

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF AMENDING TITLE VI
– ANIMAL WELFARE OF THE ISLAND
COUNTY CODE**

ORDINANCE NO. C- 57 -23

WHEREAS, pursuant to Revised Code of Washington Section 36.32.120, Island County may make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and

WHEREAS, the Board of Island County Commissioners wishes to promote and enforce the safe and humane keeping of animals; and

WHEREAS, the Board of Island County Commissioners wishes to promote public health, safety and welfare; and

WHEREAS, the Board of Island County Commissioners held public meetings to consider a amendments and additions to Title VI of the Island County Code and held a duly noticed public hearing to receive testimony on the proposed amended code; and

WHEREAS, the Board of Island County Commissioners finds that the amendments and additions to Title VI shall promote and enforce the safe and humane keeping of animals and promote the public health, safety, and welfare; **NOW, THEREFORE**,

BE IT HEREBY RESOLVED, the Board of Island County Commissioners hereby amends Title VI of the Island County Code as follows:

- Renaming Title VI;
- Renaming Chapter 6.08;

Adopting NEW Chapters 6.02 ICC, 6.10 ICC, and 6.40 ICC; and

AMENDING the following sections:

ICC 6.04.010, 6.08.020, 6.08.030, 6.08.040, 6.08.050, 6.08.060, 6.08.090, 6.08.130, 6.08.150, 6.08.210, and 6.20.070; and

REPEALING the following sections:

ICC 6.08.183, 6.08.210, 6.08.220, 6.20.020, and 6.20.100; and

Creating NEW sections:

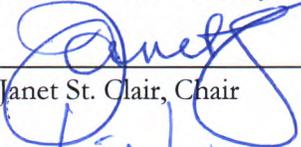
ICC 6.02.010, 6.02.020, 6.08.155, 6.10.010, 6.10.020, 6.10.030, 6.10.040, 6.40.010, 6.40.020, 6.40.030, 6.40.040, 6.40.050, 6.40.060, 6.40.070, 6.40.080, and 6.40.090;

all as shown in Attachment A, in which deleted text is depicted in ~~strikethrough~~ format, and added text is displayed in underlined format.

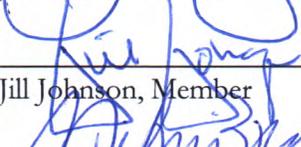
Effective Date: January 1, 2024

ADOPTED this 17th day of October, 2023.

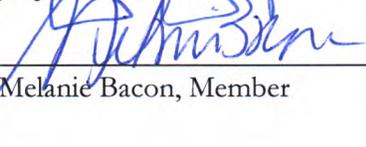
**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**



Janet St. Clair, Chair



Jill Johnson, Member



Melanie Bacon, Member



ATTEST:



Jennifer Roll, Clerk of the Board

APPROVED AS TO FORM:



Gregory M. Banks
Prosecuting Attorney and
Island County Code Reviser

TITLE VI – ANIMALS WELFARE AND CONTROL

Chapter 6.02 – Purpose and Definitions.

6.02.010 - Purpose of Animal Welfare and Control Ordinance.

The purpose of this ordinance is to protect the general public's health, safety, and welfare, and to prevent injury to persons, animals, and property. It is also the purpose of this ordinance to prevent the inhumane treatment of animals and require the humane use and care of animals so that cruelty to such animals is reduced or eliminated. Authority for this chapter is the general police powers of the county.

6.02.020 - Definitions.

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

Animal means any nonhuman mammal, bird, reptile, or amphibian.

Animal control officer or Island County Animal Control Officer means either animal control independent contractors who contract with Island County or animal control officers appointed by the County Sheriff as county employees.

Animal Cruelty means any of the following:

1. Intentionally inflicting substantial pain or causing physical injury to an animal; or
2. Intentionally killing an animal by a means causing undue suffering or while manifesting an extreme indifference to life; or
3. Intentionally forcing a minor to inflict unnecessary pain, injury or death on an animal; or
4. With criminal negligence, starving, dehydrating or suffocating an animal; or
5. With criminal negligence, and in consideration of the animal's species, breed, age, health, medical condition and physical characteristics, exposing an animal to excessive heat or cold and as a result causes either (i) substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or (ii) death; or
6. Knowingly engaging in sexual conduct or sexual contact with an animal; or

7. Knowingly permitting any human sexual conduct or sexual contact with an animal to be conducted on any premises under a person's charge or control; or
8. Knowingly engaging in, organizing, promoting, conducting, advertising, aiding, abetting, participating in as an observer, or performing any service in the furtherance of an act involving any human sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or
9. Knowingly photographing or filming, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal; or
10. Knowingly, recklessly, or with criminal negligence inflicting unnecessary suffering or pain upon an animal; or
11. Knowingly, recklessly, or with criminal negligence failing to provide an animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or
12. Knowingly, recklessly, or with criminal negligence abandoning an animal.

