Title 6

Animals

Chapters :

6.04 Dogs
6.08 Keeping of Animals

See Chapter 17.03 for Rabbits and Chickens

Chapter 6.04

DOGS

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6.04.010 Purpose. It is declared the public policy of the City of Kettle Falls to secure and maintain such levels of animal control within the incorporated areas of the City of Kettle Falls as will protect human health and safety, and, to the greatest degree practicable, prevent injury to property and to provide for responsible and humane ownership of animals by establishing and enforcing regulations for the keeping and control of animals within the City of Kettle Falls. To this end, it is the purpose of this chapter to provide a means of licensing dogs and controlling errant dog behavior so that it shall not become a public nuisance and to prevent cruelty to animals. It is the purpose of this chapter to repeal Ordinance 1285, and any other ordinances or parts of ordinances in conflict therewith, and to repeal the present Chapter 6.04 of the Kettle Falls Municipal Code in its entirety.

6.04.020 Definitions. Words used in this Title shall have their normal and customary meaning, unless the context indicates otherwise. The following words and terms shall mean:

A. "Abandon" means to voluntarily release possession of an animal with the intent or apparent intent, of never again claiming an ownership or possessory interest in the animal.

B. "Abatement" means the termination of any violation by reasonable and lawful means determined by the dog control officer in order that a person or persons presumed to be the owner shall comply with this Chapter.

C. "Animal" means any nonhuman vertebrate.

D. "Animal control officer" means any person designated by the Chief of Police to carry out the provisions of this title.

E. "Animal shelter" means any premises designated by the City for the purpose of impounding and caring for animals held under authority of this Chapter.

F. "At large" means any animal off the premises of the keeper and not under control.

G. "Chief of Police" means the appointed Chief of the Kettle Falls Police Department or the person designated by the Chief of Police to act for the Chief during a period of the Chief's absence from the City.

H. "Dangerous dog" means any dog that according to the records of the appropriate authority: (a) has inflicted severe injury on a human being without provocation on public or private property; (b) has killed a domestic animal without provocation while off the owner's property; or (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggresively bites, attacks, or endangers the safety of humans or domestic animals.

I. "Dog" means any member, male or female, of the genus *canis familiaris*.

J. "Domestic animal" means any tame animal raised or kept as a pet.

K. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by method that causes painless loss of consciousness and death during such loss of consciousness.

L. "Harboring" means maintaining any premises on which an animal remains or to which it customarily returns daily for food. Care of an animal for a period of ten days or longer is presumed to be harboring or keeping the animal within the meaning of this Title.

M. "Keeper" means the owner of an animal or person or entity having the immediate care, custody, or control of an animal and any person apparently acting on behalf of a keeper with the express or implied permission of the keeper.

N. "Leash" means a rope, strap, or chain not more than ten (10) feet in length by which an animal is controlled, which is of sufficient strength to control an animal without breaking.

O. "Owner" means any person having an interest in or right of possession to a dog or any person having control, custody, or possession of a dog, or by reason of the dog being seen residing consistently at a location, shall be presumed to be the owner; provided that a veterinarian or kennel operator insofar as they keep dogs in the course of their business shall not be owners.

P. "Premises" means real property and its appurtenances.

Q. "Under control" means the restraint of an animal by means of a leash or other device that physically restrains the animal to the keeper's immediate proximity, preventing the animal from trespassing upon the property of others or chasing other persons, animals, or motorized or non-motorized vehicles of any sort. An animal which is otherwise securely confined while in or upon any motor vehicle shall be deemed to be under control.

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O. "Owner" means any person having an interest in or right of possession to a dog or any person having control, custody, or possession of a dog, or by reason of the dog being seen residing consistently at a location, shall be presumed to be the owner; provided that a veterinarian or kennel operator insofar as they keep dogs in the course of their business shall not be owners.

P. "Premises" means real property and its appurtenances.

Q. "Under control" means the restraint of an animal by means of a leash or other device that physically restrains the animal to the keeper's immediate proximity, preventing the animal from trespassing upon the property of others or chasing other persons, animals, or motorized or non-motorized vehicles of any sort. An animal which is otherwise securely confined while in or upon any motor vehicle shall be deemed to be under control.

