

**TITLE VI
ANIMALS**

Chapters:

- 6.01 Control of Diseases of Domestic Animals (Repealed)**
- 6.04 Abandonment of Dogs and Other Animals**
- 6.08 Dog License and Control**
- 6.12 Dog Leash Law (Repealed)**
- 6.16 Stock Restricted Areas**
- 6.20 Inherently Dangerous Mammals**

Chapter 6.01

Control of Diseases of Domestic Animals¹

(Chapter 6.01, Control of Diseases of Domestic Animals, Ord. 1, August 2, 1948, vol. 10, p. 251; amended by Ord., February 6, 1950, vol. 10, p. 380; amended by Ord., July 7, 1954, vol. 11, p. 34; repealed by Ord. PA-78-01, March 6, 1978, vol. 17, p. 263)

Chapter 6.04

Abandonment of Dogs and Other Animals

Sections:

6.04.010 Intentional Abandonment Unlawful

6.04.020 Presumption of Intention

6.04.030 Violation a Misdemeanor

6.04.040 Effective Date

6.04.010 Intentional Abandonment Unlawful

It shall be unlawful to intentionally abandon a dog, cat, or other animal within the limits of Island County.

(Ord., March 2, 1964, vol. 12, p. 256)

6.04.020 Presumption of Intention

Any person who shall discharge a dog, cat, or other animal from a motor vehicle at a distance of further than one (1) mile from the home and residence of the parties so discharging the animal shall be presumed to have intentionally abandoned the same animal.

(Ord., March 2, 1964, vol. 12, p. 256)

6.04.030 Violation a Misdemeanor

Any person who shall violate any of the sections of this chapter shall be guilty of misdemeanor and shall be subject to a fine of not more than one-hundred dollars (\$100.00) or imprisonment of not more than ninety (90) days in the Island County Jail for each violation.

(Ord., March 2, 1964, vol. 12, p. 256)

¹ For statutory provisions regarding Bangs' disease in cattle, see RCW 16.40.

6.04.040 Effective Date

This chapter shall be in full force and effect from and after its passage pursuant to law.
(Ord., March 2, 1964, vol. 12, p. 256)

**Chapter 6.08
Dog License and Control²**

Sections:

- 6.08.010 Policy and Authority**
- 6.08.020 License Required--Tags**
- 6.08.030 Exemptions**
- 6.08.040 Guide Dogs**
- 6.08.050 License Fee**
- 6.08.060 Lost Tags**
- 6.08.070 Duty to Show Animal or License**
- 6.08.080 Forged Tags**
- 6.08.090 Control Off Premises - Authorized Off Leash Areas**
- 6.08.100 Chasing Vehicles**
- 6.08.110 Menacing Pedestrians**
- 6.08.120 Running in Packs Prohibited**
- 6.08.130 Prohibited Barking**
- 6.08.140 Chasing Game Animals**
- 6.08.150 Grounds for Seizure and Impound**
- 6.08.160 Placement in Pound**
- 6.08.170 Redemption**
- 6.08.180 Disposition**
- 6.08.181 Slaying Dangerous Dogs**

² Former chapter 6.08, Dog License Tax, Res., September 9, 1937, vol. 9, p. 220; repealed by Ord. PA-73-5, September 17, 1973, vol. 14, p. 406.

6.08.182	Confinement of a Biting Dog
6.08.183	Abandonment Unlawful
6.08.184	Owner-Animal Surrender
6.08.190	Interfering With Impounding Prohibited
6.08.200	Refund of Fees Upon Acquittal
6.08.210	Enforcement
6.08.220	Penalties
6.08.230	Severability
6.08.240	Repeal of Earlier Ordinances
6.08.250	Effective Date

6.08.010 Policy and Authority

The Board of County Commissioners of Island County finds that the public health, safety, and welfare require that dog licensing and other dog controls be established throughout the unincorporated area of Island County. The purpose of this ordinance is to prevent injury to persons, animals, and property; provide revenue for dog control enforcement; and, provide for humane treatment of dogs. Authority for this ordinance is RCW chapter 16.10 and the general police powers of the county.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.020 License Required--Tags

It is unlawful to have possession or custody of, or to harbor or give shelter or refuge to, any dog without a valid Island County dog license and without having conspicuously displayed, on a strap or other device placed on the dog, an authorized identification tag issued by Island County; **provided**, that a dog kept for show need not display the identification tag on the owner's property, at a dog show, or while being transported to or from the show, or when off the owner's property and controlled by a leash.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447)

6.08.030 Exemptions

The burden of proof as to an exemption shall be on the person claiming it.

