

COPY

Ordinance Number 2003-2

**Dog Control Ordinance
Pend Oreille County,
Washington**

**Revision
July, 2003**

DOG CONTROL ORDINANCE TABLE OF CONTENTS

010	Purpose.
020	Definitions.
030	Dog ID – Required.
040	Declaration of Dangerous Dog – Hearing and Appeal – Impounding of Dog.
050	Determination of Potentially Dangerous Dog – Notice, Hearing and Appeal - Requirements.
060	Registration of Dangerous Dogs – Requirements and Annual Fee.
070	Dangerous Dogs – Identification.
080	Enforcement power.
090	Impounding of dogs.
100	Public Nuisance – Owner Responsibility.
110	Criminal Violations
120	Notice of infraction – Issuance.
130	Notice of infraction – Determination final unless contested – Form.
140	Response to notice of infraction – Contesting determination – Hearing – Failure to respond or appear.
150	Hearings – Rules of Procedure – Counsel.
160	Hearings – Contesting determination that infraction committed – Appeal.
170	Order of court – Civil nature – Waiver, reduction, suspension of penalty – Community service in lieu of penalty.
180	Notice of infraction – Person’s failure to sign. Nonappearance – Failure to satisfy penalty.
190	Person receiving notice – Identification and detention.
200	Issuance of Criminal Citation.
210	Redemption procedures.
220	Fees.
230	Violation as constituting a public nuisance – Abatement.
240	Severability.

010 **Purpose.** It is the purpose of this ordinance to provide a means of identifying dogs and controlling errant dog behavior so that it shall not become a public nuisance.

020 **Definitions.** In construing provisions of this ordinance, except where otherwise plainly declared or clearly apparent from the context, words used in this ordinance shall be given their common and ordinary meaning and in addition, the following definitions shall apply:

"Abandon" means the act of knowingly leaving an animal:

- (1) In a situation where conditions present an immediate, direct, and serious threat to life, safety or health of the animal.
- (2) On public land, or right of way, or the private property of another without permission of the owner and/or without making arrangements for care in an apparent attempt to disown the animal or avoid responsibility for its care.

"Abatement" means the termination of any violation by reasonable and lawful means determined by the Pend Oreille County Sheriff in order that a person or persons presumed to be the owner or keeper shall comply with this ordinance.

"Animal Control Officer" means individuals employed or appointed by the Pend Oreille County Sheriff for the purpose of aiding in the enforcement of this ordinance, or regularly commissioned deputies who are enforcing provisions of this ordinance.

"At large" means a dog which is physically off the premises of the owner or keeper, and which is not in the presence and under the control of the owner or keeper; provided, that "at large" does not include dogs exhibited in dog shows, field trials, obedience training or trials, or the training of dogs therefore; or the use of a dog under the supervision of a person to hunt, to chase or tree predatory animals or game birds; or a dog when otherwise safely and securely confined or completely controlled within or upon any vehicle; or dogs used by law enforcement agencies.

"Dangerous dog" means any dog that according to the records of the Pend Oreille County Sheriff, or any other jurisdiction, (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 or keeper's property, or (c) has previously been found to be potentially dangerous, the owner or keeper having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

"Dog" means a domesticated *Canis familiaris*, bred in a great many varieties, including wolf hybrids.

"Domestic animal" means any animal kept for amusement, companionship, or for household, farm and/or agricultural purposes.

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

"Exhibits vicious propensities" means:

- (1) The infliction of a bite, or bites, on a human being or a domestic animal, either on public or private property; or
- (2) Killing a domestic animal while off the dog owner's or keeper's property.

"Impounding Agency" means a service provider who has a contractual relationship with Pend Oreille County Sheriff to provide a variety of dog related services.

"Livestock" means horses, sheep, cattle, mules, burros, goats, llamas, domesticated hares, rabbits, swine and poultry and any other animals or hybrids of animals being raised for its agricultural purposes.

