

**Title 6
ANIMALS**

Chapters:

6.04 Animal Control

**Chapter 6.04
ANIMAL CONTROL**

Sections:

- 6.04.010 Purpose.**
- 6.04.015 Penalties—Infraction unless otherwise designated.**
- 6.04.020 Definitions.**
- 6.04.030 License—Required—Dogs.**
- 6.04.040 License—Exclusions.**
- 6.04.050 License—Required—Cats.**
- 6.04.060 License—Issuance—Fees.**
- 6.04.070 License—Tags.**
- 6.04.080 Running at large—Prohibited.**
- 6.04.090 Running at large—Right of entry.**
- 6.04.100 Impoundment—Authority—Bond or security for confinement.**
- 6.04.110 Impoundment—Interference with prohibited.**
- 6.04.120 Impoundment—Disposal of animal.**
- 6.04.130 Impoundment—Redemption of animal.**
- 6.04.140 Impoundment—Notice.**
- 6.04.150 Impoundment—Fees.**
- 6.04.160 Finding of animals.**
- 6.04.170 Number permitted.**
- 6.04.180 Exotic animals.**
- 6.04.190 Wild animals.**
- 6.04.200 Guard dogs.**
- 6.04.210 Slaughtering.**
- 6.04.220 Livestock.**
- 6.04.230 Confinement of animals in heat.**
- 6.04.240 Cleaning up after animals.**
- 6.04.250 Mistreatment or permitting fights prohibited.**
- 6.04.260 Abandonment prohibited.**
- 6.04.270 Circuses and animal exhibitions.**
- 6.04.280 Poisoning.**
- 6.04.290 Confinement in vehicle.**
- 6.04.300 Provision of adequate food, water and shelter.**
- 6.04.310 Care and sanitation for confined animals.**
- 6.04.320 Hitting animal with vehicle—Report required.**

- 6.04.330 Nuisances—Definitions.**
- 6.04.331 Nuisances—Penalties—Infraction.**
- 6.04.332 Nuisances—Preliminary determination—Notice.**
- 6.04.333 Nuisances—Final determination—Notice.**
- 6.04.340 Nuisances—Abatement—Notice.**
- 6.04.350 Penalties—Failure to abate nuisance—Misdemeanor.**
- 6.04.352 Time periods—Potentially dangerous and dangerous dogs—Determinations.**
- 6.04.353 Service.**
- 6.04.355 Potentially dangerous dogs—Requirements to keep dog in city.**
- 6.04.356 Potentially dangerous dogs—Fail to comply—Penalties—Misdemeanor.**
- 6.04.357 Potentially dangerous dogs—Preliminary determination—Notice.**
- 6.04.358 Potentially dangerous dogs—Final determination—Notice.**
- 6.04.360 Dangerous dogs—Requirements to keep a dangerous dog.**
- 6.04.361 Dangerous dogs—Fail to comply—Penalties—Gross misdemeanor.**
- 6.04.362 Dangerous dogs—Preliminary determination—Notice.**
- 6.04.363 Dangerous dogs—Final determination—Notice.**
- 6.04.370 Bites—Rabies reports.**
- 6.04.380 Rabies control—Ten-day quarantine.**
- 6.04.390 Appeals.**
- 6.04.400 Liability for injury by animals.**

6.04.010 Purpose.

It is declared the public policy of the city to secure and maintain such levels of animal control as will protect human health and safety, and to the greatest degree practicable, prevent injury to property and cruelty to animal life. To his end, it is the purpose of this chapter to provide a means of licensing dogs and cats, and to provide rules regulating these and all other animals so that they do not become public nuisances and are not the victims of cruelty. (Ord. 145.D §1(part), 200:)

6.04.015 Penalties—Infraction unless otherwise designated.

Unless otherwise set forth in this chapter, a violation of any provision of this chapter shall constitute a Class C civil infraction. The maximum penalty and default amount for a Class C civil inaction offense in violation of a provision of this chapter shall be one hundred dollars, plus court costs, as set forth in Section 1.28.030. Issuance and disposition of infractions issued for violations of this chapter shall be in accordance with Chapter 7.80 RCW. (Ord. 145.D §1(part), 2005)

6.04.020 Definitions.

As used in this chapter

- A. "Adult dog or cat" means any dog or cat over the age of six month
- B. "Animal" means any living vertebrate creature, reptile or bird, except ma
- C. "Animal at large" means any animal not confined to the premises of its owner, unless restrained by a leash, tether or other physical control device not to exceed eight feet in length under the physical control of a person, or which enters upon public property or rights-of-way or upon land of another person without authorization of that person
- D. "Animal control authority" means the person, association or corporation appointed or authorized (including contractual authorization) by the mayor of the city and/or chief of police to carry out the duties

of the animal control officer and enforcement under this chapter.

E. "Animal control officer" means any individual employed, contracted or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals and includes any state or municipal peace officer, sheriff, constable, or other employee whose duties in whole or in part include assignments which involve the seizure and taking into custody of any animal.

F. "Animal exhibition" means public display of any living animal in the promotion of entertainment, education, advancement or commercial enterprise.

G. "Animal kennel" or "cattery" means any facility, residence, site or area wherein four or more dogs or cats of adult age are kept, harbored or contained under common responsibility, ownership, or which provides care, training of whatever nature, or breeding services whether for gain or not.

H. "Court" means the municipal court of Brier as administered by the south division of the district court of Snohomish County, unless another court is clearly specified.

I. "Dangerous dog" means any dog that

1. Inflicts severe injury on a human being without provocation on public or private property;
2. Kills a domestic animal without provocation while the dog is off the owner's property; or
3. Has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans;

Provided, however, that an animal shall not be considered a "dangerous dog" if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

J. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness.

K. "Exotic" means any animal not otherwise defined in any of the definitions contained in this section.

L. "Guard dog" means any member of the dog family which has been trained or represented as trained to protect persons and/or property by virtue of exhibiting hostile tendencies and aggressiveness to unauthorized persons.

M. "Inhumane treatment" means any act, omission or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

N. "Livestock" means horses, ponies, donkeys, mules, jackasses, bovine animals, sheep, goats, swine, domestic fowl and fur-bearing animals.

O. Owner. Any person or legal entity having an interest in or right of possession to an animal or any person having control, custody or possession of any animal, or who harbors, cares for, exercises control over, or permits any animal to remain on premises occupied by him or by reason of the animal being seen residing consistently at a location shall be presumed to be the "owner."

P. "Potentially dangerous dog" means any dog that when unprovoked:

1. Inflicts bites on a human or a domestic animal either on public or private property; or
2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or

domestic animals

Q. "Poultry" means domestic fowl normally raised for meat or eggs, chickens, turkeys, ducks and geese.

R. "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

S. "Proper enclosure of a potentially dangerous dog" means, while on the owner's property, a potentially dangerous dog shall be securely confined indoors or confined outdoors within a securely enclosed solid or chain-link fence of sufficient height to prevent a potentially dangerous dog from reaching persons off the property, but in any event such fence shall be at least six feet high, suitable to prevent the entry of young children and designed to prevent the animal from escaping. If confined outdoors, the owner shall also provide protection from the elements for the dog.

