

**TOWN OF YACOLT
ORDINANCE NO. 465**

**AN ORDINANCE RELATING TO THE
CONTROL OF DOGS, CATS AND OTHER PETS**

WHEREAS, the Town Council desires to revise and update its Ordinances numbered 383 and 430 to reflect the changes described below in the interest of public health and safety; and,

WHEREAS, the Town desires to enhance the safety and enjoyment of those who attend Town events:

NOW, THEREFORE, be it ordained by the Town Council of Yacolt, Washington, as follows:

Section 1. Repealer

That the Town of Yacolt Ordinance No. 191, No. 313, No. 377, No. 383, and No. 430, and any other Town of Yacolt Ordinances in conflict herewith are hereby repealed.

Section 2. Mandatory Licensing of Dogs and Cats

It is unlawful for any person to keep or maintain a dog over eight weeks of age (referred to hereafter as an "adult dog") or a cat over eight weeks of age (referred to hereafter as an "adult cat") within the Town without paying the license fee and obtaining and retaining the license required by this Ordinance; provided, that dogs and cats while kept in licensed kennels, pet shops, veterinarian clinics, grooming parlors, or in any animal shelter designed as the custodian of dogs or cats impounded under this Ordinance, shall be exempt from this license requirement.

Section 3. Exemption to Licensing Requirement - Police Dogs and Service Animals

- A. All police dogs owned by a public law enforcement agency or its agent and being used for training by such agency or agent shall be exempt from all provisions of the Yacolt Town Ordinance relating to animal control, with the exception of Section 14, Rabies Control. If a police dog is required under Section 14 to be quarantined, such dog will be remanded to the control of its handler. Follow-up procedures prescribed by the Humane Society / Health Department will apply.
- B. All Service Animals shall be exempt from the requirements of Section 2, Mandatory Licensing of Dogs and Cats, and Section 10C, Dogs and Cats – Running at Large – Town Events.

Section 4. Agents for Dog and Cat Licensing and Registration

In addition to the Town Clerk or his or her assistants, the Town Council may designate an authorized agent or agents for issuance of Town dog and cat licenses and tags and for the registration of dogs and cats.

Section 5. Application for Dog and Cat Licenses

Anyone applying for a license or registration of a dog or cat shall submit to the Town Clerk the following information:

- A. The name, address, and telephone number of the legal owner of the dog or cat being licensed or registered;
- B. The name, address, and telephone number of the person having custody of the dog or cat, if such person is not the legal owner;
- C. The name, age, breed, color, sex, distinguishing features, markings, or tattoos of the dog or cat being licensed or registered, and, whether the dog or cat has been neutered or spayed;
- D. The address of the property at which the dog or cat is ordinarily kept or maintained;
- E. A certificate of a veterinarian indicating the dog or cat has current rabies immunization;
- F. A certificate of a veterinarian indicating the dog or cat has been neutered or spayed. (Required only if applying for the neutered or spayed licensing fee.); and,
- G. If applicable, the identification code and related information for any external or implanted identification microchip.

Section 6. Dog and Cat License Fee

- A. Dog and cat licenses shall be valid from the date of issuance until December 31st of the same year upon payment of the fee required as follows:

Dogs:

Neutered or spayed	\$10.00
Not neutered or spayed	\$20.00

Cats:

Neutered or spayed	\$ 5.00
Not neutered or spayed	\$10.00

Provided, that there shall be no license fee for Service Animals; provided further, that the yearly fee shall be waived for one year only per dog or cat for any dog or cat licensed for the first time as neutered or spayed; provided further, that a senior citizen who is over the age of sixty-five may license one dog and/or one cat per household at one-half the fee otherwise applicable - all other dogs or cats in the household shall be registered at the fee otherwise applicable.

License fees may be prepaid for a three-year period, if such period coincides with rabies vaccinations as required by Section 5E.

- B. In the case of a dog or cat newly acquired, brought into the Town, and/or becoming an adult, application shall be made within thirty days of the latest event.
- C. There shall be added to the license fee any civil penalties which have been assessed against the dog or cat owner or custodian pursuant to this Ordinance and which are due and owing.
- D. No license fee will be charged to an owner who licenses a dog or cat that is under the age of six months. In such cases the license will be valid up to the time the dog or cat becomes six months of age. In the case of dogs or cats under six months of age, the certificate of rabies vaccination as required by subsection E of Section 5 of this Ordinance is waived.
- E. Applications shall not be deemed complete for purposes of this Ordinance unless and until all required information, documentation, and fees have been received by the licensing agent.

