

ORDINANCE NO. 2018-____

AN ORDINANCE amending the City of Yakima Municipal Code Chapter 6.20, relating to animal control, to remove references to the now-repealed 6.18, relating to pit bulls.

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. The City of Yakima Municipal Code Chapter 6.20 Animal Control is hereby amended to read as follows:

Chapter 6.20 ANIMAL CONTROL

Sections:

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- 6.20.010 Definitions.
- 6.20.020 Enforcement—Animal control officers.
- 6.20.030 Violation—Penalty.
- 6.20.040 Abatement of nuisances.
- 6.20.044 Slaughtering, dressing and butchering of animals and fowl.
- 6.20.045 Animal husbandry as nonconforming use.
- 6.20.046 Poultry at large.
- 6.20.047 Stock at large.
- 6.20.048 Interfering with dog guide or service animal.
- 6.20.050 Enforcement.
- 6.20.060 Severability.

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- 6.20.144 Confiscation and destruction of potentially dangerous dog.
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GENERAL REGULATIONS

6.20.010 Definitions.

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

- (1) "Adult dog" means any dog having a set of permanent canine teeth, or older than six months of age.
- (2) "Aggressive behavior" means any physical contact between a dog and a person, where said person feels threatened, that includes, but is not limited to, any of the following: snarling, baring teeth, chasing, growling, snapping, pouncing, lunging, multiple attacks, multiple lunges, not to include bites.
- (3) "Animal" means any dog, cat, exotic, wild or dangerous animal or livestock.
- (4) "Animal owner" means any person or legal entity having a possessory property right in an animal or who provides food, water, shelter or a person who owns, harbors, cares for, exercises control over or knowingly permits any animal to remain on premises occupied by that person for more than seventy-two hours.
- (5) "Animal shelter" means a facility operated by the Humane Society or any other facility that contracts with the City to provide for the care of animals impounded or detained by an animal control officer or released to an animal control officer under this chapter.
- (6) "At large" means off the premises of the owner or keeper of the animal, and not under restraint by leash or chain eight feet in length or shorter subject to the actual control of a capable person. Exceptions: "At large" does not include:
 - (A) Dogs exhibited in dog shows, field trials, obedience training or trials, or the training of dogs therefor; or
 - (B) The use of a dog under the supervision of a person either to hunt wild animals or game birds during the open seasons therefor, or to chase or tree predatory animals; or
 - (C) The use of a dog either to control or protect livestock or property or in other related agricultural activities under the supervision of the dog owner.
 - (D) Dogs off-leash at any designated off-leash dog park.
- (6) "Bitten" means to seize with teeth or jaws so as to enter, grip, wound or pierce, which causes a breaking of the skin, causing an exchange or transfer of saliva.
- (7) "Board" means the city of Yakima city council.
- (8) "Capable person" means any person who is physically able to control and restrain an animal and who as the capacity to exercise sound judgment regarding the rights and safety of others.
- (9) "County" means the unincorporated area of Yakima County, Washington.

- (10) "Dangerous dog" means any dog that:
- A. Unprovoked, inflicts severe injury on or kills a human being on public or private property; or
 - B. Unprovoked and while off the owner's property, either kills a domestic animal or inflicts injuries requiring a domestic animal to be euthanized; or
 - C. While under quarantine bites a person or domestic animal; or
 - D. Was previously declared to be a potentially dangerous dog, the owner having received notice of such declaration, and the dog is again found to have engaged in potentially dangerous dog behavior; or
 - E. Is owned or harbored primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
 - F. Unprovoked, attacks a "dog guide" or "service animal" as defined in Chapter 70.84 RCW and inflicts injuries that render the dog guide or service animal to be permanently unable to perform its guide or service duties.
- (11) "Department" means the city of Yakima animal control department.
- (12) "Domestic animal" means a tame animal living in the home or on the property, and which is also a type of animal commonly used by people for companionship, work, or as a food source.
- (13) "Head of the household" means any person who owns, leases or otherwise controls any private premises.
- (14) "Kennel" means a building, enclosure or portion of any premises in or at which dogs, cats or other domesticated animals are boarded or kept for hire, or in or at which dogs, cats or other domesticated animals are kept or maintained by any person other than the owner thereof, or in or at which six or more cats or four or more dogs over the age of four months are kept or maintained. This definition shall include boarding kennels, but not pet shops, animal hospitals, or zoos.
- (15) "Litter" means two or more viable offspring.
- (16) "Livestock" means cattle, sheep, horses, llamas, buffalo, deer, elk, rabbits, mules, donkeys, goats, swine, fowl, poultry and any fur-bearing animal bred and maintained commercially or otherwise within pens, fences, cages or hutches.
- (17) "Microchip" means a device implanted for identification purposes and registered in the Humane Society of Central Washington database.
- (18) "Nuisance" means any unlawful act, or failure to perform a duty, which act or failure either annoys, injures or endangers the comfort, repose, health or safety of other persons, or interferes with other persons' use of property.
- (19) "Permit" means and includes human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to any animal owned by the person.

(20) "Person" means any individual, natural person, association, firm, partnership, corporation or other legal entity.

(21) "Physical injury" means impairment of physical condition or substantial pain which is directly caused by a dog's behavior, and includes scratches, scrapes, cuts, punctures, bruises, or other evidence of physical injury.

(22) "Potentially dangerous dog" means any dog which:

(A) Unprovoked, bites or injures a human or domestic animal on public or private property; or

(B) Unprovoked, chases or approaches a person or domestic animal upon any public or private property in a menacing fashion or apparent attitude of attack, which may include but is not limited to any one or more of the following behaviors: snarling, baring teeth, growling, snapping, pouncing, lunging, attacking, or attempting to bite; or

(C) Has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of humans or domestic animals.

Under subsections 6.20.010(20)(A) and (B), it shall be an affirmative defense to a potentially dangerous dog designation that a human over the age of 13 or a domestic animal bitten, chased, or menaced by the dog in question was on the property of the owner of said dog without such owner's permission.

(23) "Premises" means the area of land to which a person has legal or equitable rights of possession, use and control.

(24) "Proper enclosure" means a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the animal. An animal that is securely confined indoors is also within a "proper enclosure."

(25) "Quarantine area" means any area defined by, but not limited to, a veterinarian, physician, public health official or animal control officer, where, for a specified period of time, a dog is to be kept separated from other animals or people.

(26) "Secure dog shelter" means a dog shelter that agrees to accept a dog and that agrees to the following conditions:

(A) Not to release the dog from the shelter for the rest of the dog's natural life;

(B) Not to allow the dog to come into contact with the general public for the rest of the dog's natural life;

(C) To indemnify and hold the City harmless from any and all future liability including any and all claims, demands, damages, liabilities, causes, suits or action of any kind or nature whatsoever relative to past or future care and custody of the dog and to the dog's future behavior;

(D) To notify the City if the shelter goes out of business or can no longer keep the dog and to abide by the City's disposition instructions.

(27) "Securely enclosed and locked" means a pen or structure which has secure sides and a secure top suitable to prevent the entry of young children and designed to prevent the animal from escaping. If the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot.

(28) "Serious physical injury" means any physical injury which creates a substantial risk of death or causes permanent loss or protracted impairment of any bodily organ or function, or substantial disfigurement.

(29) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(30) "Tag" means a prenumbered metal or plastic identification license sold to an owner/custodian for a specific pet animal. Rabies identification or other identification may not be substituted or accepted in lieu of a license tag.

(31) "Tattoo" means a predesignated identification number inked into the inside of the ear, lip or flank of the dog.

(32) "Unconfined" means not securely confined indoors or in a securely enclosed and locked pen or structure upon the premises of the person owning, harboring, or having the care of the animal.

(Ord. 2005-69 § 1 (part), 2005).

6.20.020 Enforcement—Animal control officers.

(1) Law enforcement agencies and animal control officers may enforce the provisions of Chapter 6.20 of the city of Yakima Municipal Code.

