

ORDINANCE #490

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT
AMENDING ORDINANCE #465 TO DEFINE AND PROVIDE PENALTIES FOR
ACTS OF ANIMAL CRUELTY.**

Whereas, the Town Council of the Town of Yacolt, Washington is in regular session this 6th day of February, 2012;

Whereas, each member of the Town Council have had notice of the time, place and purpose of said meeting; and,

Whereas, the Town Council desires to amend the Town's Ordinance #465 to address matters pertaining to cruelty to animals:

NOW THEREFORE, be it Ordained by the Town Council of the Town of Yacolt, Washington:

Section 1 - Purpose.

It is hereby declared to be the public policy of the Town of Yacolt to adopt and enforce measures deemed desirable and necessary for the protection of the health, welfare and safety of the residents and animals of Yacolt, and to prevent cruelty to animals. To this end, it is the purpose of this Ordinance to prevent or curtail inhumane treatment to animals.

Section 2 - Amendment of Section 16 of Ordinance #465.

Section 16 of Ordinance #465 of the Town of Yacolt, adopted June 21, 2010, is hereby amended to read as follows:

Section 16. Attacker Dogs and Cruelty to Animals

- A. **Attacker Dogs:** It is unlawful for anyone to own, harbor, or have custody of any dog which, without sufficient provocation, has bitten or attacked any person, livestock, or domesticated animal so as to cause bodily injury. Such owner or custodian shall be directed to abate and remove such dog from the Town of Yacolt within ninety-six hours of the date and hour of service of such Order. Such Order to Abate attacker shall state the method of and the timeline for appealing the order as provided for in Section 26. If such dog is found within the Town of Yacolt after ninety-six hours have elapsed from the date and hour of service of the order, such dog may be apprehended and removed by the dog control agent and disposed of immediately with no right of redemption by any person and costs to be charged to the owner/custodian; provided, that if a timely appeal from the summary order to abate is filed, such dog shall not be disposed of unless and until such order is affirmed; and provided further, that in no event shall such dog be disposed of until the appeal period has expired.

- B. Cruelty to Animals: The following, singly or together, are deemed to constitute cruel treatment to animals. Therefore, it is unlawful for any person, firm, or corporation to:
1. Willfully and cruelly kill, injure, poison, torture or torment any animal;
 2. Intentionally or negligently cause or allow any animal to endure pain, suffering or injury, or to fail or neglect to aid or attempt to alleviate pain, suffering or injury, including not providing needed veterinarian care, he has so caused to any animal;
 3. Neglect or fail to provide minimum care to any animal within his care, custody or control. For the purpose of this section, "minimum care" means care sufficient to preserve the health and well-being of an animal and except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:
 - a). In each period of twenty-four (24) consecutive hours, food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
 - b). in each period of twenty-four (24) consecutive hours, open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Neither snow nor ice is an adequate water source;
 - c). In the case of pet or domestic animals, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun, and which has adequate bedding to protect against cold and dampness;
 - d). In the case of livestock, protection from adverse environmental elements detrimental to the health and well-being of the animal;
 - e). Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease;
 - f). Pet or domestic animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a

dry place for the animals to rest. The air temperature in a confinement area must be suitable for the animal involved. The confinement area must be kept reasonably clean and free from excess waste or other contaminants which could endanger the animal's health and well-being;