"Owner" means any person, firm, corporation, or organization possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

"Potentially dangerous dog" means any dog that when unprovoked: (a) Inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or (c) any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals. A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

"Proper enclosure of a dangerous dog" means, while on the owner's or keeper's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection ~~from~~ the elements for a dog.

"Premises" means the area of land surrounding a house, or dwelling unit or units, and actually or by legal construction forming an enclosure with it and to which the owner or keeper of a dog has a legal and equitable right therein.

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

030 Dog Identification

- (1) All metallic ID tags required pursuant to this ordinance shall bear the name and address of the owner of the dog.
- (2) It is strongly suggested that every owner of a dog keep a substantial collar on the dog and keep firmly attached thereto a metallic I.D. tag with the name and address of the owner. Having such a collar and I.D. can save the dog owner time and money.

040 Declaration of Dangerous Dog – Hearing and Appeal – Impounding of Dog.

- (1) When the Pend Oreille County Sheriff has probable cause based on his/her records to believe that a dog is a dangerous dog as defined by Section 020, he/she shall declare the dog a dangerous dog and shall notify the owner of the dog in writing. The notice shall contain the following information:
 - (a) That the person receiving the notice is the owner of a dangerous dog as defined in Section 020;
 - (b) The breed, color, sex, and name (if known) of said dog;
 - (c) A copy of the records of the Pend Oreille County Sheriff, which form the basis for declaring said dog to be a dangerous dog;
- (2) The owner may request a hearing. The hearing shall be held before the Pend Oreille County District Court.
 - (a) To contest the declaration of dangerous dog the owner of the dog must request a hearing in writing on a form provided with the notice within fourteen (14) days of the receipt of the notice. For purposes of this section, the notice will be deemed received the third day after the notice is placed in the mail;
 - (b) If a hearing is requested, a hearing will be convened before the Pend Oreille County District Court. At the hearing, the records of the Pend Oreille County Sheriff shall be admissible to prove the dog is a dangerous dog; that the owner of the dog may require the officer compiling the record to be present at the hearing; that the owner or keeper of the dog may present evidence and examine witnesses present; and that the burden shall be on the Pend Oreille County Sheriff to establish by a preponderance of the evidence that the dog is a dangerous dog.

The hearing shall be held within Thirty (30) days after the receipt of the request for a hearing, unless it is continued for good cause shown. The Pend Oreille County District Court shall notify the owner of the date, time, and place for the hearing. The hearing shall be informal and open to the public.

- (3) The owner of the dog shall be notified in writing by the Judge within fourteen (14) days of his/her decision. If the Judge issues a finding of dangerous dog, the owner of the dog may appeal the decision as provided below. If the owner does not timely appeal the decision, he/she must either register the dog as a dangerous dog in accordance with Section 060 or the dog shall be confiscated as provided for in RCW 16.08.100 (1).
- (4) The decision of the District Court may be appealed as provided under the general law of the State of Washington. In the event the Judge's decision is affirmed on appeal, and no further appeal is made, the owner of the dog must either register the dog as a dangerous dog or the dog shall be confiscated as provided in RCW 16.08.100 (1).
- (5) A finding that a dog is not a dangerous dog shall not prevent the Pend Oreille County Sheriff from seeking to have the dog declared a dangerous dog as the result of any subsequent action by the dog.
- (6) In the event the Pend Oreille County Sheriff has probable cause to believe a dog is dangerous and may pose a threat of serious harm to human beings or domestic animals, he/she may seize and impound the dog pending notice, hearings, appeals and other determinations hereunder. Such dog, if found to be a dangerous dog, may be held until registered as provided for in Section 060. The owner of the dog shall be liable to Pend Oreille County or the service provider, for the costs and expenses of keeping such dog, unless a finding is made that the dog is not a dangerous dog.