T. "Proper enclosure for a vicious animal" means, while on the owner's property, a vicious animal shall be securely confined indoors or confined outdoors within a securely enclosed solid or chain-link fence of sufficient height to prevent a vicious animal from reaching persons off the property, but in any event such fence shall be at least six feet high, suitable to prevent the entry of young children and designed to prevent the animal from escaping. If confined outdoors, the owner shall also provide protection from the elements for the vicious animal.

U. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

V. "Sexually neutered" means medically determined to be incapable of reproduction.

W. "Vicious animal" means any animal other than a "dangerous dog" or "potentially dangerous dog" that endangers the safety of any person, or domestic animal by biting or attacking without provocation.

X. "Wild animal" means any animal living in its natural state and native to the United States and not normally domesticated, raised or bred by humans. (Ord. 145.D §1(part), 2005)

6.04.030 License—Required—Dogs.

It is unlawful for any person to own any dog over the age of six months within the city unless the owner has licensed and registered the dog as required by this chapter within thirty days of acquisition by the owner. Licenses shall be issued upon payment of the fees required by Chapter 3.04 of this code, Fee Schedule for City Administrative Services. (Ord. 145.D §1(part), 2005)

6.04.040 License—Exclusions.

The licensing provisions of this chapter shall not apply to the following dog:

- A. Dogs whose owners are nonresidents temporarily within the city for three months or less;
- B. Dogs who have been brought into the city for the purpose of participating in any dog show;
- C. Any animal used by law enforcement, search and rescue agencies or other animals under the ownership and control of law enforcement or other agency;
- D. Seeing eye dogs properly trained to assist blind persons, when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place;
- E. Dogs properly trained to assist hearing-impaired persons, when such dogs are actually being used by hearing-impaired persons for the purpose of aiding them. (Ord. 145.D §1(part), 2005)

6.04.050 License—Required—Cats.

Adult cats shall be licensed for identification purposes by payment of the fee provided in Chapter 3.04 of this code, Fee Schedule for City Administrative Services. Cat identification tags shall be valid for the life of the animal. (Ord. 145.D §1(part), 2005)

6.04.060 License—Issuance—Fees.

The police department, or such other person, firm or entity as is designated by the city council by contract or otherwise, shall issue a dog license upon payment of fee as provided in Chapter 3.04 of this code, Fee Schedule for City Administrative Services. All licenses for all animals, except cats, shall be valid for one calendar year commencing January 1st of each year and expiring on December 31st of each year. All license fees, except for cats, are due annually in accordance with this section. (Ord. 145.D §1(part), 2005)

6.04.070 License—Tags.

Upon issuance of a license, a metal tag with a number corresponding to the number of the application shall be furnished to the applicant. License tags shall be securely displayed on animals at all times except as the animals may be exempt from licensing requirements. Licenses are not transferable to another animal. (Ord. 145.D §1(part), 2005)

6.04.080 Running at large—Prohibited.

It shall be unlawful for the owner of any domestic or exotic animal or of any livestock of any kind, with the exception of cats, to allow such animal to run at large during any hours of the day or night. This section shall not apply to dogs owned by the city or other law enforcement agencies and maintained as police K-9 units while under the custody and control of the trainer or keeper. This section shall not apply to dogs which are in special areas designated and posted by the chief of police as dog training areas so long as the regulations of the chief of police with respect to the use of such areas are complied with and such dogs are under the custody and control of their trainer. (Ord. 145.D §1(part), 2005)

6.04.090 Running at large—Right of entry.

The animal control authority, an animal control officer or any other law enforcement officer may, in fresh pursuit, pursue any sick, dangerous or vicious animal, potentially dangerous dog or dangerous dog running at large onto private property in an attempt to take up and impound said animal. (Ord. 145.D §1(part), 2005)

6.04.100 Impoundment—Authority—Bond or security for confinement.

The animal control authority and its authorized representatives are authorized to apprehend and impound any animals as provided below. The following provisions apply to seizure and confinement of potentially dangerous dogs, dangerous dogs, animals determined to be a public nuisance, animals not licensed, animals running at large, and animals which have bitten people

A. Any potentially dangerous dog may be seized, removed and impounded by the animal control authority if the dog's owner has not complied with one or more of the provisions of Section 6.04.355 or is in violation of the provisions of Section 6.04.356. If the dog's owner is charged with a violation of Section 6.04.356, then:

1. Such potentially dangerous dog so seized, removed and impounded shall not be released until after final disposition of the charge(s) against the dog's owner and by order of the court and
2. Upon a finding of probable cause by the court for the seizure, removal and impoundment of the dog and the charge(s) against the dog's owner, the owner must post a bond or security with the city within

five days of such probable cause finding in an amount sufficient to provide for the dog's care for a minimum of sixty days from the seizure date. Such amount shall be specified in the notice of impoundment. Failure to post such bond or security within the time specified shall be considered authorization for the animal control authority to dispose of the dog

B. Any dangerous dog may be seized, removed and impounded by the animal control authority if the dog's owner has not complied with one or more of the provisions of Section 6.04.360 or is in violation of the provisions of Section 6.04.361. If the dog's owner is charged with a violation of Section 6.04.361, then:

1. Such dangerous dog so seized, removed and impounded shall not be released until after final disposition of the charge(s) against the dog's owner and by order of the court; and

2. Upon a finding of probable cause by the court for the seizure, removal and impoundment of the dog and the charge(s) against the dog's owner, the owner must post a bond or security with the city within five days of such probable cause finding in an amount sufficient to provide for the dog's care for a minimum of sixty days from the seizure date. Such amount shall be specified in the notice of impoundment. Failure to post such bond or security within the time specified shall be considered authorization for the animal control authority to dispose of the dog

C. If an animal is determined to be a public nuisance, and the animal's owner has failed to abate the nuisance activity as directed within the time specified in the notice of abatement, then such nuisance animal may be seized, removed and impounded by the animal control authority. If the owner is charged with the misdemeanor violation of failure to abate a nuisance under Section 6.04.350, then:

1. Such public nuisance animal so seized, removed and impounded shall not be released until after final disposition of the charge(s) against the animal's owner and by order of the court; and

2. Upon a finding of probable cause by the court for the seizure, removal and impoundment of the animal and the charge(s) against the animal's owner, the owner must post a bond or security with the city within five days of such probable cause finding in an amount sufficient to provide for the animal's care for a minimum of sixty days from the seizure date. Such amount shall be specified in the notice of impoundment. Failure to post such bond or security within the time specified shall be considered authorization for the animal control authority to dispose of the animal

D. All animals not licensed as required under this chapter, all animals running at large within the city and every animal which bites a person may be seized, removed and impounded by the animal control authority for fifteen calendar days. If the animal has not been determined to be a public nuisance, a potentially dangerous dog or a dangerous dog and the animal has not been redeemed within the fifteen-day period, the animal control authority may dispose of said animal

E. If a licensed veterinarian or the animal control authority has determined that an animal should be destroyed for humane reasons, or for the safety and well-being of the community, the animal may not be redeemed, unless such decision is reversed upon appeal

F. It is lawful for any police officer or animal control officer to kill any dangerous dog, rabid animal, vicious animal or other animal found at large which cannot, in their judgment, be safely seized, removed and impounded. (Ord. 145.D §1(part), 2005)

6.04.110 Impoundment—Interference with prohibited.

It shall be unlawful for any person to willfully do the following

A. Prevent or hinder the impounding of any animal found in violation of the provisions of this chapter;

B. Remove any animal from the public pound within the authority of the chief of police, the animal control authority, or the officer in charge of the pound;

C. Remove any animal from the public pound without paying all of the charges against the animal.

D. Resist or obstruct the animal control authority in the performance of its duties. (Ord. 145.D §1(part), 2005)

6.04.120 Impoundment—Disposal of animal.

A. If the animal is licensed and it has been determined that disposal of the animal is necessary, then the owner shall be served with a notice of impoundment which shall recite the authority and reasons for the disposal of the animal by the animal control authority.

