

## **Title 6**

### **ANIMALS AND AGRICULTURE**

#### **Chapters:**

- 6.10 Stock Restricted Area**
- 6.12 Animal Control**
- 6.20 Weed Control District**
- 6.30 County Fair**
- 6.31 Fair Board Rules**
- 6.32 Rodeo Board Rules**



**Chapter 6.10****STOCK RESTRICTED AREA**

## Sections:

- 6.10.010 Entire county designated stock restricted area.

## Cross-references:

Chapter 16.24 RCW: Stock restricted areas.

**6.10.010 Entire county designated stock restricted area.**

It appears that it would be in the best interests of Cowlitz County and the residents thereof that Cowlitz County in its entirety be designated as a stock restricted area effective July 1, 1964.

On and after July 1, 1964, livestock shall not run at large within the boundaries of Cowlitz County, Washington. [Res. 381, 1-29-64.]

**Chapter 6.12****ANIMAL CONTROL**

## Sections:

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- 6.12.340 Effective date.

**6.12.010 Title.**

This chapter may be cited as the “Cowlitz County Animal Control Code,” to be codified as Chapter 6.12 CCC. [Ord. 84-305, § 1, 12-31-84.]

**6.12.020 Purpose.**

The Board of County Commissioners hereby declares it necessary to establish regulations and procedures for animal control in the unincorporated areas of Cowlitz County, for the following purposes:

- A. To recognize the rights and responsibilities of both owners and nonowners of animals, and to require owners to take responsibility for actions of their animals;
  - B. To secure and maintain such animal control as will protect the public health and safety, and to prevent injury to property;
  - C. To regulate animals so they will not constitute a public nuisance;
  - D. To prevent inhumane treatment of animals.
- [Ord. 84-305, § 2, 12-31-84.]

**6.12.030 Definitions.**

For the purposes of this chapter, the words and phrases shall be as defined in this section:

- 1. “Abandon” means the act of knowingly leaving an animal:
  - a. Without food, water, or care for 24 hours or more; or
  - b. In a situation where conditions present an immediate, direct, and serious threat to life, safety or health of the animal.

2. “Adult dog” means any dog having a set of permanent canine teeth, or six months of age or older.

3. “Alter” means to permanently render an animal incapable of reproduction, whether or not surgically altered. The term shall also include the terms “spaying” and/or “neutering.”

4. “Animal” means any mammal, bird, reptile or amphibian.

5. “Animal Control Authority” means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the county and state and the shelter and welfare of animals.

6. “Animal Control Officer” means any individual or employee, contracted with or appointed by the Animal Control Authority for the purpose of aiding in the enforcement of Chapter 16.08 RCW, or any other law or ordinance relating to the licensure of animals, control of animals, welfare of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

7. “Animal shelter” means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals, and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

8. “At large” means an animal off or outside the premises belonging to its owner or keeper and not in the company of and under control of its owner or keeper.

9. “Board” means the Cowlitz County Board of Commissioners.

10. “Dangerous animal” means any animal that is capable of seriously injuring or killing humans or any domestic animal, including but not limited to any poisonous animals, any poisonous snake or any snake measuring in excess of eight feet in length, any carnivore weighing in excess of 20 pounds (excluding the common household cat or dog), crocodilians, sharks, moray eels, or piranha.

11. “Dangerous dog” means any dog that according to the records of the Animal Control Authority:

- a. Has inflicted severe injury on a human being without provocation on public or private property;

b. Has killed a domestic animal without provocation while off the owner's property; or

c. Has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

12. "Domestic animal" means an animal kept for amusement, companionship, or for household, farm and/or agricultural purposes.

13. "Euthanize" means the humane termination of an animal's life. The term shall include "euthanization," "euthanized," "kill," "killed," "destroy" or "destroyed."

14. "Finder" means any person who comes upon a dog or cat off the premises of its owner and not in the company of and under the control of its owner/ keeper or when such dog or cat has trespassed upon the property of the finder, and who has apprehended the dog and held it pursuant to CCC 6.12.070.

15. "Guard dog" or "attack dog" means any member of the family Canidae, not owned by a government agency, which has been trained and is used for the purpose of protecting persons or property by exhibiting hostile and aggressive propensities, or which will attack on signal or command.

