

CLARK COUNTY STAFF REPORT

DEPARTMENT: Community Development – Animal Protection & Control

DATE: April 24, 2018

REQUESTED ACTION:

Approve proposed Title 8 – Animal code amendments.

Consent Hearing County Manager

BACKGROUND

Updates to Title 8 related to the regulation of Community Cats (feral), together with the enforcement of these provisions in the unincorporated area of Clark County.

COUNCIL POLICY IMPLICATIONS

Yes

ADMINISTRATIVE POLICY IMPLICATIONS

This action proposes a change in existing policy.

COMMUNITY OUTREACH

Two separate work sessions on this issue have previously occurred. Identical codes were adopted in the city of Vancouver in 2017.

BUDGET IMPLICATIONS

YES	NO	
x		Action falls within existing budget capacity.
	x	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	x	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

BUDGET DETAILS

Local Fund Dollar Amount	\$0.00
Grant Fund Dollar Amount	\$0.00
Account	General fund – Animal Control
Company Name	

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>



Paul Scarpelli
Animal Protection & Control Manager

Martin Snell
Community Development Director

APPROVED: April 24, 2018
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: _____

SR# _____

APPROVED: _____
Jim Rumpeltes, Interim County Manager

DATE: _____

BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

No expected fiscal impact.

Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
0001/General Fund – Animal Control	0	0	0	0	0	0
Total	0	0	0	0	0	0

II. A – Describe the type of revenue (grant, fees, etc.)

Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		GF	Total	GF	Total	GF	Total
Total		0	0	0	0	0	0

III. B – Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
Total	0	0	0	0	0	0

ORDINANCE NO. 2018-04-10

**An ordinance relating to the definition of a Community Cat Programs
and related code amendments.**

WHEREAS, by the authority of the Clark County Councilors, the Animal Protection & Control program is authorized to enforce Clark County Code; and

WHEREAS, Animal Protection & Control strives to arrive at the best outcomes for all animals and their owners; and

WHEREAS, it is the intent of Animal Protection & Control to have this ordinance bring further clarity to the county's animal code; now, therefore,

BE IT ORDERED AND RESOLVED by the County Councilors of Clark County, State of Washington, as follows:

Section 1. Amendatory. Section 1 of Resolution 1981-04-108, as most recently amended by Sec. 1 of Ord. 2016-11-13 and codified as CCC 8.01.020, is amended to read as follows:

8.01.020 Definitions.

As used in this title:

- (1) "Adult dog" means any member of the canine family past the age of six (6) months or which has acquired a permanent set of canine teeth.
- (2) "Adult cat" means any member of the feline family past the age of six (6) months or which has acquired a permanent set of canine teeth.
- (3) "Advisory board" means the animal protection and control advisory board created by Section 8.01.030.
- (4) "Agent" means any public or private establishment authorized by Clark County animal protection and control to issue pet licenses.
- (5) "Animal" means any member of the classes: reptile, bird or mammal, except man.
- (6) "Animal control program" means the Clark County animal protection and control program created by Section 8.01.040 to administer and enforce the provisions of this title and the laws of the

36 state of Washington as they pertain to animal control and welfare. The term shall include such
37 program's duly authorized officers, employees and agents.

38
39 (7) "Animal control officer" means any employee of the animal control program, and deputized by
40 the Clark County sheriff for the limited purpose of enforcing this title and the laws of the state of
41 Washington as they pertain to animal control and welfare.

42
43 (8) "Animal day use facility" means any premises used to conduct a daytime-only business with hours
44 of operation from 6:00 a.m. to 10:00 p.m. that involves domestic animals as defined in this section,
45 including but not limited to breeding, training, grooming and day care.

46
47 (9) "Animal shelter" means a facility which is used to house or contain stray, homeless, abandoned or
48 unwanted animals, and which is owned, operated or maintained by a public body, an established
49 humane society, animal welfare society, society for the prevention of cruelty to animals, or other
50 nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

51
52 (10) "Board" means the board of county councilors of Clark County.

53
54 (11) "Community Cat Program" means a program sponsored by the animal control department or its
55 designated agent, pursuant to which feral and community cats are sterilized, vaccinated against rabies, ear-
56 tipped, and returned to the location where they congregate.

57
58 (12) "County" means the unincorporated area of Clark County, Washington.

