

TITLE 6
ANIMALS

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CHAPTER 6.04

DOGS LICENSING AND REGULATION

6.04.010 – Purpose and Intent. It is the purpose and intent of this chapter to provide regulations for the keeping of dogs within the Town of Colton and to prohibit the ownership or keeping or harboring of dangerous or vicious dogs within the Town of Colton.

6.04.020 – Definitions.

For the purposes of this chapter

- a. “Animal Control Officer” means any police officer, person or organization designated by the Town Council to perform the functions of this ordinance or any other Town ordinance relating to dogs.
- b. “Animal shelter” means a facility operated or designated by the Town to care for dogs impounded or held by authority of this ordinance or state law.
- c. “Clerk” means the Town Clerk.
- d. “Dangerous” or “vicious” dog means:
 - (1) Any dog with a propensity, tendency or disposition to attack, to cause injury to, and/or to otherwise endanger the safety of humans or other domestic animals;
 - (2) Any dogs which attacks a human being or domestic animal one or more times without provocation;
- e. “Dog” means any of the species *canis familiaris* and shall refer to any dog, male or female, neutered, spayed or otherwise, over the age of six months.
- f. “Harboring” The occupant of any premises on which a dog or dogs remain, or to which it customarily returns daily for food and/or care for a period of five days, is presumed to be harboring the dog within the meaning of this ordinance.
- g. “Household” means a home, house, apartment or other property where one or more dogs are harbored or kept by one or more owners or keepers of a dog.
- h. “Impounded” A dog shall be considered as being impounded upon seizure by the Animal Control Officer.
- i. “Owner” or “Keeper” means any person or persons, firm, association or corporation owning, harboring or keeping a dog.
- j. “Public Nuisance” means any dog which:

- (1) Is not licensed as required by this chapter
 - (2) Is found unrestrained and running at large upon the streets of the Town or other public property or upon property of persons other than the owner or keeper of such dog as permitted by this ordinance;
 - (3) Chases vehicles upon streets or other public grounds;
 - (4) Damages public property or private property other than that of its owner or keeper;
 - (5) Barks, whines or howls, or otherwise behaves in such a manner as to disturb the peace and quiet or safety of the persons in the neighborhood;
 - (6) Defecates on public property or private property other than that of its owner or keeper;
 - (7) Does not have current vaccinations for rabies as required by this ordinance.
- k. "Restraint" or "Restrained means any dog;
- (1) Secured by a leash or lead under the immediate control of a person of sufficient age and competence to control the dog; or
 - (2) Secured by a leash or lead or confined in a kennel, residence, cage or other private building, enclosure or structure located on the owner's or keeper's private property and which is constructed in such a manner so as to keep the dog confined at all times within the building, enclosure or structure; or
 - (3) Confined to the private property of its owner or keeper by training, habit of voice command.
- l. "Town" means the Town of Colton, Washington.

6.04.030 – Dog License Required.

All dogs six (6) months of age or older kept or harbored within the Town must be continuously licensed by the owner or keep of the dog as follows:

- a. Written application for a license shall be made to the Town Clerk or Animal Control Officer. The application shall include the name and address of the applicant, a description of the dog and a rabies vaccination certification for such dog which has been issued by a veterinarian or veterinary clinic and as required by Town Ordinance #224;
- b. A license for which application is made after August 14, 1990 shall be assessed a fee of \$15.00, unless a different fee is authorized by the Town Council. The license shall be valid for the lifetime of a dog and the Town Clerk or Animal Control Officer shall maintain a record of the identifying number of each tag issued and shall furthermore make such record available for public inspection. Any tag issued prior to the effective date of this ordinance shall likewise be valid for the life of the dog to which it was issued;
- c. Duplicate replacement tags shall be issued upon payment of a \$2.00 replacement fee, unless a different fee is authorized by the Town Council;
- d. No person, owner or keeper shall use a tag for any dog other than the dog for which the tag was issued;

- e. Rabies vaccination records shall be maintained by the Animal Control Officer. It is the responsibility of the dog's owner or keeper to maintain current rabies vaccination for such dog;
- f. Upon completion of the application and payment of the fee, the Town Clerk or Animal Control Officer shall issue a license and tag. All dogs required to be licensed shall have the tag attached to its collar at all times.

6.04.040 – Dogs Must be Kept Restrained.

- a. Any dog within the Town must be continuously kept under restraint. No dog shall be tethered in such a manner as to permit such dog to enter within ten (10) feet of any public street, alley, sidewalk or area open to the public, or to enter upon any neighboring property without the written authorization of the occupant or owner of the neighboring property.
- b. Any female dog which is in heat shall be reasonably restrained in a building, enclosure or structure in such a manner that such female dog cannot come in contact with another dog except for planned breeding purposes.

6.04.050 - Prohibited Offenses.