- A. No license and identification tag, as provided for in section 6.08.020, shall be required for any dogs less than four (4) months of age when satisfactory proof of age can be and is, on request, submitted to an Island County licensing or law enforcement officer, and for any

dog which is part of the inventory of a pet shop. "Pet shop" means any establishment or premises maintained for the purchase, sale, or exchange of domestic pets.

- B. No owner, manager, or employee of a commercial kennel or veterinary hospital shall be required to purchase a dog license for any dog being boarded or treated in these establishments. "Commercial kennel" means any establishment or premises other than a veterinary hospital or pet shop where four (4) or more dogs are kept for commercial purposes, including but not limited to board, propagation, and treatment. "Veterinary hospital" means any establishment or premises operated or devoted to the medical treatment of domestic animals.
- C. No license and identification tag issued by Island County shall be required for any dog currently licensed in another jurisdiction and displaying a tag from that jurisdiction. At the expiration of the other license, an Island County license and tag shall be required.
- D. No license and identification tag issued by Island County shall be required for any dog in the possession or custody of, or being harbored or given shelter or refuge by, a person who is not a resident of Island County. Residency is established by living in Island County for thirty (30) days.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.040 Guide Dogs

Upon presentation of evidence which establishes to the satisfaction of the Island County official in charge of issuance of licenses that a dog is a guide dog for the blind, he shall issue a license and identification tag which shall bear the inscription "Guide Dog--No. (number to be inserted)--Island County." Said license and tag shall continue to be valid from year to year without renewal. The license and tag are free.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.050 License Fee

- A. The annual (calendar year) license fee for each dog shall be twenty-five dollars (\$25.00); **provided**, that when the applicant for a license has satisfied the Island County official in charge of licensing that the dog has been neutered or spayed, the annual fee shall be seven dollars (\$7.00). The annual group license fee shall be one-hundred dollars (\$100.00). With regard to dogs owned by persons 65 years of age or older, the foregoing fees shall be modified as follows: annual license fee for each dog, twenty dollars (\$20.00); annual license fee for neutered or spayed dog, four dollars (\$4.00).

6.08.050

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B. A late penalty in the sum of ten dollars (\$10.00) shall be charged to each owner who does not obtain the required license until after April 30 of any year. This fee is waived for calendar year January 1 to December 31, 1990; **provided**, however, that a dog acquired after April 1 of any year shall be licensed within sixty (60) days from the date of its acquisition, and in such cases aforementioned late penalties shall be charged only after the expiration of such sixty-day (60-day) period.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. C-83-90, May 14, 1990, vol. 31, p. 144; amended by Ord. C-120-92, December 21, 1992, vol. 35, p. 79; amended by Ord. C-104-99, September 20, 1999, effective January 1, 2000, vol. 43, p. 489)

6.08.060 Lost Tags

Lost dog identification tags may be replaced by substitute identification tags upon payment of one dollar (\$1.00) to Island County.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.070 Duty to Show Animal or License

It shall be unlawful to refuse to show or exhibit to any law enforcement officer or Island County official in charge of dog licensing any dog in one’s possession, custody, or control and any dog license or dog identification tag issued therefor.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.080 Forged Tags

It shall be unlawful for anyone to forge or to display a forged Island County dog license or dog identification tag.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.090 Control Off Premises - Authorized Off-Leash Areas

- A. Control Off Premises. Except as provided in B., below, it is unlawful for the owner, keeper, or person having custody or control of any dog:
 - 1. To permit a dog to run at large on public school grounds or public playgrounds;
 - 2. To permit a female dog to run at large while in heat; or,
 - 3. To permit a dog to roam, run, stray, or be away from the premises of the owner or custodian and to be in any public place or on any public property or the private property of another in the county, unless such dog, while away from the premises of the owner or custodian, is controlled by a leash or chain not more than eight (8) feet in length, such control to be exercised by the owner or custodian or other competent and authorized persons.