16. "Harbor" means to allow any animal to remain, be lodged, fed, or sheltered on the property one owns, occupies or controls, for more than 72 hours.

17. "Health Officer" means the "local health officer" as defined in RCW 70.05.010, whose jurisdiction includes unincorporated Cowlitz County.

18. "Kennel" means (a) any premises used to conduct a business relating to the breeding, buying, selling or letting of dogs and/or cats for hire, boarding or training; or (b) any premises at which 10 or more adult dogs and/or cats are kept for any purpose, including animal shelter, but excluding animal hospitals, where animals are kept for treatment by licensed veterinarians; provided the veterinarian does not solicit for boarding or animal shelter.

19. "Livestock" means horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jackasses, jennies, burros, goats, kids, llamas, domesticated hares, rabbits, swine and poultry.

20. "Owner" means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

21. "Pack" means a group of three or more dogs running upon lands, either public or private, not

that of their owner(s), when such dogs are not restrained or under the control of their owner(s).

22. "Person" means any individual, firm, association, partnership, political subdivision, government agency, public or private corporation or any other human entity.

23. "Pet shop" means any business or commercial establishment wherein animals commonly referred to or considered to be pets are kept or displayed for sale to persons for either private or commercial purposes.

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

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

b. 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.

25. "Poultry" means all domesticated fowl and all game birds which are legally held in captivity.

26. "Property" means anything of value, whether tangible or intangible, real or personal. Animals are personal property.

27. "Registration certificate" means the ownership registration issued to the owner by Cowlitz County through the Animal Control Authority. The term may include "certificate," "permit" or "license."

28. "Resident" means any person living in Cowlitz County for 30 days or more.

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

30. "Stray" means any animal impounded or in the custody of the Animal Control Authority, its employees or agents which may or may not have an identifiable owner. Animals running at large that are captured or impounded are strays and are either owner-known or owner-unknown strays.

31. "Tag" means the identification tag bearing the words "Cowlitz County," and/or other information required pursuant to this chapter.

32. "Trespass" means entrance upon the property of another person by any animal without the authorization of the lawful occupant.

33. "Under control" means under voice, signal or physical control so to be restrained from approaching a bystander, from entering private property, or from causing damage to property. An

animal is presumed not to have been under control if injury, damage or trespass has occurred.

34. “Veterinary hospital” means any licensed establishment or premises operated or devoted to the medical treatment of domestic animals.

35. “Vicious animal” means an animal which bites, claws, or otherwise harms a human being or domesticated animal but does not include an animal that bites, attacks or menaces a person or another animal that has provoked, tormented or hurt it, while protecting the owner or owner’s property. [Ord. 94-027, §§ 1 – 5, 2-7-94; Ord. 88-038, § 1, 4-4-88; Ord. 86-072, § 1, 4-28-86; Ord. 85-053, § 1, 3-25-85; Ord. 84-305, § 3, 12-31-84.]

#### **6.12.040 Public nuisance – Owner responsibilities.**

A. An animal owner is responsible for the acts of his or her animal. An owner therefore violates this section whenever his or her animal:

1. Bites or causes bodily harm to a person;
2. Frequently chases or snaps at any pedestrian, bicyclist or vehicle lawfully on any public sidewalk, roadway or property occupied by a person other than the animal owner;
3. Trespasses on any public property, or on any private property occupied by a person other than the animal owner;
4. Damages or destroys any property owned by a person other than the animal owner;
5. Deposits excrement, debris, or other materials on any public road, public highway, or other public place, or on any private property occupied by a person other than the animal owner;
6. Makes noise that violates one or more person’s reasonable expectation of peace and quiet. Factors to be considered in making such a determination include, but are not limited to, the nature, volume, frequency, duration, time and location of the noise;
7. Is a dog at large in a pack;
8. Is a female dog in heat and at large, or a male dog pursuing such a female dog;
9. Is a vicious or dangerous animal at large.

