

**CITY OF WHITE SALMON  
ORDINANCE NO.2013-09-922**

**AN ORDINANCE OF THE CITY OF WHITE SALMON, WA, AMENDING AND  
REPEALING SECTIONS OF THE ANIMAL CODE RELATING TO  
DANGEROUS AND POTENTIALLY DANGEROUS DOGS AND PROVIDING  
FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City has an ordinance relating to potentially dangerous dogs; and

**WHEREAS**, the City's potentially dangerous dog provisions need to conform to state law regarding dangerous dogs; and

**NOW THEREFORE; THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO ORDAIN AS FOLLOWS:** by the City Council of the City of White Salmon that the following amendments be made to White Salmon Municipal Code Chapter Chapter 6.04 as follows:

**SECTION 1** – WSMC 6.04.010 Definitions is hereby amended as follows:

Key:           ~~Strike though~~ means repealed.

**Bold** means new

**6.04.010 Definitions:**

The following words and phrases used or referred to in this chapter shall have the following meanings unless a different meaning is evident from the context:

- A. "Abatement" means the removal, stoppage, extinguishment or destruction of that which causes the nuisance.
- B. "Animal control authority" means a person, association or corporation, appointed or authorized by the City of White Salmon and/or the chief of police or his designee, to enforce the provisions of this chapter and all other ordinances of the city pertaining to animal control.
- C. "Animal control officers" means officers employed by the animal control authority and, in addition, includes police officers.
- D. "At large" means off the premises of the owner and not under the immediate control of the owner, member of the owner's immediate family, or person authorized by the owner, by means of a leash, cord, or chain no longer than eight feet.
- E. "Dangerous dog" means any dog that **according to the records of the animal control authority:** (a) ~~inflicts~~ **has inflicted** severe injury on a human being without provocation on public or private property, (b) ~~kills~~

**has killed** a domestic animal without provocation while the dog is off the owner's property, or (c) has been previously found to be potentially dangerous ~~because of injury inflicted on a human, the owner having received notice of such~~ **pursuant to this chapter** and the dog again aggressively bites, attacks, or endangers the safety of humans **or domestic animals**. ~~(i.e., RCW 16.070.080(2) or as hereafter amended).~~

- F. "Own" means owning, keeping, leasing, possessing or harboring a dog. "Owner" means any person having an interest in, or right of possession to, a dog, or any person having control, custody or possession of a dog, or by reason of the dog being seen residing consistently at a location, the person or persons resident at that location.
- G. "Person" means any person, firm, corporation or association.
- H. "Potentially dangerous dog" means any dog that when unprovoked: (a) Inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds **or on private grounds other than its owner's property** 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 cause injury~~ or otherwise to threaten the safety of humans or domestic animals. ~~(i.e., RCW 16.070.080(1) or as hereafter amended).~~
- I. "Public places" for the purposes of this chapter, shall mean any public building, public roads, streets and highways, public rights-of-way, city parks, school bus stops, and all commercial establishments wherein the public is invited to do business unless the proprietor has elected to allow a dog or dogs on those commercial premises and exhibits a sign approved by the city stating there may be a dog at large on the premises.
- J. "Secure enclosure" means a structure that prevents the dog from reaching a public sidewalk, easement, right-of-way, road or adjoining property and must be located where the animal does not interfere with legal access to the owner's property.
- K. "Tag" means a numbered metal or plastic identification license sold by the city to an owner/custodian for a specific dog. Rabies identification or other identification may not be substituted or accepted in lieu of a license tag.

**SECTION 2** – WSMC sections 6.04.120 and 6.04.130 are hereby repealed in their entirety.

**SECTION 3** – WSMC Sections 6.04.120-6.04.130 are hereby adopted as follows:

**6.04.120 Dangerous or potentially dangerous dogs—Compliance with state law required—Registration—Fees.**

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It is unlawful for any person to own or harbor a dangerous dog or potentially dangerous dog, except in conformance with Chapter 16.08 RCW, or as amended, and in conformance with this chapter.

