

West Richland Municipal Code



Title 6

ANIMALS

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Chapter 6.04

GENERAL PROVISIONS

Sections:

- 6.04.010** **Definitions.**
6.04.020 **Repealed by Ordinance 22-05**

6.04.010 Definitions.

A. As used in this title, unless the context indicates otherwise, the following words or phrases shall have the following meanings:

1. "Animal" includes but is not limited to dogs, cats, chickens, turkeys, ducks, geese and peacocks.
2. "Animal control person" means and includes the chief of police of the City of West Richland, and any police officer or agent or agency designated by the City to enforce the provisions of this title.
3. A dog shall be deemed to be "at heel" during such times as the dog is positioned and controlled in such a manner so as to remain within a distance of two feet from its owner or other competent person having charge of such dog.
4. "At large" means off the premises of the owner or upon the public streets, alleys, public grounds, school grounds, or parks within the City. A dog shall not be deemed at large if:
 - a. It is attached to a leash or a chain of sufficient strength to restrain the dog, and not more than eight 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. It is properly restrained within a motor vehicle or housed in a veterinary hospital;
 - c. It is accompanied by and at heel beside the owner or competent responsible person.
 - d. The dog or dogs are left unattended on the owner's premises and it, or they, shall be so confined, tied or restrained as to be unable to range beyond owner's premises.
5. "Cat" means and includes female, spayed female, male and neutered male cats.
6. "City animal shelter" means an animal shelter designated by the City to receive and hold impounded animals.
7. "Commercial kennel" means any lot, premises, building or structure where six or more dogs over six months of age, or six or more cats over six months of age are kept.

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8. "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 title.
9. "Dog" means and includes female, spayed female, male and neutered male dogs.
10. "Health officer" includes any person designated as such by the Benton-Franklin District Health Department, or any other person designated as such by the City.
11. "Identacode" means a national identification number for dogs only.
12. "Large domestic animals" means any emu, ostrich, swine, hogs, minks, horses, sheep, goats, llamas, ponies, oxen, or other hoofed animals.
13. "Owner" means any person, group of persons, firm association or corporation owning, possessing, keeping, harboring or having control or custody of dog, cat or other animal.
14. "Person" includes any person, partnership, corporation, trust or association of persons.
15. "Small domestic animals" means any dogs, cats, rabbits, ducks, geese, pigeons, chickens, or other similar animals over the age of six (6) months.
16. "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.
17. "Wild animals" mean any:
 - a. Wild cat, including lion, tiger, cougar, mountain lion, lynx or bobcat;
 - b. Bear;
 - c. Wolf, coyote, fox or its hybrid, except for domestic dogs;
 - d. Venomous reptile or amphibians;
 - e. Reticulated python, Burmese python or any other snake which may reach 10 feet or more in length.
 - f. Alligator, crocodile or caiman;
 - g. Any other animal which is capable of killing or seriously injuring a human being.
18. "Dangerous Animal" means any animal that:
 - a. Has inflicted severe injury on a human being without provocation;
 - b. Has killed a domestic animal without provocation while off the owner's property;
 - c. Has been previously found to be potentially dangerous, the owner having received notice of such, and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.
19. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.
20. "Potentially dangerous animal" means any animal that, when unprovoked:
 - a. Inflicts bites on a human or domestic animal, either on public or private property

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b. Chases or approaches a person upon the street, sidewalk or any public ground in a menacing or apparent attitude of attack;

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

21. "Proper enclosure" means secured confinement indoors or in a securely enclosed and locked pen or structure resistant to tunneling, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such structure must have secure sides and a secure top, and shall also provide protection from the elements for the animal.

22. "Pound master" refers to any person employed by, or under contract with, the City to care for and dispose of strays or other animals confined under City ordinance.

B. All other words and phrases used in this title 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. (Ord. 22-05 §2, 2005: Ord. 17-03 §1, 2003: Ord. 6-87 §1, 1987).

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Chapter 6.08

RESPONSIBILITY OF OWNER

Sections:

- 6.08.010 Confinement--Outdoors--Requirements.**
- 6.08.020 Animal in heat -- Confinement and requirements.**
- 6.08.030 Disturbing the peace prohibited.**
- 6.08.035 Keeping in nauseous manner prohibited.**
- 6.08.040 Damage to property prohibited.**
- 6.08.045 Small domestic animals.**
- 6.08.050 Owner responsibility.**
- 6.08.060 Penalty for Violation**

6.08.010 Confinement–Outdoors—Requirements. Dogs or cats kept outdoors for more than six continuous hours must be provided with a moisture-proof and wind-proof shelter by the owner. The shelter must be of such size to keep the animal clean, dry and comfortable and to allow the animal to turn around freely and to easily sit, stand lie in a normal position. (Ord. 6-87 §1 (part), 1987).

