

the full and actual costs and expenses of keeping and impounding the dog, including any fees paid by the animal control authority to third-party contractors for impounding or keeping of the dog, if the dog is later adjudicated to be a dangerous dog, or if the owner does not object to the declaration.

(b) When a dog has been impounded pursuant to BCC 2.20.160(a) and it is not contrary to public safety, the chief animal control officer shall permit the dog to be confined at the owner's expense in an approved kennel or veterinary facility; provided, that such arrangement shall be contingent upon the owner paying all costs incurred thus far by the animal control authority, including any impound or confinement fees paid by the animal control authority to any third-party contractor. Such payment shall be paid in advance of the dog being permitted to be confined at an approved kennel or veterinary facility in lieu of continued confinement at a County-operated or contracted facility.

[Ord. 234 (1991) **fi** 16; Ord. 463 (2008) § 2; Ord. 520 (2012) § 7]

2.20.170 DANGEROUS DOGS--REQUIREMENTS FOR PERMIT. The animal control authority shall issue a permit to the owner of a dangerous dog if the owner presents to the animal control authority sufficient evidence of:

(a) a proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and

(b) a surety bond, issued by a surety insurer qualified under Chapter 48.28 RCW or as thereafter amended, in a form acceptable to the animal control authority in the sum of at least two-hundred fifty thousand dollars, payable to any person injured by the dangerous dog; or

(c) a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW or as thereafter amended in the amount of at least two-hundred fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.

[Ord. 234 (1991) **fi** 17; Ord. 520 (2012) § 8]

2.20.180 DANGEROUS DOGS--VACCINATION. Before a permit is issued for any dangerous dog, the permit applicant must present evidence that the dog has been vaccinated against rabies. Such evidence shall be a certificate of vaccination signed by a licensed veterinarian, and the certificate shall show that the vaccination does not expire within six months from the effective date of the dog permit.

[Ord. 234 (1991) **fi**18]

2.20.190 DANGEROUS DOGS--PERMIT REQUIRED. The owner of a dangerous dog shall obtain a permit for the dangerous dog from the animal control authority pursuant to BCC 2.20.170 and shall be required to pay the fee for such permit. In addition, the owner of a dangerous dog shall pay an annual renewal fee for each dangerous dog permit under this section and shall submit proof of compliance with BCC 2.20.170 herein.

No permit or renewal thereof shall be issued to the owner of a dangerous dog until all prior unpaid impounding and/or boarding fees have been paid.

[Ord. 234 (1991) **fi**19]

[**NOTE:** This chapter is continued on the following page.]

2.20.200 DANGEROUS DOGS--FEES. The permit fee for each dangerous dog shall be \$500.00 with an annual renewal fee of \$100.00, or as hereafter established by resolution of the Board of County Commissioners, and shall be paid to the animal control authority.

[Ord. 234 (1991) **fi** 20]

2.20.210 POTENTIALLY DANGEROUS DOGS--FAILURE TO OBTAIN PERMIT--CIVIL PENALTY. Any owner of a potentially dangerous dog who fails to obtain a permit or renewal for such dog as described in BCC 2.20.090 shall be assessed a civil penalty in the amount of \$250.00; provided, however, that no such civil penalty shall be assessed until ten business days have elapsed from the date such owner is notified by the animal control authority that such a permit or renewal for such potentially dangerous dog is required, or until any appeal brought under BCC 2.20.060 has been completed, whichever is later.

In addition, the owner shall be subject to the provisions of BCC 2.20.230.

[Ord. 234 (1991) **fi** 21; Ord. 520 (2012) § 9]

2.20.220 DANGEROUS DOGS--FAILURE TO OBTAIN PERMIT--CIVIL PENALTY. Any owner of a dangerous dog who fails to obtain a permit or renewal for such dog as set forth in BCC 2.20.190 shall be assessed a civil penalty in the amount of \$500.00; provided, however, that no such civil penalty shall be assessed until ten business days have elapsed from the date such owner is notified by the animal control authority that such a permit or renewal for such dangerous dog is required, or until any appeal brought under BCC 2.20.150 has been completed, whichever is later.

In addition, the owner shall be subject to the provisions of BCC 2.20.230.

[Ord. 234 (1991) **fi** 22; Ord. 520 (2012) § 10]

2.20.230 FAILURE TO OBTAIN PERMIT--IMPOUNDMENT--FEES--DESTRUCTION. Any dangerous dog or potentially dangerous dog for which a permit, or renewal thereof, has not been obtained by its owner, pursuant to BCC 2.20.090 and/or BCC 2.20.190, is subject to being impounded by the animal control authority.

The owner of any potentially dangerous dog or dangerous dog so impounded shall be liable for the actual costs incurred by the animal control authority in impounding and boarding the dog including any fees or costs paid to third-party contractors utilized to provide services in this regard. Such costs must be paid in full to the animal control authority prior to recovering possession of the dog.