050 Determination of Potentially Dangerous Dog – Notice, Hearing and Appeal – Requirements.

- (1) When the Pend Oreille County Sheriff has sufficient information to determine that a dog is a potentially dangerous dog as defined in Section 020, a notice shall be mailed to the owner of the dog. The notice shall contain the following information:
 - (a) That the person receiving the notice is the owner of a potentially dangerous dog as defined in Section 020;
 - (b) The breed, color, sex, and name (if known) of said dog;
 - (c) The facts upon which the determination of potentially dangerous dog is based;
 - (d) That if there are future similar problems with the dog, the dog could be declared a dangerous dog pursuant to Section 040, required to be registered as provided for in Section 060; and
 - (e) That the notice constitutes a final determination that the dog has been determined to be a potentially dangerous dog, unless the owner of the dog requests a hearing, in writing on a form provided with the notice within fourteen (14) days of the receipt of the notice. For purposes of this section,

the notice will be deemed received on the third day after the notice is placed in the mail.

- (2) In the event the owner of a dog requests a hearing as provided for in subsection (1) (e), a hearing shall be held within thirty (30) days of the receipt of the request for hearing. The Pend Oreille County District Court shall notify the owner or keeper of the date, time and place of the hearing, as well as the right to present evidence as to why the dog should not be found potentially dangerous. The hearing shall be held before the Pend Oreille County District Court. The hearing shall be informal and open to the public.
- (3) The Judge shall notify, in writing, the owner of the dog of his/her decision within fourteen (14) days of the hearing. The decision of the Judge may be appealed as provided under the general laws of the State of Washington.
- (4) The decision of the Judge is final unless appealed.
- (5) Following service of a declaration of potentially dangerous dog, the owner must:
 - (a) Confine the dog in the owner's dwelling or in a proper enclosure, which is, at a minimum, a secure fence, and providing adequate shelter for the dog from the elements; or
 - (b) When the dog is outside of the dwelling of the owner, or outside of the proper enclosure it must be on a substantial chain or leash no longer than eight (8) feet, being held in the hand of a person capable of physically controlling, and actually controlling the dog to which it is attached.
- (6) The Pend Oreille County Sheriff may impound the animal, at the owner's expense, pursuant to the provisions of this chapter, until a court orders either its redemption or destruction.
- (7) The Pend Oreille County Sheriff shall issue a potentially dangerous dog license to the owner of a potentially dangerous dog if the owner presents to the Sheriff :
 - (a) Sufficient evidence that the owner has provided and will continue to provide proper confinement for the potentially dangerous dog as described in Sec. 050 (5) (a) & (b)
 - (b) Sufficient evidence that the dog has been identified by a procedure known as micro-chipping with the owner's Pend Oreille County Sheriff's Department case number. The Pend Oreille County Sheriff's Department case number shall be kept on file by the Sheriff's office; and
 - (c) A current color photograph of the animal, from the side showing the entire dog in sufficient detail to aid in the dog's identification.