B. Any animal that violates any provision of subsection A of this section is a public nuisance.

C. Notwithstanding any provision of subsection A of this section, it is not unlawful if an animal:

1. Bites or causes bodily injury to a person assaulting the animal, the animal’s owner, any member of the animal owner’s family, or any person lawfully on property occupied by the animal owner;

2. Bites or menaces a person trespassing upon property occupied by the animal owner;

3. Is a police dog within the meaning of RCW 4.24.410 and uses lawful force in the course of performing as a police dog. [Ord. 94-027, § 6, 2-7-94.]

#### **6.12.050 Potentially dangerous dogs – Exceptions.**

A. It is unlawful for any person to be an owner of a dog that the Animal Control Authority has declared to be a potentially dangerous dog, unless the owner complies with the following requirements:

1. The dog shall be registered with the Animal Control Authority as a potentially dangerous dog. The necessary fees under CCC 6.12.160 must be paid.

2. A tattoo shall be placed on the dog’s inner upper thigh, as directed by the Animal Control Authority. The tattoo will be a series of letters and/or numbers denoting the county, state, and such other information as may be required by the Animal Control Authority to provide positive identification of the dog.

3. The dog shall at all times wear a distinctive collar that denotes the dog’s classification and that is approved by the Animal Control Authority.

B. The owner of a potentially dangerous dog shall notify the Animal Control Authority before moving a dog from its registered address, except for temporary boarding at a registered kennel or animal shelter. If the dog dies, the owner shall notify the Animal Control Authority within four days of the dog’s death. [Ord. 94-027, § 12, 2-7-94.]

#### **6.12.055 Dangerous dog – Owner responsibilities.**

A. Every owner of a dangerous dog shall comply with the requirements of RCW 16.08.080 through 16.08.100, as now or hereafter amended. An owner who violates those statutory requirements is subject to the penalties prescribed therein.

B. The owner of a dangerous dog shall pay the registration fees required by CCC 6.12.160.

C. The owner of a dangerous dog shall notify the Animal Control Authority before moving the dog from its registered address, except for temporary boarding at a registered kennel or animal shelter. If the dog dies, the owner shall notify the Animal Control Authority within four days of the dog’s death. [Ord. 94-027, § 13, 2-7-94.]

**6.12.060 Mistreatment of animals.**

The acts and omissions described below constitute mistreatment, and it is therefore a violation of this section for any person to:

A. Willfully injure, poison, torture or torment any domestic animal;

B. Cause or allow, either intentionally or negligently, any animal to endure pain, suffering or injury; or, to fail to attempt to alleviate pain, suffering or injury he or she so causes to any animal;

C. Neglect to provide adequate daily rations of food, water or shelter for any animal he or she owns;

D. Tether, confine or restrain any animal in such a way as to render the animal or to cause the animal to become entangled and suffer injury;

E. Abandon any animal by dropping off or leaving such animal on a street, roadway or highway, or in a public place, or on the private property of another person;

F. Confine an unattended animal within or on a motor vehicle at any location under conditions that may endanger the health and well-being of the animal. Such conditions include but are not limited to dangerous temperature, lack of food or water, and confinement with a vicious animal;

G. Knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to domestic animals or livestock;

H. Transport any living animal on the outside part of a motor vehicle in a manner, posture or confinement that jeopardizes the animal's safety;

I. Organize, sponsor, wager on, or provide animals for any fighting contest between animals;

J. Sell or offer for sale or to give away any living baby rabbits, chicks, ducklings or other fowl that have been dyed, colored or otherwise treated so as to have an artificial color. [Ord. 94-027, § 9, 2-7-94.]

**6.12.070 Found dogs or cats.**

A. Any dog or cat that trespasses, the owner of which is unknown, may be apprehended and held by the owner of the property on which the dog or cat has trespassed. The finder may transport or surrender the dog or cat to the Animal Control Authority, or retain its possession, subject to surrender upon demand of the Animal Control Authority. Any person who retains a dog or cat shall report the find to the Animal Control Authority within 24 hours. The report shall include a description of the animal and such description shall be verified by the Animal Control Authority within seven days fol-

lowing notification. The finder shall cause notice of the finding to be published at least once a week for two successive weeks in a newspaper of general circulation in Cowlitz County within 30 days of finding the dog or cat. Records of reported findings shall be retained by the Animal Control Authority and be available for public inspection for one year from the date of notification.

