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Walla Walla County, WA

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**2007-13624**

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**BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON**

**ORDINANCE NO. 351**

APPROVING A REQUEST BY WALLA WALLA COUNTY FOR THE ADOPTION OF NEW FINES FOR VIOLATING ANIMAL CONTROL LAWS, RESULTING IN AN AMENDMENT TO ORDINANCE 240 AND WALLA WALLA COUNTY CODE SECTION 6.04.410.

**Whereas**, the State of Washington Judicial Information System ("JIS") charges \$25.00 for every ticket entered into the system; and

**Whereas**, ~~at the end~~ as of April 30, 2007 the fee that the JIS charges was increased; and

**Whereas**, several of the fines for violations of the Walla Walla County Code Chapter 6 as codified in Walla Walla County Code section 6.04.410 are set at \$25.00 and are less than the minimum required by the JIS;

**Whereas** the following findings of fact and conclusions of law are hereby made:

Findings of Fact:

1. The State of Washington Judicial Information System ("JIS") charges in excess of \$25.00 for every ticket entered into the system.
2. The current animal control fines and fees do not compensate the County for animal control duties contracted out to the Blue Mountain Humane Society.
3. The City of Walla Walla has significantly higher fines for animal control law violations.
4. Fines for certain violations of animal control laws are too low to have any deterrent effect on county dog owners.
5. As of April 30 2007, the fine for Walla Walla County Code section 6.04.020 is less than the minimum charged by the State of Washington to use the JIS.
6. As of April 30, 2007, the fine for Walla Walla County Code section 6.04.250 (first offense) is less than the minimum charged by the State of Washington to use the JIS.



7. As of April 30, 2007, the fine for Walla Walla County Code section 6.04.330 is less than the minimum charged by the State of Washington to use the JIS.
8. As of April 30, 2007, the fine for Walla Walla County Code section 6.04.340 is less than the minimum charged by the State of Washington to use the JIS.
9. As of April 30, 2007, the fine for Walla Walla County Code section 6.04.350 (first offense) is less than the minimum charged by the State of Washington to use the JIS.

Conclusions of Law:

1. The proposed fines assure that the County is compensated for costs associated with enforcement of animal control laws.
2. The proposed fines will bring the City of Walla Walla and the County of Walla Walla closer to uniformity.
3. The proposed fees will have a greater deterrent effect for county dog owners.
4. Some fines must be raised in order to be entered into the State of Washington's Judicial Information System.

**WHEREAS**, the Board of County Commissioners held a public hearing on November 26, 2007 for the purpose of receiving testimony for and/or against the proposed fees now therefore,

**BE IT ORDAINED**, by the Walla Walla County Board of County Commissioners that, based on the findings of fact and conclusions of law above, Ordinance 240 is amended as follows, and the following amendments are made to the Walla Walla County Code:

**Section 1. Amendment to Walla Walla County Code Chapter 6.04.070**

**License fee schedule**

A license shall be issued after payment of the applicable fee as follows:

For each unneutered male dog	\$30.00
For each unsprayed female dog	\$30.00
For each neutered male dog	\$15.00
For each spayed female dog	\$15.00

~~Provided, that the applicable fee for dogs attaining the age of six months or owned by owners establishing residency within a County dog control zone as set forth herein, following June 30th of each license year shall be one-half of the scheduled fee.~~

**Section 2. Amendment to Walla Walla County Code Chapter 6.04.110**

**License – Improper use.**



No person may use any license for any dog other than the dog for which it was issued; ~~provided, that following the death of his or her dog, an owner may transfer such license to another dog owned by him, provided that he pays a transfer fee to the licensing authority in the amount of five dollars.~~ It is unlawful to counterfeit or alter any license, license receipt or license tag provided in this chapter, or to take from any dog a license tag legally placed upon that dog with the intent to place it upon another dog. Violation of this section shall be an offense punishable under Section 6.04.410.

### **Section 3. Amendment to Walla Walla County Code Chapter 6.04.150**

#### **License – Duplicate.**

A duplicate license may be obtained upon payment of a ~~one~~ three dollar replacement fee.

### **Section 4. Amendment to Walla Walla County Code Chapter 6.04.180**

#### **Commercial Kennels – Licensing – Vaccinations.**

A. No person shall operate a commercial kennel within a dog control zone without having a valid license posted in plain view on the premises. The animal control authority shall issue a license for a commercial kennel within the dog control zone upon the payment of fifty one hundred dollars. No license shall be issued for a commercial kennel located in violation of any zoning regulation or operated in violation of any other law.