(2) Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce other criminal laws of the state of Washington.

(3) Upon receiving a limited commission from the chief of police, animal control officers have the following enforcement powers when enforcing Chapter 6.20 of the city of Yakima Municipal Code:

(A) The power to issue citations based on probable cause to offenders for misdemeanor and gross misdemeanor violations of Chapter 6.20 of the city of Yakima Municipal Code;

(B) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate criminal violations of Chapter 6.20 of the city of Yakima Municipal Code, and to seize evidence of those violations.

(C) The power to pursue animals running at large onto city-owned property, vacant property, and unenclosed private property and seize, remove, and impound the same. (4) Upon request of an animal control officer who has probable cause to believe that a person has violated provisions of YMC 6.20.170, a law enforcement agency officer may arrest the alleged offender. (Ord. 2005-69 § 1 (part), 2005).

6.20.030 Violation—Penalty.

It is unlawful for any person to violate any provision of this chapter. Any person violating any of the provisions of this chapter shall be guilty of a civil infraction, except where a violation is specifically designated as a misdemeanor or gross misdemeanor, and therefore subject to criminal fines and penalties if convicted. Any violation of this chapter may result in the animal being impounded, and/or destroyed by order of the court. (Ord. 2005-69 § 1 (part), 2005).

6.20.040 Abatement of nuisances.

Violations of this chapter are deemed public nuisances. Any person violating any provision of this chapter may be enjoined from continued violations or ordered to abate such public nuisance, and if the same is not done by such offender within twenty-four hours thereafter, the same shall be abated and removed under the direction of the officer authorized by the order of the court. Such injunction may be in addition to the civil penalties provided as a part of the disposition in the civil prosecution or in an independent action in equity, and the violator shall be liable for all costs and expenses of abating the same. (Ord. 2005-69 § 1 (part), 2005).

6.20.044 Slaughtering, dressing and butchering of animals and fowl.

No person shall slaughter, dress or butcher any fowl or animal so as to unreasonably expose such act or acts to the view of any person on public or private property. This section does not apply when the conditions of YMC 6.20.045 are met. (Ord. 2009-28 § 2, 2009: Ord. 2007-18 § 2, 2007: Ord. 2005-69 § 1 (part), 2005).

6.20.045 Animal husbandry as nonconforming use.

(1) When an animal husbandry operation is approved as a nonconforming use pursuant to Title 15 of the Yakima Municipal Code, the slaughter of animals may continue when the following conditions are met:

- (A) The slaughter of the animal is performed by a licensed professional butcher; and
- (B) If the slaughtering of the animal involves the discharge of a firearm, notice shall be provided to the Yakima police department at least two hours prior to the discharge of the firearm. The notice shall be made by phone to the Yakima police department nonemergency number and shall include the location of the discharge, the approximate time of the discharge, and the name of the professional butcher who will be discharging the firearm.

(2) This section is meant to be an exception to YMC 6.20.044, which prohibits the slaughtering of animals within public or private property view, and YMC 6.44.020, which prohibits the discharge of a firearm within the city of Yakima. (Ord. 2009-28 § 3, 2009).

6.20.046 Poultry at large.

It is unlawful for any person who, as an owner of ducks, geese, turkeys, chickens or other poultry, permits the same to run at large in the city of Yakima. A violation of this section is a misdemeanor. (Ord. 2015-021 § 5, 2015: Ord. 94-22 § 15, 1994: Ord. A-236 § 1(43), 1917. Formerly 6.04.230).

6.20.047 Stock at large.

It is unlawful for any person owning or having the care of any horse, cattle, mules, sheep, goats, hogs or any other kind of livestock to permit or suffer the same to go at large or stop to feed or graze on any street, alley or public square within the corporate limits of the city of Yakima. A violation of this section is a misdemeanor. (Ord. 2015-021 § 7, 2015: Ord. A-236 § 1(53), 1917. Formerly 6.04.280).

6.20.048 Interfering with dog guide or service animal.

1. (a) Any person who has received notice that his or her behavior is interfering with the use of a dog guide or service animal who continues with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor, except that for a second or subsequent offense it is a gross misdemeanor.

(b) Any person who, with reckless disregard, allows his or her dog to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor, except that for a second or subsequent offense it is a gross misdemeanor.
2. (a) Any person who, with reckless disregard, injures, disables, or causes the death of a dog guide or service animal is guilty of a gross misdemeanor.

(b) Any person who, with reckless disregard, allows his or her dog to injure, disable, or cause the death of a dog guide or service animal is guilty of a gross misdemeanor.
3. (a) In any case in which the defendant is convicted of a violation of this section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the dog guide or service animal user and the dog guide or service animal which arise out of or are related to the criminal offense.

(b) Restitution for a conviction under this section shall include, but is not limited to:
 - (i) The value of the replacement of an incapacitated or deceased dog guide or service animal, the training of a replacement dog guide or service animal, or retraining of the affected dog guide or service animal and all related veterinary and care expenses; and
 - (ii) Medical expenses of the dog guide or service animal user, training of the dog guide or service animal user, and compensation for wages or earned income lost by the dog guide or service animal user.
- (4) Nothing in this section shall affect any civil remedies available for violation of this section.
- (5) For purposes of this section, the following definitions apply:
 - (a) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing-impaired persons.
 - (b) "Service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.
 - (c) "Notice" means a verbal or otherwise communicated warning prescribing the behavior of another person and a request that the person stop their behavior.

(d) "Value" means the value to the dog guide or service animal user and does not refer to cost or fair market value. (Ord. 2015-021 § 6, 2015; Ord. 2002-41 § 1, 2002. Formerly 6.04.240).

6.20.050 Enforcement.

The department shall not be required to enforce provisions of this chapter except by a written or verbal complaint of a person who has satisfactorily identified himself to the department and has either supplied the name and address of the dog owner or has supplied the fact that the dog does not have an owner. Enforcement thereafter is a matter within the discretion of the department. (Ord. 2005-69 § 1 (part), 2005).

6.20.060 Severability.

Should any section or provision of the ordinance codified in this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 2005-69 § 1 (part), 2005).

REGISTRATION AND DOG LICENSING

6.20.070 Dog registration and license—Required.

All adult dogs within the incorporated area of the city of Yakima shall be registered with and licensed by the department or its designee at all times; provided, however, that a license issued by other governments located in Yakima County shall be valid under the provisions of this chapter until the last day of December for the current year; and provided, further, that dogs kept under a kennel license pursuant to this chapter shall be exempt from the provisions of this section; provided, further, that dogs kept at the Humane Society under RCW Chapter 16.52 shall be exempt from licensing. All dogs kept at any Humane Society are required to be licensed upon being sold or adopted. (Ord. 2005-69 § 1 (part), 2005).

6.20.080 Dog registration and license—Application.

The person registering and licensing a dog shall submit to the department or its designee the following information:

- (1) The name, date of birth, physical and mailing addresses and telephone number of the owner of the dog being registered;
- (2) The name, date of birth, physical and mailing addresses and telephone number of the person having custody of the dog, if such person is one other than the owner;
- (3) The name, age, breed, color and sex of the dog being registered, and whether or not such dog has been neutered or spayed;
- (4) Distinguishing features, markings, tattoos or microchip number of the dog being registered;
- (5) The address of the premises where the dog is ordinarily kept or maintained;
- (6) A certificate of a veterinarian indicating the last date on which the dog received an initial or booster vaccination against the disease of rabies, along with the expiration date of

such vaccination. Should the dog be unable to be immunized against rabies for medical reasons, the signed statement of a veterinarian shall be accepted as proof in lieu of the rabies vaccination certificate. If the owner is unable to produce a certification by veterinarian as to the rabies vaccination, the owner's certification under oath that the dog has had a rabies vaccination may be accepted. (Ord. 2005-69 § 1 (part), 2005).

6.20.090 Vaccination required for dog registration and license.

As a prerequisite to licensing, any dog four months of age or older shall be currently vaccinated against the disease of rabies. (Ord. 2005-69 § 1 (part), 2005).