B. If the animal has been determined to be a "dangerous dog," then the owner shall be served with a notice of impoundment which shall recite the authority and reasons for the confiscation of the dangerous dog, that the owner is responsible for the payment of the costs of confinement and control and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within twenty days.

C. The animal control authority shall destroy a confiscated dangerous dog in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within twenty days of notification of impoundment.

D. Disposal Stayed Pending Appeal. If an appeal is filed as provided in Section 6.04.390, destruction of the animal shall be stayed for the appeal period, provided the owner posts a bond or security with the city within five days of filing such appeal in an amount sufficient to provide for the animal's care for a minimum of sixty days from the seizure date with the specific amount set forth in the notice of impoundment. If such bond or security is not filed with the city as required, the animal control authority may request the appellate body dismiss the appeal or impose costs upon the appellant for the animal's care, if the appeal is unsuccessful. The animal control authority or its agents shall not be held liable for the disposal or destruction of animals under this chapter. (Ord. 145.D §1(part), 2005)

6.04.130 Impoundment—Redemption of animal.

An owner of an animal may redeem an animal during business hours any time after an animal has been seized, removed and impounded if:

A. The owner pays all costs of confinement and control of such animal prior to redeeming the animal;

B. The owner has not been served with a declaration of preliminary or final determination of public nuisance;

C. The owner has not been served with a declaration of preliminary or final determination of potentially dangerous dog;

D. The owner has not been served with a declaration of preliminary or final determination of dangerous dog;

E. The owner has been served with a declaration of preliminary or final determination of public nuisance, but the owner has signed an agreement to abate the nuisance activity immediately and/or the animal control authority has issued a determination that the owner has abated the nuisance activity as directed;

F. The owner has been served with a declaration of preliminary or final determination of potentially dangerous dog, but the owner has properly registered the dog as a potentially dangerous dog as required by Section 6.04.355, and the owner does not have a charge pending for violation of the provisions of Section 6.04.356;

G. The owner has been served with a declaration of preliminary or final determination of dangerous dog, but the owner has properly registered the dog as a dangerous dog as required by Section 6.04.360, and

the owner does not have a charge pending for violation of the provisions of Section 6.04.361;

H. The animal is not being held for quarantine because it bit a person or because it has been exposed to rabies; or

I. A licensed veterinarian or the animal control authority has not determined that an animal should be destroyed for humane reasons, or for the safety and well-being of the community. (Ord. 145.D §1(part), 2005)

6.04.140 Impoundment—Notice.

A. Licensed Animal Impoundment. When any licensed animal is impounded, the animal control officer or department impounding such animal shall notify the owner of the impoundment and the reasons for impounding the animal by mail, telephone or by leaving written notice at the address contained in the license application, if the animal is licensed by the city. The notice of impoundment shall be as set forth in subsection (C) of this section. Notifying an owner by telephone or by leaving written notice at the address contained in the license application are courtesies, but are not considered service of such notice. Service of such notice shall be as set forth in Section 6.04.353.

B. It shall be the owner's responsibility to ascertain that an animal has been impounded and to take such measures as are necessary for redeeming such animal. Neither the city nor any officer or agent of the city shall be legally or financially responsible for failing to notify an animal owner under this chapter.

C. Notice—Contents of Notice of Impoundment. A notice of impoundment concerning an animal impounded by the animal control authority shall contain:

1. The name and address, if known, of the owner of the animal.
2. The license number, if available, and description of the animal.
3. A recital of the authority for the impoundment action.
4. A brief concise statement of the facts that support the determination describing the activity of the animal that caused it to be impounded.
5. A statement that the owner may redeem their animal during business hours at an address specified in the notice, if the animal is subject to redemption under Section 6.04.130;
6. If the animal is not redeemable, then the notice shall recite the authority for the animal control authority retaining the animal.
7. If the animal is licensed and it has been determined that disposal of the animal is necessary, then the notice shall recite the authority and reasons for the disposal of the animal by the animal control authority;
8. If the animal has been determined to be a "dangerous dog," then the notice shall recite the authority and reasons for the confiscation of the dangerous dog, and that the owner is responsible for the payment of the costs of confinement and control and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within twenty days;
9. If the owner has been charged with a criminal violation under this chapter, the notice shall state that upon a finding of probable cause by the court for the seizure, removal and impoundment of the animal and the charge(s) against the animal's owner, the owner must post a bond or security with the city within five days of such probable cause finding in an amount sufficient to provide for the dog's care for a minimum of sixty days from the seizure date. The notice shall state the amount to be posted by the animal's owner. The notice shall state that failure to post such bond or security within the time specified shall be considered authorization for the animal control authority to dispose of the animal;
10. A statement that the notice of impoundment is a final determination, unless appealed, and that

an appeal must be filed within ten business days after the date of such final determination with the city clerk as provided in Chapter 1.20.

11. The signature of the person issuing the notice of impoundment and the date the notice of impoundment was signed. (Ord. 15.D §1(part), 2005)

6.04.150 Impoundment—Fees.

The animal control authority shall be entitled to charge fees under this section as set forth under Chapter 3.04 of this code, Fee Schedule for City Administrative Services:

A. Care of Animal Per Day. This shall be the costs assessed by the agency contracting with the city of Brier for care, feeding and boarding of impounded animals. (Ord. 145.D §1(part), 2005)

6.04.160 Finding of animals.

A. Any person who finds and harbors a dog, cat, poultry or livestock, without knowing the animal owner's identity, shall notify the police department and furnish a description of the animal. The finder may surrender the animal to the animal control authority or retain its possession, subject to demand of the animal control authority. Records of reported findings shall be retained by the police department and made available for public inspection

B. Any finder wishing to retain permanent possession of the animal, in addition to reporting as provided in this section, shall within fifteen days of the finding cause to be published in any newspaper of general circulation once each week for two consecutive weeks notice of the finding with a description of the animal. If, within thirty days of the finding report made to the department, no person makes claim upon the finder for return of the animal, the finder who retains possession shall obtain a license as required by this chapter and thus become a legal owner. (Ord. 145.D §1(part), 2005)

6.04.170 Number permitted.

It is unlawful for any person to keep more than three cats or three dogs or three of each that are over six months of age on any premises in the city, except as allowed with a conditional use permit and upon payment of the annual kennel license fee. (Ord. 145.D §1(part), 2005)