Animal Shelter means an establishment, maintained by local government or supported by charitable contributions, that provides a temporary home for dogs, cats, and other animals that are offered for adoption, and may or may not euthanize homeless animals that have been deemed unsuitable for adoption.

Commercial kennel means a place where, for compensation, five (5) or more adult dogs and/or cats over six months of age, irrespective of duration, are boarded, bred, bought, sold, exhibited or trained.

Facilities owned, operated, or maintained by or under contract to the county, pet shops, designated animal shelters, and veterinary clinics/hospitals where boarding is incidental to treatment are not commercial kennels.

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.

Hearing Examiner means a quasi-judicial entity established under Chapter 16.13 of this code that adjudicates appeals regarding kennel licensing under this Title.

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).

Owner or keeper as used in Title VI are interchangeable and whether it appears as "owner" or "keeper" or any combination of the two terms, unless specifically identified otherwise through context, shall mean any person, or entity that possesses, harbors, keeps, or has control or custody of an animal, regardless of whether the animal is licensed pursuant to the ordinance codified in Title VI.

Pet shop means any for-profit retail establishment or premises open to the public and maintained for the purchase, sale, or exchange of domestic pets and pet care supplies.

Premises means the real property, house, dwelling unit or enclosure that the owner or keeper of a dog or cat has a legal or equitable right to occupy or own. "Premises" does not extend into areas of common ownership or use in the case of easements, trailers parks, apartment complexes, private communities, etc.

Private Kennel means any location where more than ten (10) adult dogs, ten (10) adult cats, or a combination thereof, are kept for personal, non-commercial purposes where the owner(s) does not receive compensation. This definition shall include but not be limited to non-profit animal rescues, shelters, sanctuaries, etc. Animal shelters owned, operated or maintained under contract to the county, pet shops, and veterinary clinics or hospitals where boarding is incidental to treatment are not private kennels.

Recoverable costs or recoverable expenses as referenced in Title VI those cost directly related to boarding and necessary veterinary care.

Service dog means any dog trained to provide a person with specific assistance related to the disability they experience as covered by the Americans with Disabilities Act.

Veterinary clinic or hospital means any establishment or premises operated or devoted to the medical treatment of domestic animals.

Chapter 6.04 - Abandonment of Dogs and Other Animals

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.

It shall be unlawful for any person to leave any animal at, or on the premises of, the Island County Dog Pound or contracted dog shelter facility without first checking said animal into the pound or contracted dog shelter facility, using standard check-in procedures.

Chapter 6.08 - Dog License and Control

6.08.020 - Dog 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.

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.
- 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.

6.08.040 - Guide Service 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 service guide dog for a person experiencing a disability ~~the blind~~, he they 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.

6.08.050 - License fee and other fees.

The annual (calendar year) license fee for each dog and any other fees applicable under chapter 6.08 shall be established by resolution of the Board of Island County Commissioners.

All dogs, cats and ferrets within Island County shall be vaccinated against rabies and revaccinated following veterinary and vaccine manufacturer instructions pursuant to WAC 246-100-197. Owners must provide proof of rabies vaccination to receive a dog license.

6.08.060 - Lost tags.

Lost dog identification tags may be replaced by substitute identification tags upon payment of a fee established by resolution of the Board of Island County Commissioners. ~~one dollar (\$1.00) to Island County.~~

6.08.090 - Control off premises—Authorized off-leash areas.

A. **Control off premises.** Except as provided in [subsection] 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.

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 Public Works Director and/or the North Whidbey Parks and Recreation Department District 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 and R22923-105-3520 located in Section 2317, Township 29 North, Range 23 East of the Willamette Meridian;
 2. Marguerite Brons Memorial Park - designated area, Assessor's Parcel No. ~~R32917-035-0330~~ R 13111-432-4450 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.
 7. Henry Hollow Off Leash Area - designated area 876 West Camano Dr. Assessor's parcel No. R23225-410-4730.