59
60 (13) "Domestic animal" or "pet" means any animal, other than livestock, which lives and breeds in a
61 tame condition. This generally refers to dogs, cats and some birds.

62
63 (14) "Facility" means any premises used to conduct an animal shelter or animal-related business such
64 as grooming, breeding, boarding, sale or training of domestic, exotic and/or guard animals, but
65 excluding animal hospitals or clinics where animals are kept only for treatment by licensed
66 veterinarians.

67
68 (15) "Feral" means any animal, normally classified as domestic, which has escaped domestication and
69 become wild.

70
71 (16) "Food and Drug Administration" or "FDA" means the Food and Drug Administration of the
72 federal Health and Human Services Agency.

73
74 (17) "Grooming parlor" means any establishment where animals are bathed, clipped or combed for a
75 valuable consideration for the purpose of enhancing their aesthetic value.

76
77 (18) "Hybrid animal" is a cross between a wild animal and domestic or subspecies animal. For the
78 purpose of this chapter, a hybrid animal which has not been certified as effectively vaccinated for rabies
79 by a veterinarian licensed in the state of Washington will be considered a wild animal.

80
81 (19) "Kennel" means either:

82
83 (a) Any premises used to conduct a commercial business involving the buying, selling, breeding for
84 sale, letting for hire, boarding or training of dogs; or

- 86 (b) Any premises outside the urban growth boundary at which more than nine (9) adult dogs are kept
87 for any purpose, including animal shelters, but excluding animal hospitals or clinics where animals are
88 kept only for treatment by licensed veterinarians; or
89
- 90 (c) Any premises inside the urban growth boundary at which more than five (5) adult dogs are kept
91 for any purpose, including animal shelters, but excluding animal hospitals or clinics where animals are
92 kept only for treatment by licensed veterinarians; or
93
- 94 (d) Any premises where offspring puppies or adult dogs are sold to commercial outlets or are sold for
95 research or experimental purposes; or
96
- 97 (e) Any premises where offspring from three (3) or more litters per twelve (12) month period are sold
98 or traded, exchanged or bartered for a valuable consideration or joint ownership purpose; or
99
- 100 (f) Any premises used as the location for the training of dogs for obedience, hunting, protection, etc.
101 (if the address is different from the office address), or the premises are used as a combination
102 office/training location, except, if the training site is property belonging to a recognized school district,
103 municipal body or not-for-profit organization.
104
- 105 (20) "Lawful" in regard to herding, hunting, competition or training means to be engaged in such
106 activity on the property of another by permission, or, on public land that is set aside and/or open for
107 such use.
108
- 109 (21) "Leash" means a cord, thong, or chain not more than nine (9) feet in length by which an animal
110 is physically controlled by the person accompanying it.
111
- 112 (22) "License tag" or "tag" means a prenumbered identification license sold to an owner/custodian
113 for a specific pet animal. Rabies identification or other identification may not be substituted or
114 accepted in lieu of a license tag.
115
- 116 (23) "Livestock" means any equine, mule, burro, dairy or beef cattle, llama, goat, sheep, swine, rabbit,
117 domesticated hare, donkey, camelid and poultry.
118
- 119 (24) "Owner" means any person possessing, harboring, keeping, having an interest in, or any person
120 having control or custody of an animal. In a household setting, the owner is presumed to be the head
121 of the household.
122
- 123 (25) "Pack of dogs" means a group of three (3) or more dogs running upon lands, either public or
124 private, not that of their owner, when such dogs are not restrained or under control.
125
- 126 (26) "Person" means any individual, partnership, corporation or other legal entity.
127
- 128 (27) "Pet shop" means an establishment where animals bred elsewhere are offered for sale to the
129 public.
130
- 131 (28) "Police dog" shall have the meaning prescribed by RCW 4.24.410.
132
- 133 (29) "Poultry" means all domesticated fowl and all game birds which are legally held in captivity.
134
- 135 (30) "Running at large" means an animal off the owner's or guardian's property and not under
136 physical control by leash, cord, chain, rope, cage or other suitable means of physical restraint. There is a

137 rebuttable presumption that the animal has not been under control if injury, property damage or
138 trespassing has occurred.

139

140 (31) "Service animal" shall have the meaning prescribed by RCW 49.60.218(3)(a).

