

RESOLUTION 11 128

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF THE ADOPTION OF AN ORDINANCE RELATING TO ANIMAL CONTROL; AND ADDING A NEW CHAPTER TO TITLE 2 OF THE BENTON COUNTY CODE

WHEREAS, Benton County desires to create an ordinance relating to animal control adding a new chapter to Title 2 of the Benton County Code;

WHEREAS, Benton County has created the Benton County Animal Control department which will enforce animal control services by way of said ordinance; and

WHEREAS, a public meeting was held on Monday, January 31, 2011, at 9:05 am in the Commissioners meeting room, Third Floor, Courthouse, Prosser, WA 99350 to consider the above ordinance;

WHEREAS, at said hearing, the Benton County Board of Commissioners heard testimony from all persons wishing to testify in support of or in opposition to the attached ordinance; and

WHEREAS, the Board of County Commissioners is satisfied that it appears to be in the best interest of the public to adopt said ordinance; **THEREFORE**,

BE IT RESOLVED that Ordinance No. 483, an ordinance relating to Animal Control and adding a new Chapter to Title 2 of the Benton County Code, be adopted and shall take effect upon its passage and adoption.

Dated this 14th day of Feb, 2011.

Leo M. Baerman
Chairman of the Board

Small
Chairman Pro-Tem

Famed R. Beave
Member

Attest: Came M. [Signature]
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

ORDINANCE NO. 483

AN ORDINANCE relating to animal control, adding a new chapter to Title 2 of the Benton County Code.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

SECTION 1. There is hereby added a new chapter to Title 2 of the Benton County Code which shall be entitled, "ANIMAL CONTROL," and which shall include the sections set forth below.

SECTION 2. DEFINITIONS. (a) As used in this chapter, unless the context indicates otherwise, the following words or phrases shall have the following meanings:

(1) "Animal control authority" means any local governmental unit or contractor designated by the County to enforce the provisions of this chapter.

(2) "At heel" shall be those circumstances when a dog is positioned and controlled in such a manner so as to remain within a distance of two (2) feet from its owner or other competent person having charge of such dog.

(3) "At large" means off the premises of the owner of a dog. Even if off the premises of its owner, a dog shall not be deemed "at large" if it:

(A) is attached to a leash or a chain of sufficient strength to restrain the dog, and not more than eight (8) feet in length, when said leash or chain is held by a person competent to restrain and control the dog off the owner's premises;

(B) is properly restrained within a motor vehicle or housed in a veterinary hospital; or

(C) is accompanied by and at heel beside the owner or competent responsible person.

(4) "County" means Benton County, Washington.

(5) "County animal shelter" means an animal shelter designated by the County to receive and hold impounded dogs under this chapter.

(6) "Competent person" means any person who, by reason of age and physical ability and/or training, is capable of maintaining control of a dog to the extent required by this chapter.

(7) "Dog" means and includes female, spayed female, male and neutered male dogs.

(8) "Health officer" includes any person designated as such by the Benton-Franklin District Health Department, or any other person designated as such by the County.

(9) "Microchip implant" means an identifying integrated circuit placed under the skin of a dog.

(10) "Owner" means any person, group of persons, firm, association or corporation owning, possessing, keeping, harboring or having control or custody of a dog.

(11) "Person" includes any person, partnership, corporation, trust or association of persons.

(12) "Veterinary hospital" means a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injury to animals.

(13) "Pound master" refers to any person employed by, or under contract with, the County to care for and dispose of strays or other animals confined under this chapter.

(b) All other words and phrases used in this chapter will have their commonly accepted meaning.

(c) Whenever a type or breed of animal is described in this chapter, it includes any hybrid, cross breed or mixed breed of such animal to any degree that the type or breed can be identified by either the animal's appearance, behavior or pedigree.

SECTION 3. DOGS AT LARGE. It is unlawful for any owner of any dog to allow, suffer or permit such a dog to be at large and within unincorporated Benton County. Any dog at large and within unincorporated Benton County is a nuisance. Any dog which is at large and within unincorporated Benton County may be impounded by the animal control authority.

SECTION 4. SETTING AT LARGE PROHIBITED. It is unlawful for any person, except the owner or his or her duly authorized agent, to willfully open any door or gate on any private premises or unleash any dog for the purpose of enticing or enabling any dog to leave such private premises.

SECTION 5. NOTICE OF IMPOUNDING--PROCEDURES. Upon seizing and impounding any dog, the animal control authority shall give notice of such impounding in substantially the following manner.