6.20.100 Dog registration and license—Fees.

The fee for initial or renewed registration and licensing of any dog shall be:

- (1) For dogs which have been spayed or neutered, fifteen dollars for a license valid for one year and twelve dollars for a renewal thereof for a like period.

Proof of a dog having been either spayed or neutered shall be by certificate from a veterinarian or, if such is unavailable, a statement from the owner under oath, certifying that the dog for which a license application is made is either a spayed female or a neutered male.

- (2) For dogs which have not been spayed or neutered, forty dollars for a license valid for one year and thirty dollars for renewal thereof for a like period.

- (3) The registration and license fee amount shall be deposited into the dog control fund.

- (4) No license fee shall be charged to an owner who is legally blind and uses such dog as a guide dog, or to a deaf person who uses such dog as a hearing-ear dog, or to an owner who has been determined to be disabled pursuant to 42 U.S.C. Section 1382 (supplemental security income) and uses such dog as a support dog. The license shall be valid for the life of the dog.

- (5) No license fee shall be charged to city police and fire agencies for canine support animals.

- (6) Dogs that are spayed or neutered and owned by persons over the age of sixty-two years may be registered and licensed for twenty-five dollars. Dogs that are not spayed or neutered and owned by persons over the age of sixty-two years may be registered and licensed for thirty dollars. The license shall be valid for the life of the dog or until transfer of ownership of the animal.

- (7) The fee for replacement tags shall be five dollars.

- (8) The board may provide for optional registration of dogs by other suitable parties, in which case an agent fee of three dollars shall be added to the licensing fee. (Ord. 2009-61 § 1, 2009: Ord. 2007-58 § 1, 2007: Ord. 2005-69 § 1 (part), 2005).

6.20.110 Dog registration and license—Applications and renewals.

Applications for registration and license issuance shall be made within a timely manner as listed in the conditions set forth below:

- (1) Applications for registration renewal shall be made between the first day of January and the last day of March;
- (2) In the case of a newly acquired dog, the application shall be made within thirty days of either the date of acquisition or the date when the dog reaches six months of age, whichever comes later;
- (3) In the case of a new resident to the city with a licensed or an unlicensed adult dog, the application shall be made within thirty days of establishing residency;
- (4) In the case of a dog licensed by another jurisdiction within Yakima County, the license shall be valid until the last day of December of the year they established residency in the county.

Upon application, certification or submission of proof of immunization and payment of fees by the owner or persons having the custody and control of any adult dog, the department or its designated agent shall issue to the applicant a numbered license identification tag for each dog so registered. The applicant shall ensure that the tag is securely fastened to a substantial collar or harness to be worn at all times by the dog. The absence of the license tag on a dog's collar shall be prima facie evidence that said dog has not been legally licensed. (Ord. 2005-69 § 1 (part), 2005).

6.20.120 Incomplete applications.

In the event any registration and license applicant fails to provide all required information or fees, the department shall notify such applicant by first-class mail at the mailing address stated on the application or notify applicant by phone of any such deficiency, requesting that any required information or fees be provided to the department within thirty days, and stating that if the required information or fees are not timely received, any fees paid shall be forfeited and the application shall be voided.

If any applicant fails to timely provide information requested under this section, a new application and fee shall be required after the thirty days have expired and any tag previously supplied shall be voided.

Any fees received by the department for applications that cannot be processed shall be deposited into a special revenue account within the dog control department fund and held in that fund for a period of not less than thirty days after notice of deficiencies in the application is mailed to the applicant or until the required information or fees are received. After thirty days have passed since the applicant was notified of any deficiency, such fees shall become miscellaneous revenues. Any overpayment of fees shall be refunded to the applicant if the request for overpayment refund is made within ninety days of such overpayment. (Ord. 2005-69 § 1 (part), 2005).

HUMAN RESPONSIBILITY FOR DOGS

6.20.130 Control of dogs.

It is unlawful for any person to permit any dog to engage in any of the following behavior:

- (1) Level 1 Behavior. Level 1 behavior occurs whenever a dog is at large.
- (2) Level 2 Behavior. Level 2 behavior occurs when a dog:

(A) Unprovoked, causes physical injury to a human or domestic animal on public or private property; or (B) Unprovoked, chases or approaches a person or domestic animal upon any public or private property in a menacing fashion or apparent attitude of attack, which may include but is not limited to any one or more of the following behaviors: snarling, baring teeth, growling, snapping, pouncing, lunging, attacking, or attempting to bite. Any violation of 6.20.130(2)(A) is a misdemeanor. Any violation of 6.20.130(2)(B) is a civil infraction.

Under subsections 6.20.130(2)(A) and (B), it shall be an affirmative defense that a human over the age of 13 or a domestic animal that is injured, chased, or menaced by the dog in question was on the property of the owner of said dog without such owner's permission.

(3) Level 3 Behavior. Level 3 behavior occurs when a dog:

(A) Unprovoked, inflicts severe injury on or kills a human being on public or private property; or

(B) Unprovoked and while off the owner's property, either kills a domestic animal or inflicts injuries requiring a domestic animal to be euthanized; or

(C) Was previously declared to be a potentially dangerous dog, the owner having received notice of such declaration, and the dog is again found to have engaged in potentially dangerous dog behavior; or.

(D) Unprovoked, attacks a "dog guide" or "service animal" as defined in Chapter 70.84 RCW and inflicts injuries that render the dog guide or service animal to be permanently unable to perform its guide or service duties.

Any violation of 6.20.130(3) is a gross misdemeanor.

(Ord. 2015-003 § 1 (part), 2015: Ord. 2005-69 § 1 (part), 2005).

6.20.135 Declaration of dogs as dangerous or potentially dangerous—procedure.

(1) An animal control officer may classify and declare a dog dangerous or potentially dangerous if the animal control officer has probable cause to believe that the dog falls within the definitions set forth in Section 6.20.010 above. The finding must be based upon:

(A) The written complaint of a citizen; or

(B) Any dog bite report filed with the department; or

(C) Actions of the dog witnessed by any animal control officer or law enforcement officer; or

(D) Other substantial evidence.

(2) The declaration of dangerous dog or potentially dangerous dog shall be in writing and shall be served on the purported owner in one of the following methods:

(A) Certified and regular mail to the owner's last known address; or

(B) Personal service on the owner; or

(C) Personal service upon any person of suitable age and discretion residing at the owner's residence.

(3) The declaration shall state at least:

(A) Description of the dog;

(B) The name and address of the purported owner of the dog, if known;

(C) The whereabouts of the dog, if it is not in the custody of the owner;

(D) A summary of the facts upon which the declaration of dangerous or potentially dangerous dog is based, including the definition of dangerous or potentially dangerous under which the declaration is being made;

(E) The availability of a hearing in case the person objects to the declaration or determination of purported ownership, if a request is made within ten days of the date of service or mailing;

(F) A summary of the restrictions placed on the dog as a result of the declaration; and

(G) A summary of the potential penalties for violation of the restrictions, including the possibility of destruction of the animal and imprisonment or fining of the owner.

6.20.140 Hearing procedure—Dangerous or potentially dangerous dogs.

(1) If the purported owner of the dog wishes to contest the declaration that a dog is dangerous or potentially dangerous, he or she may request a hearing before the Yakima Municipal Court by filing a written request for hearing with the Court within ten days of service of the declaration that the dog is dangerous or potentially dangerous. The hearing shall be held within ten days from the filing of the written request for hearing, provided, however, that such hearing may be continued by the Court for good cause. No person other than the dog's owner may object to the declaration.

(2) At the hearing, the City shall bear the burden of proving that the dog is dangerous or potentially dangerous by a preponderance of the evidence.