B. Any dog kept in a licensed kennel is not required to be individually licensed; provided, however, that at all times when not securely confined in a kennel, the dog is kept on a suitable leash.

C. Each commercial kennel operator shall cause all dogs over six months of age, kept in the operator's kennel, to be vaccinated against rabies. Any dog for which evidence of vaccination cannot be produced may be impounded in the same manner as otherwise provided in this chapter.

### **Section 5. Amendment to Walla Walla County Code Chapter 6.04.220**

#### **Animal shelter.**

There shall be an animal shelter for detaining animals and facilities for humane disposal of animals, which may be contracted to a private organization. No animal impounded pursuant to this chapter at this animal shelter shall be used, sold, loaned, or given away for ~~medical or~~ research purposes, whether the animal is dead or alive.

### **Section 6. Amendment to Walla Walla County Code Chapter 6.04.250**

#### **Running at large – Restraint requirement.**

All dogs in a dog control zone shall be kept under restraint. It is unlawful for any owner of a dog to permit a dog to run at large or otherwise not under restraint in a dog control zone. A dog that



is able to leave the owner's property on its own will is considered to be at large. Violation of this section shall be an offense punishable under Section 6.04.410.

## **Section 7. Amendment to Walla Walla County Code Chapter 6.04.260**

### **Running at large – Impoundment.**

When an officer is able to apprehend an unrestrained dog, but the owner cannot be easily located, or the officer is not satisfied that the dog can or will properly be restrained by the owner, the officer may elect to impound the dog. In the event of such an impoundment, the owner shall pay all normally accrued impoundment fees set forth in Section 6.04.280 and licensing fee as set forth in Section 6.04.020, if such fees are due, prior to the release of the impounded dog by the animal shelter.

## **Section 8. Amendment to Walla Walla County Code Chapter 6.04.280**

### **Impoundment – Reclamation – Surrender.**

An owner reclaiming an impounded animal shall pay a fee of ~~ten~~ thirty-five (\$35) dollars for the first day, plus ~~five~~ twenty (\$20) dollars for each additional day. ~~the animal has been impounded for the first impoundment in a one-year period. For the second impoundment within a one-year period, the fee shall be ten dollars, plus eight dollars for each day the animal has been impounded. For the third and subsequent impoundment within a one-year period, the fee shall be twenty dollars, plus sixteen dollars for each day the animal has been impounded. Provided, that [T]he impoundment fee for a dangerous animal impounded pursuant to RCW Chapter 16.08 and in which an animal requires a ten day observation, shall be two hundred (\$200) dollars. ten dollars plus eight dollars for each day for the first and second impoundments within a one-year period, and for the third and any subsequent impoundment within a one-year period, the impound fee shall be twenty dollars plus sixteen dollars for each day the animal is impounded. The surrender fee for an animal shall be fifty (\$50) dollars or the actual cost of a spay or neuter, whichever is more.~~

## **Section 9. Amendment to Walla Walla County Code Chapter 6.04.300**

### **Impoundment – Disposition of unclaimed animal.**

Any animal not reclaimed by its owner within seventy-two hours shall become the property of the local government authority and the authorized animal shelter, and shall be placed for adoption in a suitable home, transferred to a rescue facility or organization, or humanely euthanized. ~~A fee of ten dollars shall be charged for euthanizing any animal at the written request of the owner. A file of the written requests shall be maintained at all times by the euthanizing agency.~~

## **Section 10. Amendment to Walla Walla County Code Chapter 6.04.310**

### **Impoundment – Procedures against owner.**



The owner of an impounded animal may also be proceeded against for violation of this chapter for recovery of impoundment or surrender fees.

#### **Section 11. Amendment to Walla Walla County Code Chapter 6.04.350**

##### **Potentially dangerous dogs – Penalty.**

It is unlawful for any owner of a dog to permit his or her dog, in or out of a dog control zone, when unprovoked, to: (a) inflict a bite on a human or a domestic animal either on public or private property, or (b) chase or approach a person upon the public streets, public sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack. Violation of this section shall be an infraction punishable under Section 6.04.410. Upon a finding of "committed" the dog shall be found to be a "potentially dangerous dog" for purposes of RCW Chapter 16.08. [Owners of dogs that have been declared a "potentially dangerous dog" are required to post their property to warn citizens of the potential risk involved in contacts with the dog.]