6.04.180 Exotic animals.

It is unlawful for an owner of an exotic animal to not have such animal contained within a fence or cage consistent with the age, size and species of the animal. (Ord. 145.D §1(part), 2005)

6.04.190 Wild animals.

It is unlawful for any person to own any wild animal unless the person has obtained a permit from the State Game Department and/or U.S. Fish and Wildlife Service; provided, that the animal control authority may allow a person to temporarily care for an infant or injured wild animal native to the area which is homeless while the person acquires the necessary state and/or federal permits. (Ord. 145.D §1(part), 2005)

6.04.200 Guard dogs.

Guard dogs shall be kept contained within a building or on a leash under the control of a person, or enclosed within a six-foot solid or chain-link fence of sufficient height to prevent the dog from reaching persons off the property. The owner shall restrain the guard dog in such a manner that the dog is unable to reach those persons using the normal ingress and egress to and from the property. The owner shall post signs in two conspicuous places on the property warning that a guard dog is on the premises. The owner must indicate at the time of obtaining a dog license that the dog is a guard dog. (Ord. 145.D §1(part), 2005)

2005)

6.04.210 Slaughtering.

It is unlawful for any person to kill or slaughter, within the city, any animal or animals, the flesh of which is intended to be sold or offered for sale or consumption. (Ord. 145.D §1(part), 2005)

6.04.220 Livestock.

A. Required Open Space and Minimum Dimensional Requirements for Pasturing. There shall be not less than ten thousand square feet of open space for maintaining and pasturing the first livestock animal on any parcel of property, and an additional five thousand square feet shall be required for each additional livestock animal. In addition, the following minimum dimensional requirements for open space and pasturing purposes shall be provided

1. The pasture area shall have a minimum width of eighty feet

2. The stable housing the livestock animals shall be set back at least thirty feet from any side, rear and front property lines

3. In the event any livestock animal gives birth, thereby exceeding the number of livestock animals allowed by the minimum set forth in this subsection, the owner of said livestock animal and/or the occupier of the premises shall conform to the number of livestock animals for the dimensional requirements within one year of the birth of the animal

B. Fencing. The owner and/or tenant and/or other occupier of the premises upon which any livestock animal is maintained for more than seven consecutive days within the city limits shall provide adequate fencing in a good state of repair to guarantee the confinement of said animal within the fence, which fence shall completely enclose an area adhering to the minimal dimensional requirements

C. Waste Disposal. The owner of each livestock animal and the owner and/or occupier of the premises upon which said animal is maintained within the city limits shall guarantee and, at all times, maintain the premises upon which the livestock animal is maintained in a sanitary and neat condition including, but not limited to, disposal of manure or other waste material from said animal. An unreasonable accumulation of flies or other insects or pests within the property on which said animal is maintained, and/or noxious or offensive odors, or the unreasonable accumulation of flies, insects or other pests transcending into neighboring or vicinal real property, shall be presumed to be inadequate sanitary conditions. (Ord. 145.D §1(part), 2005)

6.04.230 Confinement of animals in heat.

An owner shall confine their female dog or cat in heat in a building or secure enclosure in such a manner that the female dog or cat cannot come into contact with another animal except for planned breeding. (Ord. 145.D §1(part), 2005)

6.04.240 Cleaning up after animals.

It is unlawful for a person to leave any offal or manure deposited by an animal under that person's care or control upon any public place or private property not owned by such person, unless that person takes immediate steps to remove and properly dispose of any offal or manure so deposited. Proper disposal means the removal of the offal or manure by means of a bag, scoop or other device and an eventual disposal in a trash receptacle, by burying or by other means of lawful disposal. (Ord. 145.D §1(part), 2005)

6.04.250 Mistreatment or permitting fights prohibited.

It is unlawful for any person to beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals and humans. It is unlawful for any person to be present at such exhibitions as a spectator or to permit such conduct on premises under the person's control. (Ord. 145.D §1(part), 2005)

6.04.260 Abandonment prohibited.

It is unlawful for an owner to abandon an animal or leave an animal unattended for more than twenty-four consecutive hours without adequate care. (Ord. 145.D §1(part), 2005)

6.04.270 Circuses and animal exhibitions.

No performing animal exhibition or circus shall be permitted in which animals are induced or encourage to perform through the use of chemicals or mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering. (Ord. 145.D §1(part), 2005)

6.04.280 Poisoning.

It is unlawful for any person to lay out or expose any kind of poison or leave exposed any poisonous food or drink for man, animal or fowl, or any substance or fluid whatever, whereon or wherein there is or shall be deposited or mingle any kind of poison or poisonous or deadly substance or fluid whatsoever, on the premises of another or in any unenclosed place, or aid or abet any other person in doing so. (Ord. 145.D §1(part), 2005)

6.04.290 Confinement in vehicle.

It is unlawful for any person to confine an animal within or on a motor vehicle at any location under such conditions that may endanger the health or well-being of the animal, including but not limited to extreme temperatures, lack of food, water or attention, or confinement with a dangerous animal. The animal control authority, any animal control officer or any police officer are authorized to remove any animal so confined from a motor vehicle, at any location. Notice shall be left in a conspicuous, secure location on or within the vehicle indicating that the animal has been removed from the vehicle, the location to which the animal was removed and a contact name and phone number. (Ord. 145.D §1(part), 2005)

6.04.300 Provision of adequate food, water and shelter.

An owner shall provide their animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care, when needed to prevent suffering, and humane care and treatment. (Ord. 145.D §1(part), 2005)

6.04.310 Care and sanitation for confined animals.

Any person who confines any animals shall supply the same during such confinement with clean, adequate shelter from the weather and a sufficient daily quantity of food and water. (Ord. 145.D §1(part), 2005)

6.04.320 Hitting animal with vehicle—Report required.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event that the owner cannot be ascertained and located, such person shall at once report such incident to the police by calling 911 and provide their name, address, phone number and license of their motor vehicle. (Ord. 145.D §1(part) 2005)

6.04.330 Nuisances—Definitions.

It is a public nuisance if the owner of a domestic animal fails to exercise proper care and control of their animal such that

- A. The animal is running at large within the city
 - B. The animal is not licensed as required under this chapter
 - C. The animal is engaging in excessive or untimely barking, whining, screeching, howling, caterwauling, crowing, braying or other like sounds in such a manner as to disturb any person or neighborhood to an unreasonable degree
 - D. The animal chases, runs after or jumps at vehicles using public streets and alleys
 - E. The animal habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys or other public ways
 - F. The animal causes damage to property other than the property of the animal's owner
 - G. The animal exhibits vicious propensities constituting a danger to the safety of persons or property off of the property of the animal's owner, or lawfully on the property of the animal's owner
 - H. The animal is a vicious animal or an animal with vicious propensities which runs at large at any time, or such an animal is off the owner's premises not securely leashed, on a line, or confined and in the control of a person of suitable age and discretion to control or restrain such animal
 - I. A vicious animal is able to reach those persons utilizing the normal ingresses and egresses to and from the premises where such an animal is maintained
 - J. The owner of a vicious animal fails to post signs in two conspicuous places upon the premises, warning those persons who may come upon or near the premises of the existence of the vicious animal
 - K. The owner of a vicious animal fails to establish a proper enclosure for such vicious animal as set forth in Section 6.04.020; or the owner of such animal fails to maintain such vicious animal in a proper enclosure for a vicious animal as set forth in Section 6.04.020;
 - L. The animal is kept, harbored or maintained and known to have a contagious disease, unless under the treatment of a licensed veterinarian
 - M. The animal is running in packs of other animals or in groups of two or more
 - N. The pen, stable, lot, place or premises in which the animal may be confined has become nauseous, foul or offensive or otherwise has become an annoyance to any person or neighborhood;
 - O. The animal deposits excretory matter on property other than the property of the animal's owner.
- (Ord. 145.D §1(part), 2005)