6.08.020 Animal in Heat – Confinement requirements. Every female dog or female cat in heat shall be kept confined to the owner’s property or in a veterinary hospital or boarding kennel so that such female dog or female cat cannot come in contact with other animals except for intentional breeding purposes. (Ord. 6-87 §1(part), 1987).

6.08.030 Disturbing the peace prohibited. It is unlawful for any person owning or harboring an animal to allow or permit such an animal to cause serious or habitual disturbance or annoyance by frequent or habitual howling, yelping, barking or otherwise noisy conduct which shall annoy, injure or endanger the safety, health, comfort or repose of others. An animal is harbored in violation of this section if, without provocation, it makes noise which can be heard continuously within an enclosed structure off its owner’s property for more than five minutes. (Ord. 22-05 §3, 2005; Ord. 6-87 §1(part), 1987).

6.08.035 Keeping in nauseous manner prohibited. 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 West Richland in such a manner as to be

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nauseous, foul, or offensive, and any such animal or fowl or condition or manner of maintenance is declared to be a nuisance. (Ord. 17-03 §1, 2003).

6.08.040 Damage to property prohibited. It is unlawful for any owner to suffer or permit any animal to trespass on private or public property so as to damage or destroy any property or thing of value, or to deposit fecal matter on any property not that of the owner, and the same is a nuisance and any such animal may be seized and impounded. (Ord. 6-87 §1(part), 1987).

6.08.045 Small domestic animals. Each dwelling unit and the accompanying lot or common area in a Low Density (RL-40, RL-2A, and RL-4A), Medium Density (RM-20, RM-15, RM-12.5, RM-10), or Residential-Mobile Home District (R-1MBH) residential use area is limited to five (5) small domestic animals. Each dwelling unit and the accompanying lot or common area in a Medium Density (RM-6), Mobile Home Park Use District (R-2MBH), or Multi-Family (MR-2, MR-3) is limited to two (2) small domestic animals. (Ord. 17-03 §3, 2003).

6.08.050 Owner responsibility. Nothing contained in this title shall relieve the owner of any animal from responsibility for any damage committed by such animal as provided by law and by this title. (Ord. 6-87 §1(part), 1987).

6.08.060 Penalty for Violation.

A. The violation of any provision of this chapter shall be a civil infraction. Unless matters in aggravation warrant a greater civil penalty, each violation shall be subject to a minimum penalty in the amount listed, plus any court costs assessed by the Benton County District Court.

1. First violation within five (5) years – thirty dollars (\$30.00)
2. Second violation within five (5) years – fifty dollars (\$50.00)
3. Third violation within five (5) years – seventy-five dollars (\$75.00)
4. Four or more violations within five (5) years – one hundred dollars (\$100.00)

B. Each person is guilty of a separate offense for each and every day, during any portion of which any violation of the provision of this chapter is committed, continued or permitted by any such person. (Ord. 22-05 §4, 2005)

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Chapter 6.20

TREATMENT OF ANIMALS

Sections:

- 6.20.010 Unlawful treatment.**
- 6.20.020 Abandonment prohibited.**
- 6.20.030 Penalty for violation--Exception.**

6.20.010 Unlawful treatment. It is unlawful for any person to:

- A. Molest, provoke or mistreat any animal;
- B. Knowingly, recklessly or with criminal negligence, fail to provide the animal with necessary shelter, rest, sanitation, ventilation, space or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure, or to overdrive, overload, overwork or work when disabled, or cause or procure an animal to be overridden, overloaded, overworked. (Ord. 22-05 §5, 2005: Ord. 6-87 §1 (part), 1987).

6.20.020 Abandonment Prohibited. It is unlawful for any person to abandon any animal by dropping off or leaving such an animal on the street, road or highway or in any other public place, or on the property of another. (Ord. 6-87 §1 (part), 1987).

6.20.030 Penalty for Violation--Exception. The violation of any provision of this chapter shall be a gross misdemeanor; provided, however, that nothing in this chapter shall apply to the killing of any animal in a humane manner and for a lawful purpose by a police officer, humane society official or employee, animal control person or employee, licensed veterinarian, the owner of such animal, or a person authorized by the owner of the animal to destroy such animal. Every person convicted of a violation of this chapter shall be punished by a fine of not more that \$5,000.00 or by imprisonment for not more than 365 days, or by both such fine and imprisonment. (Ord. 22-05 §6, 2005: Ord. 6-87 §1 (part)).