060 **Registration of Dangerous Dogs – Requirements – Annual Fee.**

- (1) The owner or keeper of a dangerous dog must obtain a certificate of registration for such animal from the Pend Oreille County Sheriff within fourteen (14) days of final determination of dangerous dog as provided in Section 040. The certificate of registration shall be issued only if the owner or keeper of the dangerous dog presents sufficient proof of the following:
 - (a) A proper enclosure to confine a dangerous dog and posting of the premises with a clearly visible sign 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;
 - (b) A surety bond issued by a surety insurer qualified under RCW 48.28 in a form acceptable to the Pend Oreille County Sheriff in the sum of at least fifty thousand dollars (\$50,000), payable to any person injured by the dangerous dog; or
 - (c) A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least fifty thousand dollars (\$50,000), insuring the owner for any personal injuries inflicted by the dangerous dog.
- (2) The owner of a dangerous dog shall pay the fees set forth in Section 220.
- (3) This section shall not apply to police dogs as defined in RCW 4.24.410.
- (4) Following service of a declaration of dangerous dog, the owner must:
 - (a) Confine the dog in a proper enclosure for a dangerous dog as defined in this chapter; or
 - (b) When the dog is outside of the proper enclosure it must be muzzled, on a substantial chain or leash no longer than eight (8) feet, being held in the hand of a person capable of physically controlling, and actually controlling the dog to which it is attached.
- (5) Owners of dangerous dogs who sell or otherwise transfer the ownership, custody, or residence of the dog shall within ten days inform the Pend Oreille County Sheriff's office, in writing, the name, address, and telephone number of the new owner, custodian, or residence, and the name and description of the dog. The owner shall, in addition, notify the new owner or custodian in writing the details of the dog's record, terms and conditions of the maintenance and provide the Pend Oreille County Sheriff's office with a copy thereof containing an acknowledgement by the new owner of his/her receipt of the original.
- (6) The owner of any dog declared dangerous shall notify the Pend Oreille County Sheriff within ten days after moving the dog into Pend Oreille County, shall obtain all necessary licenses, and upon request, shall provide any notice he/she may have

received regarding the declaration and the name and address of the authority having made the declaration. Such declaration from any other jurisdiction shall be recognized as valid in Pend Oreille County, and the potentially dangerous or dangerous dog conditions shall apply.

070 Dangerous Dogs – Identification. The owner of a dog determined to be a dangerous dog, pursuant to Pend Oreille County Code Section 040, shall have the dog identified by a procedure known as micro-chipping with the owner's Pend Oreille County Sheriff's Department case number. The Pend Oreille County Sheriff's Department case number shall be kept on file by the Sheriff's Department. The owner shall also provide the Pend Oreille County Sheriff with a current color photograph of the animal from the side showing the entire dog in sufficient detail.

080 Enforcement Power.

- (1) The Pend Oreille County Sheriff is authorized to take such lawful action(s) as may be required to enforce the provisions of this chapter and RCW 16.52.
- (2) The Pend Oreille County Sheriff, unless authorized by the owner thereof, shall not enter private dwelling houses unless a proper warrant has been issued upon showing that the Sheriff has reasonable cause to believe that there has been a violation of this chapter or RCW 16.52. The Pend Oreille County Sheriff, while pursuing any dog observed by the officer to be in violation of this chapter, or during investigation for unidentified dogs, may enter upon any public or private property, except any private dwelling houses, for the purpose of abating the dog violation being investigated.
- (3) No person shall deny, prevent, obstruct or attempt to deny, prevent or obstruct any officer from pursuing any dog observed to be in violation of this chapter. No person shall fail or neglect, after a proper warrant has been presented, to properly permit the Pend Oreille County Sheriff to enter private dwelling homes to perform any duty imposed by this chapter.

090 Impounding Dogs.

- (1) The Pend Oreille County Sheriff may apprehend any dog found doing any of the acts defined under Section 100. The Pend Oreille County Sheriff, upon apprehension of any dog or dogs, shall make a complete register, entering the breed, color, and sex of each dog, and whether Identified or not. If Identified, the Pend Oreille County Sheriff shall enter the name and address of the owner and the phone number on the ID tag. Except as provided in Section 040 (6) and 050 (6), if reasonably possible and the Pend Oreille County Sheriff does not have probable cause to believe a dog is dangerous as defined in Section 020, the Pend Oreille County Sheriff shall return the dog to the owner, together with a notice of violation of this chapter, provided, if it is not reasonably possible to immediately return the dog to its owner, the Pend Oreille County Sheriff shall notify the owner within forty-eight hours by certified mail or telephone or personal notice that the dog has been impounded and where it may be redeemed. Any dog impounded pursuant to this chapter shall be held for the owner for at least one hundred eight (108) hours,

after the owner's receipt of the notification by certified mail, by phone or by personal notice from the impounding agency.

