

CITY OF WHITE SALMON

ORDINANCE NO. 2014-01-937

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 ordinance as adopted required clarification on punishment and a correction as to venue for appeals to Superior Court;

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 Section 6.04.127 as follows:

SECTION 1 – WSMC 6.04.127 is hereby amended as follows:

Key: ~~Strikethrough~~ means repealed.

Bold means new

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~~ **gross misdemeanor**.

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~~ **misdemeanor**.

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~~ **Klickitat County West District 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.

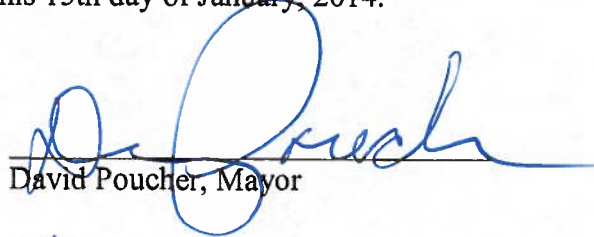
G. Appeal of the ~~Municipal~~ **Klickitat County West District Court's** Decision. Either the owner of the dog or the animal control authority may appeal the decision of the ~~White~~

~~Salmon municipal~~ **Klickitat County West District** court to the ~~Cowlitz~~ **Klickitat** County superior court. Any such appeal shall be filed within ten days.


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 15th day of January, 2014.

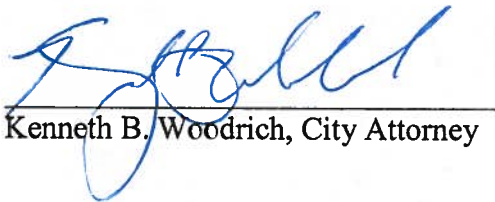


David Poucher, Mayor



Leana Johnson, Clerk/Treasurer

Approved as to form:



Kenneth B. Woodrich, City Attorney