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Chapter 6.24

WILD OR VICIOUS ANIMALS AND REPTILES

Sections:

- 6.24.005 Wild, Potentially Dangerous or Dangerous Animal**
- 6.24.010 Wild, Potentially dangerous or Dangerous Animals--Harboring Prohibited--Exceptions.**
- 6.24.020 Guard Dogs--Permitted--Requirements--Recourse of bitten party.**
- 6.24.030 Wild, Potentially Dangerous or Dangerous Animal-Permit required--Requirements.**
- 6.24.040 Repealed by Ordinance 22-05**
- 6.24.050 Applicability of Section 6.24.030**
- 6.24.060 Penalty**

6.24.005 Wild, Potentially Dangerous or Dangerous Animal

A. Declaration, Impoundment and Notification: The animal control person has the authority to declare and impound a wild, potentially dangerous or dangerous animal and require such animal to have a permit in accordance with section 6.24.030. The animal control person may declare and impound a wild, potentially dangerous or dangerous animal if he has probable cause to believe that the animal falls within the definitions set forth in Section 6.04.010 or 6.04.020. Upon declaration of the animal, the animal control person shall notify the owner of the declaration. Such notification shall be in writing, and served by the animal control person on the owner either personally or by certified mail. However, if the owner cannot be readily determined, service of notification of declaration shall be waived.

B. Objection to Declaration: If the owner of the animal wishes to object to the declaration of wild, potentially dangerous or dangerous animal, he may, within ten (10) days of receipt of the declaration, appeal that declaration by submitting the filing fee and a written request to the clerk of the court for a hearing before the Benton County District Court. However, if the owner cannot be readily determined and notification is waived, the owner shall within ten (10) days from the time of declaration by the animal control officer file an appeal with Benton County District Court.

C. District Court Hearing: If the court finds insufficient evidence to support the Declaration, the Declaration shall be rescinded and the restrictions imposed thereby annulled and the animal shall be returned to the owner. In the event the court finds that the animal is not a wild, potentially dangerous or dangerous animal, no court costs shall be assessed against the City or the animal control person. If the court finds sufficient evidence to support the

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Declaration, it shall impose court costs on the appellant, restitution if applicable, and may impose additional restrictions on the animal.

D. Stay Pending Appeal: A timely filed written request for a hearing with the court shall stay the disposal of any impounded animal pending appeal. However, the animal shall remain impounded pending appeal. The owner of the animal shall be liable for the cost of daily care and necessary veterinarian care, and/or humane destruction of any animal pending appeal unless otherwise ordered by the court. Upon final disposition of appeal(s), if the court upholds the Wild, Potentially Dangerous or Dangerous Animal Declaration, then the owner has ten (10) days after the court's order to obtain a permit in accordance with section 6.24.030. Failure to obtain such a permit in a timely manner shall result in destruction of the animal in a humane manner. The owner of the animal shall be responsible for the cost associated with the destruction of the animal.

E. Redemption or Destruction of Animal: An animal impounded because it has been declared wild, potentially dangerous or dangerous may be returned to its owner if he obtains a permit in accordance with section 6.24.030 within ten (10) days after declaration and notification as required by 6.24.005. If, however, the owner of the impounded animal under this section does not comply with section 6.24.030 within ten (10) days after declaration and notification as required by 6.24.005, such animal shall be destroyed in an expeditious and humane manner. The owner of the animal shall be responsible for the cost associated with the destruction of the animal. For purposes of determining whether the ten (10) days have expired, the following methods shall be used:

1. if the owner is personally served by the animal control person, time begins when the owner was personally served; or
2. if the owner is mailed notice by certified and regular mail, time begins when the notice was mailed; or
3. if the owner of such animal could not be readily determined by the animal control person and notification is waived, time begins when the animal was impounded. (Ord. 22-05 §7, 2005)

6.24.010 Wild, Potentially Dangerous or Dangerous Animals--Harboring prohibited--Exceptions.

A. Except for dogs used by law enforcement officials for police work, it is unlawful for any person to keep, harbor or maintain on or off his premises, any wild, potentially dangerous or dangerous animal without a permit.

B. It is unlawful for an owner of a wild, potentially dangerous or dangerous animal to permit it to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but prevent it from biting any person or animal.

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C. Any wild, potentially dangerous or dangerous animal shall be immediately impounded by an animal control person if the:

1. Animal does not have a proper permit;
2. Owner does not secure the liability insurance coverage required under Section 6.24.030 of this chapter;
3. Animal is not maintained in the proper enclosure;
4. Animal is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of a responsible person as set forth in subsection B of this section.

D. Any animal in violation of this chapter may be subject to destruction by order of the Benton County District court.

G. Any violation of this section shall be deemed to be a gross misdemeanor and for each conviction there shall be assessed a fine not to exceed \$5,000.00 or imprisonment for not more than one year or both such fine and imprisonment. (Ord. 22-05 §8, 2005: Ord. 10-87 §2, 1987: Ord. 6-87 §1(part), 1987).

6.24.020 Guard dogs--Permitted--Requirements--Recourse of bitten party.

A. Nothing in this title shall prohibit a person from keeping a dog for security purposes as long as the dog is properly licensed and properly controlled and/or confined on the person's premises in accordance with the provisions of this title, and the premises are clearly posted indicating the presence of such dog.