6.04.331 Nuisances—Penalties—Infraction.

A. Failing to comply with one or more of the animal control requirements set forth in Section 6.04.330, any time after service upon an owner of a final determination that an animal is a public nuisance under this chapter, is an infraction

B. It is an infraction if an animal has not previously been determined, either preliminarily or finally, to be a public nuisance or a potentially dangerous dog or a dangerous dog and the owner of the animal fails to exercise proper care and control of the animal such that the animal

- 1. Inflicts bites on a human or a domestic animal either on public or private property;
- 2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack. (Ord. 145.D §1(part), 2005)

6.04.332 Nuisance—Preliminary determination—Notice.

A. Declaration of Preliminary Determination. Upon determination by the animal control authority that an animal is a public nuisance as defined in Section 6.04.330, the owner shall be served with a declaration of preliminary determination of public nuisance.

B. Notice—Contents of Declaration of Preliminary Determination of Public Nuisance. A declaration of preliminary determination concerning a public nuisance shall contain:

1. The name and address, if known, of the owner of the animal;
2. The license number, if available, and description of the animal;
3. A statement that the animal control authority has made a preliminary determination that the animal is a public nuisance as defined in Section 6.04.330 and a concise description describing the nuisance activity and explaining why the preliminary determination has been made;
4. A statement that the owner is entitled to an opportunity to meet with the animal control authority, at which meeting the owner may give, orally or in writing, any reasons or information to why the animal should not be declared a public nuisance, with the date, time and location of the meeting set within fifteen calendar days following service of the notice;
5. A statement that that owner may propose an alternative meeting date and time by serving such written request on the animal control authority, but the meeting must occur within the fifteen-day time period set forth in Section 6.04.352(A);
6. A statement that after the fifteen-day time period set forth in Section 6.04.352(A), the animal control authority will issue its final determination:
 - a. Within fifteen calendar days of the animal control authority's meeting with the animal's owner as set forth in Section 6.04.352(A) or (B); or
 - b. Within fifteen calendar days of the expiration of the fifteen-calendar-day period following service of the notice, if the animal's owner fails to appear at the meeting scheduled in accordance with the provisions of Section 6.04.352(A) or (B). (Ord. 145.D §1(part), 2005)

6.04.333 Nuisance—Final determination—Notice.

A. Declaration of Final Determination. The animal control authority shall advise the animal's owner in writing of its final determination by issuing such final determination within the appropriate time period specified in Section 6.04.352(C). If the animal control authority has determined that the animal is a public nuisance as defined in Section 6.04.330, then a declaration of final determination of public nuisance shall, unless timely appealed, be a final determination that the animal is a public nuisance.

B. Notice—Contents of Declaration of Final Determination of Public Nuisance. A declaration of final determination concerning a public nuisance shall contain:

1. The name and address, if known, of the owner of the animal;
2. The license number, if available, and description of the animal;
3. A statement that the animal control authority has made a final determination that:
 - a. The animal is not a public nuisance as defined in Section 6.04.330; or
 - b. The animal is a public nuisance as defined in Section 6.04.330;
4. If the animal control authority has determined that the animal is a public nuisance as defined in Section 6.04.330, then such final determination shall include:
 - a. A recital of the authority for the action;
 - b. A brief concise statement of the facts that support the determination describing the nuisance activity; and
 - c. The signature of the person who made the determination;

5. A statement that the declaration of final determination concerning a public nuisance is a final determination, unless appealed, and that an appeal must be filed within ten business days after the date of such final determination with the city clerk as provided in Chapter 1.20. (Ord. 145.D §1(part), 2005)

6.04.340 Nuisances—Abatement—Notice.

A. If the city has issued a final determination that an animal is a public nuisance, then the city may issue a notice of abatement to the owner of the animal directing that the nuisance be abated as indicated in the notice. Service on the animal's owner shall be as set forth in Section 6.04.353.

B. Notice—Contents of Notice of Abatement of Public Nuisance. A notice of abatement concerning a public nuisance shall contain

1. The name and address, if known, of the owner of the animal;
2. The license number, if available, and description of the animal;
3. A statement that the animal control authority has made a final determination that the animal is a public nuisance as defined in Section 6.04.330;
4. A description of the nuisance activity;
5. A description of how the nuisance activity should be abated;
6. A time period for abatement of the nuisance activity, but in no event shall that time period be more than thirty days after the date of the notice of abatement;
7. A statement that the notice of abatement of a public nuisance is a final determination that the nuisance activity must be abated, unless appealed, and that an appeal must be filed within ten business days after the date of the notice of abatement with the city clerk as provided in Chapter 1.20;
8. A statement that if the owner does not abate the nuisance activity within the time specified in the notice, the city may abate the nuisance by impounding the animal and such impoundment will be at the owner's expense;
9. A statement that the owner's failure to abate the nuisance as directed may be considered a misdemeanor violation; and
10. The signature of the person issuing the notice of abatement and the date the notice of abatement is signed. (Ord. 145.D §1(part), 2005)

6.04.350 Penalties—Failure to abate nuisance—Misdemeanor.

It is a misdemeanor violation if the owner of an animal declared to be a public nuisance is properly served with a notice of abatement and the owner fails to abate the nuisance as directed within the time specified in the notice of abatement. (Ord. 145.D §1(part), 2005)

6.04.352 Time periods—Potentially dangerous and dangerous dogs—Determinations.

A. An owner is entitled to an opportunity to meet with the animal control authority, at which meeting the owner may give, orally or in writing, any reasons or information as to why the dog or animal should not be declared:

1. Potentially dangerous, with the date, time and location of the meeting set within fifteen calendar days following service of the notice of declaration of preliminary determination of potentially dangerous dog;
2. Dangerous, with the date, time and location of the meeting set within fifteen calendar days following service of the notice of declaration of preliminary determination of dangerous dog;
3. A nuisance, with the date, time and location of the meeting set within fifteen calendar days following service of the notice of declaration of preliminary determination of nuisance

B. An owner may propose an alternative meeting date and time, by serving such written request on the animal control authority, but the meeting must occur within the fifteen-daytime period set forth in subsection (A) of this section

C. After the fifteen-day time period set forth in subsection (A) of this section, the animal control authority will issue its final determination

1. Within fifteen calendar days of the animal control authority's meeting with the dog's owner as set forth in subsection (A) or (B) of this section; or

2. Within fifteen calendar days of the expiration of the fifteen-calendar-day period following service of the notice, if the dog's owner fails to appear at the meeting scheduled as set forth in subsection (A) or (B) of this section. (Ord. 145.D §1(part), 2005)

