (8),

above. In the event of a conviction upon violation of this section, the owner or keeper shall be fined not less than \$75.00, and the owner or keeper shall be required to take reasonable steps to abate any further public nuisance. In the event of a second conviction involving the same dog or cat, the owner or keeper shall be fined at least \$150.00 and shall be required to take reasonable steps to abate any further public nuisance. In the event of a third conviction involving the same dog or cat, the owner or keeper shall be fined at least \$250.00, and the Court shall enter an Order directing the owner or keeper to destroy the dog or cat or permanently remove it from the Town. If the dog or cat is not then destroyed or removed as ordered within 24 hours after entry of the Order, it shall be the duty of the Town Police, or the animal control officer to remove or destroy the dog or cat, wherever it maybe found within the Town.

8.02.091 - Care. No owner or keeper of a dog or cat within the Town of Garfield shall:

- (1) mal-nourish the dog or cat, or fail to provide reasonable shelter and veterinary care for the dog or cat;
- (2) beat, torment, abuse, or otherwise inhumanely treat and care for the dog or cat;
- (3) cause the dog or cat to engage in a fight with another dog, animal, or person; or
- (4) abandon the dog or cat.

8.02.111 - Interference with Enforcement of this Chapter Prohibited. No person shall knowingly and wilfully interfere with, or attempt to prevent, the Town Police, his officers, or an animal control officer, from discharging his duties in the enforcement of this chapter.

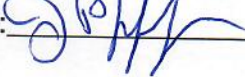
8.02.121 - Penalties.

- (1) Unless otherwise provided above, a person convicted of violating any provision of this Chapter shall be fined not less than \$25.00, nor more than \$500.00, per violation. No part of any fine assessed under the provisions of this Chapter shall be suspended or deferred in any manner.
- (2) Any person convicted of violating §8.02.091 shall immediately forfeit any dog or kennel license then issued to the person, and no further or future dog or kennel license shall be issued to the person.

- (3) For the purposes of this section, each day in violation of any part of this Chapter shall be considered a separate violation."

Section 2. This ordinance shall be in full force and effect five days after it or a summary thereof, is published in the official newspaper of the Town of Garfield as required by law.

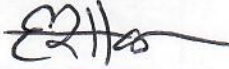
ADOPTED this 10th day of March, 2021, by the Town Council of the Town of Garfield.

APPROVED:  _____

Jarrod Pfaff, Mayor

ATTEST:  _____
Clerk

Approved as to form:



Eric Hanson, Town Attorney

Passed: March 10th, 2021

Published: March 25th, 2021

Effective date: March 31st, 2021