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Any dog found roaming, running, straying, or away from the premises of the owner or custodian and not under control as herein provided may be impounded, subject to redemption in the manner provided pursuant to this chapter.

This subsection does not apply when the dog or dogs at the time are being used or being trained or practicing for search and rescue, dog exhibition or showing, tracking or hunting, and are in compliance with any statute, rule, or regulation governing use of dogs in hunting. This section also does not apply when the dog or dogs at the time are under the control of official law enforcement personnel and are being used for law enforcement purposes.

B. Authorized Off-Leash Areas. A dog or dogs, not in heat, accompanied by the dog owner or custodian who is in voice control of the dog (i.e. the dog will immediately come when called by the owner/custodian), may roam and be off-leash in the portion of the following designated Island County Park areas posted by the Island County Parks and Recreation Department Director for such use:

1. Double Bluff Beach Access – designated beach area west of developed park area, Assessor’s Parcel Nos. R22923-078-3270 and R22923-056-2990 located in Section 23, Township 29 North, Range 2 East of the Willamette Meridian;
2. Marguerite Brons Memorial Park - designated area, Assessor’s Parcel No. R32917-035-0330 located in Section 17, Township 29 North, Range 3 East of the Willamette Meridian;
3. Island County Patmore Site, Assessor’s Parcel No. R13111-463-4620 located in Section 11, Township 31 North, Range 1 East of the Willamette Meridian;
4. English Boom Waterfront Trail Property – beach area only, Assessor’s Parcel No. R33216-235-0300 located in Section 16, Township 32 North, Range 3 East of the Willamette Meridian.
5. Oak Harbor Off Leash Area - Designated area at East end of Technical Road in Oak Harbor, Assessor's Parcel No. R13326-149-3870 located in Section 26, Township 33 North, Range 2 East of the Willamette Meridian.
6. Clover Valley Off Leash Area - Designated area adjacent to North Whidbey Parks and Recreation Ballfield complex, Assessor's Parcel No. R13323-026-0730 located in Section 23, Township 23 North, Range 2 East of the Willamette Meridian.

The owner or custodian of the dog shall comply with all of the applicable Island County Parks Property Rules and Regulations.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. SO-84-02, September 17, 1984, vol. 23, p. 7; amended by Ord. C-28-99, April 5, 1999, effective June 7, 1999, vol. 43, p. 250; amended by Ord. C-102-02, January 6, 2003, vol. 47, p. 2)

6.08.100 Chasing Vehicles

It shall be unlawful for any person having possession or custody of, or harboring or giving shelter or refuge to, any dog to allow, suffer, or permit the dog to habitually or frequently chase, run after, or jump at vehicles, including bicycles, using public roadways.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.110 Menacing Pedestrians

It shall be unlawful for any person having the possession or custody of, or harboring or giving shelter or refuge to, any dog to allow, suffer, or permit the dog to frequently or habitually snap at, jump at or upon, run after, or chase any pedestrian on the public sidewalks, roadways, alleys, beaches, or other public ways. In addition, upon any showing that the menacing dog has bitten any such pedestrian with sufficient force to break the skin, the person having a possession or custody of, or harboring or giving shelter or refuge to the dog, shall promptly comply with ICC section 6.08.182 regarding confinement of the dog.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. C-06-94, March 21, 1994, vol. 37, p. 35)

6.08.120 Running in Packs Prohibited

It shall be unlawful for any person having the possession or custody of, or harboring or giving shelter or refuge to, any dog to allow, suffer, or permit the dog to run in a pack with other dogs off the premises of the person having such possession, custody, or control. A pack is three (3) or more dogs. This section does not apply when the dog or dogs at the time are being used or being trained or practicing for search and rescue, dog exhibition or showing, tracking, or hunting and are in compliance with any statute, rule, or regulation governing use of dogs in hunting.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.130 Prohibited Barking