B. The finder may become owner of any dog or cat found and retained if the owner has not redeemed such dog or cat within 90 days following notification to the Animal Control Authority, provided the finder shall, at the end of such 90 days, be required to register any dog within a dog control zone. If the finder fails to comply with the notification requirements of this section, such finder shall forfeit all rights to retain the dog or cat, if such dog or cat is later claimed by the rightful owner. Prior to regaining possession of a found dog or cat, the owner of such dog or cat shall reimburse the finder at the request of the finder, for actual costs of advertising and such other costs incurred in the care of the dog or cat, provided, the finder furnishes proof of such costs. An owner who fails to redeem a dog or cat from the finder within 90 days shall have no standing to make further claims on the finder.

C. The county shall have no responsibility for the enforcement of the reimbursement provisions contained in this section. [Ord. 85-053, § 2, 3-25-85; Ord. 84-305, § 7, 12-31-84.]

**6.12.080 Dog control zones.**

A. In accordance with Chapter 16.10 RCW, dog control zones may be established in areas of Cowlitz County pursuant to the requirements set forth in CCC 6.12.090. Upon receipt of proper application, the Board shall publish notice in a newspaper of general circulation in Cowlitz County once a week for four consecutive weeks prior to holding a public hearing. Notice shall also be posted at 1,000- to 1,500-foot intervals adjacent to roads located within the proposed dog control zone. The Board may increase the proposed dog control zone boundaries upon giving proper notice as set forth above. The Board may also decrease the proposed dog control zone boundaries with no additional notice required. The description of such control zones upon establishment by the Board, shall be appended to this chapter.

B. All other animal control provisions under this chapter shall apply to dog control zones. [Ord. 85-053, § 3, 3-25-85; Ord. 84-305, § 8, 12-31-84.]

### **6.12.090 Requirements for forming dog control zone.**

Applications for forming dog control zones shall meet the following minimum requirements:

A. Minimum Area. The proposed dog control zone area shall contain no less than 15 households and/or property ownerships.

B. Petition. Submit a petition with names, addresses and telephone numbers, and signatures of 51 percent of the registered voters within the area proposed to be included within such dog control zone. Such petition shall contain:

1. Written legal description of the boundaries of the proposed dog control zone; and

2. Reason(s) for wanting a dog control zone established.

C. Areas proposed for dog control zones shall have clearly recognizable perimeters, such as but not limited to waterways, streets and roads, and/or adjoining city limits.

D. Any petition shall be accompanied by an assessor's tax map depicting the parcels owned or occupied by the petitioners and the proposed boundaries of the dog control zone.

E. A completed petition shall be submitted to the Clerk of the Cowlitz County Board of Commissioners together with a \$100.00 fee to offset, in part, the costs for publication, posting and/or for boundary identification signs, if the dog control zone is established. [Ord. 94-027, § 10, 2-7-94; Ord. 86-072, § 3, 4-28-86; Ord. 85-053, § 4, 3-25-85; Ord. 84-305, § 9, 12-31-84.]

### **6.12.100 Annual survey.**

The Animal Control Authority may, after March 1st of each year, make inquiries from house to house, and in any other lawful manner, as to the number of dogs owned within a dog control zone, and whether any such dogs are unregistered. Owners of unregistered dogs may be cited for each animal and may be liable for any late registration fees. [Ord. 84-305, § 10, 12-31-84.]

### **6.12.110 Dog control zones – Dogs off premises to be on leash.**

It is unlawful for the owner of any dog to permit or allow such dog to roam, run, stray or be away from the premises of such owner and to be in any public place or on any public property or private property of another person within the boundaries of the zones established pursuant to this chapter, unless such dog, while away from such premises, is controlled by a leash or chain, not more than eight feet in length; such control to be exercised by the

owner or other competent and authorized person. Any dog found roaming, running, straying or being off such premises and not on a leash as required herein is a public nuisance and such dog may be seized and impounded pursuant to CCC 6.12.220; provided further:

A. This section shall not apply where the dogs are engaged in lawful hunting activity, lawful competition or exhibition, or lawful training in preparation for such hunting or competition.