- A. It is unlawful for an owner to have a dangerous or potentially dangerous dog in the city without a certificate of registration issued under this section. The registration fee for dangerous dogs shall be in addition to the registration and tag fees required in Section 6.04.020. This section shall not apply to dogs used by law enforcement officials for police work.
- B. The animal control authority shall issue a certificate of registration to the owner of a potentially dangerous dog upon payment of the annual registration fee of one hundred dollars if such registration occurs before July 1st, or fifty dollars if such registration occurs after July 1st.
- C. 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:
  1. 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 that informs children of the presence of a dangerous dog. For purposes of this chapter, the term “proper enclosure” of a dangerous dog means, while on the owner’s property, a dangerous dog shall be securely confined indoors or in a securely closed and locked pen or structure suitable to prevent the dog from escaping, and shall also provide protection from the elements for the dog;
  2. One of the following:
    - a . A surety bond issued by an insurer qualified under Chapter 48.28 RCW, in a form acceptable to the animal control authority, in the sum of at least two hundred fifty thousand dollars, payable to any person injured by the dangerous dog, or

- b . A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least two hundred fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog;
3. Payment of the annual registration fee of two hundred fifty dollars if such registration occurs before July 1st, or one hundred twenty-five dollars if such registration occurs after July 1st.

**6.04.123 Dangerous or potentially dangerous dogs—Identification.**

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Any dog declared by the animal control authority to be a dangerous or potentially dangerous dog shall be identified in the following manner:

A. Microchip.

1. Any dangerous or potentially dangerous dog shall be required to be injected with a microchip for electronic identification as directed by the animal control authority.
2. Such microchip will be a type for use by the animal control authority. The owner shall provide the microchip number to the animal control authority.
3. Such microchip shall be applied to the dog at the expense of the owner or keeper of the dog.

B. Collar.

1. Any dangerous dog shall be required to wear a distinctive collar denoting classification of the dog as required by the animal control authority.
2. Lost collar replacement fee shall be twenty dollars.

**6.04.125 Dangerous dogs—Requirement for restraint—Dogs not declared dangerous.**

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- A. It is unlawful for an 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 not more than four feet in length, 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.

- B. 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 in the past has been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

**6.04.127 Dangerous or potentially dangerous dogs—Confiscation—Conditions.**

A. Confiscation of Dangerous Dogs.

1. Any dangerous dog shall be immediately confiscated by the animal control authority if the:
  - a . Dog is not validly registered under this chapter;
  - b . Owner does not maintain the liability insurance or bond required under this chapter;
  - c . Dog is:
    - i. Not kept in the proper enclosure; or
    - ii. Outside of the dwelling of the owner, or outside the proper enclosure, and not muzzled and under physical restraint of the responsible person;
  - d . Dog is not wearing dangerous dog collar;
  - e . Dog has not received a microchip and supplied the microchip number to the animal control authority.
2. In addition, the owner shall be guilty of an offense.

B. Confiscation of Potentially Dangerous Dogs.

1. Any potentially dangerous dog shall be immediately confiscated by the animal control authority if the:
  - a . Dog is not validly registered under this chapter;
  - b . Dog has not received a microchip and supplied the microchip number to the animal control authority.
2. In addition, the owner shall be guilty of an offense.

- C. Compliance Required for Return. Any dangerous or potentially dangerous dog confiscated pursuant to this section shall be returned to the owner upon the owner's compliance with Sections 6.04.120 and 6.04.123. However, if the owner of such dangerous dog or potentially dangerous dog does not comply with the

requirements of Sections 6.04.120 and 6.04.123 within seventy-two hours following confiscation of the dangerous dog or potentially dangerous dog, the dog shall be destroyed in an expeditious and humane manner.