4. Tether, confine or restrain any animal in such a way as to permit said animal to become frequently entangled in such tether, or render said animal incapable of consuming food or water provided for it, or failing to allow adequate space for freedom of movement necessary when tethered for extended periods of time. Said tether is not be shorter than three times the length of the animal, measured from the tip of its nose to the base of its tail;
5. Abandon any animal by dropping off or leaving said animal on the street, road, or highway, or in a public place, or the private property of another person, firm or corporation;
6. Confine an animal within or on a motor vehicle or other enclosure or structure when unattended and under such conditions as may endanger the health and well-being of the animal. Such conditions include, but are not limited to, dangerous temperature, lack of food or water, and confinement with a vicious animal;
7. Knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to domesticated animals or livestock;
8. Knowingly and intentionally, whether for amusement of self or others, or for financial gain, cause any animal to fight or injure any other animal, cause it to be fought or injured by any animal, or train or keep for the purpose of training any animal with the intent that the animal shall be exhibited combatively with any other animal. Anyone who permits such conduct on premises under that person's control, and any person present as a spectator at that exhibition shall be considered a violator of this subsection and subject to punishment upon conviction;
9. Transport or confine any living animal on the outside part of a motor vehicle except when attached to or enclosed in the vehicle by a harness, leash, cage or other enclosure which protects the animal from falling or being thrown from the vehicle and which prevents the animal from leaving the vehicle

while unattended. The outside part of a motor vehicle includes the running board, fender or hood of any motor vehicle or the flatbed of a truck and/or the open portion (bed) of a pickup truck;

10. Sell or offer for sale or to give away, or display any living baby rabbits, chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to have an artificial color;
11. Abandon or transfer to another person by gift, sale or exchange for consideration any animal while on public property;
12. Trap any domestic animal with a device other than a humane live animal trap.

Section 3 - Amendment of Section 21 of Ordinance #465.

Section 21 of Ordinance #465 of the Town of Yacolt, adopted June 21, 2010, is hereby amended to read as follows:

Section 21. Civil Penalty

- A. The designated animal control agent shall impose one of the following fines if the agent or employee thereof has reasonable grounds to believe that a dog or cat is in violation or is being maintained in violation of this Ordinance. The penalties assessed against any person within any twelve month period shall be as follows:

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
Unlicensed dog	\$ 25.00	\$ 50.00	\$ 100.00
Unlicensed cat	\$ 25.00	\$ 50.00	\$ 100.00
Obstructing an officer	\$ 100.00	\$ 200.00	\$ 400.00
Vicious behavior (Dog)	\$ 200.00	\$ 300.00	\$ 500.00
Attacker (Dog)	\$ 200.00	\$ 300.00	\$ 500.00
Cruelty to Animals	\$ 250.00	\$ 500.00	\$1,000.00
All other violations	\$ 50.00	\$ 100.00	\$ 200.00

- B. The Town intends that the civil penalty provided in this Ordinance shall generally be applied to first violations or other violations when deemed effective. The criminal penalty shall be issued when in the

opinion of the prosecuting attorney, in consultation with a representative of the Town of Yacolt, the civil remedy will not be effective, timely, or when the violation is a second or subsequent violation.

Section 4 - Amendment of Sub-Section 25A of Ordinance #465.

Sub-Section 25A of Ordinance #465 of the Town of Yacolt, adopted June 21, 2010, is hereby amended to read as follows:

Section 25. Hearing Officer - Powers and Duties

- A. The hearing officer shall hear all appeals from the following decisions of the designated animal control agent and/or designated custodian of impounded dogs or cats:
1. Notice of Civil Violation and/or Order to Abate;
 2. Order to Abate Habitual Violator;
 3. Order to Abate Attacker;
 4. Order to Abate Animal Cruelty;
 5. Denial of Redemption;
 6. Amount of redemption fee; and,
 7. Amount of license fee required in this Ordinance.

Section 5 - Amendment of Section 32 of Ordinance #465.

Section 32 of Ordinance #465 of the Town of Yacolt, adopted June 21, 2010, is hereby amended to read as follows:

Section 32. Misdemeanor - Penalties

- A. Any of the following violations of this Ordinance is a misdemeanor punishable upon conviction by not more than one year in jail and/or a fine not to exceed one thousand dollars:
1. Section 13 - Vicious Behavior
 2. Section 19 - Obstruction of Animal Control Agent
 3. Section 23 - Habitual Violator
 4. Section 16B - Cruelty to Animals

- B. Any violation of any other provision of this Ordinance shall be a misdemeanor punishable by a fine of not more than one thousand dollars.