(3) Dangerous dogs:

(A) Any dog declared to be dangerous shall, after the exhaustion of any appeal, be humanely euthanized. Upon application of the owner to the Court, however, a dangerous dog may be either (1) sent at the owner's expense to a secure dog shelter and maintained at all times in compliance with RCW Chapter 16.08; or (2) removed from the City and maintained at all times in compliance with RCW Chapter 16.08 at the owner's expense. The owner is responsible for paying all expenses incurred by the City for the care of the animal. The owner shall bear the burden to establish that an animal shelter is available that meets the criteria for a secure dog shelter, that the animal shelter will accept the animal, and that the owner is willing and able to pay all expenses for transporting the animal.

(B) If the Court finds a dog to be dangerous, the Court shall enter an order so stating and shall direct that the dog be humanely euthanized. The Court will consider directing that a dog be

sent to a secure dog shelter or removed from the City and maintained at all times in compliance with Chapter 16.08 RCW only upon request of the owner:

(i) The owner shall bear the burden to establish (1) that an animal shelter is available that meets the criteria for a secure dog shelter, that the animal shelter will accept the dog, and that the owner is willing and able to pay all expenses for transporting the dog and maintaining the dog; or (2) that the dog can be maintained at all times in compliance with Chapter 16.08 RCW in a location outside the City and that the owner is willing and able to pay all expenses for transporting the dog and maintaining the dog.

(ii) To meet his or her burden, the owner must provide the Court with (1) proof that all conditions required Chapter 16.08 RCW and all other conditions required by state or local law for maintaining a dangerous animal have been met; (2) written proof that the animal control authority in the jurisdiction to which the animal is being moved has been informed of the relocation; (3) written proof that the animal control authority in the jurisdiction to which the animal is being moved has consented to the relocation; (4) written agreement by the dog's owner to indemnify and hold the City harmless from any and all future liability including any and all claims, demands, damages, liabilities, causes, suits or action of any kind or nature whatsoever relative to past or future care and custody of the animal and to the dog's future behavior. If any of the above requirements are not met, the dog shall not be released and shall be humanely euthanized. The dog's owner is responsible for all boarding expenses between the issuance of the Courts's Order declaring the dog to be dangerous and the time it is determined that the dog will or will not be released to a secure dog shelter or location out of the City.

(4) Potentially Dangerous Dogs: If the Court finds the dog is potentially dangerous, the Court shall require the owner to comply with the provisions of this chapter, including that a potentially dangerous dog be microchipped and spayed or neutered at the owner's expense.

(5) A conviction for possessing a dangerous dog may not be appealed under this section.

6.20.141 Permits, fees, and other requirements of potentially dangerous dogs.

(1) Within ten days following (A) a declaration of potentially dangerous dog, or the exhaustion of any hearing and appeal therefrom, whichever is later, (B) the time from which a dog that has been declared a potentially dangerous dog by any other jurisdiction is brought into the City, or (C) an owner purchases a dog that has previously been declared a potentially dangerous dog, the owner of a potentially dangerous dog shall obtain a permit for such dog from the City and shall be required to pay a fee for such permit in the amount of \$250, provide proof that the dog is spayed or neutered, implanted with a microchip, and provide the microchip number to the department.

(2) Any potentially dangerous dog is also subject to any additional conditions of confinement set forth in RCW 16.08, as now exists or as may be amended hereafter.

(3) The owner of a potentially dangerous dog shall provide proof of either (A) a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Chapter 48.28 in the amount of at least two hundred fifty thousand dollars, insuring the owner against liability to any person for injuries inflicted by the potentially dangerous dog, or (B) a surety bond issued by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the department in the sum of at least two hundred fifty thousand dollars, payable to any person injured by the dangerous or potentially dangerous dog.

(4) The owner of a potentially dangerous dog shall pay an annual renewal fee for such permit in the amount of \$50.

(5) The owner of a potentially dangerous dog shall allow an annual inspection of a proper enclosure that holds the dog. In addition, the premises where the potentially dangerous dog is to be kept must include a clearly visible warning sign that there is a dangerous dog on the property along with a sign with a warning symbol that informs children of the presence of a dangerous dog. The initial inspection must be completed prior to the issuance of potentially dangerous dog permit. If the proper enclosure is a residence, the inspection shall be limited to the exterior of the residence. Refusal to allow an annual inspection is a violation. An owner who refuses to allow an annual inspection shall have his or her permit revoked and may be fined for each day the inspection is refused.

(6) Should the owner of a potentially dangerous dog fail to comply with sections 6.20.141(1) through 6.20.141(5) herein, the owner may have his or her permit revoked and may be fined up to \$500 for each violation. The City is authorized to seize and impound the potentially dangerous dog of any such owner and euthanize said dog pursuant to the procedures set forth in section 6.20.144. The owner is subject to boarding charges as set forth in section 6.20.320, in addition to all penalties set forth in this chapter.

(7) The requirements contained in section 6.20.141 are in addition to all registration, vaccination, and other requirements contained in this Chapter.

(8) This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance.

6.20.142 Confinement and control of potentially dangerous or dangerous dogs.

(1) When a dog is declared a dangerous dog, the dog may be impounded. Such dog shall be held in the animal shelter or a secure veterinary hospital until a hearing is held to determine the dog's status or the deadline for requesting such a hearing has passed. Upon demand, the owner of a dog that is declared dangerous shall immediately surrender the dog to an animal control officer or police officer. Refusal to surrender a dog that is declared dangerous to an animal control officer or police officer is a gross misdemeanor.

(2) (A) When a dog is declared a potentially dangerous dog, the dog may be impounded. The law enforcement or animal control officer may require that such dog be held in the animal shelter or a secure veterinary hospital until a hearing is held to determine the animal's status and/or ownership or the deadline for requesting such a hearing has passed. If a dog declared potentially dangerous is not impounded, the owner shall comply with all requirements imposed by the department. The owner of a dog that is declared potentially dangerous shall immediately surrender the dog to an animal control officer or police officer upon the order of that officer. Refusal to surrender a dog that is declared potentially dangerous to an animal control officer or police officer is a misdemeanor.

(B) From the date of initial declaration of potentially dangerous dog by an animal control officer, unless and until said declaration shall be rescinded, the owner must keep the dog confined in a proper enclosure that is securely enclosed and locked, unless the dog is securely leashed and humanely muzzled or otherwise securely restrained.

(3) From the date of initial declaration of potentially dangerous dog an animal control officer, unless and until said declaration shall be rescinded and the restrictions imposed thereby annulled, it shall be unlawful for any person to allow or permit such dog to:

(A) Be unconfined on the premises of such person; or

(B) Go beyond the premises of such person unless such dog is securely leashed using a chain leash and humanely muzzled or otherwise securely restrained.

(C) The department may impose any additional restrictions contained in RCW 16.08 for dangerous or potentially dangerous dogs, as now exists or as may be amended hereafter.

(4) Any potentially dangerous dog may be confiscated by the City if the dog is not confined as set forth herein. The owner is subject to boarding charges as set forth in section 6.20.320, in addition to all penalties set forth in this chapter.

(5) These requirements take effect immediately upon notification that the dog is declared potentially dangerous and remain in force during any appeal of a declaration that a dog is potentially dangerous.

(6) This section also applies to any dog declared potentially dangerous under any prior ordinance and prior to the effective date of this ordinance. Any dog declared dangerous prior to the effective date of this ordinance must comply with all conditions imposed by the department.

6.20.143 Notification of status of potentially dangerous dog.

(1) The owner shall immediately notify the department, via phone, when a dog which has been classified as a potentially dangerous dog is at large.

(2) The owner shall immediately notify the department, in writing, when a dog which has been classified as a potentially dangerous dog:

(A) Is sold, given away, or dies; or

(B) Is moved to another address.

(3) Prior to a potentially dangerous dog's being sold or given away, the owner shall provide the name, address, and telephone number of the prospective new owner to the department.

(4) This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance.