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

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 chapter, 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)

6.08.150 - Grounds for seizure and impound.

If any law enforcement officer or Island County Animal Control Officer has probable cause to believe that the owner or keeper has violated Chapter 16.52 RCW or the provisions of this Title, the officer may seize and impound the animal. Any animal may be seized and impounded by any law enforcement officer or Island County Animal Control officer if said animal is being subjected to cruelty as defined by the Revised Code of Washington.

RCW 16.52.085 provides protection for community members and organizations that provide safe haven and care, without expectation of payment, for animals seized under this section may be protected by RCW 16.52.085.

Dogs may be seized and placed in the Island County Pound or contracted dog shelter facility 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: sections 6.08.090; 6.08.100; 6.08.110; 6.08.120; and 6.08.140.

6.08.155 - Bonding for Care.

Owners shall be required to bond for care of pets being held in custodial care pursuant to RCW 16.52.085(4).

6.08.183 Abandonment unlawful. (Repealed)

- ~~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 or contracted dog shelter facility without first checking~~

~~said animal into the pound or contracted dog shelter facility, using standard check-in procedures.~~

6.08.210 - Enforcement. (Repealed)

- ~~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 chapter 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.~~
- ~~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.~~

6.08.220 - Penalties. (Repealed)

~~A. Civil infractions.~~

- ~~1. A violation of this dog license and control chapter shall be a civil infraction, except when it is a misdemeanor as provided in subsection B. below.~~
- ~~2. Any notice of infraction of this dog license and control chapter shall be processed pursuant to the provisions of Chapter 7.80 RCW and any rules adopted by the Washington Supreme Court and any adopted local court rules.~~
- ~~3. The penalty for a civil infraction shall be a Class 2 civil infraction subject to a one hundred twenty five dollar (\$125.00) civil penalty, not including statutory assessments.~~

~~B. Misdemeanors.~~

- ~~1. Any person committing a third or subsequent violation of provisions of this chapter within a five-year period is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.~~
- ~~2. Any person committing a violation of the provisions of this chapter in which another animal or another person, who does not own or possess the dog, is injured during commission of the violation, or committing a violation of section 6.08.183, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.~~

~~C. The imposition of a penalty under subsection A. or B. 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. or B. above shall not be held to prevent abatement of any violation.~~

Chapter 6.10 - Licensing of Kennels.

6.10.010 - Commercial Kennel License.

Commercial kennels located in the county shall be licensed as required by this section. All applicants seeking a commercial kennel license must submit a completed application for license with all applicable documentation and fees prescribed in the Island County fee schedule. Commercial kennel licenses shall be valid for a twelve-month period and shall be renewed on or before the expiration of such period. The Island County Sheriff Animal Control Division shall mail a notice of renewal to the license holder not less than thirty days prior to the expiration of the license. All applicants requesting renewal of a commercial kennel license must submit a completed renewal application with applicable documentation and fees prescribed in the Island County fee schedule. Late applications for renewal incur additional fees as prescribed in the Island County fee schedule. A license that is not renewed within ninety days after its expiration shall be cancelled. After such cancellation, a facility may only be licensed by submitting a new application under this section, as if the facility had not previously been licensed.

- A. Applications for commercial kennel licenses shall be made to the Island County Sheriff Animal Control Division. Each application shall be in writing and signed and sworn to by the applicant. The application shall contain the following information:
1. The name (including all aliases), home address, and telephone number of the applicant;
 2. The business name, business address, and telephone number of the proposed commercial kennel.
 3. A diagram to scale or approximately to scale of the kennel facility;
 4. A description of the premises where the kennel will be operated, as well as a description of maximum number and types of animals to be accommodated by the proposed business; and
 5. A written statement from the Island County Planning Director that kennels are a permitted use in the zoning district; or verification of an approved Conditional Use Permit as may be required.