Section 6 - Amendment of Section 28 of Ordinance #465.

Section 28 of Ordinance #465 of the Town of Yacolt, adopted June 21, 2010, is hereby amended by adding the following sentence to the end of the final paragraph as follows:

Redemption may also be denied to an owner who has cruelly treated such animal as defined in Section 16B.

Section 7 - Savings Clause.

All terms of Ordinance #465, as amended, shall remain in full force and effect until the effective date of this Ordinance #490. As of and following the effective date of this Ordinance #490, the remaining terms of Ordinance #465 shall remain in full force and effect as amended hereby.

Section 8 – Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain in full force and effect.

Section 9 - Effective Date.

This Ordinance shall take effect on February 15, 2012, following publication of the following summary, according to law.

Town of Yacolt - Summary of Ordinance #490

The Town Council of the Town of Yacolt adopted Ordinance #490 at its regularly scheduled Town Council meeting held on February 6, 2012. The content of the Ordinance is summarized in its title as follows:

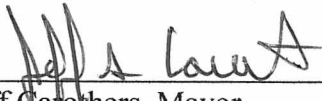
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT AMENDING ORDINANCE #465 TO DEFINE AND PROVIDE PENALTIES FOR ACTS OF ANIMAL CRUELTY. The effective date of the Ordinance is February 15th, 2012.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 15th day of February, 2012.
Cindy Marbut, Town Clerk/Treasurer

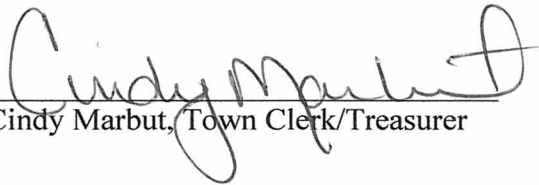
PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 6th day of February, 2012.

TOWN OF YACOLT



Jeff Carothers, Mayor

Attest:



Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

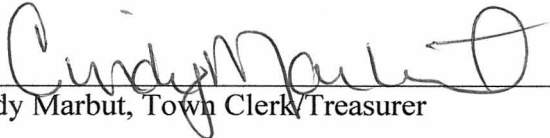
David W. Ridenour, Town Attorney

Ayes: Newell, Holyk, Myers, Urias
Nays: Hall
Absent: _____
Abstain: _____
Published: 2/15/2012
Effective: 2/15/2012

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #490 of the Town of Yacolt, Washington, entitled "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT AMENDING ORDINANCE #465 TO DEFINE AND PROVIDE PENALTIES FOR ACTS OF ANIMAL CRUELTY", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:



Cindy Marbut, Town Clerk/Treasurer

Published: _____
Effective Date: _____
Ordinance Number: _____

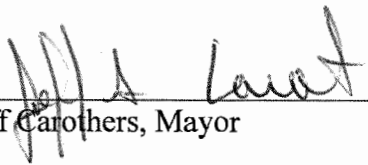
MINISTERIAL CHANGES TO ORDINANCE #490

A 2016 review of Ordinances revealed several typographical errors with Ordinance #490.

The Summary of Ordinance #490 on page 6 included the title of Ordinance #484, and an incorrect effective date. Section 9 also indicated that Ordinance #490 was passed at a Town Council meeting held on February 6, 2011, and that the Ordinance was published on February 15, 2011. Ordinance #490 was adopted at a Town Council meeting on February 6, 2012. The Summary of Ordinance on page 6 has been corrected to include the title and effective date of Ordinance #490. References to 2011 have been changed to 2012.

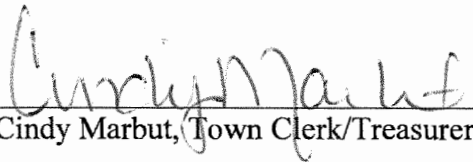
These changes were approved by officials from the Town of Yacolt on the dates listed below.