- D. **Animal Control Authority Declaration of a Dog as Dangerous or Potentially Dangerous.** The animal control authority shall have the authority to declare and restrict a dog as dangerous or potentially dangerous if the animal control authority has probable cause to believe that the dog falls within the definitions set forth in Section 6.04.010. If the animal control authority determines that any dog is dangerous or potentially dangerous as defined in Section 6.04.010, it shall prepare a written notice of declaration. The notice of declaration shall include, but is not limited to, the statutory authority for the declaration, a description of the dog, the name and address of the owner of the dog, if known, a brief summary of the facts upon which the declaration is based, a statement of any restrictions placed on the dog or owner as a consequence of the declaration, a statement of the penalties for further violations, and a statement of the owner's rights and the procedure to appeal the notice of declaration. This notice of declaration shall include the right of the owner to meet with the animal control authority to give, orally or in writing, any reasons or information as to why the dog should not be declared dangerous. If the owner requests such a meeting, it shall be held within fifteen days following the notice. After the meeting, if the animal control authority determines the animal to be dangerous or potentially dangerous, it shall issue a final declaration containing the same information required in the notice of declaration.
- E. **Service of Declaration.** The animal control authority shall serve the notice of declaration and the final declaration, if any, personally on the owner or person keeping or maintaining the dog or send the notice of declaration or final declaration by regular and certified mail to the owner's last known address. If mailed, service shall be deemed received on the third day following the date upon which the declaration was placed in the mail.
- F. **Appeal of the Notice of Declaration to Municipal Court.** The owner of the dog declared potentially dangerous or dangerous shall have ten days from receipt of the notice of declaration or final declaration to file a written appeal with the White Salmon municipal court. No fee shall be charged for this appeal. The owner must

also serve a copy of the written appeal upon the animal control authority. A hearing shall be had as expeditiously as possible and the animal shall remain in the custody of the animal control authority pending the outcome thereof. At the appeal hearing, the animal control authority shall have the burden of proving that the dog is dangerous or potentially dangerous by a preponderance of the evidence. If the notice of declaration is sustained by the court, the costs of maintaining the dog in custody shall be borne by the owner.

- G. Appeal of the Municipal Court's Decision. Either the owner of the dog or the animal control authority may appeal the decision of the White Salmon municipal court to the Cowlitz County superior court. Any such appeal shall be filed within ten days.

**6.04.129 Dangerous or potentially dangerous dogs—Notification of removal or death.**

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- A. The owner of a potentially dangerous or dangerous dog shall notify the animal control authority prior to moving the animal from its registered address.
- B. If the potentially dangerous or dangerous dog is deceased, the owner must notify the animal control authority within seventy-two hours. (Ord. 3704 § 1, 2009; Ord. 3310 § 1, 1996)

**6.04.130 Penalties for owners of dogs which attack—Entry in dog fights.**

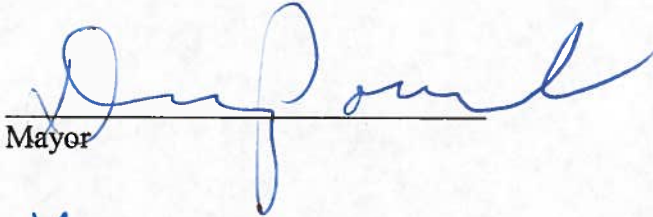
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- A. If a dangerous dog or potentially dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of an offense. In addition, the dangerous dog or potentially dangerous dog shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- B. The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall be guilty of an offense. In addition, the dog shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- C. Any person entering a dog in a dog fight is guilty of an offense.

**SECTION 4 - SEVERABILITY.** If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

**EFFECTIVE DATE.** This ordinance shall become effective following passage and publication as provided by law.

**PASSED** in regular session this 18<sup>th</sup> day of September, 2013.

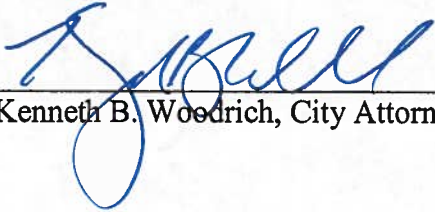
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Mayor

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Clerk/Treasurer

Approved as to form:

A handwritten signature in blue ink, appearing to read "K. Woodrich", written over a horizontal line.

Kenneth B. Woodrich, City Attorney