B. Lawful training means to be engaged in training on the premises of the owner or the land of another person by permission or on public land that is set aside for training or is open for hunting or trapping; provided, the dog is accompanied afield by the owner or trainer. [Ord. 85-053, § 5, 3-25-85; Ord. 84-305, § 11, 12-31-84.]

### **6.12.120 Dog control zones – Jumping and barking at pedestrians.**

It shall be unlawful for any owner to keep or harbor any dog that frequently or habitually snarls, growls or snaps at, or chases, jumps upon or threatens persons lawfully upon public sidewalks, streets, alleys, or public places within the boundaries of the zones established hereunder, and the same is hereby declared to be a nuisance. Any such dog may be seized and impounded subject to redemption in the manner provided in CCC 6.12.240. [Ord. 84-305, § 12, 12-31-84.]

### **6.12.130 Dog registration – Optional cat registration – Tags.**

A. Registration in Dog Control Zones. All adult dogs harbored, kept, or maintained in a dog control zone shall be registered with the Animal Control Authority and shall wear current identification tags issued by the Animal Control Authority at all times; except as provided in CCC 6.12.140. The registration form shall include, but not be limited to the following:

1. Name, address and telephone number of the owner, and mailing address if different from the location of the residence;

2. Age, breed, color and markings, and name of the dog;

3. Identification tag information and/or registration number;

4. Certificate and date of rabies immunization pursuant to CCC 6.12.170; and

5. Date of registration.

B. An identification tag shall include but may not be limited to the following information:

1. Cowlitz County Washington;

2. Pet registration I.D.

C. All registration certificates and identification tags issued to owners within dog control zones shall expire at midnight, on December 31st of each year. Any dog owner within a dog control zone who fails to submit an application for renewing a registration certificate on or before February 28th each following year shall be in violation of this chapter, and the owner shall be required in addition to the regular registrations to pay a late registration fee and may be cited pursuant to CCC 6.12.210.

D. Registration Outside Dog Control Zones – Optional. Any owner may register an adult dog pursuant to this section and registration certificates and tags be issued for dogs kept outside dog control zones. Such registration shall be valid for three years, or until the expiration date of the rabies vaccination, whichever comes first.

E. Cat Registration – Optional. Any person may register a cat pursuant to this section and registration certificates and tags be issued for cats in the unincorporated areas of Cowlitz County. Such registration shall be effective for three years, or until the expiration of the rabies vaccination, whichever comes first. [Ord. 85-053, § 6, 3-25-85; Ord. 84-305, § 13, 12-31-84.]

**6.12.132 Dangerous or potentially dangerous dog – Compliance with state and county law required – Declaration – Notification – Registration – Identification – Failure to comply – Violation.**

A. The Animal Control Authority may issue a declaration that a dog is a potentially dangerous dog or a dangerous dog. Any such declaration shall be in writing and shall be served on the dog's owner. Service may be accomplished by any means authorized for service of process under the laws of the State of Washington, and may also be accomplished by mailing the declaration to the owner by certified mail, return receipt requested.

B. The declaration shall, at a minimum:

1. State that the Animal Control Authority has determined that the owner's dog is a potentially dangerous dog or a dangerous dog;

2. State the factual basis for the determination;

3. Describe the legal requirements that the owner must comply with as a result of the declaration;

4. State that a copy of the applicable legal requirements is available upon request from the Animal Control Authority; and

5. State that the declaration may be appealed within 15 days after service of the declaration, by both filing a notice of appeal with the Cowlitz County District Court and serving a copy on the Animal Control Authority.

C. The declaration shall be final unless within 15 days of the date of the declaration was served, the dog owner both files a written notice of appeal with the Cowlitz County District Court and serves a copy on the Animal Control Authority. An appeal under this section shall be a civil action. The Animal Control Authority shall have the burden of proof that the dog is a potentially dangerous dog or a dangerous dog. [Ord. 94-027, § 11, 2-7-94.]