B. Anyone bitten by any dog while engaging in any crime, whether misdemeanor, gross misdemeanor, or felony, including but not limited to trespass, larceny, or assault, will have no recourse under this title and no proceeding, either criminal or civil, will be brought against either the owner or his dog by the governing agency; provided, however, that nothing contained in this title shall restrict or limit any right of an injured party to bring civil suit in an individual capacity. (Ord. 10-87 §3, 1987: Ord. 6-87 §1 (part), 1987).

6.24.030 Wild, Potentially Dangerous or Dangerous Animal--Permit required--Requirements.

A. The City shall issue a permit to the owner of a wild, potentially dangerous or dangerous animal upon presenting to the animal control person of the City sufficient evidence of:

1. A proper enclosure to confine the dangerous dog and the posting of the premises with a warning sign clearly visible from the roadway that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog;
2. A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control person in the sum of at least \$50,000.00, payable to any person injured by the vicious dog: or

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3. A policy of liability insurance, such as home owner's insurance, issued by an insurer qualified under the Title 48 RCW in the amount of at least \$50,000.00, insuring the owner for any personal injuries inflicted by a dangerous dog.

B. No person shall have, keep or maintain, or have in his possession or under his control within the are of the City, which is zoned residential, any lion, tiger, bear, chimpanzee, gorilla, cougar, mountain lion, badger, wolf, coyote, fox, lynx, or poisonous reptile or serpent, or any other dangerous wild animal reptile; provided, however, that in those areas zoned other than residential such animals may be permitted on the condition that a permit is obtained from the animal control person or his duty authorized representative. Such permits shall only be granted upon by showing the applicant that adequate safeguards have been instituted and will be maintained which will effectively control the dangerous or vicious propensities of such animal or reptile, eliminating any danger to individual or property and providing that keeping or maintaining of any such animal will in no way constitute a nuisance to the occupants of any surrounding area.

The applicant for such a permit shall post a surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control person in the sum of at least \$50,000.00, payable to any person injured by the vicious animal, or provide a policy of liability insurance, such as home-owner's insurance, issued by an insurer qualified under the Title 48 RCW in the amount of at least \$50,000.00, insuring the owner for any personal injuries inflicted by the vicious animal prior to the issuance of a permit.

The applicant for such a permit shall pay to the City a fee of \$250.00 (two hundred and fifty dollars). This fee shall be non-refundable even if the City declines to issue a permit because the owner failed to satisfy the requirements in Section 6.24.030A. (Ord. 22-05, §9, 2005: Ord. 10-87 §4, 1987: Ord. 6-87 §1(part), 1987).

6.24.050 Applicability of Section 6.24.030. Section 6.24.030 shall not apply to any person keeping or maintaining or having in his possession or under his control any animal defined in that section when such person is transporting such animal or reptile through the City, provided he has taken adequate safeguards to protect the public and has notified the chief of police of his proposed route of transportation and of the time such a trip is to take place. (Ord. 22-05 §10, 2005: Ord. 6-87 §1(part), 1987).

6.24.060 Penalty. The violation of any provision of this Chapter shall be a gross misdemeanor which, upon conviction, shall be punishable by a fine not more than \$5,000.00 or by imprisonment for not more than 365 days, or by both such fine and imprisonment. (Ord. 22-05 §11, 2005).

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Chapter 6.28

CONTROL OF ANIMALS

Sections:

- 6.28.010 Animals at large.**
- 6.28.020 Setting at large prohibited.**
- 6.28.030 Notice of impounding-- Procedures.**
- 6.28.040 Redemption of impounded animals.**
- 6.28.050 Unclaimed animals--Disposition.**
- 6.28.060 Identocoded dogs--Disposition.**
- 6.28.070 Destruction of animals.**
- 6.28.080 Horses prohibited.**
- 6.28.090 Interference with Officers—Failure to Redeem-Fraud**
- 6.28.100 Duties Upon Injury or Death of an Animal**
- 6.28.110 Penalty**

6.28.010 Animals at large. It is unlawful for the owner of any animal to allow, suffer or permit an animal to be at large within the City. Any animal at large within the City is a nuisance. Any animal which is at large within the City, off the premises of the animal's owner and not under control of some person, or which is otherwise in violation of this title and is subject to impound, may be impounded by the animal control person. Except as provided in Section 6.24.010, no licensed animal shall be impounded if it is on the owner's property and is not at large. (Ord. 22-05 §12, 2005; Ord. 6-87 §1(part), 1987).

6.28.020 Setting at large prohibited. It is unlawful for any person, except the owner or his duly authorized agent, to willfully open any door or gate on any private premises or unleash any animal for the purpose of enticing or enabling any animal to leave such private premises. (Ord. 6-87 §1(part), 1987).