141

142 (32) "Stray" means any animal captured, impounded, or in the custody of animal control, its
143 employees or agents, or at an area authorized by animal control to care for and keep custody of
144 animals.

145

146 (33) "Under control" means the voice, signal or physical control so as to be restrained from
147 approaching a bystander, from entering private property, and from causing damage to property. An
148 animal is presumed not to have been under control if injury, damage or trespass has occurred.

149

150 (34) "Vicious behavior" means showing a propensity without sufficient provocation to do any act
151 which endangers the safety of persons, animals or property.

152

153 (35) "Wild animal" means any animal, except livestock and domesticated animals, which due to its
154 size, habits, natural propensities, training or instinct presents a danger or potential danger to human
155 beings, animals or property. Also means any living vertebrate animal normally found in the wild state
156 and for which there is no FDA-approved anti-rabies vaccination. (Sec. 1 of Res. 1981-04-108; amended
157 by Sec. 2 of Res. 1984-12-65; amended by Sec. 1 of Ord. 1985-12-06; amended by Sec. 1 of Ord. 1986-
158 10-49; amended by Sec. 1 of Ord. 1987-11-37; amended by Sec. 2 of Ord. 1993-08-13A; amended by
159 Sec. 1 (Att. A) of Ord. 2009-03-02; amended by Sec. 1 (Att. A) of Ord. 2009-07-01; amended by Sec. 1
160 (Att. A) of Ord. 2012-02-03; amended by Sec. 1 of Ord. 2012-05-22; amended by Sec. 1 of Ord. 2016-
161 11-13)

162

163 **Section 2. Amendatory.** Section 1 of Resolution 1981-04-108, as most

164 recently amended by Sec. 28 of Ord. 2016-11-13 and codified as CCC 8.11.070, is

165 amended to read as follows:

166

167 **8.11.070 Cruelty to animals.**

168 The following, singly or together, are deemed to constitute cruel treatment to animals. Therefore, it is
169 unlawful for any person, firm, or corporation to:

170

171 (1) Willfully and cruelly kill, injure, poison, torture or torment any animal;

172

173 (2) Intentionally or negligently cause or allow any animal to endure pain, suffering or injury, or to fail
174 or neglect to aid or attempt to alleviate pain, suffering or injury, including not providing needed
175 veterinarian care, he has so caused to any animal;

176

177 (3) Neglect or fail to provide minimum care to any animal within his care, custody or control. For the
178 purpose of this section, "minimum care" means care sufficient to preserve the health and well-being of
179 an animal and, except for emergencies or circumstances beyond the reasonable control of the owner,
180 includes, but is not limited to, the following requirements:

181

182 (a) In each period of twenty-four (24) consecutive hours, food of sufficient quantity and quality to
183 allow for normal growth or maintenance of body weight;