It shall be unlawful for any person having the possession or custody of, or harboring or giving shelter or refuge to, any dog to allow, suffer, or permit the dog, by frequent or habitual howling, yelping, barking, or the making of similar noises, to annoy or disturb a neighborhood of three (3) or more persons separately domiciled; **provided**, that this section shall have no applicability to any pet shop, commercial kennel, or veterinary hospital, as defined in section 6.08.030 of this ordinance, for which a conditional use permit has been granted pursuant to the Island County Interim Zoning Ordinance presently in effect, as amended, or a successor zoning ordinance.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; revised Ord. PA-78-01, March 13, 1978, vol. 17, p. 273)

6.08.140 Chasing Game Animals

It shall be unlawful for any person having the possession or custody of, or harboring or giving shelter or refuge to, any dog to allow, suffer, or permit the dog to pursue, chase, run after, bite or attempt to bite, attack, injure, or kill any deer or other game animal or game bird, except when using the dog in hunting or training for hunting and as may be allowed by any statute, rule, or regulation governing use of dogs in hunting.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.150 Grounds for Seizure and Impound

Dogs may be seized and placed in the Island County Pound by any law enforcement officer or Island County animal control officer in the following circumstances:

- A. When the dog is off the premises of the person having the possession or custody of, or harboring or giving shelter or refuge to the dog, and the dog is not displaying an Island County identification tag as required by section 6.08.020, or when the dog is not licensed as required by section 6.08.020.
- B. When the dog is committing any of the following offenses or immediately thereafter and before return of the dog to the premises of the person having the possession or custody thereof or harboring or giving shelter or refuge to the dog: 6.08.090; 6.08.100; 6.08.110; 6.08.120; and, 6.08.140.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.160 Placement in Pound

All dogs seized and not returned to the person having the custody or possession thereof shall be placed in the county pound. The management of the county pound shall keep a written record of all dogs received which shall include the date and time of receipt, description of the dog by breed, sex, and color, location of apprehension, and by whom apprehended, license number or other identification on the dog, if any, and such other information as the shelter management shall desire. If the dog has an identification tag or its owner or keeper is known, the shelter management shall notify the owner or keeper that the dog is in the shelter and inform him of the procedure for redemption. The shelter management shall keep the record of dogs received open for public inspection and shall answer telephone inquiries concerning dogs in its custody.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.170 Redemption

Any person who had the possession or custody of, or was harboring or giving shelter or refuge to, any dog which has been impounded, may redeem the dog within five (5) days, or such longer period as the pound management may keep the dog, by paying the following sums: the dog license or replacement tag fee if a license or tag is required, an impound fee of twenty-five dollars (\$25.00), and a boarding fee for each day or part of day of seven dollars (\$7.00). The impound fee shall be fifty dollars (\$50.00) for the second impounding within a one-year period and one-hundred dollars (\$100.00) for a third or subsequent impounding within a one-year period. At its discretion, the pound management may secure veterinary treatment for any injured or diseased dog, and the expense thereof shall be an additional charge for redemption. Any veterinarian providing treatment for any injured or diseased dog at the request of the pound management may,

in his or her discretion, humanely destroy the dog where necessary or appropriate in his or her professional judgment.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. C-120-92, December 21, 1992, vol. 35, p. 79; amended by Ord. C-104-99, September 20, 1999, effective January 1, 2000, vol. 43, p. 489)

6.08.180 Disposition

If the owner or keeper of a dog has not redeemed it within five (5) days of its arrival at the county pound, then the pound management in its discretion may humanely destroy the dog or allow any other person to redeem the dog within such period of time as the pound management in its discretion may choose to keep the dog, upon payment of the license and adoption fee of thirty-five dollars (\$35.00). No impound fee shall be charged to a person who is not an owner or keeper of the dog. The pound management at its discretion, after failure of the owner or keeper to redeem the dog within the prescribed period, may cause the dog to be spayed or neutered before allowing another person to redeem it.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. C-120-92, December 21, 1992, vol. 35, p. 79)

6.08.181 Slaying Dangerous Dogs

If any fierce, dangerous, vicious, or depredatory dog or dogs cannot be safely taken up and impounded, such animal may be slain by any police officer or authorized animal control officer.