Section 7. Dog or Cat License - Late Penalty

A late Penalty of two dollars will be charged for all license applications not received by the Town's designated licensing agent within a timely manner as provided for under Section 6.

Section 8. Dog or Cat License and Tag Issuance

Upon proper application and upon payment of applicable fees by the owner or person having the custody and control of any dog or cat, the licensing agent shall issue to such person a numbered identification tag for such dog or cat and such person shall ensure that the tag thereafter is worn by the dog or cat at all times except at such times as the dog or cat is displayed in an exhibition. The person shall be given a receipt for all fees paid, which shall be numbered to correspond with the license issued.

Section 9. Record of Dog or Cat Licenses and Registrations

A record of all dog and cat licenses, dog and cat registrations, and their accompanying applications and any supporting certifications and statements shall be kept by the Town Clerk or his or her designated agent or agents.

Section 10. Dogs and Cats - Running at Large – Pets at Town Events

- A. It is unlawful for any person being the owner or custodian of any dog to permit such dog to be at large upon any public street, highway, or public place, or upon the private property of another within the Town except with the permission of the owner or custodian of such private property.
- B. It is unlawful for any person being the owner or custodian of any cat to permit such cat to be at large upon the private property of another within the Town except with the

permission of the owner or custodian of such private property.

- C. Dogs, cats and other pets shall not be permitted at the Town of Yacolt's public events with the exception of the Town of Yacolt's July 4 Rendezvous Parade event and such other events as the Town may determine from time to time.

Section 11. Leash Requirement

It is unlawful for the owner or custodian of any dog to allow the dog to roam, stray, or be away from the premises of the owner or custodian, or to be in or on any public place or property unless such dog is controlled by the owner, custodian or other competent and authorized person by means of a leash; provided, that the leash requirement of this section shall not apply to any dog while in the performance of duty as part of a law enforcement canine patrol.

Section 12. Dog and Cat Waste

It is unlawful for the owner or custodian of any dog or cat to permit, either willfully or by failure to exercise due care, such dog or cat to commit a public nuisance by defecating upon private property without the permission of the owner or custodian thereof, upon the public sidewalk, or upon any public street or in or upon any public place where persons customarily walk. It shall be a defense to a charge under this section that such owner or custodian of the dog or cat immediately removed and properly disposed of the feces deposited by the animal.

Section 13. Vicious Behavior

It is unlawful for the owner or custodian of any dog to intentionally, knowingly, recklessly, or with criminal negligence permit such dog to engage in vicious behavior whether or not on the property of such owner or custodian. It shall be a defense to a charge under this section that the dog which injured or endangered any person or property had been intentionally provoked to perform the vicious behavior by the person injured or by a person other than the dog's owner or custodian if such provocation is proven by the owner or custodian by a preponderance of the evidence to the satisfaction of the court or hearing officer.

Section 14. Rabies Control

- A. In the event that any animal has bitten a human being, the designated animal control agent may order quarantine of such animal for a period up to fourteen days. In the event that the agent has reason to suspect that an animal is rabid, the appropriate officials of the Southwest Washington Health District shall be notified and the designated animal control agent shall coordinate any further activities with such Health District. The Health District shall have jurisdiction over any matter possibly involving rabies. WAC 248-100-450, 248-100-451 and 248-100-452, together with amendments thereto, are incorporated in this chapter by reference and prevail over any conflicting provision of this chapter in any suspected rabies matter.
- B. "Quarantine" means the keeping of a biting animal or the suspected biting animal separate and apart from other animals and people for a period of up to fourteen days. The animal must not be kept in any area that is accessible to other animals or person, but may be kept indoors, caged or confined in a completely fenced yard by a chain or secure harness device. Should the order of quarantine be broken, the animal may be impounded

and held by a designated custodian of animals at owner and/or custodian expense for the remainder of the quarantine period. Redemption is subject to payment of any fees allowable under this chapter. It shall be a violation of this chapter for any owner or custodian to whom an order of quarantine is issued to knowingly, recklessly or with criminal negligence permit the order of quarantine to be broken.