- a. No person shall own, keep or harbor a dangerous or vicious dog as defined by this ordinance within the Town.
- b. No owner or keeper of any dog shall permit such dog to be a public nuisance as defined under 6.04.020(j).
- c. No owner or keeper of a dog shall fail to provide reasonable nourishment, shelter and veterinary care for such dog.
- d. No owner or keeper of a dog shall beat, torment or abuse such dog.
- e. No person shall cause a dog to engage in fights with other dogs, animals or persons.
- f. No owner or keeper shall abandon a dog.

6.04.060 – Penalties.

- a. Unless otherwise provided herein, a person convicted of violating any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00) per violation. No part of the fine assessed under provisions of this ordinance shall be suspended or deferred in any manner.
- b. Upon conviction of a violation of 6.04.050(a) of this chapter, the owner or keeper of such dangerous or vicious dog shall be required to remove such dog from the Town.
- c. Upon conviction of a violation of 6.04.050(b) of this chapter, the owner or keeper of the subject dog shall take all reasonable steps to abate any further public nuisance.
- d. Upon conviction of a violation of 6.04.050(c), (d), (e) or (f), of this chapter, the person convicted shall forfeit any dog license issued by the Town and no further or future dog license shall be issued to the person.

- e. Each day of violation shall be considered to be a separate offense.

6.04.070 – Impoundment for Violation. Any peace officer or the Animal Control Officer is authorized to apprehend any dog found to be in violation of this chapter to impound such dog in an animal shelter or other suitable place. Any animal which is in violation of any section of this chapter may be seized and impounded.

- a. Not later than twenty-four (24) hours after the impounding of any dog, the Town Clerk or Animal Control Officer shall notify the owner or keeper of such dog by ordinary mail, telephone or in person that such dog has been apprehended for violation of this chapter and has been impounded. Notice shall also include the time and place of impound.
- b. If the owner of the dog is unknown, the Town Clerk or Animal Control Officer shall post written notice for inspection on the bulletin board of the Colton Town Hall for a period of seventy-two (72) hours, describing the dog, the reason for the impoundment and the place and time of impound.
- c. If impoundment is the result of a violation of this chapter other than being a dangerous or vicious dog:
 - (1) An owner or keeper may reclaim such impounded dog by paying an impound fee or twenty dollars (\$20.00) and boarding fees as required by the Town Council and/or the Animal Shelter. If such dog has not been licensed by the owner or keeper as required by this chapter, such dog shall not be released until such dog is licensed as required herein.
 - (2) If such dog has not been reclaimed within seventy-two (72) hours following notification to the owner or keeper, or within seventy-two (72) hours after posting written notice, if the identity of the owner or keeper cannot be determined, the dog shall become the property of the Town and shall, at the Town's discretion, be placed for adoption in a suitable home or shall be humanely destroyed or donated to the Washington State University of Veterinary Medicine.
 - (3) The impound fee, boarding fees and license fee shall be in addition to any fine or penalty assessed as a result of any violation of this chapter.
- d. If impoundment is the result of the owning, harboring or keeping of a dangerous or vicious dog within the Town in violation of this chapter:
 - (1) The dog shall remain in impoundment or shall be removed from the Town during the pendency of any legal proceeding upon a complaint or citation alleging that such dog is a vicious or dangerous dog. If such dog is adjudged in a legal proceeding to be a dangerous or vicious dog, the costs of such impoundment shall be assessed to the owner or keeper of the dog. If such dog is not adjudged to be a dangerous or vicious dog, such costs shall be borne by the Town.
 - (2) Pending appeal from an order that such dog is a dangerous or vicious dog in violation of this chapter, the owner or keeper shall remove the subject dog from the Town or may, at the owner's or keeper's option, elect to post a cash bond equal to the cost of

boarding such dog for 545 days. If such appeal is dismissed or is completed prior to the expiration of 545 days, the Town shall refund any unused funds to the owner or keeper. Such cash bond shall be used to pay cost of impoundment of the subject dog and the owner or keeper shall indemnify the Town for the cost of impoundment pending appeal.

- (3) The impound fee and boarding fees shall be in addition to any fine or penalty assessed as a result of any violation of this chapter.

6.04.080 – Diseased Dogs Destroyed. Any dog which appears to be suffering from rabies or affected by hydrophobia, mange or other infectious disease shall not be released, but shall forthwith be destroyed.

6.04.090 – Savings Clause. If any section, sentence, clause or phrase of this chapter shall be determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

6.04.100 – General Duty. Nothing in this chapter is intended to create a cause of action or claim against the Town of its officials or employees running to specific individuals. Any duty created herein is intended to be a general duty running to the public.

CHAPTER 6.08

WILD ANIMALS, LIVESTOCK AND FOUL—KEEPING

6.08.010 – Definition. As used in this chapter the term “livestock” shall mean horses, cattle (including bulls), sheep, goats, pigs and poultry. Poultry shall not include small birds such as canaries and parakeets and the like, kept in bird cages indoors. “Livestock” shall not include domestic animals normally kept as pets such as dogs and cats.