Attest:



Jeff Carothers, Mayor

1-10-17
Date



Cindy Marbut, Town Clerk/Treasurer

1/10/17
Date



David W. Ridenour, Town Attorney

January 10, 2017
Date

ORDINANCE #490

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT
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Whereas, each member of the Town Council have had notice of the time, place and purpose of said meeting; and,

Whereas, the Town Council desires to amend the Town's Ordinance #465 to address matters pertaining to cruelty to animals:

NOW THEREFORE, be it Ordained by the Town Council of the Town of Yacolt, Washington:

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B. Cruelty to Animals: The following, singly or together, are deemed to constitute cruel treatment to animals. Therefore, it is unlawful for any person, firm, or corporation to:

1. Willfully and cruelly kill, injure, poison, torture or torment any animal;
2. Intentionally or negligently cause or allow any animal to endure pain, suffering or injury, or to fail or neglect to aid or attempt to alleviate pain, suffering or injury, including not providing needed veterinarian care, he has so caused to any animal;
3. Neglect or fail to provide minimum care to any animal within his care, custody or control. For the purpose of this section, "minimum care" means care sufficient to preserve the health and well-being of an animal and except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:
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 - b). in each period of twenty-four (24) consecutive hours, open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Neither snow nor ice is an adequate water source;
 - c). In the case of pet or domestic animals, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun, and which has adequate bedding to protect against cold and dampness;
 - d). In the case of livestock, protection from adverse environmental elements detrimental to the health and well-being of the animal;
 - e). Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease;
 - f). Pet or domestic animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a

dry place for the animals to rest. The air temperature in a confinement area must be suitable for the animal involved. The confinement area must be kept reasonably clean and free from excess waste or other contaminants which could endanger the animal's health and well-being;

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5. Abandon any animal by dropping off or leaving said animal on the street, road, or highway, or in a public place, or the private property of another person, firm or corporation;
6. Confine an animal within or on a motor vehicle or other enclosure or structure when unattended and under such conditions as may endanger the health and well-being of the animal. Such conditions include, but are not limited to, dangerous temperature, lack of food or water, and confinement with a vicious animal;
7. Knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to domesticated animals or livestock;
8. Knowingly and intentionally, whether for amusement of self or others, or for financial gain, cause any animal to fight or injure any other animal, cause it to be fought or injured by any animal, or train or keep for the purpose of training any animal with the intent that the animal shall be exhibited combatively with any other animal. Anyone who permits such conduct on premises under that person's control, and any person present as a spectator at that exhibition shall be considered a violator of this subsection and subject to punishment upon conviction;
9. Transport or confine any living animal on the outside part of a motor vehicle except when attached to or enclosed in the vehicle by a harness, leash, cage or other enclosure which protects the animal from falling or being thrown from the vehicle and which prevents the animal from leaving the vehicle

while unattended. The outside part of a motor vehicle includes the running board, fender or hood of any motor vehicle or the flatbed of a truck and/or the open portion (bed) of a pickup truck;

10. Sell or offer for sale or to give away, or display any living baby rabbits, chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to have an artificial color;
11. Abandon or transfer to another person by gift, sale or exchange for consideration any animal while on public property;
12. Trap any domestic animal with a device other than a humane live animal trap.

Section 3 - Amendment of Section 21 of Ordinance #465.

Section 21 of Ordinance #465 of the Town of Yacolt, adopted June 21, 2010, is hereby amended to read as follows:

Section 21. Civil Penalty

- A. The designated animal control agent shall impose one of the following fines if the agent or employee thereof has reasonable grounds to believe that a dog or cat is in violation or is being maintained in violation of this Ordinance. The penalties assessed against any person within any twelve month period shall be as follows:

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
Unlicensed dog	\$ 25.00	\$ 50.00	\$ 100.00
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Attacker (Dog)	\$ 200.00	\$ 300.00	\$ 500.00
Cruelty to Animals	\$ 250.00	\$ 500.00	\$1,000.00
All other violations	\$ 50.00	\$ 100.00	\$ 200.00

- B. The Town intends that the civil penalty provided in this Ordinance shall generally be applied to first violations or other violations when deemed effective. The criminal penalty shall be issued when in the

opinion of the prosecuting attorney, in consultation with a representative of the Town of Yacolt, the civil remedy will not be effective, timely, or when the violation is a second or subsequent violation.