6.04.353 Service.

Service of declarations and documents as required under this chapter may be accomplished by personal service on the owner of the animal or on the city attorney, if a matter is being appealed, or by regular and certified mail to the last known address of the owner, or of the city attorney, if a matter is being appealed. If service is by mail, service shall be considered accomplished three calendar days after mailing. (Ord. 145.D §1(part), 2005)

6.04.355 Potentially dangerous dogs—Requirements to keep dog in city.

If a final determination has been issued declaring a dog to be a potentially dangerous dog under the provisions of this chapter, then strict compliance with each of the following requirements is required to keep a potentially dangerous dog in the city of Brier

A. The owner of a potentially dangerous dog shall provide for proper enclosure of a potentially dangerous dog as set forth in Section 6.04.020, within twenty days of service upon an owner of a final determination that an animal is a potentially dangerous dog under this chapter. A potentially dangerous dog may not be outside the dwelling of the owner or outside of a proper enclosure for a potentially dangerous dog, unless muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog nor interfere with its vision or respiration but shall prevent it from biting any person or animal

B. The owner of a potentially dangerous dog shall secure a fifty thousand dollar surety bond issued by a surety insurer qualified under Chapter 48.28 RCW and post such bond with the city of Brier, payable to any person injured by such dog, and payable to any owner of a domestic animal injured by such dog; or the owner shall secure liability insurance coverage, such as homeowner's or renter's insurance, issued by a surety insurer qualified under Chapter 48.28 RCW in the amount of fifty thousand dollars, insuring the dog owner for any injuries to any person or other domestic animal injured by such dog. Such surety bond or a copy of such liability insurance coverage reflecting prepaid premiums on such coverage for one year shall be provided to the animal control authority within twenty days of service upon an owner of a final determination that an animal is a potentially dangerous dog

C. The owner of a potentially dangerous dog shall post the owner's premises in two conspicuous places on the property with clearly visible warning signs that there is a potentially dangerous dog on the property, within twenty days of service upon an owner of a final determination that an animal is a potentially dangerous dog under this chapter. At least one of the signs shall display a warning symbol that informs children of the presence of a potentially dangerous dog

D. In addition to any license required under the provisions of this chapter, all owners of potentially dangerous dogs must obtain a "City of Brier Potentially Dangerous Dog Certificate of Registration," within

twenty days of service upon an owner of a final determination that an animal is a potentially dangerous dog under this chapter. The owner shall apply for such certificate upon forms supplied by the city clerk. Such certificate shall be issued upon payment by the owner of an annual fee of one hundred dollars to the city of Brier and upon certification by the animal control authority that the owner is in compliance with the provisions of this chapter. The certificate of registration shall reflect that the owner has

1. Provided for proper enclosure of a potentially dangerous dog as required by subsection (A) of this section;

2. Posted a fifty thousand dollar surety bond with the city of Brier, or provided proof of fifty thousand dollars liability insurance coverage as required by subsection (B) of this section.

3. Posted the owner's premises with warning signs as required by subsection (C) of this section; and

4. Paid the annual registration fee of one hundred dollar

E. The provisions of this section shall not apply to dogs used by law enforcement officials for police work. (Ord. 145.D §1(part), 2005)

6.04.356 Potentially dangerous dogs—Fail to comply—Penalties—Misdemeanor.

Failing to comply with one or more of the requirements set forth in this section is a misdemeanor with maximum penalties of ninety days in jail and one thousand dollars fine

A. The owner of a potentially dangerous dog has not established a proper enclosure for a potentially dangerous dog within twenty days of service upon an owner of a final determination that an animal is a potentially dangerous dog under this chapter as required by Section 6.04.355(A); or the owner of such dog has not maintained such dog in a proper enclosure for a potentially dangerous dog as required by Section 6.04.355(A);

B. The owner of a potentially dangerous dog has not posted a fifty thousand dollar surety bond with the city of Brier, or provided proof of fifty thousand dollars liability insurance coverage within twenty days of service upon an owner of a final determination that an animal is a potentially dangerous dog under this chapter as required by Section 6.04.355(B);

C. The owner of a potentially dangerous dog has failed to post the owner's premises with warning signs within twenty days of service upon an owner of a final determination that an animal is a potentially dangerous dog under this chapter as required by Section 6.04.355(C);

D. The owner of a potentially dangerous dog has not validly registered the dog as a potentially dangerous dog as required by Section 6.04.355(D);

E. The owner of a potentially dangerous dog fails to exercise proper care and control of the dog, any time after service upon an owner of a final determination that an animal is a potentially dangerous dog under this chapter, such that the dog

1. Inflicts bites on a human or a domestic animal either on public or private property; or

2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack

3. Is outside the dwelling of the owner or outside of a proper enclosure for a potentially dangerous dog as required by Section 6.04.355(A) and is not muzzled and restrained by a substantial chain or leash and under the control of a responsible person as required by Section 6.04.355(A);

F. If an animal has not previously been determined, either preliminarily or finally, to be a potentially dangerous dog or a dangerous dog and the owner of the dog fails to exercise proper care and control of the dog such that the dog

1. Inflicts severe injury on a human being without provocation on public or private property;
2. Kills a domestic animal without provocation while the dog is off the owner's property

G. Affirmative Defense. It is an affirmative defense to charges brought under this section that the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime. (Ord. 145.D §1(part), 2005)

6.04.357 Potentially dangerous dogs—Preliminary determination—Notice.

A. Declaration of Preliminary Determination. Upon determination by the animal control authority that a dog is a potentially dangerous dog as defined in Section 6.04.020, the owner shall be served with a declaration of preliminary determination of potentially dangerous dog

B. Notice—Contents of Declaration of Preliminary Determination of Potentially Dangerous Dog. A declaration of preliminary determination concerning a potentially dangerous dog shall contain

1. The name and address, if known, of the owner of the dog
2. The license number, if available, and description of the dog
3. A statement that the animal control authority has made a preliminary determination that the animal is a potentially dangerous dog as defined in Section 6.04.020 and a concise description explaining why the preliminary determination has been made
4. A statement that the owner is entitled to an opportunity to meet with the animal control authority, at which meeting the owner may give, orally or in writing, any reasons or information as to why the dog should not be declared potentially dangerous, with the date, time and location of the meeting set within fifteen calendar days following service of the notice
5. A statement that the owner may propose an alternative meeting date and time, by serving such written request on the animal control authority, but the meeting must occur within the fifteen-day time period set forth in Section 6.04.352(A);
6. A statement that after the fifteen-day time period set forth in Section 6.04.352(A), the animal control authority will issue its final determination
 - a. Within fifteen calendar days of the animal control authority's meeting with the dog's owner as set forth in Section 6.04.352(A) or (B); or
 - b. Within fifteen calendar days of the expiration of the fifteen-calendar-day period following service of the notice, if the dog's owner fails to appear at the meeting scheduled in accordance with the provisions of Section 6.04.352(A) or (B);
7. The signature of the person who made the determination and the date the determination was signed. (Ord. 145.D §1(part), 2005)