#### **Section 12. Amendment to Walla Walla County Code Chapter 6.04.410**

##### **Violation – Penalty.**

~~Any person who is convicted of violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as provided in RCW Section 9A.20.021, except that~~ The following offenses shall be deemed infraction which shall be punished only by a fine not to exceed the maximum amount hereinafter set forth:

<b>Section</b>	<b>Title</b>	<b>Penalty</b>
6.04.020	License Required	
	First Offense	\$125.00
	Second Offense	\$175.00
	Third Offense and subsequent offenses Within twelve (12) months, each	\$250.00
6.04.050	License-Falsifying, withholding information	\$125.00
6.04.100	License Tags-Required	\$125.00
6.04.110	License-Improper Use	\$125.00
6.04.190	Walla Walla County Fairgrounds- Dogs Prohibited-When	\$125.00



6.04.200	Confinement of female in heat	
	First Offense	\$125.00
	Each subsequent offense	\$250.00
6.04.210	Responsibility of owner to prevent nuisance	
	First offense	\$125.00
	Second offense	\$175.00
	Third offense and subsequent offenses within twelve (12) months, each	\$250.00
6.04.250	Restraint Requirement-Running at Large	
	First offense	\$125.00
	Second Offense	\$175.00
	Each Subsequent Offense	\$250.00
6.04.330	Excrement Removal	\$125.00
6.04.340	Vaccination Required	\$125.00
6.04.350	Potentially Dangerous Dog	
	First offense	\$125.00
	Second Offense and subsequent offenses, each	\$250.00

Any person found having ~~within one license year~~ been ~~found committed~~ ~~convicted~~ of violating Section 6.04.350 (Potentially dangerous dogs--Penalty) shall ~~in addition to the penalty provided in RCW Section 9A.20.021~~ be punished by a minimum fine of not less than ~~twenty-five~~ seventy dollars on the first commitment, by a minimum fine of not less than one hundred fifty dollars on the second commitment, and by a minimum fine of not less than ~~one~~ two hundred fifty dollars on the third or further commitment. Otherwise, the minimum fines herein shall not be reduced, deferred or suspended. Upon failure to respond to a notice of infraction, or failure to appear at any court hearing, the court may order that the fine for the violation be imposed and that the amount due be immediately assigned to a collection agency for collection.

Any person who has an animal impounded for any cruelty or neglect investigation will be required to pay restitution to the agency which provides service for any incurred medical expenses associated with the evaluation of the animal's health and/or medical expenses associated with returning the animal to a healthy status in addition to the standard impoundment and boarding fees.

**Section 13. Effective Date.** This ordinance is effective immediately upon adoption.





**Section 14. Savings and Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**Section 15. Publication.** This ordinance will be published by an approved summary consisting of the title.

**Section 16. Repealer.** Ordinance 240 §2(part), 1997 shall be repealed.

BE IT HEREBY ORDAINED by this Board of Walla Walla County Board of County Commissioners that they shall approve and sign this ordinance.

Approved this 26th Day of November, 2007



  
Gregg C. Loney, Chairman

  
David G. Carey, Member

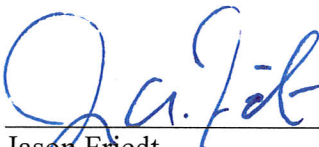
  
Gregory A. Tompkins, Member

Constituting the Board of County Commissioners  
of Walla Walla County, Washington

Attest:

  
Connie R. Vinti, Clerk of the Board

Approved as to form

  
Jason Friedt  
Deputy Prosecuting Attorney





**Sign-In Sheet**  
To consider amending Walla Walla County Ordinance 240 and Walla Walla County Code Chapter 6.04, Dogs and Other Animals.

November 26, 2007

Name	Organization	Mailing Address				Telephone
Please Print		Street				
		City, Zip				
		e-mail				
C. E. (Gene) Whipple	SELF	Street	361 Blueberry Way		509.547.2644	
Please Print		City, Zip	Walla Walla WA 99365			
		e-mail				
Evilyn Whipple	SELF	Street	361 Blueberry Way		509.547.2644	
Please Print		City, Zip	Walla Walla WA 99365			
		e-mail				
Parola Haynes	Humane Society	Street	1504 Ironwood Dr		509 529-7038	
Please Print		City, Zip	Walla Walla WA 99365			
		e-mail				
Marianne Alessio	"	Street	306 E Maple		509.301-0762	
Please Print		City, Zip	Walla Walla WA 99365			
		e-mail				
Zara Archer	"	Street	1125 Bryant		301-2830	
Please Print		City, Zip	Walla Walla WA 99365			
		e-mail				
Mathew Puyger	Humane Society	Street	1998 Carl St		5297208	
Please Print		City, Zip	Walla Walla WA 99365			
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