B. The following operation standards shall apply to commercial kennels:

1. All animals must have an adequate supply of drinking water, sanitary sleeping quarters, adequate shelter, medical attention, grooming and exercise areas appropriate to their size, breed characteristics and climate;
2. All animals shall be supplied with sufficient good and wholesome food as often as the feeding habits of the respective animals require, but not less than, in the case of puppies or kittens under four months of age, three times every twenty-four hours; and, in the case of adults, at least once every twenty-four hours;
3. Food shall be stored in a fashion that prevents spoilage, contamination or pest infestation;
4. The facilities shall be maintained and operated in a healthful, sanitary manner, generally free from disease and pest infestation;
5. Animal feces shall be properly collected, bagged, sealed, and disposed of daily.
6. Animals shall be immunized from disease as is usual and customary for the animals' age and species.
7. All animals shall be maintained so as to eliminate excessive noise between the hours of 7pm and 7am.
8. Dead animals shall be properly disposed of by freezing and holding for pick up, incineration in a crematorium or other authorized disposal service.
9. Sick animals shall be isolated from healthy ones in quarters adequately ventilated to prevent infection of healthy animals by exposure to sick animals;
10. Kennel Facilities and Housing standards:
 - a. The primary enclosure must be large enough so the animal(s) can sit, stand, lie down, or turn around comfortably, with no overcrowding.
 - b. The primary enclosure shall be constructed and maintained so that animals are securely confined, so that other animals cannot gain entry, and so as to not cause injury to the animal.
 - c. Protection from adverse or extreme weather conditions must be provided.
 - d. While flooring that provides solid footing is preferred, if perforated or non-solid flooring is used in the primary enclosure, it should be comprised of a material featuring a protective coating, be of an appropriate mesh size and structure for the size and weight of the animal to prevent injury (especially to feet) and must be kept in good repair. If perforated or non-solid flooring

is used, a solid platform of sufficient size should be provided to allow the animal(s) to attain solid footing and to offer a space for resting

- e. Facilities must be lighted or provided with enough natural light to provide a regular lighting cycle for the animals.
- f. Bedding material made available to animals should be clean and not pose a risk to the animals.

11. Written records shall be maintained on the premises including vaccinations and dates for all animals boarded or sold; records of new owners names and addresses for each animal sold. Records must be current within three (3) years.

C. The Animal Control Division may deny issuance or renewal of a license and may revoke an existing license upon finding after an investigation any of the following:

- 1. The license fee has not been paid;
- 2. The application does not satisfy the requirements of subsection A of this section;
- 3. Upon the inspection by the Sheriff, the business does not meet the standards for a commercial kennel set forth in subsection B of this section;
- 4. Such license was issued illegally, or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts, or that any of the material facts contained in the application are false;
- 5. The licensee has failed to comply with the commercial kennel operations standards set forth in subsection B.
- 6. A revoked permit is not eligible for reinstatement. A new application must be submitted and approved to relicense a commercial kennel.

D. The Island County Sheriff Animal Control Division shall notify an applicant of the Division's decision to deny an application for a new license or the renewal of an existing license under the provisions of this section, and shall notify any person holding an existing license of the Division's decision to revoke such license under the provisions of this section. Such notifications shall be made in writing, either in person or by certified mail. The notice shall contain the following information:

- 1. The facts upon which the denial or revocation is based and the specific licensing requirements not met.
- 2. That the notice renders the Island County Sheriff Animal Control Division's decision final unless the applicant or licensee submits a request for an administrative appeal hearing to the Division in writing on a form provided with the notice within fourteen (14) calendar days of the issuance of the notice.

E. The Island County Sheriff Animal Control Division's decision is final unless the applicant or licensee requests an administrative appeal hearing as provided in section 6.08.038. If an administrative appeal hearing is requested, within the time allowed per Sec. 6.10.010.D, regarding the Division's decision to not renew,

suspend or revoke a current legally issued license, the Division's decision is stayed and the license shall remain in effect pending final determination of the appeal as provided in this section; provided, the Division may take such other lawful action regarding operation of the commercial kennel as may be required to enforce the provisions of this chapter, chapter 6.08.150 of this code, or Chapter 16.08, 16.52 and 16.54 RCW.

- F. No commercial kennel license, or any renewal thereof, may be issued until the owner or operator thereof allows the Animal Control Division to inspect the premises of the license applicant. Such inspections shall be made during regular business hours. The purpose of such inspection shall be to determine if the commercial kennel does or can meet the standards set forth in subsection A and B and the definition of a Commercial Kennel.

6.10.020 Private Kennel License

Private kennels located in the county shall be licensed as required by this section. All applicants seeking a private kennel license must submit a completed application for license with all applicable documentation and fees prescribed in the Island County Animal Control Division's fee schedule. Private kennel licenses shall be for a twelve-month period and shall be renewed on or before the expiration of such period. All applicants requesting renewal of a private kennel license must submit a completed renewal application with applicable documentation and fees prescribed in the Animal Control Division's schedule. All renewal rights to an existing license shall cease to exist ninety days after the renewal date, and continued operation of the kennel shall be deemed operation of an illegal kennel. The Division shall mail a notice of renewal to the license holder not less than thirty days prior to the expiration of said license.