R. "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for the diagnosis, treatment, and care of diseased or injured animals.

S. "Vicious" means the propensity to do any act that might endanger the safety of any person, animal or property of another, including, but not limited to, a disposition to mischief or fierceness as might occasionally lead to attack on human beings without provocation, whether in play or outbreak as an untrained nature.

6.04.025 License-Requirement-Proof of Vaccination. A. The keeping of dogs within the city limits is forbidden, unless the owner or keeper thereof procures a license for each dog, as provided in this Chapter.
(Ord. 1530, Art. 2, 1995)

B. The owner or keeper of a dog shall show proof of current rabies vaccination before a license can be issued. (Ord. 1530, Art. 2, 1995)

6.04.030 Dog License-Required. A. Each and every dog within the City of Kettle Falls is required to have a current Kettle Falls dog license tag. This tag must be on each and every dog within thirty days after its being brought into the City and/or after it is six (6) months old. (See Attachment A, Ord. 1556, 1998)

It shall be the duty of every owner of a dog to keep a substantial collar on the dog and keep firmly attached thereto a current license tag.

B. No license shall be required for dogs owned by a kennel operator and confined within the kennel. This provision does not exempt owners of dogs in kennels for breeding, sale, training, boarding or other purposes when such dogs are not owned by the kennel operator.

A kennel operator is defined as a person who owns or operates an establishment that has an active Washington State Registration Tax Certificate and pays a business and occupation tax for the operation of a kennel. A kennel is further defined as an establishment with five or more breeding matrons.

C. License tags can be purchased at City Hall from the City Clerk/Treasurer or an authorized representative. Tags expire December 31st each year. Tags may be purchased for either a full year or after July 1st, for a six-month period. The six-month fee will be one-half (1/2) the annual fee. On receipt of the license tag fee, a license tag shall be issued with the notation "City of Kettle Falls," the year for which the tag is valid, and a unique serial number thereon. A record will be kept of the name, address and telephone number of the owner of the dog and a description of the dog, including age, sex, breed, color and markings and tag number. (See Attachment A, Ord. 1556, 1998)

D. A fee will be charged for each month or portion thereof after January 31st, and a fee will be charged for replacement of license tags. (See Attachment A, Ord. 1556, 1998)

E. In addition to license, the owner of a dangerous dog shall also obtain a certificate of registration from the City. The owner of the dangerous dog shall pay a fee for this certificate of registration as established by the City in addition to the regular license fee. The owner of a dangerous dog shall also comply with all laws for dangerous dogs, including, but not limited to, RCW 16.08.080. (See Attachment A, Ord. 1556, 1998)

6.04.040 Unlawful Use of Tags. A. It is unlawful for any owner to use any license tag on any dog other than the one for which it was issued. If there is a change of ownership of a licensed dog, the new owner must apply for and obtain a new license as required herein.

B. It is unlawful for any person to steal or remove the tag provided for herein from any dog, with the intent to deprive the owner thereof.

C. It shall be unlawful to misrepresent that a female dog has been spayed for purpose of securing a dog license.

D. It shall be unlawful to obstruct or hinder a control officer. (Ord. 1347, Art. 3, Sec. 2, 1980)

6.04.050 Animal Control A. **Generally.** The keeper of any dog shall not cause, permit or allow such dog to be loose, roam, run at large or to be away from the premises of the keeper unless the animal is under control, or is on the premises of another with the express or implied consent of the owner or the person in possession thereof.

B. **Dogs Not Permitted in City Parks or Cemeteries-Exception.** The keeper of any dog shall not allow such animal to be in any city park or playground unless such dog is under control by use of a leash or is a trained seeing-eye dog while being used by a blind person; and, if so controlled, it may be walked in any area of a city park or playground unless prohibited by appropriate signage as ordered by resolution of the City Council; provided, however, that no dogs except a trained seeing-eye dog while being used by a blind person shall be allowed under any circumstances in the city cemeteries.