- (2) In case any dog is not redeemed, the dog may be humanely destroyed by euthanasia by the impounding agency, adopted out or sold. Any dog not redeemed within one hundred and twenty (120) hours of the impounding may be humanely euthanized, adopted out or sold. All sales of dogs shall be pursuant to rules and regulations as established by the Pend Oreille County Sheriff.
- (3) Any dog as may be determined by the Pend Oreille County Sheriff to be suffering from serious injury or disease, may be humanely destroyed or in the discretion of the Pend Oreille County Sheriff may be held for a longer period and may be redeemed by any person on payment of the associated veterinary and impound charges.
- (4) The owner or keeper of any dog impounded pursuant to the provisions contained in this chapter may recover the dog or dogs when all billable costs, redemption fees, penalties and boarding costs incurred in such impoundment are paid to the Sheriff or impounding agency.

100 **Public Nuisance – Owner Responsibility.** The following violations shall be classified as civil infractions. It shall be a public nuisance, and therefore unlawful, for any person to permit their dog(s), whether willful or negligently, to:

- (1) Run at large off the property of the owner.
- (2) Chase, run after, jump at or upon, snap, growl, snarl or bark at in a threatening manner any pedestrian or other domestic animal while off the owner's property;
- (3) Chase, run after, jump at or upon any vehicle or person on any public sidewalk, roadway, trail or path;
- (4) Create directly or indirectly any unreasonably nauseous, foul, offensive or putrid smell;
- (5) Exhibit vicious propensities;
- (6) Annoy or disturb a neighborhood or the quiet and repose of one or more persons by howling, barking, yelping, whining, or making other oral noises to an unreasonable degree;

110 **Criminal Violations.**

- (1) The following violations shall be classified as misdemeanors:
 - (a) Section 180 (1), relating to failure to sign a promise to appear;
 - (b) Section 180 (2), relating to willful failure to respond to a notice of infraction;

- (c) Abandonment, as defined in Section 020, the fine shall be \$500.00.
 - (d) The fourth or subsequent violation of any provision of this ordinance within a twelve-month period.
- (2) The maximum penalty for the violation of any provision of this chapter constituting an infraction shall be \$50.00 for the first infraction, one-hundred dollars (\$100) for the second infraction, and two-hundred-fifty dollars (\$250) for the third infraction committed within a twelve-month period. In addition, the court may impose any applicable statutory assessment.
 - (3) Any person, in addition to any other penalties provided by this chapter, found in violation of any provisions or any amendments thereto which are designated as misdemeanors shall be punished by a fine of not more than one-thousand dollars (\$1,000) or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment.

120 Notice of Infraction – Issuance.

- (1) The Pend Oreille County Sheriff shall issue a notice of infraction if committed in the officer's presence or if an officer has reasonable cause to believe that the owner of a dog has committed an infraction.

130 Notice of Infraction – Determination Final Unless Contested – Form.

- (1) A notice of infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.
- (2) The notice of infraction 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 non-criminal 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 procedure necessary to exercise these options;
 - (f) A statement that at any hearing to contest the determination, the county has the burden of proving, by a preponderance of the evidence, that the

infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

- (g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction, the person will be deemed to have committed the infraction;
- (h) A statement that the person must respond to the notice as provided in this chapter within fifteen (15) days;
- (i) 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;
- (j) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by an additional fine and/or a term of imprisonment in jail;
- (k) A statement that failure to respond to the notice of infraction or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear.

140 Response to Notice of Infraction – Contesting Determination – Hearing – Failure to Respond or Appear.

- (1) Any person who receives a notice of infraction shall respond to such notice as provided in this section within fifteen (15) 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. A check or money order 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 a 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) The court shall enter a default judgment assessing a monetary penalty prescribed for the infraction and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of infraction:

- (a) Fails to respond to the notice of infraction as provided in this section; or
- (b) Fails to appear at a hearing requested pursuant to this section.