(5) Any person desiring to bring a dog to live in the City which has been previously declared to be potentially dangerous, vicious, or similar designation in another jurisdiction, must notify the department prior to moving the dog to the City. The person must provide all information requested by the department and must comply with all restrictions imposed by the department. There is no right to bring into the City a dog that has been the subject of a declaration or similar process in another jurisdiction and the department will determine whether such a dog will be licensed and permitted to reside in the City. If the department determines that the dog's behavior that led to another jurisdiction's determination that the dog is potentially dangerous, dangerous, vicious, or similar designation would lead to a declaration as a dangerous dog under the municipal code in effect at the time of the proposed move, it shall not permit the dog to be licensed or to remain in the City and shall notify the dog's owner, either personally or via mail at the address provided by the owner.

(6) Any person knowingly bringing a dog into the City or failing to remove a dog from the City after the department has notified the person that the dog is not allowed in the City is guilty of a gross misdemeanor.

(7) Any person who fails to notify the department that he or she has brought a dog covered by subsections 6.20.143(5) or (8) into the City is guilty of a misdemeanor.

(8) Any person visiting the City with a dog which has been previously declared to be potentially dangerous, dangerous, vicious, or similar designation in another jurisdiction, must notify the department and obtain permission to do so, prior to bringing the dog into the City and must comply with all the requirements of this code.

6.20.144 Confiscation and destruction of potentially dangerous dog.

Any dangerous dog or potentially dangerous dog may be immediately confiscated by the City if:

(1) The dog is not validly registered under this chapter or RCW 16.08;

(2) The owner does not maintain liability insurance coverage as required for dangerous dogs in RCW 16.08.080;

(3) The dog is unconfined;

(4) The dog is outside of the dwelling of the owner and not under adequate physical restraint of a responsible person; or

(5) The owner fails to comply with any of the provisions of this chapter.

Any potentially dangerous dog confiscated pursuant to this chapter shall be returned to the owner upon the owner's compliance with this chapter. However, if the owner does not comply with the provisions of this chapter within 72 hours following confiscation of said dog, and the owner does not redeem said dog, said dog shall be euthanized in an expeditious and humane manner, except as otherwise specifically provided in this chapter. The owner is subject to boarding charges as set forth in Section 6.20.320, in addition to all penalties set forth in this chapter.

This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance.

6.20.145 Possession of dangerous dogs prohibited.

The possession of dangerous dogs is prohibited unless said dog is boarded in accordance with subsection 6.20.140(3), or brought into the City with permission of the department in accordance with subsection 6.20.143(8).

6.20.146 Penalty for violation as to potentially dangerous dog—misdemeanor.

Unless otherwise specifically stated, any violation of this chapter as to a potentially dangerous dog is a misdemeanor.

6.20.147 Penalty for violation as to dangerous dog—gross misdemeanor.

Unless otherwise specifically stated, any violation of this chapter as to a dangerous dog is a gross misdemeanor.

6.20.148 Directing dog to harass or attack—gross misdemeanor.

It shall be unlawful for any person having control or custody of any dog to direct, encourage, cause, allow, or otherwise aid or assist any dog to threaten, charge at, bite, harass, menace, or attack any person within the City. Any such animal may be seized and impounded. Any violation of this section is a gross misdemeanor.

It shall be an affirmative defense to any prosecution under this section that the defendant acted in self-defense.

6.20.149 Use of dog in illegal activity prohibited—gross misdemeanor.

No person shall keep, maintain, control, or retain custody of any dog in conjunction with or for the purpose, whether in whole or in part, of aiding, abetting, or conducting any illegal activity or committing any crime within the City. Any such animal may be seized and impounded. Any violation of this section is a gross misdemeanor.

6.20.150 Dog in estrus at large prohibited.

It is unlawful for any person to permit a female dog in estrus, also known as being in season or in heat, to be accessible to any male dog not owned by the female dog's owner, except by the agreement of the owners of both the male and female dogs for the purpose of controlled breeding for the betterment of the breed. (Ord. 2005-69 § 1 (part), 2005).

6.20.160 Restraint within quarantine area.

Any dog or other animal that inflicts a bite upon a human or domestic animal, or which an animal control officer has probable cause to believe is carrying or infected by a disease which threatens the health of human beings or other animals, may be quarantined by an animal control officer. At the discretion of the animal control officer, the dog or other animal may be quarantined either at the animal owner's residence or at the city animal shelter. The quarantine shall be for a minimum of ten days and may be extended by the animal control officer for a reasonable period necessary to ensure the dog or other animal is free of infectious disease. Notwithstanding any other provision of this code, a dog or other animal that is determined by a veterinarian licensed under RCW Chapter 18.92 to carry a disease that threatens the health of human beings or other animals may be immediately destroyed where such action is necessary to protect the health of human beings or other animals.

It is unlawful for any person to permit any dog to leave the confines of any quarantine area. A violation of this section is a misdemeanor. (Ord. 2005-69 § 1 (part), 2005).

6.20.170 Abuse of animals prohibited.

(1) A person is guilty of animal cruelty if, under circumstances not amounting to a violation of RCW 16.52.205, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon any animal.

(2) An owner of an animal is guilty of animal cruelty if, under circumstances not amounting to a violation of RCW 16.52.205, the owner knowingly, recklessly, or with criminal negligence:

(A) Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or

(B) Abandons the animal.

(3) Animal cruelty is a misdemeanor.

(4) In any prosecution of animal cruelty, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.

(5) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.

(6) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(7) Any owner whose domestic animal is removed pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.

(8) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) petitioning the Yakima municipal court for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to renew a bond or security for the agency's continuing costs for the animal's care.

(9) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the Yakima municipal court for the animal's return. The petition shall be filed with the court, with copies served to the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must deliver the animal to the owner at no cost to

the owner. If a criminal action is filed after the petition is filed but before the animal is returned, the petition shall be joined with the criminal matter.

(10) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

(11) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action. (Ord. 2005-69 § 1 (part), 2005).

6.20.180 Abandonment of animals prohibited.

It is unlawful for any person to leave any animal unattended for more than twenty-four hours without adequate care, including without limitation water, food, shelter, sanitation, ventilation, rest and medical attention. (Ord. 2005-69 § 1 (part), 2005).

6.20.190 Confinement in motor vehicle prohibited.

It is unlawful for any person to leave any animal confined within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including without limitation conditions involving dangerous temperature, lack of food, water or attention. (Ord. 2005-69 § 1 (part), 2005).

6.20.195 Dog tethering.

RCW 16.52.350 is adopted by reference.

6.20.200 Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.

(1) Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor and shall be punished as prescribed under YMC 6.02.050(B) and by a mandatory fine of not less than five hundred dollars per pet animal except as provided by subsection (1)(D) of this section:

(A) Takes, leads away, confines, secrets or converts any pet animal, except in cases in which the value of the pet animal exceeds two hundred fifty dollars;

(B) Conceals the identity of any pet animal or its owner by obscuring, altering, or removing from the pet animal any collar, tag, license, tattoo, or other identifying device or mark;

(C) Willfully or recklessly kills or injures any pet animal, unless excused by law;

(D) Nothing in this subsection shall prohibit a person from also being convicted of separate offenses under RCW 9A.56.030, 9A.56.040, 9A.56.050, or equivalent local ordinance for theft or under RCW 9A.56.150, 9A.56.160, 9A.56.170, or equivalent local ordinance for possession of stolen property.

(2) The sale, receipt, or transfer of each individual pet animal in violation of this section constitutes a separate offense.

(3) The provisions of this section shall not apply to the lawful acts of any employees, agent, or director of any Humane Society, animal control agency, or animal shelter operated by or on behalf of any government agency operating under law. (Ord. 2005-69 § 1 (part), 2005).

6.20.210 Removal of dog waste from public areas.

It is unlawful for the owner or other person with custody of a dog to fail to remove any feces excreted by the dog from any public place not designed to receive dog waste, including without limitation streets, sidewalks, parking strips and public parks, or any private place off the dog owner's premises. (Ord. 2005-69 § 1 (part), 2005).