C. **Leash Required-Exception.** The keeper of any dog owned, harbored, controlled or kept by the keeper shall not cause, permit, or allow any such dog to be away from the premises where the same is owned, harbored, controlled, or kept and be loose, roam, or run at large in the City unless such dog shall at all times while away be controlled by the keeper or a responsible person by means of a leash as defined in Section 6.04.020. It shall be prima facie evidence of a violation of this subsection when a dog is found by a police officer or an animal control officer while it is away from its keeper's premises and not under the control of the keeper or a responsible person.

A leash required pursuant to the provisions of 6.04.050(C) shall not be required:

(1) for a dog which is securely confined while in or upon any motor vehicle;

(2) for a dog while undergoing training at an organized dog obedience class where at least seventy-two (72) hours' advance notice has been given to the City Police Department, and the Department of Public Services if the class is to be held on city-owned property, in which case permission from the Director of Public Services shall be required before holding such an obedience class;

(3) for a dog while being exhibited during an organized animal show, an American Kennel Club or similar organization sanctioned exhibition when at least seventy-two (72) hours' advance notice has been given to the City Police Department, and the Department of Public Services if the show or exhibition is to be held on city-owned property, in which case permission from the Director of Public Services shall be required before holding such a show or exhibition;

(4) for a trained seeing-eye dog while being used by a blind person;

(5) for a dog trained to aid law enforcement officers while being used for law enforcement purposes or during demonstrations of the dog's capabilities to aid law enforcement officers. (Ord. 1554,§1, 1998; Ord. 1576, §1, 1998)

D. **Dogs Biting** (1) Biting Person. The keeper of a dog shall not allow a dog without provocation to bite any person lawfully upon any public sidewalk, street, alley, or other public place in the City. (Ord. 1696, 2010)

(2) Biting Persons on Private Property. The keeper of a dog shall not allow a dog which is in the City on the property of a person other than the keeper without the express or implied permission of the owner or person in possession of such property, without provocation, to bite any person lawfully upon said property. A violation of this section shall be a misdemeanor. (Ord. 1696, 2010)

(3) Attempting to Bite Person. The keeper of a dog shall not allow a dog without provocation on a public sidewalk, street, alley, or other public place in the City to charge, snap, growl or attempt to bite any person lawfully upon any public sidewalk, street, alley, or other public place in the City in such a manner and under such circumstances as to cause said person to reasonably believe that he or she is in real and immediate danger of being bitten. A violation of this section shall be a misdemeanor. (Ord. 1696, 2010)

E. **Harboring Biting Dog Prohibited.** It is unlawful for any person to keep or maintain within the City any dog of which he or she is the keeper which has been found, pursuant to the provisions of subsections F, G and H of this Section, to have twice bitten any person or persons. A violation of this section shall be a misdemeanor.

F. **Harboring Biting Dog-Complaint Investigation.** Upon receipt by an animal control officer or police officer of a signed complaint made by any person, or the parent or guardian of such person, bitten by a dog which complaint alleges that at some time during the 24-month period prior to the time the victim was bitten the same dog bit the same victim or any other person or persons; or, if an animal control officer or police officer has other evidence that the same dog has bitten another person at some time during the 24-month period prior to the time the victim was bitten, the animal control officer or the police shall investigate the complaint and report the results of the investigation to the Stevens County Prosecuting Attorney. Where the Stevens County Prosecuting Attorney finds probable cause exists to believe and prove by a preponderance of credible evidence that the dog in question has twice bitten one or more persons without provocation or justification during the applicable period, the Stevens County Prosecuting Attorney may commence a civil action in the Stevens County District Court, requesting the hearing provided for in subsection G of this Section. A violation of this section shall be a misdemeanor.