(Ord. SO-84-01, August 20, 1984, vol. 22, p. 447)

6.08.182 Confinement of a Biting Dog

It is unlawful for the owner of any dog, when notified that such dog has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such dog or permit such dog to be taken beyond the limits of the county, except to a veterinary hospital, and it shall be the duty of such owner upon receiving notice of the character aforesaid to immediately confine such animal for a period of at least ten (10) days. Such a dog shall be kept securely chained or confined to the premises of the owner and segregated from any other animals during such ten-day (10-day) observation period. If during such ten-day (10-day) observation period, the dog exhibits symptoms of disease or sickness, such owner shall immediately notify a veterinarian for the purpose of observation and treatment.

(Ord. SO-84-01, August 20, 1984, vol. 22, p. 447)

6.08.183 Abandonment Unlawful

A. It shall be unlawful to intentionally abandon a dog within the limits of Island County.

- B. It shall be unlawful for any person to discharge a dog from a motor vehicle at a distance of more than one (1) mile from the residence of the party so discharging the dog and depart, leaving the dog.
- C. It shall be unlawful for any person to leave any animal at, or on the premises of, the Island County Dog Pound without first checking said animal into the pound, using standard check-in procedures.

(Ord. SO-84-01, August 20, 1984, vol. 22, p. 447)

6.08.184 Owner-Animal Surrender

An owner of a dog may dispose of his or her dog by surrendering the dog to an Island County Dog Pound upon payment of a fifteen dollar (\$15.00) fee.

(Ord. C-120-92, December 21, 1992, vol. 35, p. 79)

6.08.190 Interfering With Impounding Prohibited

It is unlawful for any person to obstruct, interfere with, or delay a law enforcement officer or Island County animal control officer impounding a dog pursuant to this ordinance.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.200 Refund of Fees Upon Acquittal

When any owner or keeper of a dog has redeemed it after impound as provided in this ordinance and such owner or keeper is acquitted of any criminal charge or the charge is dismissed for lack of evidence or insufficiency of evidence and the offense charged was the ground for impounding, then the pound management, upon receipt of satisfactory evidence of such acquittal or dismissal, shall refund to the owner or keeper the impound fee.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.210 Enforcement

- A. There is established within the office of the County Commissioners an Animal Control Bureau. The Animal Control Bureau shall consist of either animal control independent contractors who contract with the Board of County Commissioners or so many animal control officers as may be authorized by the Board of County Commissioners in the annual budget. The Animal Control Bureau shall be administered by the Board of County Commissioners.
- B. Enforcement of all provisions of this ordinance shall be the responsibility of the Animal Control Bureau and the county sheriff. The Animal Control Officers are authorized to consult with the Island County Sheriff on questions of enforcement and to request the aid of the sheriff in any situation deemed difficult or dangerous by the Animal Control Officer.

6.08.210

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C. The sale of dog licenses and identification tags shall be the responsibility of the office of the Island County Treasurer and any animal control contractors.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. C-06-94, March 21, 1994, vol. 37, p. 35)

6.08.220 Penalties

A. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety (90) days, or by a fine in an amount fixed by the court of not more than five-hundred dollars (\$500.00), or by both such imprisonment and fine.

B. The imposition of a penalty under subsection A above shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violation within a reasonable time. Unless otherwise specified, each day that a violation continues is a separate offense. The application of the penalties in subsection A above shall not be held to prevent abatement of any violation.