150 Hearings – Rules of Procedure – Counsel.

- (1) Procedures for the conduct of all infraction hearings provided for in this chapter shall be in accordance with the District Court Infraction Rules.
- (2) Any person subject to proceedings under this chapter may be represented by counsel at their own expense.

160 Hearings – Contesting Determination that Infraction Committed – Appeal.

- (1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without jury.
- (2) The court may consider the notice of infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.
- (3) The burden of proof is upon the county to establish the commission of the infraction by a preponderance of the evidence.
- (4) 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.
- (5) An appeal from the court's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

170 Order of Court – Civil Nature – Waiver, Reduction, Suspension of Penalty – Community Service in Lieu of Penalty.

- (1) An order entered after the receipt of a response which does not contest the determination or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.
- (2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty at the rate of the then state minimum wage per hour. The filing fees or other costs shall not be waived.

180 Notice of Infraction – Person's Failure to Sign, Nonappearance – Failure to Satisfy Penalty.

- (1) It is a misdemeanor for any person who has been personally served with a notice of civil infraction, as provided by Pend Oreille County District Court rule, as it presently exists or as may be hereinafter amended, to refuse to sign a written promise to respond to the notice.
- (2) Any person willfully violating his or her written and signed promise to appear in court or respond to a notice of infraction is guilty of a misdemeanor, regardless of the ultimate disposition of the notice of infraction. Provided, that a written promise to appear in court or a written promise to respond to a notice of infraction may be complied with by an appearance by counsel.
- (3) A person who willfully fails to pay a monetary penalty or to perform community service as required by a court under this chapter may be found in civil contempt of court as provided for in RCW 7.21.

190 Person Receiving Notice – Identification and Detention.

- (1) A person who is to receive a notice of infraction under this ordinance, Section 120 is required to identify himself or herself to the officer by giving his or her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, including a driver's license or State of Washington identification card.
- (2) A person who is unable or unwilling to reasonably identify himself or herself to an enforcement officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a notice of infraction.
- (3) The Pend Oreille County Sheriff shall adopt rules for identification and detention of persons committing civil infractions.

200 Issuance of Criminal Citation.

- (1) The Pend Oreille County Sheriff may issue citations to owner(s) of dogs which are found in violation of any provision of this ordinance whether or not the violation occurs in the officers presence.
- (2) The Pend Oreille County Sheriff shall enforce the provisions of RCW 16.08 and 16.52; and shall have the authority to issue citations and make arrests for violations of RCW 16.08 and 16.52 constituting a misdemeanor or gross misdemeanor.

210 Redemption Procedures.

Any dog impounded pursuant to the provisions of Section 90 may be redeemed upon payment of the redemption fee as provided in Section 220.

220 Fees

- (1) Potentially Dangerous Dog – Annual Fee \$ 50.00
- (2) Dangerous Dog – Annual Fee \$100.00
- (d) Redemption Fees – Includes the cost of apprehension, transportation, impoundment and care of the animal, including veterinary fees, and shall be paid to and retained by the impounding agency.

All fees and fines collected under the provisions of this ordinance other than criminal fines shall be deposited in the county current expense fund.

230 Violation as Constituting a Public Nuisance - Abatement. In addition to the foregoing remedies, the violation of any provision of this chapter shall constitute a public nuisance, and may be abated in any manner authorized by RCW's 7.48 and 9.66.

240 Severability. If any portion of this Ordinance is held invalid, it is the intent of the Board of County Commissioners that such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.

ORIGINALLY ADOPTED THE 1ST DAY OF APRIL, 2002

REVISED THIS 28TH DAY OF JULY, 2003

BOARD OF COUNTY COMMISSIONERS
PEND OREILLE COUNTY, WASHINGTON

Mike Hanson
Mike Hanson, Chairman

absent
Sam Nicholas, Vice-Chairman

Mitchell Brown
Mitch Brown, Member

ATTEST: Chris Mylar
Chris Mylar, Clerk of the Board