6.28.030 Notice of impounding--Procedures. Upon seizing and impounding any animal, the animal control person shall give notice of such impounding in substantially the following manner.

A. If the animal is licensed and wearing a license tag, or if the identity of the owner is known to the animal control person, then, as soon as reasonably practicable after the animal is impounded, the animal control person shall notify the owner by telephone or by leaving a notice

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at the owner's residence or otherwise, that the animal has been impounded and may be redeemed as provided in this title.

B. If the impounded animal has an identacode number and such animal has not been claimed or redeemed within 48 hours of the giving or posting of notice as prescribed in subsection A, above, then the animal control person shall notify the district office of the National Dog Bureau of the impounding of such animal. (Ord. 6-87 §1(part), 1987).

6.28.040 Redemption of impounded animals. Any impounded animal may be redeemed by the owner, or authorized representative of the owner, by payment to the City of an impounding fee, said fee to be established by the City by a separate document. In addition, the redeeming owner, or authorized representative of the owner, shall pay a daily boarding fee for each calendar day or portion thereof that the animal has been confined, and also the cost of treating an injured animal. If the animal has no valid license tag and one is required, the owner shall obtain a license tag for the current year, or a duplicate tag in accordance with the provisions of this title before the animal will be released. If the animal has been declared wild, potentially dangerous or dangerous, the owner shall obtain a permit in accordance with section 6.24.030 before the animal will be released. If the animal is unlicensed, proof of a current rabies vaccination must be produced. Upon receiving all fees due, the City shall execute a receipt in duplicate. The original shall be delivered to the person redeeming the animal and a copy, upon which such person shall acknowledge delivery of the animal, shall be retained by the City. (Ord. 22-05 §13, 2005: Ord. 6-87 §1(part), 1987).

6.28.050 Unclaimed animals--Disposition. If an impounded animal is not claimed and redeemed within 72 hours, then, at the discretion of the animal control officer, such animal may be adopted out or humanely destroyed. (Ord. 22-05 §14, 2005: Ord. 6-87 §1(part), 1987).

6.28.060 Indenticode dogs--Disposition. If an impounded dog bearing an identicode number is not claimed or redeemed within 10 days of the date of notice to the National Dog Bureau, then it may be adopted out or humanely destroyed by the animal control officer. (Ord. 22-05 §15, 2005: Ord. 6-87 §1(part), 1987).

6.28.070 Destruction of animals.

A. Any animal which is not redeemed by the owner and not adopted out by the animal control officer or pound master may be humanely destroyed and properly disposed of by the animal control officer or pound master. The destruction of all animals 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 the animal is deemed in advisable or impractical, or for humane

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considerations, the animal control officer at his discretion may summarily destroy the animal involved. (Ord. 22-05 §16, 2005; Ord. 6-87 §1(part), 1987).

6.28.080 Horses prohibited. It shall be unlawful for any person to ride or lead, or cause to be ridden or lead, a horse, mule, pony or similar riding animal on any planting strip or developed public park within the City limits. (Ord. 38-95 §1, 1995; Ord. 36-95 §2, 1995).

6.28.090 Interference with Officers-Failure to Redeem-Fraud.

A. It is unlawful for any unauthorized person to break open, or attempt to break open, the City animal shelter, or to take or let out animals there from, or to take or attempt to take from any officer any animal seized by him in compliance with this chapter, or in any manner interfere with or hinder such an officer in the discharge of his duties under this chapter.

B. It is unlawful for any person to knowingly refuse to redeem an impounded animal or to obtain an animal from the pound master and return it to a former owner without first paying all impound fees. (Ord. 22-05 §17, 2005)

6.28.100 Duties upon Injury or Death of an Animal: It shall be the duty of every person operating or driving a vehicle involved in an accident resulting in an injury or death to an animal to report the same immediately to the police division by telephone or in person within 24 hours of such accident, giving the relevant information concerning the accident. (Ord. 22-05 §18, 2005)

6.28.110 Penalty.

A. Any violation of section 6.28.090 shall be a gross misdemeanor which upon conviction shall be punishable by a fine not more than \$5,000.00 or by imprisonment for not more than 365 days, or by both such fine and imprisonment.

B. With the exception of section 6.28.090, the violation of any other provision of this chapter shall be a civil infraction. Unless matters in aggravation warrant a greater civil penalty, each violation shall be subject to a minimum penalty in the amount listed plus any court costs assessed by the Benton County District Court.