6.08.020 – Unlawful Area for the Keeping of Livestock. Subject to the provisions of 6.08.030 below, it shall be unlawful for anyone to keep or permit the keeping of livestock within the following area-

Commencing at the point of intersection of the midline of Line Street with the midline of Depot Street and running south to the south limits of the Town of Colton; thence west along the south boundary of the Town of Colton to the point of intersection with the midline of Steptoe Street extended south; thence north along said extension of the midline of Steptoe Street to Steptoe Street and continuing north along said midline to the point of intersection of the midline of Steptoe Street with the midline of Harrison Street; thence west along the midline of Harrison Street to the point of intersection with the midline of Union Street; thence north along the midline of Union Street to the intersection with U.S. 195, thence continuing north along the extension of the midline of Union Street to the point of intersection with the midline of Depot Street extended west;

thence east along the said west extension of the midline of Depot Street to the point of intersection with the midline of Steptoe Street; thence north along the midline of Steptoe Street a distance of 150 feet; thence east along a line parallel to the midline of Depot Street to the point of intersection with the midline of Line Street extended north; thence south along said extended midline of Line Street 150 feet more or less to the point of beginning.

Further, it shall be unlawful for anyone to keep or permit the keeping of pigs, buck goats and undomesticated animals in any part of the Town of Colton.

6.08.030 – Other Areas for the Keeping of Livestock. It shall be unlawful for anyone to keep or permit the keeping of livestock in all other areas of the town, except that cattle (including bulls), sheep, horses, and doe goats, shall be permitted to be kept and maintained in such other areas so long as the following terms and conditions are met:

1. No livestock more than one (1) horse, one (1) cow, or one (1) bull, per one acre of useable pasture.
2. No livestock more than one (1) sheep or one (1) goat per one half acre of useable pasture.
3. Fowl not to exceed ten (10) of any one or combination thereof the following: chickens, pheasants or pigeons per one-half acre with a maximum limit of twenty (20) on properties larger than one-half acre.
4. Fowl not to exceed four (4) of any one or combination thereof of the following: ducks, geese, turkeys or peacocks per one-half acre with a maximum of eight (8) on properties larger than one-half acre.

No other livestock shall be permitted to be kept or maintained in such areas. Provided, nothing herein shall permit the keeping or maintaining of livestock in the area described in 6.08.020 in contravention of the terms and conditions of said section.

As used herein, the term "Useable pasture" shall mean land which is generally available for use as pasture. Provided, the months of December, January, and February shall be excluded in determining whether any land is generally available for use as pasture.

All animal shelters must be set back twenty-five (25) feet from adjoining property or from dedicated streets and sidewalks. No livestock animal shall be allowed to graze within 25 feet of any dwelling. No animal shelter shall be attached to any dwelling.

All animal wastes shall be distributed over the property as fertilizer and/or removed from said property by May 1 and thereafter at least once each thirty (30) days until the next succeeding October 31.

Adequate fencing shall be maintained for all livestock maintained on any premises which shall be sufficient to keep said livestock within the pasture.

6.08.040 – Prior Nonconforming Keeping of Livestock. Where, as the effective date of adoption of this chapter, the keeping of livestock exists which, except for this chapter would be prohibited, such keeping of livestock may be continued by the person or persons so keeping said livestock, so long as such use is not enlarged, increased or extended to occupy a greater area of land than that being occupied for such purpose at the effective date of adoption of this chapter. If such nonconforming keeping of livestock ceases for any reason for a period of more than one year, any subsequent keeping of livestock shall conform to the requirements of this chapter. The privilege of keeping nonconforming livestock under this section shall be personal to the person or persons so keeping such livestock and shall not be transferred by contract, conveyance or by operation of law.

6.08.050 – Grazing Permits. Notwithstanding any provision hereof to the contrary, the City Council may authorize a temporary grazing permit for a specific number of animals and for a specific length of time, if the Council finds that such grazing will not create a health hazard and will not create obnoxious odors in the neighborhood. Any permit issued hereunder shall not exceed 120 consecutive days in duration and shall be issued subject to the terms and conditions set forth in Section 2 hereof, except for the minimum area requirements if said permit authorizes the keeping of more than the maximum number of livestock per area specified.

6.08.060 – Penalties. Any person who keeps or permits the keeping of livestock in violation of this ordinance or in violation of the terms and conditions of any permit issued by the City Council shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed \$25.00. Each day of violation shall be considered to be a separate offense hereunder.

CHAPTER 6.12

LIVESTOCK AT LARGE

6.12.010 – Prohibition. It shall be unlawful for the owner or any person having the care, custody or management of any horse, mare, gelding, or colt, mule, jack, burro, bull, ox, steer, cow, calf, goat, sheep, or hog, to willfully permit the same to run at large within the corporate limits of the Town of Colton, or to herd the same upon any of the streets in the Town of Colton.

6.12.020 – Penalties. That any person convicted of a violation of this ordinance shall be fined not less than Fifty (\$50.00) dollars nor more than Three Hundred (\$300.00) dollars and the costs of prosecution.