6.20.220 Keeping in nauseous manner.

It is unlawful for any person to keep, harbor or maintain any animal or fowl, or any pen, kennel, yard, enclosure or building in which animals or fowl are kept, in the city of Yakima in such a manner as to be nauseous, foul or offensive, and any such animal or fowl or condition or manner of maintenance is declared to be a nuisance. (Ord. 2005-69 § 1 (part), 2005).

6.20.230 Injury to property.

It is unlawful for any person owning or having the control of any dog to permit the same to trespass upon private or public property so as to damage or destroy any property or thing of value, and any such dog is declared to be a nuisance and may be seized and impounded as provided in this chapter. (Ord. 2005-69 § 1 (part), 2005).

6.20.240 Rabies inoculation required—Exception.

No person may keep any adult dog unless that dog has been inoculated against rabies, unless the dog has, for medical reasons stated in writing by a licensed veterinarian, been specifically exempted from rabies inoculation. (Ord. 2005-69 § 1 (part), 2005).

6.20.250 Jumping and barking at pedestrians.

It is unlawful for any person to keep or harbor any dog or animal that frequently or habitually snarls and growls at or snaps or jumps upon or threatens persons lawfully upon the public sidewalks, streets, alleys or public places of the city of Yakima, and the same is declared to be a nuisance, and any such dog or other animal may be seized or impounded as provided in this chapter. (Ord. 2005-69 § 1 (part), 2005).

6.20.270 Presumption of ownership.

The owner or rightful occupant of any premises is presumed to own any dog kept at the premises. (Ord. 2005-69 § 1 (part), 2005).

6.20.280 Barking dogs prohibited.

(1) It is unlawful for any person in control of premises to keep, harbor or maintain thereon any dog or dogs which individually or together habitually bark, growl, yelp, howl or whine so loudly and for such a duration of time as to unreasonably disturb the peace, quiet, comfort and repose of others within the city of Yakima. Any such dog or dogs shall be declared a nuisance and may be seized and impounded if such disturbance reoccurs after the person in control of the premises has received two prior warnings within a period of six months from any law enforcement or animal control officer of the city.

(2) It shall be an affirmative defense to subsection (1) of this section that the howling, yelping, barking or other noise complained of was by a guard dog or watch dog which was responding to

intruders, trespassers or other persons entering onto or near the premises of the dog owner. (Ord. 2005-69 § 1 (part), 2005).

6.20.290 Dog bites to be reported.

Any person who is bitten by a dog, or who otherwise is exposed to dog saliva through an open wound on the person, or any doctor, veterinarian or hospital employee having information that a person has been bitten by a dog or has otherwise been exposed to dog saliva through an open wound within the city of Yakima shall notify the department of such bite or exposure, giving the description of the dog, the name and address of the owner, and the location of the incident, if known to said person. (Ord. 2005-69 § 1 (part), 2005).

IMPOUNDMENT

6.20.300 Impoundment.

Dogs found or reasonably believed to be kept in violation of this chapter may be impounded by the department. If impounded, a dog shall not be redeemed until it has been microchipped at the owner's expense; provided, that if a complaint identifying the dog owner of a dog at large, a barking dog or an unlicensed dog is received and the dog owner can be immediately located, the dog shall be left with the dog owner, and a summons and notice to appear in regard to the violation may be issued to such dog owner. (Ord. 2007-11 § 3, 2007: Ord. 2005-69 § 1 (part), 2005).

6.20.305 Interference with impounding.

It is unlawful for any person in control of premises to refuse to surrender to any law enforcement or animal control officer of the city of Yakima any dog or dogs sought to be confiscated or impounded under the provisions of this chapter of the city of Yakima Municipal Code. A violation of this section is a misdemeanor. (Ord. 2007-11 § 4, 2007: Ord. 2005-69 § 1 (part), 2005).

6.20.310 Notice of impoundment.

Upon impoundment of any dog or other animal, the impounding authority shall immediately notify the owner in writing. Such written notice shall be served upon the owner or, if the owner is not present, then upon any person of suitable age and discretion residing at the owner's residence. Contained within such written notice shall be a description of the dog or other animal, any license number, the reason for impoundment or confiscation, and the terms upon which such dog or other animal may be redeemed, if applicable. If the owner of such dog or other animal is unknown, then such written notice shall be posted as soon as possible after confiscation or impoundment at the Humane Society of Central Washington.

The impoundment of dangerous or potentially dangerous dogs is subject to the notification requirements in section 6.20.143.

The impoundment of animals due to an individual being declared a problem pet owner as defined in YMC 6.20.500 is subject to the notification requirements of YMC 6.20.510.(Ord. 2005-69 § 1 (part), 2005).

6.20.320 Redemption of impounded animals—Exception.

(1) Subject to the provisions in this section the owner or owner's agent of any dog, excluding dogs declared dangerous, or other animal impounded pursuant to this chapter of this title may redeem the impounded dog or animal within seventy two hours, exclusive of Sundays and holidays, after notice of the impoundment is given pursuant to YMC 6.20.310, except that the redemption of potentially dangerous dogs is subject to the requirements of sections 6.20.140 through 6.20.144.

(2) (A) Except for animals contemplated by subsection (2)(B) of this section, redemption for each dog may be accomplished by payment to the impounding authority of the amount of fifty dollars for the first impoundment of the same dog during any twelve-month period; and the redemption fee shall increase by increments of twenty-five dollars for each subsequent impoundment of that same dog during that twelve-month period. In addition to the redemption fee provided by this subsection, a person redeeming an unlicensed dog shall also pay for and obtain a current city of Yakima dog license before the dog is redeemed. In addition to the redemption fee, an additional charge of ten dollars per day shall be imposed for the period of time that the impounded dog is kept in the pound after impoundment, together with the cost for mandatory microchipping, prior to redemption.

(B) In the case of smaller animals other than dogs not requiring special equipment for transporting the same to the pound, the impounding fee shall be twenty-five dollars, and a charge of not less than ten dollars per day may be imposed by the impounding authority for the care and feeding of such animals. In the case of larger animals requiring special equipment for transporting the same to the pound (any equipment larger than a pickup or panel delivery truck), the basic impounding fee shall be twenty-five dollars; and in the event such an impoundment occurs at any time other than between nine a.m. to five p.m. on weekdays, or between ten a.m. and four p.m. on a Saturday, or if the impoundment occurs on a legal holiday, the impoundment fee shall be forty-five dollars. An additional charge of ten dollars per day shall be made for the care and feeding of such animals.

(C) Any payment required by this subsection for the redemption of an impounded dog or other animal may be made with any commercially reasonable tender, including but not limited to cash, money orders or major credit or debit cards, on sufficient identification being made.

(D) The impound fee shall be waived the first time a dog licensed with the city of Yakima is impounded; provided, that the dog license is current and valid.

(3) In the event an owner of an impounded dog, excluding dogs declared dangerous, or other animal desires to contest the validity of the impoundment, the impounded dog or other animal nevertheless may be redeemed—subject to the additional requirements of 6.20.141 for any dog declared potentially dangerous—by the execution and delivery to the impoundment authority of a promissory note payable to the city of Yakima in the amount of fifty dollars plus the appropriate impoundment fee, and the service of a copy of the petition for a hearing filed by the owner with Yakima Municipal Court to contest the impound and/or designation of a dog as dangerous or potentially dangerous. The petition shall be in the form set forth in subsection (8) of this section.

(4) If an impounded dog, excluding dogs declared dangerous, or other animal is not redeemed by its owner within the seventy-two-hour period following the notice of impoundment, then any person may redeem the dog or other animal by complying with the provisions of subsection (2)(A) of this section, and—for any dog declared potentially dangerous—with the provisions of section 6.20.141; provided, however, that within the discretion of the impounding authority, any

such impounded dog or other animal may be humanely destroyed or otherwise disposed of; provided, further, that in the case of any horse, mule, cattle, hog or other stock animals that may be impounded when running at large within the city of Yakima, the impounding authority shall follow the procedure established by the laws of the state of Washington in RCW Title 16 relative to the care and sale of strays. Potentially dangerous dogs shall not be euthanized prior to the expiration of the ten day period during which an owner may request a hearing contesting the potentially dangerous dog declaration.