Section 15. Noise Control

It is unlawful for any person to cause, or for any person in possession of real or personal property to allow to originate from the property frequent, repetitive, or continuous howling, barking, or other noises made by a dog which unreasonably disturbs or interferes with the peace, comfort, and repose of any property owner or possessor, except that such sounds made by dogs on land which is properly zoned to allow keeping of dogs and such sounds as are made in pet shops, grooming parlors, and kennels licensed in the Town and in compliance with this chapter, shall be exempt under this subsection. It is unlawful for any person, firm, or corporation being the owner or custodian of any dog to permit such dog to bark, bay, cry, howl, or make any other noise continuously for a period of ten minutes or more or bark intermittently for one-half hour or more to the disturbance of any person at any time of day or night regardless of whether the dog is physically situated on property under the control of the owner or custodian of the dog; provided, however, that it is an affirmative defense under this subsection that the dog was intentionally provoked to bark or make any other noise by the injured person or any other person; provided, that enactment of this provision shall in no way abrogate any other provision of this code concerning animal noise.

Section 16. Attacker

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.

Section 17. Designated Animal Control Agent

The Town Council may designate an agent or agents of the Town to enforce and administer this Ordinance. Any designated animal control agent shall comply with and follow the provisions of this Ordinance.

Section 18. Powers of Designated Animal Control Agent

The animal control agent designated by the Town Council is authorized to take such lawful actions as may be required to enforce the provisions of this Ordinance, including, but not limited to, the issuance of a Notice of Civil Violation, Order to Abate, or a warning citation for violation

of this Ordinance. An employee of the designated enforcement agent, while pursuing any dog or cat observed by such officer to be in violation of this Ordinance, may enter upon public or private property for the purpose of enforcing this Ordinance; provided, that entry into a building designed for and used for private purposes may be accomplished only with the consent of the owner or occupant of said premises or upon the issuance of a proper search or arrest warrant by a court of competent jurisdiction upon a showing by the designated animal control agent that there is reasonable cause to believe that a dog or cat is being maintained in the building in violation of this Ordinance.

Section 19. Obstruction of Animal Control Agent

It is unlawful for any person, without lawful excuse, to knowingly hinder, resist, delay or obstruct any officer, employee, or agent of the designated animal control agent in the performance of their duties under this Ordinance.

Section 20. Notice of Civil Violation - Order to Abate

A. Whenever the designated animal control 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, he or she is authorized to issue to the violator a Notice of Civil Violation containing the following:

1. The name and address, if known, of the owner or person in violation of the Ordinance;
2. A statement that the officer has found the dog or cat to be maintained illegally, together with a brief description of the violation, including the date of violation and the pertinent Ordinance citation;
3. A statement assessing a civil penalty for each violation, which penalty shall be paid to the Town of Yacolt within thirty days from the date of issuance; provided, that no penalty shall be assessed for violation of Section 2 if the dog or cat identified in the notice is licensed within ten days after service of the notice.
4. A statement advising that if any civil penalty and/or late payment penalty is not timely paid, or a timely appeal is not made, the designated animal control agent shall report noncompliance to the office of the Clark County Prosecuting Attorney, which shall have authority to commence criminal proceedings charging such person with violation of this Ordinance in addition to or as an alternative to any other remedies provided by this Ordinance.
5. The Notice of Civil Violation may be appealed by filing a written Notice of Appeal and a \$25.00 administrative review fee as provided by this Ordinance within thirty days of service of the notice or order and the notice or order shall so state on its face.
6. A statement advising that Failure to Respond to this Notice of Violation by Timely Payment of Civil Penalties or by Timely Appeal of the Notice is a Misdemeanor Punishable by a Fine of not to Exceed \$1,000.00 and/or a Jail Term Not to Exceed One (1) Year.