G. **Harboring Biting Dog-Hearing.** Upon the filing of an action by the Stevens County Prosecuting Attorney in the Stevens County District Court to determine if a dog has without provocation twice bitten a person within a consecutive 24-month period, the court shall conduct a hearing and hear from witnesses. Where it is proven by a preponderance of the evidence to the satisfaction of the court that the injured person provoked the dog into attacking, such fact shall be an absolute defense to the particular bite. The court may also consider whether or not the attack occurred on property under the control of the keeper of the dog as well as the legal status of the victim on that property in determining whether a biting incident shall be included within the 24-month period or may have been justified and not included.

H. **Harboring Biting Dog-Disposition.** Upon a finding by the court based upon a preponderance of the evidence that the dog in question has twice bitten a person or persons without provocation or justification within the consecutive 24-month period, the court may order such action which the court in its discretion believes is appropriate, up to and including euthanasia, in order to assure that the dog does not bite persons in the City again.

I. **Dog Sanitation in Public Places.** The keeper of dog shall: (1) Remove for disposal any fecal matter deposited by his or her dog in the City on any public

sidewalk, street, alley, or in any city park, playground, or cemetery, any other public place, or on the premises of a person other than the keeper when such dog is on the premises without the express or implied permission of the owner or person in possession of such premises before the keeper leaves the immediate area where the fecal matter was deposited; and

(2) Have in his or her possession the equipment necessary for the removal of the fecal matter when accompanied by said dog on the public property described in subsection (1).

J. **Stray Dogs-Nuisance-Impoundment.** Any stray dogs which is not under control, or is running loose, roaming, or running at large in the City on any street, alley, sidewalk, or any city park, playground, cemetery, or in any other public place, or on the public or private premises of a person other than the keeper without the express or implied permission of the owner or person in possession of such public or private premises is declared to be a nuisance. Any such stray dog may be seized while on any such public or private property by the animal control officer or any city police officer and impounded. (See Attachment A, Ord. 1556, 1998)

K. **Other Acts Prohibited.** (1) No person shall willfully open any door or gate on any private premises or unleash or coax away any dog for the purpose of enticing or enabling any dog to leave such private premises and be at large as defined in this Title.

(2) No person shall willfully provoke, mistreat, or abuse any dog while confined to it's keeper's premises.

(3) No person shall set a "leg-hold type" or "noose-type" trapping device to catch a dog.

(4) No person shall abandon any dog by dropping off or leaving such dog on any public street, alley, sidewalk, or in any city park or playground or other public place or building, or on the premises of another.

6.04.060 Barking and Other Noise Prohibited. A. No person may allow a dog to unreasonably disturb or interfere with the peace, comfort and repose of any person by frequent, repetitive, continuous or habitual noise, including barking, yelping, whining or other oral noise.

B. Animal noise shall be exempt from this section which originates from lawfully operated animal shelters, kennels, pet shops or other veterinary clinics.

C. Animal noise defined in this section is hereby declared to be a public disturbance noise and a public nuisance. The nuisance shall be subject to abatement procedures defined by this chapter, including seizure and impoundment of the animal.

D. In addition to any abatement action by the City, violation of this section shall constitute a civil infraction subject to penalties stated in KFMC 6.04.170.

6.04.070 Rabies Control. A. **Vaccinations Required.** No keeper of a dog shall keep or permit to be kept any dog within the City which does not have a currently effective rabies vaccination. All dogs shall be vaccinated for rabies as soon as their age permits which shall not be more than six (6) months after birth.

B. **Quarantine of Animals.** (1) Biting Animals: Any dog or other animal that bites a person or animal shall be quarantined for ten (10) days. If an animal control officer or police officer determines that the risk of the biting animal being infected with rabies is possible but not probable, the quarantine may be on the premises of the keeper. An animal quarantined on the premises of the keeper shall be

securely confined in an enclosure which is at least fenced on all sides and from which the animal cannot escape, and which is not accessible to the public.

If an animal control officer or police officer determines that it is probable that the biting animal is infected with rabies, an animal control officer or a police officer may require the keeper to surrender the animal for the quarantine period to the animal shelter or place the animal in a veterinary hospital. The keeper shall pay all costs incurred during a period of quarantine.