Section 4 - Amendment of Sub-Section 25A of Ordinance #465.

Sub-Section 25A of Ordinance #465 of the Town of Yacolt, adopted June 21, 2010, is hereby amended to read as follows:

Section 25. Hearing Officer - Powers and Duties

A. The hearing officer shall hear all appeals from the following decisions of the designated animal control agent and/or designated custodian of impounded dogs or cats:

1. Notice of Civil Violation and/or Order to Abate;
2. Order to Abate Habitual Violator;
3. Order to Abate Attacker;
4. Order to Abate Animal Cruelty;
5. Denial of Redemption;
6. Amount of redemption fee; and,
7. Amount of license fee required in this Ordinance.

Section 5 - Amendment of Section 32 of Ordinance #465.

Section 32 of Ordinance #465 of the Town of Yacolt, adopted June 21, 2010, is hereby amended to read as follows:

Section 32. Misdemeanor - Penalties

A. Any of the following violations of this Ordinance is a misdemeanor punishable upon conviction by not more than one year in jail and/or a fine not to exceed one thousand dollars:

1. Section 13 - Vicious Behavior
2. Section 19 - Obstruction of Animal Control Agent
3. Section 23 - Habitual Violator
4. Section 16B - Cruelty to Animals

- B. Any violation of any other provision of this Ordinance shall be a misdemeanor punishable by a fine of not more than one thousand dollars.

Section 6 - Amendment of Section 28 of Ordinance #465.

Section 28 of Ordinance #465 of the Town of Yacolt, adopted June 21, 2010, is hereby amended by adding the following sentence to the end of the final paragraph as follows:

Redemption may also be denied to an owner who has cruelly treated such animal as defined in Section 16B.

Section 7 - Savings Clause.

All terms of Ordinance #465, as amended, shall remain in full force and effect until the effective date of this Ordinance #490. As of and following the effective date of this Ordinance #490, the remaining terms of Ordinance #465 shall remain in full force and effect as amended hereby.

Section 8 – Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain in full force and effect.

Section 9 - Effective Date.

This Ordinance shall take effect on February 15, 2012, following publication of the following summary, according to law.

Town of Yacolt - Summary of Ordinance #490

The Town Council of the Town of Yacolt adopted Ordinance #490 at its regularly scheduled Town Council meeting held on February 6, 2011. The content of the Ordinance is summarized in its title as follows:

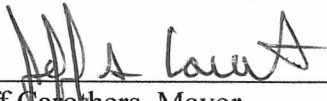
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT ADOPTING A FEE SCHEDULE FOR BUILDING SERVICES AND ESTABLISHING FEES FOR SPECIFIC BUILDING PERMIT APPLICATIONS, DEVELOPMENT PLAN REVIEW AND INSPECTION COSTS; AMENDING SECTIONS 16 & 18D OF ORDINANCE #371; REPEALING ORDINANCE #439; AND ESTABLISHING AN EFFECTIVE DATE. The effective date of the Ordinance is November 1, 2011.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 15th day of February, 2011.
Cindy Marbut, Town Clerk/Treasurer

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 6th day of February, 2012.

TOWN OF YACOLT



Jeff Carothers, Mayor

Attest:



Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: Newell, Holyk, Myers, Urias
Nays: Hall
Absent: _____
Abstain: _____
Published: 2/15/2012
Effective: 2/15/2012

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #490 of the Town of Yacolt, Washington, entitled "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT AMENDING ORDINANCE #465 TO DEFINE AND PROVIDE PENALTIES FOR ACTS OF ANIMAL CRUELTY", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:


Cindy Marbut, Town Clerk/Treasurer

Published: _____
Effective Date: _____
Ordinance Number: _____

AMENDED