7. In addition to any other legal remedies available pursuant to this Ordinance, any person who has been issued a Notice of Violation pursuant to this Ordinance and who willfully fails to respond to the Notice of Civil Violation by either the payment of the civil penalty and all late payment penalties within ninety days of issuance, or by the timely filing of a Notice of Appeal, shall be guilty of a misdemeanor regardless of the disposition of the Notice of Violation.
- B. The fines for violation of this Ordinance are set forth in Section 21.
- C. If found appropriate and necessary by the animal control agent to avoid violations of this or any other animal-related ordinance, there may be separately issued or included with the Notice of Civil Violation an Order to Abate containing the following:
1. The name and address, if known, of the owner or person in violation of the Ordinance;
 2. A statement that the officer has found the dog or cat to be maintained illegally, together with a brief description of the violation, including the date of violation and the pertinent Ordinance citation;
 3. Stating the action required to be taken;
 4. Stating the owner has 4 days in which to comply with the Order to Abate;
 5. A statement advising that if any required abatement or action is not completed within the time specified, or a timely appeal is not made, the designated animal control agent shall report noncompliance to the office of the Clark County Prosecuting Attorney, which shall have authority to commence criminal proceedings charging such person with violation of this Ordinance in addition to or as an alternative to any other remedies provided by this Ordinance;
 6. A statement advising that the Order to Abate may be appealed by filing a written Notice of Appeal and a \$25.00 administrative review fee as provided by this Ordinance within 4 days of service of the Order;
 7. The Order shall further bear the notation: "Failure to Respond to this Order to Abate by Timely Payment of Civil Penalties or by Compliance with the Order, or by Timely Appeal of the Order is a Misdemeanor Punishable by a Fine of not to Exceed \$1,000.00 and/or a Jail Term Not to Exceed One (1) Year";
 8. A statement that any appeal must be filed before closure of the Town clerk's office or other person or agency which the Town may designate to receive such appeals on the fourth business day following the day of service of the order; and,
 9. If such dog or cat is found to be kept in violation of the order after four days have elapsed from the date of service of the Order, and no timely appeal is filed, such dog or cat may be abated and removed by the designated animal control agent by impoundment, subject to all impoundment and redemption procedures; provided, however, such dog or cat may not be returned to the same residence or property

from which it was impounded or at which it resided or to the same owner or custodian from whom it was impounded.

- D. A Notice of Violation or Order to Abate shall be served on the owner or custodian of the dog or cat in violation of this Ordinance either personally or by mailing a copy of such notice and/or order by certified mail, postage prepaid, return receipt requested, to the person at his or her last known address. Service by mail shall be deemed completed upon the third day following the day the notice or order is deposited in the mail.
- E. Proof of service of the notice or order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the date, time, and manner in which service was made.
- F. In addition to any other legal remedies available pursuant to this Ordinance, any person who has been issued a Notice of Violation or Order to Abate pursuant to this Ordinance and who willfully fails to respond to the Notice of Civil Violation by either the payment of the civil penalty and all late payment penalties within ninety days of issuance, or to the Order to Abate by compliance therewith within the time specified in the order, or by the timely filing of a Notice of Appeal, shall be guilty of a misdemeanor regardless of the disposition of the Notice of Violation or Order to Abate.

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
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 22. Personal Obligation

Any criminal penalties, civil penalties, redemption fees, or costs of abatement are personal obligations of the dog or cat owner or custodian. There is a rebuttable presumption that one is a dog or cat owner if one has applied to license or register the dog or cat, or that one is the dog's or cat's custodian if the dog or cat is in one's possession.

Section 23. Habitual Violator

In addition to any other legal remedies available under the provisions of this Ordinance, a designated animal control agent for the Town of Yacolt may order and direct in writing and by personal service the owner or custodian of any dog or cat which is the subject of more than three criminal citations, Orders to Abate, or Notices of Civil Violation, or any combination of the same in any twelve month period, to abate and remove such dog or cat from the Town of Yacolt within four days from the date of service of the order to abate habitual violator, or such directive may provide in the alternative abatement and transfer of ownership and possession of such dog or cat to another person not living at the same place of residence. Such Order to Abate shall state the method of and timeline for appealing the Order, as provided for in Section 20 and 26.

Section 24. Hearing Officer - Appointment

One or more hearing officers shall be appointed by the Town Council to hear appeals relating to the enforcement of this Ordinance. The hearing officer may be a Town employee but shall not be an employee of the Town attorney's office. No employee of the designated animal control agent or of the designated custodian of animals impounded under this Ordinance shall be appointed as hearing officer. Contracts may be entered into with private persons to act as hearing officer, to be compensated as shall be provided therein and to be paid out of moneys available and budgeted therefore.