**6.12.140 Dog registration – Exceptions.**

A. No certificate and tag, as provided in CCC 6.12.130, shall be required for a dog less than six months of age when satisfactory proof of age can be and is, on request, submitted to the Animal Control Authority, and for any dog which is part of the inventory of a pet shop.

B. No owner, manager, or employee of a kennel or veterinary hospital shall be required to purchase a registration certificate for any dog treated or boarded in these establishments.

C. No certificate and identification tag issued by Cowlitz County shall be required for any adult dog licensed in another jurisdiction and displaying a current tag from that jurisdiction. Upon expiration of the other certificate or license, a Cowlitz County certificate and tag shall be required.

D. No certificate and identification tag shall be required for a dog owned by a person who is not a resident of Cowlitz County.

E. It shall be the responsibility of the person claiming an exception under the provision of this subsection to demonstrate the exception. [Ord. 86-072, § 4, 4-28-86; Ord. 84-305, § 14, 12-31-84.]

**6.12.144 Kennels, pet shops, animal shelters – General standards.**

Every kennel, pet shop and animal shelter shall comply with the following standards:

A. Animal housing facilities shall be provided for the animals. Such facilities shall be structurally sound, in good repair, and designed so as to protect the animals from injury and to restrict the entrance of other animals.

B. Each animal shall be provided with adequate floor space to allow such animal to turn about freely and to stand, sit and lie in a comfortable normal position.

C. Any electrical power shall be supplied in conformance with the applicable electrical codes and shall be adequate to supply heating and lighting as may be required by this chapter.

D. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.

E. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

F. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.

G. Washroom facilities, including sinks and toilets with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.

H. Sick, diseased or injured animals shall be separated from well animals, and if for sale, shall be removed from display and sale or adoption and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

I. Whenever a facility that sells, displays or offers animals for adoption is open to the public, it shall have an employee or keeper on duty who shall be responsible for the care and supervision of the animals.

J. An employee, keeper or owner shall make provisions to feed, water and do the necessary cleaning of animals. Puppies and kittens shall be fed and watered no less than twice every 12 hours and adult dogs and cats shall be fed and watered no less than twice every 24 hours.

K. No person shall misrepresent an animal to a consumer in any way.

L. No person shall knowingly give for adoption or sell a sick or injured animal without disclosing the sickness or injury to the adopter or purchaser.

M. Animals which are caged, closely confined or restrained shall be permitted daily exercise for an appropriate length of time, as determined by their size, age and species, in a yard or area suitable for that purpose. [Ord. 94-027, § 15, 2-7-94.]

#### **6.12.145 Indoor facilities – Specific conditions.**

In addition to the requirements of CCC 6.12.144, indoor facilities of animal shelters, kennels and pet shops shall:

A. Be sufficiently heated or cooled when necessary to protect the animals from temperatures to which they are not accustomed, taking into consideration their age, size and species;

B. Be adequately ventilated to provide for the health of the animals and to remove foul odors. If ventilation equipment is used, it shall be designed so that the volume of air within any enclosed indoor facility or part thereof shall be replaced by fresh air three or more times per hour, and it shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts;

C. Have ample light, either natural or artificial, or both, of good quality and well distributed to provide for such illumination as is necessary to inspect and clean during the entire working period. Such facilities shall be placed so as to protect animals from excessive illumination. Sufficient lighting shall additionally be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers;

D. Have interior walls, ceiling and floor surfaces constructed of materials which are resistant to the absorption of moisture and odors, or that are treated with sealant or with paint. Floor surfaces shall not be made of unsealed wood. Interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris;

E. Contain a suitable system of drainage to facilitate the rapid elimination of excess water under any weather or temperature condition. Such system shall be connected to a sanitary sewer or septic tank system which shall conform with standards of state health codes and county building codes. If drains are used, they shall be maintained in a clean and sanitary condition;

F. Be maintained in a clean and sanitary condition, with the use of a safe and effective disinfectant in cleaning. [Ord. 94-027, § 16, 2-7-94.]