(5) The department may refuse to release to its owner any animal that has been impounded more than once in a 12-month period unless the owner demonstrates that he or she has taken steps to reasonably ensure that the violation will not occur again. The animal shelter or the department may impose reasonable conditions that must be satisfied by the owner before release of the animal, including conditions assuring that the animal will be confined. Failure to comply with the conditions of release is a violation.

(6) The opportunity to redeem an animal under this section shall not be afforded to problem pet owners, as defined in section 6.20.500, that are subject to a 24-month prohibition on animal ownership under subsections 6.20.510(4) or 6.20.530(4).

(7) (A) No unaltered dog or cat that is impounded more than once in any 12-month period may be redeemed by any person until the animal is spayed or neutered. The alteration shall be accomplished by the animal shelter or by any duly licensed veterinarian in Yakima County authorized by the animal shelter. In all cases, the veterinarian fees shall be paid at the time of redemption by the animal's owner. In the event that the animal shelter is unable to have such an animal spayed or neutered in a timely manner, the animal shelter may, in its discretion, release the animal to its owner subject to a written promise that the owner shall provide proof to the department within ten business days that the animal has been spayed or neutered. Failure to provide such proof is a violation and may result in the animal being impounded.

(B) Exceptions. The alteration shall not be required upon a showing of proof of alteration from a licensed veterinarian. The alteration shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian stating that the spay or neuter procedure would be harmful to the animal.

(8) The daily boarding fees set forth in this section as costs to the individual redeeming an impounded dog may be increased from time to time to reflect actual increased cost assessments by the Humane Society for boarding city animal impounds.

(9)

IN THE MUNICIPAL COURT OF THE STATE OF WASHINGTON
CITY OF YAKIMA

)	
)	
Petitioner,)	NO. _____
)	
vs.)	IN RE THE ANIMAL IMPOUND OF A
)	DOG NAMED _____

CITY OF YAKIMA,)

)

Respondent.)

)

)

COMES NOW _____ (Petitioner), as owner of a _____
(breed) dog named _____ to request the Court calendar this matter for the
following purpose:

☐ Contest the validity of the seizure;

☐ Contest the dog's behavior Level as defined in YMC 6.20.130;

☐ Other: _____.

The dog is currently being held at the city impound facility. I understand that if I fail to appear at
the time set by the Court for the hearing, the Court shall enter an order finding the motion(s)
dismissed with prejudice.

Dated this _____ day of _____, 20_____.

Name:

Address:

Telephone:

It is hereby ORDERED:

☐ This case may be set as requested;

☐ This case may be set with the following amendment(s): _____
_____.

☐ Motion is denied. Set no hearing;

☐ Other: _____.

Dated: _____ Judge/Commissioner: _____

(Ord. 2015-003 § 1 (part), 2015: Ord. 2009-61 § 2, 2009: Ord. 2007-58 § 2, 2007: Ord. 2007-42
§ 1, 2007: Ord. 2007-11 § 5, 2007: Ord. 2005-69 § 1 (part), 2005).

6.20.330 Injured or diseased animals.

Any dog or other animal suffering from serious physical injury or disease may be humanely
destroyed by the impounding authority. (Ord. 2005-69 § 1 (part), 2005).

KENNELS

6.20.350 Kennel license—Requirements.

It is unlawful for any person to own, maintain or operate a kennel unless such person has obtained the applicable license as provided hereinafter. If there is a change in the ownership of any kennel, the new owner shall have the license transferred to his name upon receipt of a new updated application and payment of a twenty-five-dollar transfer fee. (Ord. 2005-69 § 1 (part), 2005).

6.20.360 Kennel license—Application.

(1) Information Required. Any person making application for a kennel license shall submit to the department the following information:

- (A) The name, address and phone number of the owner of the kennel;
- (B) The name, address and phone number of the person having primary supervision of the kennel;
- (C) The address or location and phone number of the kennel;
- (D) The maximum number of adult dogs which the kennel will contain at any time;
- (E) The name and address of the person designated by the applicant as agent for service of legal process or notice;
- (F) A statement giving permission for the inspection of the kennel at any reasonable time;
- (G) For all commercial and foster shelter kennels, a certificate of zoning compliance issued by the appropriate department of the city of Yakima.

(2) Notice of Deficiencies. In the event any kennel license applicant fails to provide all required information or fees, the department shall notify such applicant by first-class mail at the mailing address stated on the application of any such deficiency, demanding that any required information or fees be provided to the department within thirty days, and stating that if such required information or fees are not timely received, any fees paid shall be forfeited and the application shall be voided.

(3) Failure to Provide Information. If any applicant fails to timely provide information requested under this section, a new application and fee shall be required after the thirty days have expired, and any tag previously supplied shall be voided.

(4) Disposition of Fees Received. Any fees received by the department for applications that cannot be processed shall be deposited into a special revenue account within the dog control department fund and held in that fund for a period of not less than thirty days after notice of deficiencies in the application is mailed to the applicant or until the required information or fees are received. After thirty days have passed since the applicant was notified of any deficiency, such fees shall become miscellaneous revenues. Any overpayment of fees shall be refunded to the applicant if the request for overpayment refund is made within ninety days of such overpayment.

(5) Appeals. Any decision made concerning the type of kennel to be licensed and the fee required may be appealed to the appropriate licensing agency for the city of Yakima. Should the

appeal be determined in favor of the applicant, the excess of the license fee shall be refunded from the date the appeal was filed, on a prorated monthly basis.

(6) Refunds. Any moneys from the initial application fees that cannot be processed shall be deposited into a special revenue account in the dog control department fund as a special revenue item at the end of the forfeiture period. Amounts not forfeited shall be deposited into the kennel license fees category when correct fees are received. All refunds are to be made from the kennel license fee revenue account upon completion of a completed and approved refund request form. (Ord. 2005-69 § 1 (part), 2005).

6.20.370 Kennel license—Fees and late penalties.

(1) The application for a kennel license shall be accompanied by a fee as follows:

(A) Commercial or foster shelter kennel: Two hundred fifty dollars per year upon submission, inspection and approval of the enforcement agency and officer.

(B) Hobby kennel: Fifty dollars per year upon submission, with a surcharge of ten dollars per unaltered dog, upon inspection and approval of the enforcement agency and officer.

(C) Late penalty: One-half the applicable amount.

(2) The late penalty shall be assessed if the license is not obtained by the thirty-first of January. (Ord. 2005-69 § 1 (part), 2005).

6.20.380 Kennel license—Inspection of facilities.

Upon initial application for a kennel license, the department or its designee shall inspect the subject facilities to determine if they may properly be licensed. (Ord. 2005-69 § 1 (part), 2005).

6.20.390 Kennel license—Display.

The license issued for a kennel shall be posted in a conspicuous place upon the premises where such kennel is located. (Ord. 2005-69 § 1 (part), 2005).

6.20.400 Kennel license—Expiration and renewal.

Kennels shall be licensed in January on a yearly basis ending December 31st. Fees for new applications shall be prorated and charged one-twelfth the fee for each month remaining in the calendar year. License renewals shall be processed in the same manner as the original application, except that a certificate of zoning compliance is not required. Each kennel may choose from the following options at the time of renewal:

(1) License each dog individually; or

(2) Pay the appropriate kennel fee. (Ord. 2005-69 § 1 (part), 2005).

6.20.410 Kennel license—Revocation, denial or refusal to renew.

A license for any kennel may be revoked, denied or not renewed for failure to comply with the provisions of this chapter, and such action by the department shall be final and conclusive unless within twenty days of written notification thereof an appeal is filed. (Ord. 2005-69 § 1 (part), 2005).