- A. Applications for private kennel licenses shall be made to Island County Animal Control Division. Each application shall be in writing and signed and sworn to by the applicant. The application shall contain the following information:

1. The name (including all aliases), home address, and telephone number of the applicant;
2. A diagram of the kennel facility, when said facility is anything other than the full and complete area of a private residence; and,
3. A description of the premises where the kennel will be operated, as well as a description of the maximum number and types of animals to be accommodated and nature of the proposed private kennel.

- B. The following operation standards shall apply to private kennels:

1. All animals must have an adequate supply of drinking water, sanitary sleeping quarters, adequate shelter, medical attention, grooming and exercise areas appropriate to their size, breed characteristics and climate;

2. All animals shall be supplied with sufficient good and wholesome food as often as the feeding habits of the respective animals require, but not less than, in the case of puppies or kittens under four months of age, three times every twenty-four hours; and, in the case of adults, at least once every twenty-four hours;
3. Food shall be stored in a fashion that prevents spoilage, contamination or pest infestation;
4. The facilities shall be maintained and operated in a healthful, sanitary manner, generally free from disease and pest infestation;
5. Animal feces shall be properly collected, bagged, sealed, and disposed of daily.
6. Animals shall be immunized from disease as is usual and customary for the animals' age and species.
7. All animals shall be maintained so as to eliminate excessive noise between the hours of 7pm and 7am.
8. Dead animals shall be properly disposed of by freezing and holding for pick up, incineration in a crematorium or other authorized disposal service.
9. Sick animals shall be isolated from healthy ones in quarters adequately ventilated to prevent infection of healthy animals by exposure to sick animals;
10. Kennel Facilities and Housing standards;

- a. The primary enclosure must be large enough so the animal(s) can sit, stand, lie down, or turn around comfortably, with no overcrowding.
- b. The primary enclosure shall be constructed and maintained so that animals are securely confined, so that other animals cannot gain entry, and so as to not cause injury to the animal.
- c. Protection from adverse or extreme weather conditions must be provided.
- d. While flooring that provides solid footing is preferred, if perforated or non-solid flooring is used in the primary enclosure, it should be comprised of a material featuring a protective coating, be of an appropriate mesh size and structure for the size and weight of the animal to prevent injury (especially to feet) and must be kept in good repair. If perforated or non-solid flooring is used, a solid platform of sufficient size should be provided to allow the animal(s) to attain solid footing and to offer a space for resting
- e. Facilities must be lighted or have access to enough natural light to provide a regular lighting cycle for the animals.
- f. Bedding material made available to animals should be clean and not pose a risk to the animals.

11. Written records shall be maintained on the premises including vaccinations and dates for all animals. Records must be current within three (3) years.

C. The Animal Control Division may deny issuance or renewal of a license and may revoke an existing license upon finding after an investigation any of the following:

1. The license fee has not been paid;
2. The application does not satisfy the requirements of subsection A of this section;

3. Upon the inspection by the director, the premises does not meet the standards for a private kennel set forth in subsection B of this section;
 4. Such license was issued illegally, or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts, or that any of the material facts contained in the application are false;
 5. The licensee has failed to comply with the private kennel operations standards set forth in subsection B.
 6. A revoked permit is not eligible for reinstatement. A new application must be submitted and approved to relicense a private kennel.
- D. The Island County Sheriff Animal Control Division shall notify an applicant of the Division's decision to deny an application for a new license or the renewal of an existing license under the provisions of this section and shall notify any person holding an existing license of the Division's decision to revoke such license under the provisions of this section. Such notifications shall be made in writing, either in person or by certified mail. The notice shall contain the following information:
1. The facts upon which the denial or revocation is based and the specific licensing requirements not met.
 2. That the notice renders the Island County Sheriff Animal Control Division's decision final unless the applicant or licensee submits a request for an administrative appeal hearing to the Division in writing on a form provided with the notice within fourteen (14) days of the issuance of the notice.
- E. The Island County Sheriff Animal Control Division's decision is final unless the applicant or licensee requests an administrative appeal hearing as provided in section 6.08.038. If an administrative appeal hearing is requested, within the time allowed per Sec. 6.10.020.D, regarding the Division's decision to not renew, suspend or revoke a current legally issued license, the Division's decision is stayed and the license shall remain in effect pending final determination of the appeal as provided in this section; provided, the Division may take such other lawful action regarding operation of the commercial kennel as may be required to enforce the provisions of this chapter, chapter 6.08.150 of this code, or Chapter 16.08, 16.52 and 16.54 RCW.
- F. No Private kennel license, or any renewal thereof, may be issued until the owner or operator thereof allows the Animal Control Division to inspect the premises of the license applicant. Such inspections shall be made during regular business hours. The purpose of such inspection shall be to determine if the private kennel does or can meet the standards set forth in subsections A and B and the definition of a Private Kennel.