(Ord. PA-77-02, January 2, 1978, vol. 17, p. 206)

6.08.230 Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional, the remainder of this ordinance or the application of the provision to other persons or circumstances is not affected.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.240 Repeal of Earlier Ordinances

Resolution A-1, dated February 7, 1939, and contained in volume 9, page 339, of the Record of Proceedings of the County Commissioners, and codified as ICC 6.12, is repealed.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

6.08.250 Effective Date

A. This ordinance shall take effect and be in force beginning the 1st day of April, 1978.

B. The amendments to sections 6.08.020, -.050, -.090, -.170, -.180, and -.210, and sections 6.08.181, -.182, and -.183, adopted on August 20, 1984, shall take effect and be in force beginning October 1, 1984. The additional amendment to section 6.08.090, adopted on September 17, 1984, shall take effect and be in force beginning October 1, 1984.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. SO-84-02, September 17, 1984, vol. 23, p. 7)

Chapter 6.12
Dog Leash Law

(Chapter 6.12, Dog Leash Law, Res. A-1, February 7, 1929, vol. 9, p. 339; repealed by Ord. PA-77-02, Island County Code 6.08.240, January 3, 1978, vol. 17, p. 206)

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**Chapter 6.16
Stock Restricted Areas³**

Sections:

- 6.16.010 Restriction Imposed**
- 6.16.020 Restricted Areas**
- 6.16.030 Repealer**
- 6.16.040 Effective Date**

6.16.010 Restriction Imposed

No livestock shall be allowed to run at large within the areas of Island County described in ICC 6.16.020.

(Ord. E-73-4, June 4, 1973, vol. 14, p. 334)

6.16.020 Restricted Areas

The entire area of Island County shall be a restricted area for livestock.

(Ord. E-73-4, June 4, 1973, vol. 14, p. 334)

6.16.030 Repealer

Those certain resolutions and orders of Island County listed herein are hereby repealed:

- A. Order, dated December 2, 1940, and filed in volume 9, page 448, of the Records of Commissioners’ Proceedings on file in the office of the Island County Auditor.
- B. Resolution, dated July 9, 1925, and filed in volume 72 of the Records of Commissioners’ Proceedings on file in the office of the Island County Auditor.
- C. Resolution, dated June 2, 1924, and filed in volume 8, page 24, of the Records of Commissioners’ Proceedings on file in the office of the Island County Auditor.

(Ord. E-73-4, June 4, 1973, vol. 14, p. 334)

6.16.040 Effective Date

This ordinance shall be in full force and effect five (5) days after its passage into law.

(Ord. E-73-4, June 4, 1973, vol. 14, p. 334)

³ For statutory authority, see RCW 16.24.010.

**Chapter 6.20
Inherently Dangerous Mammals**

Sections:

- 6.20.010 Purpose**
- 6.20.020 Definitions**
- 6.20.030 Prohibitions on Inherently Dangerous Mammals**
- 6.20.040 Exemptions**
- 6.20.050 Standards for Keeping Canidae and Hybrids Thereof**
- 6.20.060 Sale and Transfer of Inherently Dangerous Mammals**
- 6.20.070 Running at Large/Duty to Notify Animal Control Officer**
- 6.20.080 Compliance with Other Laws**
- 6.20.090 Limitation of Liability**
- 6.20.100 Violations - Civil Infraction - Enforcement Authority**
- 6.20.110 Effective Date**
- 6.20.120 Severability**

6.20.010 Purpose

It is the public policy of Island County to secure and maintain such levels of control over inherently dangerous mammals harbored and/or owned within the unincorporated area of Island County as will protect the general public health, safety and welfare.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.020 Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. "Animal Control Officer" or "Island County Animal Control Officer" means either animal control independent contractors who contract with the Island County Board of County Commissioners or animal control officers appointed by the Board of County Commissioners as county employees.
- B. "Inherently Dangerous Mammals" means:
 - 1. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*canis lupus familiaris*).
 - 2. Felidae, including any member of the cat family not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).
- C. "Harboring of an inherently dangerous mammal" means to allow an inherently dangerous mammal to remain, lodge, be fed, or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.030 Prohibitions on Inherently Dangerous Mammals

- A. No person shall own, harbor, possess or have custody or control of felidae in the unincorporated area of Island County.
- B. No person owning or harboring, having custody, control, or possession of an inherently dangerous mammal shall permit or allow the same to be at large upon any highway, street, lane, alley, court, or any other place, public or private, or within the premises of such person, in such manner as to endanger any person lawfully entering such premises.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.040 Exemptions