- 184
185 (b) In each period of twenty-four (24) consecutive hours, open or adequate access to potable water in
186 sufficient quantity to satisfy the animal's needs. Neither snow nor ice is an adequate water source;
187
- 188 (c) In the case of pet or domestic animals, access to a barn, dog house or other enclosed structure
189 sufficient to protect the animal from wind, rain, snow or sun, and which has adequate bedding to
190 protect against cold and dampness;
191
- 192 (d) In the case of livestock, protection from adverse environmental elements detrimental to the
193 health and well-being of the animal;
194
- 195 (e) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury,
196 neglect or disease;
197
- 198 (f) Animals shall not be confined to an area without adequate space for exercise necessary for the
199 health of the animal or which does not allow access to a dry place for the animals to rest. The air
200 temperature in a confinement area must be suitable for the animal involved. The confinement area
201 must be kept reasonably clean and free from excess waste or other contaminants which could affect the
202 animal's health;
203
- 204 (g) Tether, confine or restrain any animal in such a way as to permit said animal to become entangled
205 in such tether, or render said animal incapable of consuming food or water provided for it; while at the
206 same time failing to allow adequate space for freedom of movement necessary when tethered for
207 extended periods of time; said tether to be not shorter than three (3) times the length of the animal,
208 measured from the tip of its nose to the base of its tail;
209
- 210 (4) Abandon any animal by dropping off or leaving said animal on the street, road, or highway, or in a
211 public place, or the private property of another person, firm or corporation; excluding cats returned at
212 their original location as part of a sponsored community cat program.
213
- 214 (5) Confine an animal within or on a motor vehicle or other enclosure or structure when unattended
215 and under such conditions as may endanger the health and well-being of the animal. Such conditions
216 include, but are not limited to, dangerous temperature, lack of food or water, and confinement with a
217 vicious animal;
218
- 219 (6) Knowingly place food of any description containing poisonous or other injurious ingredients in
220 any area reasonably likely to be accessible to domesticated animals or livestock;
221
- 222 (7) Knowingly and intentionally, whether for amusement of self or others, or for financial gain, cause
223 any animal to fight or injure any other animal, cause it to be fought or injured by any animal, or train or
224 keep for the purpose of training any animal with the intent that the animal shall be exhibited
225 combatively with any other animal. Anyone who permits such conduct on premises under that person's
226 control, and any person present as a spectator at that exhibition shall be considered a violator of this
227 subsection and subject to punishment upon conviction;
228
- 229 (8) Transport or confine any living animal on the outside part of a motor vehicle except when
230 attached to or enclosed in the vehicle by a harness, leash, cage or other enclosure which protects the
231 animal from falling or being thrown from the vehicle and which prevents the animal from leaving the
232 vehicle while unattended. The outside part of a motor vehicle includes the running board, fender or
233 hood of any motor vehicle or the flatbed of a truck and/or the open portion (bed) of a pickup truck;
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235 (9) Sell or offer for sale or to give away, or display any living baby rabbits, chicks, ducklings or other
236 fowl which have been dyed, colored or otherwise treated so as to have an artificial color;

237

238 (10) Abandon or transfer to another person by gift, sale or exchange for consideration any animal
239 while on public property; excluding cats returned at their original location as part of a sponsored
240 community cat program.

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242

243 (11) Trap any domestic animal with a device other than a humane live animal trap.

244

245 Any practice of good animal husbandry is not a violation of this section. "Good animal husbandry"
246 includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the
247 castration or neutering of livestock, according to accepted practices of veterinary medicine or animal
248 husbandry. (Sec. 1 of Res. 1981-04-108; amended by Sec. 26 of Res. 1984-12-65; amended by Sec. 4 of
249 Ord. 1986-10-49; amended by Sec. 1 (Att. A) of Ord. 2009-07-01; amended by Sec. 2 of Ord. 2012-05-
250 22; amended by Sec. 28 of Ord. 2016-11-13)

251

252 **8.11.080 Found domestic animals.**

253 Any person who finds and harbors an animal, subject to licensing pursuant to Chapter 8.07 of this title,
254 shall notify the animal control program, furnishing a description of the animal. The finder may
255 surrender the animal to the animal control program or retain its possession, subject to surrender, upon
256 demand of the animal control program. Should such animal violate any provision of this title while
257 retained by the finder, such finder shall be responsible for any penalty assessed hereunder. Records of
258 reported findings shall be retained by the animal control program and made available for public
259 inspection. Should the finder retain the animal for a period of thirty (30) days, the finder must then
260 license the animal as a newly acquired animal, unless such animal shall be too young to license, or
261 surrender the animal to the county animal shelter. (Sec. 1 of Res. 1981-04-108; amended by Sec. 27 of
262 Res. 1984-12-65; amended by Sec. 19 of Ord. 1993-08-13A)

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264

265 **Section 3. Amendatory.** Section 1 of Resolution 1981-04-108, as most

266 recently amended by Sec. 38 of Ord. 2016-11-13 and codified as CCC 8.01.020, is

267 amended to read as follows:

268 **8.19.040 Impoundment.**

269 The Clark County animal protection and control program may apprehend any animal found doing or
270 involved in any of the acts defined as a public nuisance and/or being subjected to cruel treatment as
271 defined by law. After such animals are apprehended, the program shall determine whether they are
272 licensed or otherwise identifiable, and, if reasonably possible, return the animal to the owner, together
273 with a notice of violation of the code. If it is not reasonably possible to immediately return the animal
274 to its owner, the program shall notify the owner of the animal within a reasonable time by telephone,
275 email, mail, direct personal contact or posting at the residence of owner that the animal has been
276 impounded and may be redeemed at the designated animal holding facility.