Chapter 6.10.030 - Monitoring and enforcement.

- A. The Animal Control Division may inspect the premises of a Commercial Kennel at any time to ensure compliance with the provisions of this section. The Island County Animal Control Division shall make inspections in response to complaints to inspect a licensed kennel for conformity with the provisions of this chapter.

- B. Upon a finding by the Animal Control Officer of noncompliance with the provisions of this chapter, the Island County Animal Control Division shall send a letter to the license holder of the noncomplying kennel informing him/her or her of its findings.
 - 1. The owner of the kennel shall have thirty (30) days to comply with these provisions. Continuing noncompliance after thirty (30) days, or receipt of two operational noncompliance letters within 180 days, shall constitute a failure to comply with a mandatory provision of an Island County ordinance, and the license shall be revoked.

 - 2. In the event that failure to obtain or renew a kennel license, filing of a complete application shall stay the term of noncompliance for the duration of the application review period.

6.10.040 - Administrative Appeal Process

If an administrative appeal hearing is requested concerning the denial of a kennel license, such hearing and appeal will be held and adjudicated pursuant to this section.

- A. The applicant for a kennel license (applicant) has twenty (20) days from the Sheriff's decision to submit a written petition for an administrative appeal hearing to the Island County Clerk. The hearing shall be held before the county Hearing Examiner, as appointed under chapter 16.3, Island County Code. The hearing shall be held within thirty (30) days after the receipt of such request, unless it is continued by the Hearing Examiner based on a showing of good cause. The General Services Administration Department shall notify the applicant of the date, time, and place of the hearing at least ten days before the hearing date, which time for notification may be shortened by the Examiner based on the agreement of the parties or good cause.

- B. The administrative appeal hearing shall be electronically recorded. All testimony at the hearing shall be taken under oath. The hearing shall be conducted in accordance with the hearing examiner rules of procedure adopted by the Hearing Examiner to the extent such rules are relevant and are not in conflict with this section.

- C. The hearing shall be held in public. Testimony and evidence shall be accepted from the appellant and the County. All evidence from these parties bearing on the question of whether the Division's decision is proper under the provisions of this section may be received at the administrative appeal hearing.

- D. The hearing examiner shall issue a written decision and mail a copy of the decision to the applicant for kennel license by regular mail, and to the Animal Control Division and other parties of record by email, within 30 days of the appeal hearing. The hearing examiner's decision shall be to affirm, reverse, or modify the denial of the kennel license. The decision of the hearing examiner shall be final and binding, unless appealed to Superior Court.
- E. The Hearing Examiner's decision shall be rendered within 30 days of the hearing. The Hearing Examiner may uphold the denial or revocation or reverse the denial or revocation.
- F. If the Hearing Examiner reverses the Animal Control Division's decision, the Division shall cause the license to be issued, renewed or reinstated forthwith.
- G. The determination of the Hearing Examiner shall be final unless timely appealed to Superior Court within twenty-one (21) days.

Chapter 6.20 - Inherently Dangerous Mammals

6.20.020 Definitions. (Repealed)

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

~~**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.~~

~~**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.~~

~~**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).~~

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 section 6.20.030.B. hereinabove to notify ~~the animal control officer~~ ICOM by phone at 911 of such fact, within thirty (30) minutes.

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

6.20.100 Violations—Civil infraction—Enforcement authority. (Repealed)

- 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 chapter. 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.~~

Chapter 6.40 - Violations and Enforcement.

6.40.010 – Establishment of Animal Control Division.