The following are exempt from all provisions of this Ordinance:

- A. Any facility accredited by the Association of Zoos and Aquariums (AZA);
- B. Any licensed or accredited research or medical institutions;

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6.20.040

- C. Licensed or accredited educational institutions;
- D. Veterinary clinics in possession of inherently dangerous mammals for treatment or rehabilitation purposes;
- E. Traveling circuses or carnivals;
- F. Persons temporarily transporting inherently dangerous mammals through the county provided that the transit time shall not be more than three (3) days;
- G. Any facility licensed as an Exhibitor by the United States Department of Agriculture (USDA) under the Animal Welfare Act; and,
- H. Any person having a valid Wildlife Rehabilitation Permit from the Washington State Department of Fish and Wildlife as a Wildlife Rehabilitator.

Although the above are exempt from the provisions of this Ordinance, they must comply with all other applicable federal, state and local regulations, including but not necessarily limited to chapter 16.52 RCW, concerning the prevention of cruelty to animals.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.050 Standards for Keeping Canidae and Hybrids Thereof

A harbinger and/or owner of any canidae and hybrids thereof shall comply with the following standards.

- A. Owners of the animals must live on the same property where the animals are kept.
- B. No more than two (2) canidae or hybrids thereof may be owned and possessed by one owner or family unit living on the same property. The exception provided would be for newborns from birth to twelve (12) weeks.
- C. Canidae, or hybrids thereof, shall be confined in a proper enclosure. The canidae 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 also provide protection from the elements for the animal.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.060 Sale and Transfer of Inherently Dangerous Mammals

Any person who sells, gives, or in any way transfers possession or ownership of an inherently dangerous mammal to another person within the unincorporated area of Island County shall maintain records reflecting the name, address, and telephone number of the receiver of the animal;

a complete and accurate description of the animal transferred. This information shall be communicated to the Animal Control Officer prior to or at the same time as the transfer occurs. (Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.070 Running At Large/Duty to Notify Animal Control Officer

Any person owning or harboring, having custody, control, or possession of an inherently dangerous mammal shall have the duty when they know or should reasonably know said inherently dangerous mammal is at large as defined in 6.20.030.B hereinabove to notify the Animal Control Officer of such fact, within thirty (30) minutes.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.080 Compliance with Other Laws

In addition to complying with all provisions of this Ordinance, no person shall harbor and/or own an inherently dangerous mammal within the unincorporated area of Island County without complying with all other applicable federal, state and local laws, ordinances and regulations.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.090 Limitation of Liability

This Ordinance is not intended to create any class of persons to be benefited or protected nor to create any reliance relationship between Island County and any person owning or harboring, having custody, control or possession of an inherently dangerous mammal or anyone injured or killed by those animals. This Ordinance is not intended to create any duty running in favor of particular persons. The obligation to comply with the provisions of this Ordinance are upon persons owning or harboring, having custody, control or possession of inherently dangerous mammals. Acts or omissions to act by Island County, or its officials, employees or contractors, under this Ordinance shall not create any liability on the part of Island County, its officials, employees or contractors.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.100 Violations - Civil Infraction - Enforcement Authority

- A. Penalty. It shall be unlawful and punishable as a Class 1 civil infraction under chapter 7.80 RCW for any person or corporation to violate the provisions of this Ordinance. Each day on which such violation continues shall constitute a separate Class 1 civil infraction.
- B. Enforcement Authority. The Animal Control Officer, the Island County Sheriff and his deputies, and any other law enforcement officer are enforcement officers within the meaning of chapter 7.80 RCW.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.110 Effective Date

This Ordinance is effective on the date of passage; except that persons owning, harboring, having custody, control or possession of the canidae, or hybrids thereof, shall have four (4) months to come into full compliance with the provisions of this Ordinance. This Ordinance is effective on the date of passage for persons owning, harboring, having custody, control or possession of the felidae, or hybrids thereof, unless exempted under Island County Code 6.02.040.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

6.20.120 Severability

If any section sentence, subdivision or clause of this Ordinance shall for any reason be held invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

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