#### **6.12.146 Outdoor facilities – Specific conditions.**

In addition to the requirements of CCC 6.12.144, outdoor facilities of animal shelters, kennels and pet shops shall:

A. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, heat, cold or other elements;

B. Be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein;

C. Be constructed to provide a suitable system of drainage and prevent an accumulation of water, mud, debris, excreta or other material;

D. Be enclosed by walls, fences, and/or vegetative screen sufficient to reduce noise and visual impacts of the kennel operation, to keep animals within, and prevent entrance of other animals; and

E. Be designed and located to avoid any portion of the kennel facility, including runs, being closer than 100 feet from a residence on another property. [Ord. 94-027, § 17, 2-7-94.]

#### **6.12.147 Inspection authority.**

The Animal Control Authority shall have the authority to enter and inspect the premises of an animal shelter, kennel or pet shop registered pursuant to this chapter at reasonable times to determine whether such facility is being operated in compliance with the provisions of this chapter. [Ord. 94-027, § 18, 2-7-94.]

#### **6.12.150 Registration for animal shelters, kennels and pet shops – Inspections – Approvals – Standards – Penalties.**

A. It is unlawful for any person to own or operate a kennel, pet shop or animal shelter without first obtaining a registration certificate under this section. Every person who owns or operates a kennel, pet shop or animal shelter shall comply with the requirements of this section.

B. Any person applying for an animal shelter, kennel or pet shop registration certificate shall submit to the Animal Control Authority the following:

1. The name, address and phone number of the owner of such facility;
2. The name, address and phone number of the person having primary supervision of such facility;
3. The address or location and phone number of such facility;
4. The maximum number of animals which such facility will contain at any single time;
5. An approved method of storing and disposing of food and animal wastes, bedding, dead animals and debris;
6. The name and address of the person designated by the applicant as agent for service of legal process or notice;
7. A statement giving permission for the inspection of such facility at any reasonable time;
8. An affidavit of compliance with Chapter 18.10 CCC, signed by the owner of such facility and approved by a County Planner.

C. Upon application for animal shelter, kennel or pet shop registration, the Animal Control Authority shall inspect the proposed facilities to see whether the facilities will comply with the requirements of this section. If it is found that they do not, the registration certificate shall not be issued, and the applicant shall be advised in writing as to why the application is denied. If the proposed facilities meet the requirements of this section, the Animal Control Authority shall issue a registration certificate.

D. The registration certificate shall be posted in a conspicuous place upon the premises.

E. Registration certificates are nontransferable.

F. Each registration certificate shall expire one year from the date of issuance. Registration certificate renewals shall be processed in the same manner as the original application, except that an affidavit of compliance with Chapter 18.10 CCC shall not be required. [Ord. 94-027, § 14, 2-7-94.]

#### **6.12.153 Kennels – Revocation, denial or refusal to renew.**

Registration for any kennel except as provided in CCC 6.12.155 may be revoked, denied or not renewed for failure to comply with the provisions of this chapter, and such action shall be final unless within 20 days of receipt of written notification thereof an appeal is filed in the manner provided in CCC 6.12.270. [Ord. 86-072, § 6, 4-28-86.]

#### **6.12.155 Preexisting kennels – Continue to operate.**

A. Any kennel in operation as of the effective date of this chapter shall be deemed to be preexisting and shall be licensed; provided the owner/operator shall be required to demonstrate the following:

1. The facility was operational as of such effective date; and
2. The facilities comply with the provisions of WAC 248-50-120 and 248-50-130, or as amended.

B. All such preexisting kennels shall be licensed by the owner within one year following the effective date of this chapter, or such preexisting status shall expire, and subsequent licensing approvals shall be subject to the provisions of CCC 6.12.150.

C. Any additions to preexisting kennel structures, or increase in the number of runs, or other modifications to the premises shall be subject to the provisions of CCC 6.12.150. [Ord. 86-072, § 7, 4-28-86.]