- A. There is established within the Office of the Sheriff an Animal Control Division. The Animal Control Division shall consist of either animal control independent contractors who contract with Island County, or so many animal control officers as may be authorized by the Board of County Commissioners in the annual budget. The Animal Control Division shall be administered by the Sheriff.
- B. Enforcement of all provisions of this title shall be the responsibility of the Sheriff.
- 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.
- D. Kennel Licenses shall be obtained from the Island County Animal Control Division.

6.40.020 - Enforcement Authority.

The animal control officer, the Island County Sheriff and deputies, and any other law enforcement officer are enforcement officers within the meaning of Chapter 7.80 RCW.

6.40.030 - Notice of Civil Infraction.

Rules and procedures relating to the processing of infractions shall be as stated in Chapter 7.80 RCW as now existing or as hereinafter amended.

6.40.040 General Enforcement and Penalties.

Except as otherwise noted in this chapter, it shall be unlawful and punishable as a Class 2 civil infraction under Chapter 7.80 RCW for any person or corporation to violate the provisions of this chapter. Each day on which such violation continues shall constitute a separate Class 2 civil infraction

6.40.050 – Enforcement of Animal Abandonment and License and Control Code.

A. Civil infractions.

1. A violation of Chapter 6.04 ICC (Abandonment of Dogs and other Animals) or of Chapter 6.08 ICC (License and Control) shall be a civil infraction, except when it is a misdemeanor as provided in subsection B. below.
2. Any notice of infraction of said chapter(s) shall be processed pursuant to the provisions of Chapter 7.80 RCW and any rules adopted by the Washington Supreme Court and any adopted local court rules.
3. The penalty for a civil infraction shall be a Class 2 civil infraction subject to a one hundred twenty-five dollar (\$125.00) civil penalty, not including statutory assessments.

B. Misdemeanors.

1. Any person committing a third or subsequent violation of provisions of said chapter(s) within a five-year period is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.
2. Any person committing a violation of the provisions of said chapter(s) in which another animal or another person, who does not own or possess the dog, is injured during commission of the violation, or committing a violation of section 6.08.183, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.

- C. The imposition of a penalty under subsection A. or B. 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. or B. above shall not be held to prevent abatement of any violation.

6.40.060 – Enforcement of Kennel Licensing Code.

- A. Failure to obtain a commercial kennel license or a private kennel license is deemed a violation Chapter 6.10 ICC (Licensing of Kennels).
1. A violation of the provisions of Chapter 6.10 ICC (Licensing of Kennels) shall be a Class 1 civil infraction, subject to a two hundred fifty dollar (\$250.00) civil penalty, not including statutory assessments, except when it is a misdemeanor as provided in subsection 2. below.
 2. Any person committing a second or subsequent violation of provisions of Chapter 6.10 ICC is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.
- 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. or B. above shall not be held to prevent abatement of any violation.

6.40.070 – Enforcement of Inherently Dangerous Mammals Code.

- A. Civil infractions.
1. A violation of Chapter 6.20 ICC (Inherently Dangerous Mammals) shall be a Class 2 civil infraction, except when it is a misdemeanor as provided in subsection B. below.
 2. Any notice of infraction of said chapter shall be processed pursuant to the provisions of Chapter 7.80 RCW and any rules adopted by the Washington Supreme Court and any adopted local court rules.
 3. The penalty for a civil infraction shall be a Class 2 civil infraction subject to a one hundred twenty-five dollar (\$125.00) civil penalty, not including statutory assessments.
- B. Misdemeanors.
1. Any person committing a third or subsequent violation of provisions of said chapter within a five-year period is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.
 2. Any person committing a violation of the provisions of said chapter in which another animal or another person, who does not own or possess the dog, is injured during commission of the violation, or committing a violation of section 6.08.183, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.
- C. The imposition of a penalty under subsection A. or B. 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. or B. above shall not be held to prevent abatement of any violation.

6.40.080 - Animal Cruelty.

Animal Cruelty shall be unlawful and punishable as either a Class C felony or a gross misdemeanor under RCW 16.52.205 and RCW 16.52.207, respectively.

6.40.090 - Reimbursement for Care.

Where an animal is seized or impounded pursuant to this Title, and where a judicial officer or hearing examiner finds that a violation of this Title has occurred, any shelter, humane society or animal rescue organization under contract with the County to shelter or care for seized or impounded animals shall be entitled to be reimbursed by the owner or keeper of said animals for the costs of the shelter and care provided.