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. Denial of Redemption;
 5. Amount of redemption fee; and,
 6. Amount of license fee required in this Ordinance.
- B. The hearing officer shall hear evidence presented by the Town attorney and/or the designated animal control agent to sustain the decision of the designated animal control agent or, in the case of the setting of redemption fees, the designated custodian of impounded dogs or cats. The hearing officer shall likewise hear evidence presented by the person appealing the decision. If the decision of such designated agent or custodian is

found to be supported by a preponderance of the evidence, the decision shall be affirmed. The hearing officer may amend the decision as the evidence and justice permit. The hearing officer shall reverse the decision in all other cases. Formal rules of evidence need not be followed, but witnesses shall be sworn by the hearing officer and a written order issued.

- C. A copy of the final order of the hearing officer shall be mailed to the appellant(s) within three days, (exclusive of Saturdays, Sundays and holidays), following the entering of a written order under this section. Unless otherwise stated in the order, such order shall be final and conclusive ten days from the date thereof unless any party of record makes application to a court of competent jurisdiction for judicial review and stay of enforcement.

Section 26. Appeal Procedure

- A. All appeals to the hearing officer made pursuant to this Ordinance shall be filed in writing with the Town clerk or such other person or agency as the Town may designate and as is named on the Notice of Violation, Order to Abate, or other notice issued pursuant to this Ordinance, and shall contain:
1. The names of all appellants participating in the appeal;
 2. A brief statement setting forth the action protested and the reasons why it is claimed a protested action should be reversed, modified, or otherwise set aside;
 3. The signatures of all parties named and telephone numbers and mailing addresses; and,
 4. Verification, (by declaration under penalty of perjury), of at least one appellant of the truth of the matter stated in the appeal.
- B. The written request for an appeal shall be accompanied by a payment of a \$25.00 administrative review fee to the Town Clerk or such other person or agency as the Town may designate and as is named on the Notice of Violation, Order to Abate, or other notice issued pursuant to this Ordinance.
- C. Upon filing an appeal, the Town Clerk or other designated person shall transmit the same to a designated hearing officer or officers as provided in this Ordinance.
- D. Failure of any person to file a timely appeal, or failure of any person who has filed an appeal to attend the scheduled hearing, shall constitute a waiver of his or her right to an administrative hearing and the decision of the designated animal control agent or designated custodian of dogs or cats shall be upheld.
- E. Filing of an appeal shall stay the enforcement of any Notice of Civil Violation, Order to Abate, (including Order to Abate Habitual Offender or Attacker), or of the disposal of any impounded dog or cat during the pendency of such appeal; provided, that a dog or cat owner or custodian who has been denied redemption based upon alleged cruelty or a dog's vicious behavior shall not obtain release of such animal from impoundment except upon order of the hearing examiner upon good cause shown.

- F. The person filing the appeal shall be personally liable for the cost of daily care and necessary veterinarian care, and/or humane destruction of any dog or cat which remains impounded pending the result of the appeal unless otherwise ordered by the hearing officer upon good cause shown.

Section 27. Collection

The Town attorney, on behalf of the Town of Yacolt, may collect or seek to collect the civil penalty, abatement costs, redemption fees, and other costs by use of appropriate legal remedies. The designated animal control agent may be authorized by the Town to collect such costs, fees, and penalties as shall be owing as an agent of the Town of Yacolt through small claims courts and/or by assignment of such claim to a collection agency for collection. In addition to costs and disbursements provided for by statute, the prevailing party in a collection action under this Ordinance shall be allowed reasonable attorneys' fees.

Section 28. Impoundment

The designated animal control agent may apprehend any dog or cat committing or involved in any of the acts defined in this Section. After such a dog or cat is apprehended, the animal control agent shall determine whether the dog or cat is licensed, registered, or otherwise identifiable, and may return the dog or cat to the owner, and issue a Notice of Civil Violation and/or Order to Abate pursuant to this Ordinance. If it is not reasonably possible to immediately return the dog or cat to its owner, or if the animal control agent finds it necessary, for the protection of the dog or cat or of the public, to keep the dog or cat in custody, the animal control agent shall notify the owner of the dog or cat within a reasonable time by telephone, mail, direct personal contact, or by posting at the residence of the owner that the dog or cat has been impounded and whether and/or how it may be redeemed from a designated Town dog or cat custodian.

Any unlicensed or unregistered dog or cat impounded pursuant to this Ordinance shall be held for its owner at least seventy-two hours commencing with apprehension. For licensed or registered dogs and cats, such holding period shall be seventy-two hours and shall begin upon notification to the owner of such impoundment. If reasonable attempts have been made by the appropriate authority to notify such owner without success, the licensed or registered dog or cat shall be held for at least one hundred twenty hours from the time of apprehension.