(2) Animals Susceptible to Rabies: Any animal for which probable cause exists to cause an animal control officer or a police officer to believe that it may be rabid or susceptible to being rabid may be quarantined by an animal control officer or a police officer under the terms and conditions for biting animals set forth in subsection (1) of this Section.

(3) Removal of Quarantined Animals from Keeper's Premises: An animal quarantined on the keeper's premises under the provisions of either subsections (1) or (2) of this Section may be taken from the keeper's premises if it is under control by greater restraint than being "at heal."

(4) Removal of Quarantined Animals from the City: Any dog or other animal quarantined after biting or for being susceptible to rabies under the provisions of subsections (1) and (2) of this Section may be transported from the city during a period of quarantine if it has been vaccinated and a certificate to that effect certifying that such vaccination was in effect at the time the quarantine was imposed is shown to the animal control officer.

C. **Rabies Control-Killing of Animals Suspected of Rabies Prohibited.** No person shall kill or cause to be killed any animal which has bitten a person or another animal, or any animal suspected of being rabid except as needed to prevent immediate injury or death to another animal or to a person until after the animal has been placed in quarantine and a diagnosis of suspected rabies is made by a licensed veterinarian. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely destroyed and appropriate tests performed if needed or desired by an animal control officer.

D. **Impoundment of Animals-Notification-Reclaiming-Disposition.** (1) Place of Impoundment. Any dog or other animal impounded as authorized by the provisions of Section 6.04.050J shall be confined to and kept in the municipal animal shelter, or other suitable animal shelter, for not less than:

(a) 144 hours in the case of a dog wearing a license identification tag issued pursuant to the provisions of Sections 6.04.025 and 6.04.030; or

(b) 72 hours in the case of a dog not wearing such a license tag; unless reclaimed by its keeper or an unauthorized representative thereof.

(2) Notification. Upon impoundment of any dog under the provisions of 6.04.050 D (1), the animal control officer shall give notice of the impoundment as follows:

(a) As soon as possible after impoundment, notify the keeper if known of the impoundment by telephone, or if notification is not possible by telephone, then in writing. The notification shall contain a description of the dog, any license number, the reason for impoundment, and the terms upon which such dog may be reclaimed. Written notice shall be served personally upon the keeper, or if the keeper cannot be found, then upon any person of suitable age and discretion residing at the keeper's residence. If personal or substituted service cannot be accomplished, then notice shall be served by certified mail, return receipt requested.

(b) If the keeper of an impounded dog is unknown, then written notice of the impoundment containing the information required under subsection (a) shall be posted as soon as possible after impoundment in a conspicuous place at the municipal animal shelter and at two other public places in the City of Kettle Falls.

(3) Reclaiming. A keeper of a dog may reclaim such dog by paying all:

(a) Impound fees;

(b) Boarding fees; and

(c) Applicable license fees as established by resolution of the City Council pursuant to the provisions of Sections 6.04.025 and 6.04.030. (See Attachment A, Ord. 1556, 1998)

(4) Disposition. Any dog which is not claimed by its keeper or an authorized representative thereof within:

(a) 144 hours in the case of dogs wearing or bearing license identification numbers; or

(b) 72 hours in the case of dogs not wearing or bearing license identification numbers;

of notice of the impoundment having been given to its keeper shall become the property of the City and may be placed for adoption in a new home subject to the payment of the applicable fees as established by resolution of the City Council pursuant to the provisions of Sections 6.04.150 and 6.04.180, or humanely euthanized. (See Attachment A, Ord. 1556, 1998)

E. **Care of Impounded Dogs.** Injured or diseased dogs impounded and needing medical care may be delivered to a veterinarian for treatment and the costs of treating and maintaining a dog in a veterinary hospital shall be paid by the keeper of such dog.