277

278 Any unlicensed animal impounded pursuant to this title shall be held for at least seventy-two (72) hours
279 commencing with apprehension. For licensed animals, the holding period shall be at least one hundred
280 twenty (120) hours commencing upon notification to the owner of such impoundment. If reasonable
281 attempts have been made by the appropriate authority to notify said owner but without success, the

282 licensed animal shall be held for at least one hundred twenty (120) hours from the time of
283 apprehension. All impound periods shall continue to run during those hours when the designated
284 impound facility is not open for business. Any animal not redeemed by its owner during the prescribed
285 period may be humanely destroyed or placed for adoption to a new owner. Should the original owner
286 wish to redeem an animal that has been held, he shall first be required to pay all redemption costs as
287 outlined in this chapter. The use of a payment plan may, at the discretion of the manager of animal
288 control, be used.

289
290 Should the original owner wish to redeem an unlicensed dog or cat that has been held, in addition to
291 paying the required redemption costs as outlined in this chapter, he shall be required to purchase the
292 appropriate license at the time of redemption. If required rabies or spay/neuter information is lacking,
293 the licensing fee shall be accepted and the application processed in accordance with Sections 8.07.070
294 and 8.07.250.

295
296 Should the animal be suffering from serious injury or disease that would endanger the other sheltered
297 animals or cause the animal to endure unnecessary pain and suffering if left untreated for at least
298 twenty-four (24) hours as determined by a licensed veterinarian, or continues to act in a feral manner
299 after a reasonable observation period by the program or its employees or agents, the animal may be
300 humanely euthanized or returned to its original location as part of a sponsored community cat program
301 prior to the expiration of the required holding period. Such cases shall be documented on the animal
302 custody report.

303
304 No live animals shall be used, sold or donated for experimental purposes. The owner of any animal
305 impounded pursuant to the provisions of this title may recover said animal pursuant to the provisions
306 of Section 8.19.060; provided, that redemption may be denied pursuant to Section 8.19.120 or to an
307 owner who has cruelly treated such animal as defined in Section 8.11.070.

308
309 Animals delivered for impoundment by a police officer who removed such animal from the possession
310 of a person in the custody of the police officer shall be held for the period prescribed in this section.
311 An impoundment receipt shall be given to the police officer who shall deliver such receipt to the
312 person in custody from whom the animal was taken. The impoundment receipt shall recite redemption
313 requirements and shall serve as the notice to the owner required in this chapter.

314
315 The above return and notification requirements shall not apply to any animal that is deemed
316 abandoned under the provisions of Chapter 16.54 RCW. For purposes of this section, such animal shall
317 be deemed to be without owner. (Sec. 1 of Res. 1981-04-108; amended by Sec. 29 of Res. 1984-12-65;
318 amended by Sec. 18 of Ord. 1985-12-06; amended by Sec. 22 of Ord. 1987-11-37; amended by Sec. 22
319 of Ord. 1993-08-13A; amended by Sec. 38 of Ord. 2016-11-13)

321
322 **Section 4. Effective Date.** This ordinance shall be effective on the 10th day following
323 adoption.

324
325 **Section 5. Instructions to Clerk.** The Clerk of the Council shall:

- 326 A. Record a copy of this Ordinance with the Clark County Auditor; and
327 B. Cause notice of adoption of this Ordinance to be published forthwith, pursuant to
328 Clark County Code 1.02.140.
329 C. Provide a copy of this Ordinance to Code Publishing.

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Section 6. Roll Call Vote. The following persons voted in favor of the above ordinance

[amendments]: Jeanne E. Stewart; Julie Olson; Marc Boldt; John Blom; Eileen Quiring

The following persons voted in opposition to the above ordinance [amendments]:

ADOPTED on this 24th day of April, 2018.

CLARK COUNTY COUNCIL
FOR CLARK COUNTY, WASHINGTON

Attest:
[Signature]
Clerk to the Council

By: [Signature]
Marc Boldt, Chair

Approved as to Form Only:
Curtis M. Burns
Deputy Prosecuting Attorney

By: _____
Jeanne E. Stewart, Councilor

By: Curtis Burns

By: _____
Julie Olson, Councilor

By: _____
John Blom, Councilor

By: _____
Eileen Quiring, Councilor