Any potentially dangerous dog or dangerous dog impounded due to the failure of the owner of such dog to obtain the required permit, or renewal thereof, and which remains impounded for a period of at least three (3) days, subject to the ten (10) day appeal process in BCC 2.20.060 and BCC 2.20.150, due to the failure of the owner to obtain such permit, or renewal thereof, may be destroyed in an expeditious and humane manner by the animal control authority. The owner shall be assessed the full actual cost of destroying such dog. Such civil penalty is subject to collection in any manner allowed by law.

[Ord. 234 (1991) **fi** 23; Ord. 463 (2008) § 3]

2.20.240 DANGEROUS DOGS--OUTSIDE PROPER ENCLOSURE AND UNRESTRAINED--CIVIL PENALTY. It is unlawful for the owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

Any owner who violates this provision shall be subject to the provisions of BCC 2.20.250.

[Ord. 234 (1991) **fi** 24]

2.20.250 DANGEROUS DOGS--CONFISCATION--DESTRUCTION--VIOLATIONS--FEES--CIVIL PENALTY. Any dangerous dog shall be immediately confiscated by an animal control authority if the:

(a) owner has not validly obtained a permit for the dog under BCC 2.20.170;

(b) owner does not secure either a surety bond or the liability insurance coverage required under BCC 2.20.170;

(c) dog is not maintained in a proper enclosure;

(d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person as described in BCC 2.20.240.

(e) In addition, the owner shall be guilty of a gross misdemeanor pursuant to RCW 16.08.100(1) for noncompliance with this section.

(f) The owner of any dog confiscated under this section may recover such dog from the animal control authority upon the payment of a civil penalty in the amount of five hundred dollars (\$500.00), and upon reimbursing the animal control authority for all its expenses incurred thus far, including any fees and costs paid to third-party contractors contracted to provide services in this regard; provided, however, that in the event the owner has not picked up the dangerous dog within three (3) business days of being notified by the animal control authority that such dog is under the control of such authority, the dog shall be destroyed in an expeditious and humane manner and the owner shall be assessed an additional civil penalty in the amount of the costs incurred by the animal control authority for the destruction of such animal.
[Ord. 234 (1991) § 25; Ord. 463 (2008) § 4; Ord. 520 (2012) § 11]

[NOTE: This chapter is continued on the following page.]

2.20.260 DANGEROUS DOG--ATTACKS--CONFISCATION--DESTRUCTION--VIOLATIONS AND PENALTIES. If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony punishable pursuant to RCW 16.08.100(2). In addition, the dangerous dog shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

The owner of any dangerous dog confiscated and destroyed pursuant to this section shall be assessed a civil penalty consisting of all costs incurred by the animal control authority for the seizure, impounding, boarding and destroying of such dangerous dog. Such civil penalty shall be subject to collection in any manner permitted by law.

[Ord. 234 (1991) **fi** 26; Ord. 463 (2008) § 5]

2.20.270 INJURY OR DEATH--CONFISCATION--DESTRUCTION--VIOLATIONS AND PENALTIES. The owner of any dog that aggressively attacks and causes severe injury or death of any human, regardless of whether there has been any previous determination of whether such dog is potentially dangerous or dangerous, shall be guilty of a class C felony punishable pursuant to RCW 16.08.100(3).

In addition, the dog shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

The owner of any dangerous dog confiscated and destroyed pursuant to this section shall be assessed a civil penalty consisting of all costs incurred by the animal control authority for the seizure, impounding, boarding and destroying of such dangerous dog. Such civil penalty shall be subject to collection in any manner permitted by law.

[Ord. 234 (1991) **fi** 27; Ord. 463 (2008) § 6]

2.20.280 DOG FIGHTS. Any person entering a dog in a dog fight is guilty of a class C felony punishable pursuant to RCW 16.08.100(4).

[Ord. 234 (1991) **fi** 28]

2.20.290 ENFORCEMENT. All fees and civil penalties required to be paid by owners for violations of the provisions of this chapter shall be made to the animal control authority.
[Ord. 234 (1991) **fi** 29]

2.20.300 PAYMENT REQUIRED BEFORE RETURN OF DOG. No potentially dangerous dog or dangerous dog confiscated by the animal control authority shall be returned to any owner until such owner has paid all fees and civil penalties which have been assessed against such owner under this chapter.
[Ord. 234 (1991) **fi** 30]

2.20.310 LIEN FOR NONPAYMENT OF FEES AND CIVIL PENALTIES. Benton County shall have the authority to place a lien upon the real property of any owner of a potentially dangerous dog or dangerous dog against whom fees and/or a civil penalty has been assessed under this chapter who has been given notice of such fees and/or civil penalty and has failed to pay such fees and/or civil penalty; provided, however, that, in the case of a civil penalty, no such lien shall be placed until thirty days have elapsed from the date of any final determination of the validity of such civil penalty.
[Ord. 234 (1991) **fi** 31]