F. **Impound Fees and Boarding Fees.** All dogs impounded at the animal shelter shall be subject to an impound fee and boarding fees as may be established by resolution of the City Council, in addition to any other fees established pursuant to the provisions of Section 6.04.160. (See Attachment A, Ord. 1556, 1998)

G. **Removal of Impounded Dog Without Payment of Fees.** No person unless authorized by the Chief of Police to do so, shall remove, allow, or cause to be removed from the animal shelter any dog without the payment of the impounded fee, boarding fee, and other fees established pursuant to the provisions of Section 6.04.160.

6.04.080 Authority to Pursue. Those employees or agents of the City charged with the duty of seizing dogs, cats, or other animals running at large may pursue such dogs, cats, or other animals onto City-owned property, vacant property, and unenclosed private property, and seize, remove and impound the same.

6.04.090 Hindering an Animal Control Officer. It shall be unlawful for any person to interfere with, hinder, delay, or impede any responsible animal control employee, agent or law enforcement officer who is enforcing the provisions of this Title as herein provided. A violation of this section shall be a misdemeanor.

6.04.100 Interference with Impounding. It is unlawful for any person to willfully prevent or hinder the impounding of any dog or to remove, by force or otherwise, any dog from the animal shelter without authority of the person in charge

of the animal shelter, or without payment of all lawful charges against such dog, or to willfully resist or obstruct any animal control employee or agent in the performance of any official animal control duty. A violation of this section shall be a misdemeanor.

6.04.110 Injured or Diseased Dogs. Any dog suffering from serious injury or disease may be humanely destroyed by the animal control agency, provided that the animal control agency shall immediately notify the owner, if the owner is known, and if the owner is unknown, make a reasonable effort to locate and notify the owner.

6.04.120 Duties Upon Injury or Death to a Dog. The operator of a vehicle involved in an accident resulting in injury or death to a dog shall immediately stop the vehicle at or as near to the scene of the accident as possible, and return thereto, and shall give to the owner or other competent person having custody of the dog, the name and address of the operator of the vehicle and the registration number of the vehicle involved in the accident, the operator shall take reasonable steps to locate the owner or custodian of the said dog and shall supply the information hereinabove required. If the dog is injured to the extent that it requires immediate medical attention and there is no owner or custodian present to look after it, the operator of said vehicle shall immediately report the situation to the law enforcement agency for the City of Kettle Falls. A violation of this section shall be a misdemeanor.

6.04.130 Poisoning of Animals. No person shall place or expose or cause to be placed or exposed in any yard or lot of vacant or enclosed land, or on any exposed place or public place, or on any street, alley, or highway, or other place where the same may be taken internally by a child, person, or by any dog, cat, domestic animal, or fowl, any poisonous substance which, if taken internally, may cause death or serious sickness. The provisions of this Section shall not apply to the killing by poison of any dog, cat, domestic animal, or fowl in a lawful and humane manner by its owner or by a duly authorized agent of such owner or by a person acting pursuant to instructions from a duly constituted public authority. A violation of this section shall be a misdemeanor.

6.04.140 Confinement of Dogs in a Motor Vehicle. No owner or person shall confine any dog in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of such dog, an animal control officer or law enforcement officer who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person in control of the motor vehicle. A violation of this section shall be a misdemeanor.

6.04.150 Dogs-Fees Upon Reclaiming-Unlicensed Impounded Dogs. The claimant upon reclaiming a dog shall pay an impoundment fee and boarding fee as established by resolution of the City Council. If a dog for which no current license has been issued is impounded, the claimant shall also pay the regular applicable license fee; and if the dog has been impounded more than thirty (30) days after the expiration of a license, a late license fee as established by resolution of the City Council. (Attachment A, Ord. 1556, 1998)

6.04.160 Dogs-Pick-Up Fee. A pick-up fee as established by resolution of the City Council shall be charged for any dog when the owner thereof abandons such a dog. A pick-up fee shall not be charged when a dog has been impounded and is detained at the animal shelter. (Attachment A, Ord. 1556, 1998)