1. First violation within five (5) years – thirty dollars (\$30.00)
2. Second violation within five (5) years – fifty dollars (\$50.00)
3. Third violation within five (5) years – seventy five dollars (\$75.00)
4. Four or more violations within five (5) years – one hundred dollars (\$100.00)

C. Each person is guilty of a separate offense for each and every day during any portion of which any violation of the provision of this chapter is committed, continued or permitted by any such person. (Ord. 22-05 §19, 2005)

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Chapter 6.32

DOGS

Sections:

- 6.32.010 Repealed by ORD 22-05
- 6.32.020 Leashes required--Exemptions.
- 6.32.030 Prohibited Offenses.
- 6.32.040 License required--Exemptions.
- 6.32.050 License--Annual issuance.
- 6.32.060 License application--Vaccination certificate required.
- 6.32.070 License--Fees--Exceptions.
- 6.32.075 Repealed by ORD 22-05
- 6.32.080 Proof of neutering or spaying required.
- 6.32.090 License--Fee for late payment.
- 6.32.100 License--Fees--Applicability to nonresidents.
- 6.32.110 License receipts--Contents.
- 6.32.120 License tags--Form and Content.
- 6.32.130 License tag--Placement requirements.
- 6.32.140 Duplicate license tags.
- 6.32.150 License tags--Transferability.
- 6.32.160 Commercial kennel--License required--Issuance--Fee
- 6.32.170 Kennels--Dog licensing requirements.
- 6.32.180 Kennels--Dog vaccination requirements.
- 6.32.190 Licenses--Unlawful conduct designated.
- 6.32.200 Dog Bites--Reported required--Impoundment—Procedures
- 6.32.210 Penalty

6.32.020 Leashes required--Exemptions. While away from the premises, dogs shall at all times be controlled or be at heel or be controlled by means of a leash not exceeding eight feet in length, by the owner or some duly authorized and responsible competent person; provided, however, that such leash or chain is not required for any dog when otherwise safely and securely confined or completely controlled while in or upon any vehicle. This section shall not apply to dogs which are in areas which may be designated by the City as dog training areas and so long as the regulations of the City with respect to the use of such areas are complied with, and the dogs are under custody and control of a competent trainer. (Ord. 22-05 §21, 2005; Ord. 6-87 §1(part), 1987).

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6.32.030 Prohibited offenses. No dog shall be permitted or allowed to commit the following offenses on any premises or property, private or public:

- A. Bite or attempt to bite any person;
- B. Destroy private or public property;
- C. Scatter refuse;
- D. Chase vehicles; or
- E. Commit any nuisance defined in this title or any other ordinance or law. (Ord. 6-87 §1(part), 1987).

6.32.040 License required--Exceptions.

A. Except as provided in Section 6.32.170, no owner shall keep or permit any dog over seven months of age within the City unless such dog is licensed and a license tag is attached as provided in this chapter. (Ord. 22-05 §22, 2005: Ord. 6-87 §1(part), 1987).

6.32.050 Licenses--Annual issuance. Licenses shall be issued annually by the City upon payment of the required license fee. The license may be purchased after the first day of January of each year, and shall be valid until the last day of February of the next following year. (Ord. 3-90 §1, 1990: Ord. 6-87 §1(part), 1987).

6.32.060 License application--Vaccination certificate required. Before a license is issued for any dog, the owner must present a certificate verifying that the dog had been vaccinated against rabies. Such certificate of vaccination shall be signed by a licensed veterinarian and shall show that the vaccination is valid at the time of licensing. (Ord. 5-98 §1, 1998: Ord. 6-87 §1(part), 1987).

6.32.070 License--Fees--Exceptions. Fees for licenses will be established by the City Council from time to time and must be paid before the issuance of the license.

A. Exceptions:

- 1. Guide dogs trained to assist blind persons—no fee;
- 2. Dogs owned by low income senior citizens: The first dog shall be issued a license tag free of charge provided the application can show proof of a rabies vaccination in accordance with provisions of this title. All dogs owned by the applicant, other than the first dog for which there is no charge for the license tag, shall be licensed by the City in accordance with the terms of this title at the regular rate for licenses as set forth. (Ord. 22-05 §23, 2005: Ord. 5-98 §2, 1998: Ord. 6-87 §1(part), 1987).

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6.32.080 Proof of neutering or spaying required. As proof that a dog has been neutered or spayed, the licensing applicant shall exhibit to the licenser, a certificate from a licensed veterinarian to that effect. (Ord. 6-87 §1(part), 1987).

6.32.090 License--Fee for late payment. Any dog license issued on or after the 1st day of March of each year, shall be assessed a penalty of ten dollars (\$10.00), however:

A. Newly acquired dogs over the age of seven months must be vaccinated and licensed within 30 days of acquisition.

B. Any dog reaching seven months of age must be licensed by that date.

C. The City council may, by Resolution, extend the period of time in which dog licenses may be obtained without payment of the late penalty. (Ord. 22-05 §25, 2005: Ord. 3-90 §2, 1990: Ord. 6-87 §1(part), 1987).