2.20.320 HEARINGS. Any owner against whom a civil penalty has been assessed under this chapter may contest such civil penalty by written request for a hearing in the Benton County District Court within ten working days of notification of such civil penalty by the animal control authority.
[Ord. 234 (1991) **fi** 32]

2.20.330 FAILURE TO COMPLY. An owner who fails to pay a civil penalty assessed under this chapter within 30 days after exhausting any appellate remedies shall be guilty of a misdemeanor and prosecuted in the Benton County District Court.
[Ord. 234 (1991) **fi** 33]

2.20.340 JURY TRIALS PROHIBITED. No right to jury trial exists in any hearing or actions brought under this chapter except as required by the United States and/or Washington State Constitutions.
[Ord. 234 (1991) **fi** 34]

2.20.350 DESTRUCTION PENDING RESOLUTION OF HEARINGS--ADDITIONAL COSTS. Where an owner has requested a hearing pursuant to BCC 2.20.320 no potentially dangerous dog or dangerous dog which is in the possession of the animal control authority shall be destroyed until the resolution of such hearing; provided, however, that an additional cost in the amount of the actual per-day cost to the animal control authority for boarding such dog, including any cost of paying a third-party contractor for services, shall be assessed against any owner whose dog remains in the custody of the animal control authority during such hearings and where resolution of such hearing is that all or any part of the civil penalty against such owner is found to be properly assessed.
[Ord. 234 (1991) **fi** 35; Ord. 463 (2008) § 7]

2.20.360 PAYMENT OF CIVIL PENALTIES REQUIRED. Following resolution of any contested hearing regarding a civil penalty, the owner of any dangerous dog or potentially dangerous dog in the possession of the animal control authority shall pay, prior to the dog's return as provided in BCC 2.20.300, all fees and civil penalties which may have been assessed as authorized above within three days of the final resolution of any hearing regarding such civil penalties.
[Ord. 234 (1991) **fi** 36]

2.20.370 DESTRUCTION UPON RESOLUTION OF HEARING--ADDITIONAL CIVIL PENALTY. Any dangerous dog or potentially dangerous dog which has not been picked up from the animal control authority by its owner within three (3) days of the final resolution of any hearing regarding any civil penalties under this chapter shall be destroyed in an expeditious and humane manner; provided, however, that an additional civil penalty in the amount of the actual costs incurred by the animal control authority for impounding, boarding, and destroying such dog shall be assessed against the owner, and may be collected in any manner provided by law.
[Ord. 234 (1991) **fi** 37; Ord. 463 (2008) § 8]

2.20.380 LOCATION AND RELOCATION OF POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS.

(a) The owner of any dog found to be potentially dangerous or dangerous must advise the animal control authority in writing of each address the dog is located if (1) the dog is at a location for longer than thirty (30) days and (2) such location is different from the address or location on the original permit issued by the animal control authority.

(b) If an owner of a potentially dangerous or dangerous dog sells, gives away, or otherwise disposes of such dog, the owner shall notify the animal control authority of the new owner and location, who must comply with this chapter if moved within Benton County.

(c) The animal control authority will enforce and give effect to determinations of other jurisdictions regarding dangerousness if such determination may lead to a similar determination in Benton County when a dog from another jurisdiction, which has been determined potentially dangerous, dangerous, or such other designation regarding dangerousness in that jurisdiction, is brought to Benton County for a period of more than 30 days, the owner of such dog shall notify the animal control authority. Such owner and dog shall be subject to this chapter.

(d) If a dog which has been declared potentially dangerous or dangerous is destroyed or dies, the owner must present sufficient evidence of that fact to the animal control authority or the owner shall be further subject to the requirements of this chapter, including permit requirements.

(e) Any owner of a dangerous dog or potentially dangerous dog found to be in violation of this section shall be assessed a civil penalty in the amount of \$250.00.

[Ord. 234 (1991) **fi** 38]

2.20.390 PENALTIES. In addition to or as an alternative to any civil penalty provided in this chapter or by law, any person who violates this chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000 and/or imprisonment for a term not to exceed ninety (90) days, unless otherwise indicated.

[Ord. 234 (1991) **fi** 39]

2.20.400 RESTITUTION. The court enforcing the provisions herein may grant restitution.
[Ord. 234 (1991) **fi** 40]

2.20.410 IMMUNITY. Benton County, the animal control authority and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this chapter, or for any failure to take action to enforce the provisions of this chapter. It is not the purpose or intent of this chapter to create on the part of Benton County or its agents any special duties or relationships with specific individuals. This chapter has been enacted for the welfare of the public as a whole.
[Ord. 234 (1991) **fi** 41]

2.20.420 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.
[Ord. 234 (1991) **fi** 42]

2.20.430 APPLICABILITY. This chapter shall apply to all of Benton County, Washington.
[Ord. 234 (1991) **fi** 43]

2.20.440 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 234 (1991) **fi** 44]