6.04.170 Violations. A. **Violation-Penalty-Subsequent Violations.** Except as provided in KFMC 6.04.050 D (1), 6.04.050 D (2), 6.04.050 E, 6.04.050 F, 6.04.090, 6.04.100, 6.04.120, 6.04.130 and 6.04.140, any person who violates any provision of this chapter shall incur a civil penalty and if this civil penalty is not paid, shall also incur an additional civil penalty for failure to pay. The penalty for the first violation shall be $125.00. $50.00 dollars of this $125.00 may be reduced, deferred or suspended but $75.00 dollars of this $125.00 may not be reduced, deferred or suspended. The penalty for the second violation of this section shall be $175.00. $50.00 of this $175.00 may be reduced, deferred or suspended but $125.00 of this $175.00 may not be reduced, deferred or suspended. The penalty for the third violation of this section shall be $300.00. $50.00 of this $300.00 may be reduced, deferred or suspended but $250.00 of this $300.00 may not be reduced, deferred or suspended. The fourth and any further violations shall be $300.00, $50.00 of this $300.00 may be reduced, deferred or suspended. For each violation of a continuing nature, each day shall constitute a separate offense. A notice of infraction may be issued by the Chief of Police or his appointed officers or by a specially commissioned police officer. In the case of violations of KFMC 6.04.050 D (1), 6.04.050 D (2), 6.04.050 E, 6.04.050 F, 6.04.090, 6.04.100, 6.04.120, 6.04.130, and 6.04.140, the violations shall be prosecuted in accordance, with applicable criminal court rules, and the City may also proceed with KFMC 6.04.170 B to abate any such violation or violation constituting a nuisance. For each civil infraction under this section the court shall also impose an additional penalty of $200.00 for the failure to pay any civil infraction within sixty (60) days of the courts order. The order of the court shall state: "In addition to the civil infraction penalty imposed above, if the fine is not paid within sixty (60) days of the entry of this courts order, there shall be an additional $200.00 penalty added for the failure to timely pay this penalty." No portion of this $200.00 failure to timely pay penalty may be reduced, deferred or suspended. (Ord. 1554 §1, 1998; Ord. 1573 §4, 1998; Ord. 1594, 1999)

B. **Violation-Nuisance Abatement-By City When-Hearing-Costs.**

(1) Any person violating any of the provisions of this chapter in the keeping or maintenance of any nuisance as defined in this Chapter may, in addition to the penalty provided for in KFMC 6.04.170 A, be ordered by the court in such action to forthwith abate and remove such nuisance. If the same is not done by the owner or keeper within a reasonable amount of time as determined by the court, the same shall be abated and removed under the direction of any officer authorized by the order of the court. Such abatement order may include, but is not limited to, ordering the animal taken and euthanized.

(2) If a person who has been issued a notice of infraction or criminal citation elects not to request a hearing, the City may request a hearing for the purpose of determining whether an order of abatement should issue.

(3) When such nuisance has been abated by any officer or authorized agent of the City, the costs and expenses shall be taxed as part of the costs of the action against the party. In all cases where an officer is authorized by the court to abate any such nuisance, he/she shall keep an account of all expenses attending such abatement. In addition to other powers herein given to collect such costs and expenses, the City may bring suit for the same in any court of competent jurisdiction against the person keeping or maintaining the nuisance so abated.

C. **Notice of Infraction - Contents.** (1) A notice of infraction represents a determination that violation has been committed. The determination will be final unless contested as provided in this Chapter.

(2) A Washington Uniform Court Docket Citation may be used as the form for the notice in infraction, and shall include the following:

(a) A statement that the notice represents a determination that an infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this Chapter;

(b) A statement that an infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the infraction;

(e) A statement of the options provided in this Chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that, at any hearing to contest the determination, the City has the burden of proving by a preponderance of the evidence that an infraction was committed, and that the person may subpoena witnesses, including the officer who issued the notice of infractions;

(g) A statement that at any hearing requested for the purpose of examining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this Chapter;

(i) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

D. **Notice of Infraction-Response Required-Contested Determination-Hearing.**

(1) Any person who receives a notice of infraction under this Chapter shall respond to such notice as provided in this Section within seven (7) calendar days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. Payment in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.