All impound periods shall continue to run during those hours when a designated Town dog or cat custodian's facility is not open for business. The staff of a designated Town dog or cat custodian may cause to have provided necessary vaccinations against contagious disease to any impounded dog or cat.

Any dog or cat not redeemed by its owner during the prescribed period, or which is suffering from serious injury or disease as determined by the person in charge of a designated Town animal shelter, may be humanely destroyed, made available for adoption or, in the discretion of such custodian, may be held for a longer period and redeemed by its owner upon payment of reasonable medical fees, license fees if the dog or cat is not currently licensed, impound, holding costs, and other chargeable fees, or adopted by any other person not living in the same household as the dog's or cat's owner. The owner of any dog or cat impounded pursuant to the provisions of this Ordinance may redeem the dog or cat according to the procedures set out in this Section; provided that, subject to the appeal procedures of this Ordinance, redemption may be denied to an

owner of a dog or cat believed to have engaged in vicious behavior as defined in this Ordinance; and provided, that such owner file the appeal from a denial of redemption with the Town clerk's office or that of such other person or agency which the Town may designate to receive such appeals before closure of such office on the second business day following service of the notice of the denial. Impoundment receipts shall recite redemption requirements and shall serve as the notice to the owner required in this Ordinance. The above notification requirement shall not apply to any dog or cat that was abandoned under the provisions of RCW Chapter 16.54. For purposes of this section such a dog or cat shall be deemed to have no owner.

Section 29. Impoundment Register

The designated animal control agent shall maintain a register of all dogs and cats impounded pursuant to this Ordinance and such register shall show the identification tag number, if any, species and breed of the dog or cat, a description of the dog or cat by coloring and markings, the time and date of the animal's impoundment, the name of the person impounding the animal, the area in which such dog or cat was picked up, the identification code of any external or internal ID microchip if found, the method and time of notifying the owner, if known, of redemption procedures, and the disposition of the dog or cat and the date and time thereof.

Section 30. Custodian of Impounded Animals

The Town Council may, pursuant to contract for shelter services, designate one or more custodians of animals impounded pursuant to this Ordinance. The designated animal custodian shall follow the provisions of this Ordinance and other Town ordinances relating to animal control and shall be subject to all the terms and conditions of such ordinances and to the terms and conditions of the contracts which have been, or in the future will be, executed with the Town of Yacolt.

Section 31. Redemption

Prior to other disposition of an impounded animal pursuant to this Ordinance, any animal impounded pursuant to the provisions of this Ordinance may be redeemed upon payment by its owner of the redemption fees set out below and upon evidence satisfactory to the designated animal control agent that the violation was corrected or by order of the hearing officer following an appeal and hearing as set out in this Ordinance. The correction of a violation includes but is not limited to the licensing of any unlicensed dog or cat as required by this Ordinance. Any license fees or civil penalties due and owing shall be paid in addition to the redemption fee. The redemption fee shall include those costs and fees for impounding and care of animals under this Ordinance as provided in the Town's most current fee schedule. All charges are the obligation of the owner even if the impounded animal is not redeemed.

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

- 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 33. Definitions

- A. "Service Animal" is defined as any guide dog, signal dog, or other animal individually trained or being trained to provide assistance to a disabled person's sensory, mental, or physical disability, including 'companion animals' providing emotional or physical support to persons with disabilities.
- B. "Pet" is defined as any dog, cat or other domestic animal kept for companionship or amusement.

Section 34. Effective Date and Severability

This Ordinance shall take effect five (5) days following its publication.

If any term or provision of this Ordinance or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, provisions or applications which can be given effect without the invalid term, provision or application. To this end the terms and provisions of this Contract are declared severable.

PASSED at a regular meeting of the Town Council of the Town of Yacolt, Washington this 21st day of June, 2010.

AYES Holyk, Marbut, Weldon, Hancock
NAYS None
ABSENT Madler
MAYOR Warren

ATTEST Lynne Oldham, Clerk/Treasurer

I hereby certify that this is a true and correct copy of Ordinance No.465, as read before the Council and passed on the date mentioned above and passed according to law.

ATTEST *Lynne Oldham*
Lynne Oldham, Town Clerk / Treasurer