6.32.100 Licenses--Fees--Applicability to nonresidents. The license fee shall not apply to dogs owned by nonresidents temporarily within the City for a period of not more than thirty days, but shall apply to the dogs of owners becoming a resident of the City within the thirty days after establishing such residence. (Ord. 6-87 §1(part), 1987).

6.32.110 License receipts--Contents. The City shall provide license receipts which provide space for the following information: rabies tag number; date of expiration of rabies tag; breed, color, sex, age, and name of dog; owner's name, address, telephone number; and the amount of the license fee. (Ord. 6-87 §1(part), 1987).

6.32.120 License tags--Form and content. The City shall provide license tags bearing numbers corresponding with those of the license receipts. The shape of the tag will vary from year to year. (Ord. 6-87 §1(part), 1987).

6.32.130 License tag--Placement requirements. The owner shall cause a valid license tag to be permanently affixed to the collar of the dog so that the license tag is in such a position that it may be easily seen by animal control officers. The owner shall cause the tag to be worn by such dog at all times. (Ord. 6-87 §1(part), 1987).

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6.32.140 Duplicate license tags. In the event any license tag is lost, a duplicate shall be issued by the City upon the presentation of a corresponding receipt and upon payment of a fee of one dollar. (Ord. 6-87 §1(part), 1987).

6.32.150 License tags--Transferability. License tags shall not be transferable. No refund shall be made of any dog license fee for any reason. (Ord. 6-87 §1(part), 1987).

6.32.160 Commercial kennel--License required--Issuance--Fee.

A. No person shall maintain a commercial kennel within the City without having a valid license thereof posted in plain view of the premises. The City shall issue such commercial kennel licenses upon payment of fifty dollars annually. No license shall be issued for a commercial kennel located in violation of any zoning regulations governing the location of commercial kennels or operated in violation of any other law.

B. The original copy of the kennel license shall be delivered to the applicant; a copy shall be retained by the City. (Ord. 6-87 §1(part), 1987).

6.32.170 Kennels--Dog licensing requirements. Any dog kept in a licensed kennel need not be individually licensed, provided that at all times when not securely confined in the kennel the dog is kept on a suitable leash. (Ord. 6-87 §1(part), 1987).

6.32.180 Kennels--Dog vaccination requirements. A kennel license shall cause all dogs over six months of age kept in the kennel to be vaccinated against rabies. Any dog for which evidence of such vaccination cannot be produced shall be impounded. (Ord. 6-87 §1(part), 1987).

6.32.190 Licenses--Unlawful conduct designated. It is unlawful to counterfeit or alter any licenses, license receipt, or license tag provided for in this chapter, or to take from any other dog a license tag legally placed upon that dog with the intent to place it upon another dog, or to place upon a dog a license tag not validly issued for such dog. (Ord. 6-87 §1(part), 1987).

6.32.200 Dog bites--Report required--Impoundment--Procedures.

A. Every dog bite shall be reported to the public health officer, who may investigate the case and may order the offending dog to be impounded at anytime during the fourteen days following the date of the bite.

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B. If the dog is impounded and after fourteen days following the date of the bite no rabies is present or suspected in the dog, the dog may be released to the owner upon payment of the impounding fees and boarding fees, any license due and compliance with the rabies vaccination provisions of this chapter.

C. If rabies is present or suspected by the health officer, the dog shall be destroyed and the head preserved for laboratory confirmation of the diagnosis by the public health officer.

D. If the health officer orders a dog impounded at anytime during the fourteen days following the date of the bite, the owner of the dog may request said impounding to be at a licensed veterinarian's establishment at his own expense. (Ord. 22-05 §26, 2005; Ord. 6-87 §1(part), 1987).

6.32.210 Penalty

A. Any violation of section 6.32.030 shall be a gross misdemeanor, which upon conviction, shall be punishable by a fine not more than \$5,000.00 or by imprisonment for not more than 365 days, or by both such fine and imprisonment.

B. With the exception of section 6.32.030, the violation of any other provision of this chapter shall be a civil infraction. Unless matters in aggravation warrant a greater civil penalty, each violation shall be subject to a minimum penalty in the amount listed plus any court costs assessed by the Benton County District Court.