If the dog is wearing a tag identifying its owner, if the dog is implanted with a microchip implant detected by a scanner used by the animal control authority or if the identity of the owner is otherwise known to the animal control authority, then within 48 hours of the time of impoundment, the animal control authority shall attempt to notify the microchip manufacturer, if a microchip is detected, and the owner in person or by telephone or by leaving a written notice at the owner's last known residence, to inform them that the dog has been impounded and may be redeemed as provided in this chapter. If none of these contacts are successful, the animal control authority shall send a certified letter to the owner's last known address within 96 hours of the time of impoundment.

SECTION 6. REDEMPTION OF IMPOUNDED DOGS. (a) Any impounded dog may be redeemed by the owner, or authorized representative of the owner, by payment to the animal control authority of an impounding fee, said fee to be established by resolution of the Board of County Commissioners. In addition, the redeeming owner, or authorized representative of the owner, shall first pay a daily boarding fee established by resolution of the Board of County Commissioners for each calendar day or portion thereof that the dog has been confined, and also the actual cost, if any, of treating an injured dog.

(b) Proof of an unexpired rabies vaccination must also be produced before a dog is released from impound.

(c) Upon receiving all fees due, the animal control authority shall execute a receipt in triplicate. The original shall be delivered to the person redeeming the dog and a copy, upon which such person shall acknowledge delivery of the dog, shall be retained by the animal control authority.

SECTION 7. UNCLAIMED DOGS--DISPOSITION. Except as set forth in Section 8 below, if an impounded dog is not claimed and redeemed within seventy-two (72) hours of the time of impoundment, then, at the discretion of the animal control authority, such dog may be adopted out or humanely destroyed pursuant to policies adopted by the animal control authority.

SECTION 8. DOGS WITH IDENTIFICATION--DISPOSITION. If an impounded dog wearing a tag identifying its owner or bearing a detected microchip implant is not claimed or redeemed within 240 hours from the time of impoundment, then such dog may be adopted out or humanely destroyed pursuant to policies adopted by the animal control authority.

SECTION 9. DESTRUCTION OF DOGS. (a) Any dog which is not redeemed by the owner and not adopted out by the animal control authority or pound master may be humanely destroyed and properly disposed of by the animal control authority or pound master. The destruction of all dogs shall be done in a humane manner.

(b) In the event of an emergency endangering the health or safety of any person where seizure and impoundment of a dog is deemed inadvisable or impractical, or for humane considerations, the animal control authority at its discretion may summarily destroy the dog involved.

SECTION 10. VIOLATIONS--PENALTIES. (a) Except as set forth in Section 11, each violation of any provision of this chapter shall be a civil infraction. Each violation shall be subject to a penalty in the amount listed below plus any court costs assessed by the Benton County District Court.

(1) First violation of any provision of this chapter -
thirty dollars (\$30.00)

(2) Second violation of any provision of this chapter -
fifty dollars (\$50.00)

(3) Third violation of any provision of this chapter -
seventy-five dollars (\$75.00)

(4) Any additional violations of any provision of this
chapter - one hundred dollars (\$100.00)

(b) Each person is guilty of a separate offense for each and every
violation of any provision of this chapter by such person.

SECTION 11. IDENTIFICATION-REFUSAL-PENALTY. Any person
requested to identify himself or herself to the animal control
authority pursuant to an investigation of an infraction under this
chapter, has a duty to identify himself or herself and give his or
her current address. Failure to so identify himself or herself
shall constitute a misdemeanor punishable by a fine of not to
exceed five hundred dollars (\$500.00) or by imprisonment for not
more than ninety (90) days or by both such fine and imprisonment.

SECTION 12. SEVERABILITY. If any provision of this ordinance
is declared unconstitutional, or the applicability thereof to any
person or circumstance is held invalid, the constitutionality of
the remainder of the ordinance and the applicability thereof to
other persons and circumstances shall not be affected thereby.

SECTION 13. EFFECTIVE DATE. This ordinance shall take effect
and be in full force upon its passage and adoption.

ADOPTED AND PASSED this 14 day of Feb, 2011.

Leo M. Beeman
Chairman of the Board.

[Signature]
Chairman Pro-Tem.

[Signature]
Member.

Approved as to Form:

[Signature]
Deputy Prosecuting Attorney

Constituting the Board of
County Commissioners of
Benton County, Washington

Attest: [Signature]
Clerk of the Board