6.20.420 Kennel license—Records required.

Each kennel shall prepare, maintain and make available to the department a current record of all dogs auctioned off, sold, let or otherwise disposed of, proof of vaccination, and a current record of all dogs born within such facility or acquired from other sources. Such records shall include the origin, the age and type of dog, and the name and address of the transferee or transferor. A kennel shall have available for inspection at any time all required records, tags, tattoos or microchip numbers for each dog. (Ord. 2005-69 § 1 (part), 2005).

6.20.430 Vaccination required.

Each kennel shall cause each dog owned or sold by it to receive current and proper immunization for distemper, hepatitis, parainfluenza and parvovirus inoculation for dogs over eight weeks of age and, in addition, rabies inoculation for dogs over four months of age. (Ord. 2005-69 § 1 (part), 2005).

PROBLEM PET OWNERS

6.20.500 Problem pet owners—Defined.

(1) A problem owner is one who:

(A) Has committed three or more violations, as defined below, in one 24 month period; or

(B) Has committed two or more violations, as defined below, after having a dog owned by him or her declared to be dangerous or potentially dangerous.

(2) For the purposes of YMC 6.20.500-540, “violation” means:

(A) A finding of committed on a civil infraction under this chapter;

(B) A conviction of a crime under this chapter or RCW 16.52, RCW 9.08, RCW 9.91.170, or RCW 9.91.175;

(C) Any violation of this chapter that is proven by a preponderance of the evidence regardless of whether the same act was charged as a civil infraction or crime. A civil infraction or criminal charge which is deferred or subject to pretrial diversion may be counted as a violation if the violation is proven by a preponderance of the evidence. Provided, however, that a finding of not committed on a civil infraction or a verdict of not guilty on a criminal charge precludes use of that act as a basis for a violation under this chapter.

(3) For the purposes of this chapter, multiple civil infractions committed on the same day will count as one violation. Each crime will count as one violation regardless of whether it was committed on the same day as another crime or civil infraction.

(4) For the purposes of this chapter, the violations need not involve the same pet.

6.20.510 Problem pet owners—Revocation of license.

(1) The Department may find and declare a person a problem pet owner if an animal control officer has probable cause to believe that the person falls within the definition set forth in this

chapter. The Department shall revoke all pet licenses issued to the problem owner. Proceedings shall be instituted by service of a Notice of Problem Pet Owner.

(2) The Notice of Problem Pet Owner shall be in writing and shall be served on the owner in one of the following methods:

(A) Mailed to the owner's last known address; or

(B) Personally.

(3) The Notice of Problem Pet Owner shall contain:

(A) Name and address of owner who is subject to the revocation;

(B) Names, descriptions, and license numbers of any pets licensed to the owner;

(C) Brief descriptions of the violations which form the basis of the revocation, including case numbers, if any;

(D) Notification of the availability of a hearing in case the person objects to the declaration, if a request is made within ten days of the date of personal service or mailing;

(E) A summary of the effects of the revocation of all pet licenses, requirements for confinement or impound of pets, and the potential penalties for violation of the restrictions.

(4) A person who is a problem owner as defined in this chapter, is prohibited from licensing or owning any animal in the City for a period of 24 months unless an appeal of the Notice of Problem Pet Owner is filed with the Yakima Municipal Court in accordance with this chapter. The problem owner shall surrender all animals to an animal control officer or police officer upon demand of the officer.

6.20.520 Confinement of pets owned by a problem pet owner.

(1) Upon service of a Notice of Problem Pet Owner, the animals owned by a person declared to be a problem pet owner may be impounded if the department determines that impoundment is in the interests of public safety or the health and welfare of the animals. Upon such a determination by the department, an animal control officer or police officer may require that such animals be held in the animal shelter or a secure veterinary hospital until a hearing is held to determine the animal's status or the deadline for requesting a hearing regarding the declaration of problem pet owner has passed. The owner shall immediately surrender the animals to an animal control officer or police officer upon the order of that officer.

(2) If animals owned by a person declared to be a problem pet owner are not impounded, the owner shall comply with all requirements imposed by the department. Failure to comply with all requirements is a violation. It is a separate violation for each animal and each day of non-compliance.

(3) In addition to the above requirements, upon the determination by the Yakima Municipal Court that a person is a problem owner, the problem owner shall immediately surrender all animals in his or her possession to an animal control officer or police officer.

(4) Refusal by any person to surrender an animal owned by a person declared to be a problem pet owner to an animal control officer or police officer is a misdemeanor.

6.20.530 Problem pet owner—Hearing procedure—Revocation of license.

(1) If the owner wishes to object to the revocation of a pet license, he or she may request a hearing before the Yakima Municipal Court by filing a request for hearing with the Court within ten days of service of the notice of revocation.

(2) The department shall bear the burden of proving by a preponderance of the evidence that the owner is a problem pet owner as defined in this chapter.

(3) A finding of committed on a civil infraction or a judgment of guilty in a criminal case is dispositive that a violation occurred and no additional evidence is necessary to prove that violation. A violation also may be proved through the testimony of witnesses, photographs, or other evidence admitted by the Court.

(4) If the Court finds that the owner is a problem owner as defined in this chapter, it shall revoke the licenses of all pets licensed to the owner and order that all pets licensed to the owner be impounded by the department. Upon such a finding, the Court shall order that the owner is prohibited from licensing any pet in the City for a period of 24 months. Any pets impounded under these circumstances may not be returned to any person residing at the same address as the problem owner.

6.20.540 Possessing, harboring, or owning animal by problem owner--Misdemeanor.

It is a misdemeanor for any person who is a problem owner as defined in this chapter to possess, harbor, or own an animal in the City of Yakima while a Notice of Problem Pet Owner is in effect, except during the period an appeal of a Notice of Problem Pet Owner is pending. For the purposes of this section, the term "animal" includes all animals, including, but not limited to, dogs, cats, exotic animals, livestock, and poultry, regardless of whether the YMC requires a license for the type of animal possessed.

PENALTIES

6.20.600 Penalties.

Any violation of this chapter that is designated as a gross misdemeanor is punishable by up to 364 days in jail and a \$5000 fine. Any violation of this chapter that is designated as a misdemeanor is punishable by up to 90 days in jail and a \$1000 fine.

CODE	CLASS	PENALTY	CHARGE
6.20.044	Inf.	\$250.00	Slaughter, dress, butcher animals/fowl
6.20.070	Inf.	\$250.00	Dog registration/license required
6.20.130(1)	Inf.	\$200.00 for first offense; penalty shall increase in increments of \$25 for every	Permit dog at large

CODE	CLASS	PENALTY	CHARGE
		subsequent offense	
6.20.130(2)(B)	Inf.	\$300.00	Permit dog at large—menaces
6.20.150	Inf.	\$250.00	Permit dog in estrus at large
6.20.180	Inf.	\$250.00	Abandonment of animal
6.20.190	Inf.	\$500.00	Confinement in automobile
6.20.210	Inf.	\$100.00	Fail to remove dog waste
6.20.220	Inf.	\$250.00	Keep animal in nauseous manner
6.20.230	Inf.	\$250.00	Allow dog to damage property
6.20.240	Inf.	\$200.00	Fail to provide dog rabies vaccine
6.20.250	Inf.	\$250.00	Allow dog to jump/bark at pedestrian
6.20.280	Inf.	\$250.00	Barking dog
6.20.320(5)	Inf.	\$500.00	Fail to comply with conditions of redemption of impounded animal
6.20.320(7)	Inf.	\$500.00	Fail to comply with mandatory spay/neuter
6.20.350	Inf.	\$500.00	Own/operate kennel w/o license
6.20.520(2)	Inf.	\$500.00	Fail to comply with dept. requirements—Problem pet owner

(Ord. 2005-69 § 1 (part), 2005).

EXEMPTION

6.20.700 Exemption.

The provisions of this chapter shall not apply to any dog kept by any law enforcement agency for law enforcement purposes.

Section 2. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 6th day of November, 2018.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____