1. First violation within five (5) years – thirty dollars (\$30.00)

2. Second violation within five (5) years – fifty dollars (\$50.00)

3. Third violation within five (5) years – seventy-five dollars (\$75.00)

4. Four or more violations within five (5) years – one hundred dollars (\$100.00)

C. Each person is guilty of a separate offense for each and every day during any portion of which any violation of the provision of this chapter is committed, continued or permitted by any such person. (Ord. 22-05 §27, 2005)

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Chapter 6.36

RABIES PREVENTION

Sections:

- 6.36.010 Health officer--Quarantine Duty.**
- 6.36.020 Quarantine notice--Delivery--Impounding required.**
- 6.36.030 Quarantined animal--Isolation requirements--Impounded when.**
- 6.36.040 Rabies outbreak--Animal confinement required--Dogs at large impounded.**
- 6.36.050 Rabies outbreak--notification requirements--Health officer authority.**

6.36.010 Health officer--Quarantine duty.

- A. It is a necessary health measure to prevent the spread of rabies.
- B. It is the duty of the health officer to cause to be quarantined any dog or cat, within the City, which he has grounds to suspect of being infected with the disease of rabies. Whenever any human being is bitten by a cat or dog and there is no reason to suspect that the animal is rabid, at the discretion of the health officer, the animal involved may be restricted for fourteen days for observation in such manner as to prevent contact with other animals or humans except for its caretaker. (Ord. 22-05, §28, 2005; Ord. 6-87 §1(part), 1987).

6.36.020 Quarantine notice--Delivery--impounding required.

- A. Any such quarantine shall be initiated by delivering to the owner or keeper of any such animal, a written notice of such quarantine which shall prescribe the duration of the same; provided, that the period of the quarantine shall not exceed fourteen days unless it is determined that the existence of such disease is present.
- B. The delivery of the notice of quarantine to an adult residing upon the premises where such animal is kept shall be considered as delivery of the notice to the owner or keeper.
- C. Any such animal so quarantined shall be impounded or, in the determination of the health officer, may be quarantined upon the premises of the owner or any other person during such time as the provisions of the quarantine are strictly kept. (Ord. 6-87 §1(part), 1987).

6.36.030 Quarantined animal--Isolation requirements--Impound when.

- A. During the period of any quarantine made under the provisions of this chapter, the owner or keeper of any animal quarantined shall not allow the animal to come in contact with any other animal or person or permit such animal to run at large upon the street or public place in the City or upon the premises where quarantined unless the premises is enclosed by a

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secured fence, nor shall such owner or keeper remove or cause such animal to be removed from the premises without the consent of the health officer. These restrictions shall continue until the animal has been released from quarantine.

B. Any animal found running at large, as defined in Section 6.04.010(A)(4) in this title, or which has been removed from the premises upon which quarantined, shall be impounded and, unless claimed and redeemed by its owner within two days after the expiration of the quarantine period, may be destroyed by the proper authorities. (Ord. 6-87 §1(part), 1987).

6.36.040 Rabies Outbreak--Animal confinement required--Dogs at large impounded.

A. Whenever any outbreak of rabies occurs or when rabies has been diagnosed or a rabid dog or animal has been present in the City, it is unlawful for any owner, keeper or handler of any dog to keep or harbor the same within the City limits after the last publication of the notice provided for in Section 6.36.060, and during the period prescribed in said notice unless such dog or animal is securely confined at all times by leash or kept in a tight enclosure from which such dog or animal cannot escape.

B. Any dog found running at large in the City during said period shall be impounded and, unless claimed and redeemed by its owner within two days after such impounding, may be destroyed by the proper authorities. Any health or police officer may destroy any dog found running at large within the limits of the City during said period when, after reasonable effort, he is unable to impound the dog or after reasonable investigation shall be unable to locate the owner or keeper thereof. (Ord. 6-87 §1(part), 1987).

6.36.050 Rabies outbreak--Notification requirements--Health officer authority.

Upon any outbreak of rabies, when rabies has been diagnosed within the City limits or a rabid dog or animal has been found present, and when in the judgment of the health officer there is imminent danger of the spread of the disease, such officer shall publish a notice to that effect in the official newspaper of the City for three successive days and for six weeks after the last publication of said notice, the provisions of Section 6.28.070 shall be applicable. The health officer shall have authority, when in his judgment an extension of the six week time period is necessary to carry into effect the purpose of this chapter, to extend the said six week period for an additional six weeks or such lesser time as he deems necessary, by notice given in the manner provided for in this section and to further, and in the same manner, continue that six weeks or lesser period until, in his judgment, the strict quarantine for in this chapter is unnecessary. (Ord. 22-05 §30, 2005: Ord. 6-87 §1(part), 1987).

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Chapter 6.40

PENALTY

Sections:

- 6.40.010 Repealed by Ordinance 22-05.
- 6.40.020 Identification—Refusal—Penalty.

6.40.020 Identification—Refusal—Penalty. Any person requested to identify himself to an animal control officer pursuant to an investigation of an animal infraction, has a duty to identify himself, give his current address, and sign an acknowledgement of receipt of the notice of infraction. Failure to so identify himself and/or sign an acknowledgement of receipt of the notice of infraction shall constitute a misdemeanor punishable by fine of not to exceed five hundred dollars (\$500.00) or by imprisonment for not more than 180 days or by both such fine and imprisonment. (Ord. 6-87 §1(part), 1987).