6.04.358 Potentially dangerous dogs—Final determination—Notice.

A. Declaration of Final Determination. The animal control authority shall advise the dog's owner in writing of its final determination by issuing such final determination within the appropriate time period specified in Section 6.04.352(C). If the animal control authority has determined that the animal is a potentially dangerous dog as defined in Section 6.04.020, then a declaration of final determination of potentially dangerous dog shall, unless timely appealed, be a final determination that the dog is a potentially dangerous dog

B. Notice—Contents of Declaration of Final Determination of Potentially Dangerous Dog. A declaration of final determination concerning a potentially dangerous dog shall contain

1. The name and address, if known, of the owner of the dog
2. The license number, if available, and description of the dog
3. A statement that the animal control authority has made a final determination that
 - a. The animal is not a potentially dangerous dog; or
 - b. The animal is a potentially dangerous dog
4. If the animal control authority has determined that the animal is a potentially dangerous dog, then such final determination shall include
 - a. A recital of the authority for the action
 - b. A brief concise statement of the facts that support the determination; and
 - c. The signature of the person who made the determination and the date the determination was signed;
5. A statement that the determination concerning a potentially dangerous dog is a final determination, unless appealed, and that an appeal must be filed within ten business days after the date of such final determination with the city clerk as provided in Chapter 1.20. (Ord. 145.D §1(part), 2005)

6.04.360 Dangerous dogs—Requirements to keep a dangerous dog.

If a final determination has been issued declaring a dog to be a dangerous dog under the provisions of this chapter, then strict compliance with each of the following requirements is required to keep a potentially dangerous dog in the city of Brier

A. The owner of a dangerous dog shall provide for proper enclosure of a dangerous dog as set forth in Section 6.04.020, within twenty days of service upon an owner of a final determination that an animal is a dangerous dog under this chapter. A dangerous dog may not be outside the dwelling of the owner or outside of a proper enclosure for a dangerous dog, unless muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog nor interfere with its vision or respiration but shall prevent it from biting any person or animal.

B. The owner of a dangerous dog shall secure a two hundred fifty thousand surety bond issued by a surety insurer qualified under Chapter 48.28 RCW and post such bond with the city of Brier, payable to any person injured by a potentially dangerous dog, and payable to any owner of a domestic animal injured by a potentially dangerous dog; or the owner shall secure liability insurance coverage, such as homeowner's or renter's insurance, issued by a surety insurer qualified under Chapter 48.28 RCW in the amount of two hundred fifty thousand dollars, insuring the dog owner for any injuries to any person or other domestic animal injured by a potentially dangerous dog. Such surety bond or a copy of such liability insurance coverage reflecting prepaid premiums on such coverage for one year shall be provided to the animal control authority within twenty days of service upon an owner of a final determination that an animal is a dangerous dog under this chapter

C. The owner of a dangerous dog shall post the owner's premises in two conspicuous places on the property with clearly visible warning signs that there is a dangerous dog on the property, within twenty days of service upon an owner of a final determination that an animal is a dangerous dog under this chapter. At least one of the signs shall display a warning symbol that informs children of the presence of a dangerous dog.

D. In addition to any license required under the provisions of this chapter, all owners of dangerous dogs must obtain a "City of Brier Dangerous Dog Certificate of Registration," within twenty days of service upon an owner of a final determination that an animal is a dangerous dog under this chapter. The owner

shall apply for such certificate upon forms supplied by the city clerk. Such certificate shall be issued upon payment by the owner of an annual fee of one hundred dollars to the city of Brier and upon certification by the animal control authority that the owner is in compliance with the provisions of this chapter

The certificate of registration shall reflect that the owner has done the following

1. Provided for proper enclosure of a dangerous dog as required by subsection (A) of this section
2. Posted a two hundred fifty thousand dollar surety bond with the city of Brier, or provided proof of two hundred fifty thousand dollars liability insurance coverage as required by subsection (B) of this section;

3. Posted the owner's premises with warning signs as required by subsection (C) of this section; and

4. Paid the annual registration fee of one hundred dollar

E. The provisions of this section shall not apply to dogs used by law enforcement officials for police work. (Ord. 145.D §1(part), 2005)

6.04.361 Dangerous dogs—Fail to comply—Penalties—Gross misdemeanor.

Failing to comply with one or more of the dangerous dog requirements set forth in this section is a gross misdemeanor with maximum penalties of three hundred sixty-five days in jail and five thousand dollar fine.

A. The owner of a dangerous dog has not established a proper enclosure for a dangerous dog within twenty days of service upon an owner of a final determination that an animal is a dangerous dog under this chapter as required by Section 6.04.360(A); or the owner of such dog has not maintained such dog in a proper enclosure for a dangerous dog as required by Section 6.04.360(A);

B. The owner of a dangerous dog has not posted a two hundred fifty thousand dollar surety bond with the city of Brier, or provided proof of two hundred fifty thousand dollars liability insurance coverage within twenty days of service upon an owner of a final determination that an animal is a dangerous dog under this chapter as required by Section 6.04.360(B);

C. The owner of a dangerous dog has failed to post the owner's premises with warning signs within twenty days of service upon an owner of a final determination that an animal is a dangerous dog under this chapter as required by Section 6.04.360(C);

D. The owner of a dangerous dog has not validly registered the dog as a dangerous dog as required by Section 6.04.360(D);

E. The owner of a dangerous dog fails to exercise proper care and control of the dog, any time after service upon an owner of a final determination that an animal is dangerous dog under this chapter, such that the dog

1. Inflicts severe injury on a human being without provocation on public or private property
2. Kills a domestic animal without provocation while the dog is off the owner's property;
3. Has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such, and the dog again aggressively bites, attacks, or endangers the safety of humans;

4. Is outside the dwelling of the owner or outside of a proper enclosure for a dangerous dog as required by Section 6.04.360(A) and is not muzzled and restrained by a substantial chain or leash and under the control of a responsible person as required by Section 6.04.360(A);

F. Affirmative Defense. It is an affirmative defense to charges brought under this section that the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or

other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime. (Ord. 145.D §1(part), 2005)

6.04.362 Dangerous dogs—Preliminary determination—Notice.

A. Declaration of Preliminary Determination. Upon determination by the animal control authority that a dog is a dangerous dog as defined in Section 6.04.020, the owner shall be served with a declaration of preliminary determination of dangerous dog.

B. Notice—Contents of Declaration of Preliminary Determination of Dangerous Dog. A declaration of preliminary determination concerning a dangerous dog shall contain:

1. The name and address, if known, of the owner of the dog;
2. The license number, if available, and description of the dog;
3. A statement that the animal control authority has made a preliminary determination that the animal is a dangerous dog as defined in Section 6.04.020 and a concise description explaining why the preliminary determination has been made;
4. A statement that the owner is entitled to an opportunity to meet with the animal control authority, at which meeting the owner may give, orally or in writing, any reasons or information as to why the dog should not be declared dangerous, with the date, time and location of the meeting set within fifteen calendar days following service of the notice;
5. A statement that that owner may propose an alternative meeting date and time, by serving such written request on the animal control authority, but the meeting must occur within the fifteen-day time period set forth in Section 6.04.352(A);
6. A statement that after the fifteen-day time period set forth in Section 6.04.352(A), the animal control authority will issue its final determination:
 - a. Within fifteen calendar days of the animal control authority's meeting with the dog's owner as set forth in Section 6.04.352(A) or (B); or
 - b. Within fifteen calendar days of the expiration of the fifteen-calendar-day period following service of the notice, if the dog's owner fails to appear at the meeting scheduled in accordance with the provisions of Section 6.04.352(A) or (B). (Ord. 145.D §1(part), 2005)

6.04.363 Dangerous dogs—Final determination—Notice.

A. Declaration of Final Determination. The animal control authority shall advise the dog's owner in writing of its final determination by issuing such final determination within the appropriate time period specified in Section 6.04.352(C). If the animal control authority has determined that the animal is a dangerous dog, then a declaration of final determination of dangerous dog shall, unless timely appealed, be a final determination that the dog is a dangerous dog.