(3) If the person determined to have committed the infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting the hearing and submitting it either by mail or in person to the court specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing, and that date shall not be sooner than seven (7) days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing.

(5) If any person issued a notice of infraction fails to respond to the notice of infraction as provided in subsection (2) of this subsection, or fails to appear at

a hearing requested pursuant to subsection (3) or (4) of this subsection, the court shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and any other penalty authorized by this Chapter.

E. **Hearing to Contest Determination of Infraction-Procedure.** (1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without jury.

(2) Any person subject to proceedings under this Chapter may be represented by counsel.

(3) The attorney representing the City may appear in any proceeding under this Chapter but need not appear, notwithstanding any rule of court to the contrary.

(4) The officer who issued the notice must appear at such hearing, and may subpoena witnesses. The person named in the notice may subpoena witnesses, including the officer, and also has the right to present evidence and examine witnesses present in court.

(5) The burden of proof is upon the City to establish a commission of the infraction by preponderance of the evidence.

(6) After consideration of the evidence and argument, the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed, an appropriate order shall be entered in the court's records.

(7) An appeal from the court's determination or order shall be to the Stevens County Superior Court. Such appeal shall be taken in accordance with the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the Stevens County Superior Court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.

F. **Payment of Penalty.** Whenever a monetary penalty is imposed by a court under this Chapter, it is due immediately and to be made payable to the clerk of court. If a person is unable to pay at that time, the court may, in its discretion, grant an extension of the period in which the penalty may be paid. All penalties collected by the court shall be remitted to the City Clerk/Treasurer.

6.04.180 License fees. License fees shall be established by resolution of the City Council. (See Attachment A, Ord. 1556, 1998)

6.04.190 Severability. The provisions of this chapter are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of the Chapter shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid. (Ord. 1554, 1998)

ATTACHMENT A - FEE SCHEDULE

1. Annual dog tag and dues payable by January 31st of each year.
   - $ 10.00 Spayed or Neutered dog.
   - $ 15.00 Other dogs.
   - $ 1.00 Replacement tags.
   - $ 2.00 Late Fees for purchase of dog tags.

2. Dangerous Dog registration. In addition to any other registration fees or license requirement, the owner of a dangerous dog shall also obtain a certificate of registration from the city for $75.00.

3. Impound Fees. All dogs impounded at the animal shelter shall be subject to an impound fee of $50.00.

4. Boarding Fees. All dogs impounded at the animal shelter shall be subject to the boarding fees of $5.00 per day for the total amount of the days impounded.

5. Pick-Up Fees. A pick-up fee of $30.00 shall be charged for any dog when the owner thereof abandons such dog. (Ord. 1556, 1998; Ord. 1591, 1999; Ord. 1605, 2000)

Chapter 6.08

KEEPING OF ANIMALS

Sections:

6.08.010 Keeping of certain animals.
6.08.020 Penalty.

6.08.010 Keeping of certain animals. It shall be unlawful for any person to keep, stable, feed, pasture, suffer, permit or run at large, or otherwise maintain any cow, horse, burro, mule, jackass, goat, sheep, swine, rabbit, chicken, duck, goose, fowl, or any and all other animals under any conditions within the city of Kettle Falls with the following exceptions:

A. Any of said animals or fowl may be transported through the said city in one continuous trip.

B. Any horse, mule, burro, or jackass may be worked or used temporarily in said city.

C. Said animals and fowl shall not include animals and fowl killed, processed and prepared for consumption and not constituting a nuisance under provisions of Ordinance 1163.

D. Domesticated dogs, cats and pot bellied pigs, which are not of the general classification of Ferae Naturae, which shall be subject to other applicable ordinances. (Ord. 1432, 1986: Ord. 1502, 1993)

6.08.020 Penalty. Any person violating any of the provisions of this ordinance, shall upon conviction, be fined in any sum not exceeding five hundred dollars ($500.00). Each day's continued violation of this Ordinance shall be considered a separate offense. (Ord. 1162, 1969: Ord. 1432, 1986).