B. Notice—Contents of Declaration of Final Determination of Dangerous Dog. A declaration of final determination concerning a dangerous dog shall contain:

1. The name and address, if known, of the owner of the dog;
2. The license number, if available, and description of the dog;
3. A statement that the animal control authority has made a final determination that:
 - a. The animal is not a dangerous dog; or
 - b. The animal is a dangerous dog;
4. If the animal control authority has determined that the animal is a dangerous dog, then such final determination shall include:

- a. A recital of the authority for the action
- b. A brief concise statement of the facts that support the determination; and
- c. The signature of the person who made the determination and the date the determination was signed;

5. A statement that the declaration of final determination concerning a dangerous dog is a final determination, unless appealed, and that an appeal must be filed within ten business days after the date of such final determination with the city clerk as provided in Chapter 1.20. (Ord. 145.D §1(part), 2005)

6.04.370 Bites—Rabies reports.

A. It is unlawful for an owner of an animal which bites a person or domestic animal to not promptly report such bite incident to the animal control authority and/or police department

B. It is unlawful for an owner of an animal which has been exposed to rabies to not promptly report such exposure to rabies to the animal control authority and/or police department. (Ord. 145.D §1(part), 2005)

6.04.380 Rabies control—Ten-day quarantine.

A. Every animal which bites a person, every animal believed to have rabies or believed to have been bitten by an animal suspected of having rabies shall be quarantined for ten calendar days from the date the animal is seized, removed and impounded under this chapter or from the date the owner is served with a quarantine notice, if the animal is quarantined on the owner's premises

B. At the discretion of the animal control authority, such quarantine may be on the premises of the owner, at the shelter designated as the city's animal shelter, or, at the owner's option and expense, in a veterinary hospital of the owner's choice. In the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city animal shelter or veterinary hospital. Animals so confined shall be subject to examination and observation of a veterinarian at the expense of the owner for a period of ten days. The animal control authority is authorized to have such animal removed from the owner's premises to a veterinary hospital for observation for a period up to ten days at the owner's expense.

C. Service of the quarantine notice on the animal's owner shall be as set forth in Section 6.04.353. If the animal's owner is known, then the quarantine notice shall also be posted at the owner's residence on the front door of the residence or other conspicuous location on the owner's premises during the period of the quarantine.

D. Notice—Contents of Quarantine Notice. A quarantine notice shall contain at least:

1. The name and address, if known, of the owner of the animal
2. The license number, if available, and description of the animal;
3. A statement that it has been reported that the animal has bitten a person, or has been exposed to rabies, indicating the date of the reported bite or exposure to rabies;
4. The expiration date of the quarantine period
5. The signature of the person issuing the quarantine notice and the date the quarantine notice is signed.

E. The animal control authority should issue a quarantine notice promptly. No quarantine notice should be issued more than ten calendar days after the date of a reported bite or after the date of a reported exposure to rabies.

F. It is unlawful for any person knowing or suspecting an animal has rabies to allow such animal to be taken off its premises or beyond the limits of the city without the written permission of the animal control authority, unless the animal has been impounded by the animal control authority under this chapter, or

removed to a veterinary hospital by direction of the animal control authority or a veterinarian. (Ord. 145.D §1(part), 2005)

6.04.390 Appeals.

A. Appeal Period. A notice of impoundment and the declaration of final determination concerning a nuisance, abatement of a nuisance, a potentially dangerous dog or a dangerous dog are final determinations, unless appealed. An appeal must be filed within ten business days after the date of such final determination with the city clerk as provided in Chapter 1.20.

B. Waiver. Failure to timely file a notice of appeal shall constitute a waiver of the right to appeal final determinations concerning an impoundment, a nuisance, abatement of a nuisance, a potentially dangerous dog or a dangerous dog

C. Scheduling of Hearing. Upon receipt of a timely filed notice of appeal, a hearing shall be scheduled not more than thirty days from the date of the filing of the notice of appeal

D. Stay of Determination and Enforcement Action While Appeal Pending. The determination that an animal is a nuisance, a potentially dangerous dog or a dangerous dog shall be stayed while an appeal is pending on such determinations, and the provisions of this chapter based upon such determinations shall not be enforced while an appeal is pending, except that if the animal has been impounded, then the provisions for impoundment under this chapter shall apply and the animal shall not be released, unless the court enters an order authorizing redemption of the animal upon payment of costs of confinement of such animal and the court determines it is otherwise safe to release the animal from confinement. Abatement of a nuisance under this chapter shall be stayed while an appeal is pending

E. Written Statements May Be Filed. An appellant may file signed written statements that conform to the provisions of RCW 9A.72.085 concerning the matter being appealed, but such written statements must be filed with the city clerk at least seven business days in advance of the appeal hearing. Copies of such written statements so filed by the appellant shall be served upon the city attorney in the manner provided in Section 6.04.353. The city may file written statements as well concerning the matter being appealed, but such statements must conform to the provisions of RCW 9A.72.085 and must be filed with the city clerk at least three business days in advance of the appeal hearing. Copies of such written statements so filed by the city shall be served upon the appellant in the manner provided in Section 6.04.353. Written statements that do not conform to the provisions of RCW 9A.72.085 and which are not timely filed and served shall not be considered at the appeal hearing

F. Testimony at Appeal Hearing. Neither the appellant nor representatives of the city are required to testify at an appeal hearing. Either party or both may rely upon written statements timely filed and served as provided in subsection (E) of this section. If oral testimony is taken at an appeal hearing, it shall be under oath.

G. Decisions. The decision maker of an appellate hearing shall render written findings of fact and conclusions of law after the conclusion of the appeal hearing and copies of the decision shall be served on the parties to the appeal as provided in Chapter 1.20 and Section 6.04.353. The decision maker may uphold, dismiss or modify an impoundment determination or a determination that an animal is a nuisance, a potentially dangerous dog or a dangerous dog. The decision maker may uphold, dismiss or modify a determination concerning abatement of a nuisance. The decision so rendered after the conclusion of the appeal hearing shall be a final administrative decision appealable to the Snohomish County superior court within thirty days of the final written order as provided in Chapter 1.20. (Ord. 145.D §1(part), 2005)

6.04.400 Liability for injury by animals.

Brier Municipal Code

The owner of an animal shall be liable to the person injured or property owner injured by such animal arising as a result of the action of the animal and shall pay medical expenses as well as other costs, damages, fees and assessments as are allowed by law. (Ord. 145.D §1(part), 2005)