**6.12.160 Dog, cat and kennel registration fees.**

A. Registration fees and tag/identification fees and kennel registration fees are established hereunder:

Annual – Dangerous or Potentially Dangerous Dog

Type of Registration Certificate	Fee
Potentially dangerous dog	\$100.00
Dangerous dog	\$250.00
Lost collar replacement	\$20.00

Annual – Dog Control Zones

Type of Registration Certificate	Fee
Unaltered dog	\$10.00
Altered dog	\$5.00
Late registration penalty	\$15.00
Lost tag replacement	\$3.00

Kennel Registration

Annual license	\$50.00
Late registration penalty	\$50.00

Triennial – Cat Registration – Optional

Type of Registration Certificate	Fee
Unaltered cat	\$10.00
Altered cat	\$5.00
Lost tag replacement	\$3.00

B. It shall be unlawful for any person to transfer a certificate to another person or for a tag and/or registration collar, to be worn by any dog or cat other than the one registered in accordance with this chapter.

C. All registration fees shall be collected and retained by the Animal Control Authority. The Animal Control Authority shall provide the county with a record of all registration fees collected annually between July 1st through June 30th each year. Such record shall be transmitted to the County Budget Office on or before July 15th, following the end of the record period each year. [Ord. 88-038, § 5, 4-4-88; Ord. 84-305, § 16, 12-31-84.]

**6.12.170 Rabies and disease control.**

A. The Health Officer or designee shall have the responsibility for administering the rules and regulations of the Washington State Department of Health and/or Washington State Board of Health relating to rabies and disease control in Cowlitz County.

B. All dogs shall be immunized against rabies and proof of immunization provided prior to issuance of a registration certificate and identification

tag; provided, if for medical reasons an animal is unable to receive a rabies vaccination, a signed statement of a veterinarian shall be accepted in lieu of a rabies certificate at the time of registration. [Ord. 94-027, § 19, 2-7-94; Ord. 84-305, § 17, 12-31-84.]

**6.12.180 Rabies control – Quarantine and disposal.**

A. Any animal which bites a person shall be quarantined for 10 days as may be ordered by the Health Officer. During quarantine, the animal shall be securely confined and kept from contact with any other animal. The Health Officer may permit quarantine on the premises of the owner. If the Health Officer requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or veterinary hospital at the expense of the owner.

B. No enforcement officer or any other person shall knowingly, except in the reasonable effort to protect himself or others, kill, or cause to be killed, any animal suspected of being rabid; provided if a veterinarian diagnoses possible rabies in any animal in quarantine, the animal shall be euthanized and the head of the animal sent to the state laboratory for pathological examination and confirmation of the diagnosis.

C. Any vicious animal may continue to be impounded at the expense of the owner, after rabies quarantine ends, if the owner has not complied with abatement orders, and/or an appeal is pending. [Ord. 94-027, § 20, 2-7-94.]

**6.12.190 Habitual violator.**

A. If, within any 12-month period, an animal is the subject of three notices of infraction and/or criminal charges under this chapter and/or any statute of the State of Washington, the Animal Control Authority may serve a written abatement notice on the animal owner, irrespective of whether the person receiving the notice owned the animal at the time any of the notices of infraction or criminal charges were issued. No notice of infraction or criminal charge that is pending, or that was decided on the merits adversely to the prosecuting authority, shall be included. Service of the abatement notice may be accomplished by any means authorized for service of process under the laws of the State of Washington, and may also be accomplished by mailing the notice to the owner by certified mail, return receipt requested.

B. The abatement notice shall, at a minimum:

1. Identify the three notices of infraction and/or criminal charges;
2. Identify the provision of this chapter that authorizes the abatement notice;
3. Describe what the owner must do to comply with the abatement notice and the deadline for doing so; and
4. State that the abatement notice may be appealed within 15 days after service of the notice, by both filing a notice of appeal with the Cowlitz County District Court and serving a copy on the Animal Control Authority.

C. The animal owner shall comply with the abatement notice by: permanently removing the animal from Cowlitz County; permanently transferring ownership, custody and control of the animal to another person not related to or residing with the owner; or having the animal humanely euthanized. The owner must comply with the abatement notice by the deadline stated therein. The owner shall upon request provide the Animal Control Authority with a written statement signed under penalty of perjury, stating how the owner complied with the abatement notice. The owner shall provide such other information as the Animal Control Authority reasonably needs to substantiate the owner's compliance.

D. It is unlawful for an animal owner to fail to comply with an abatement notice.

E. An abatement notice issued under this section shall be final unless within 15 days of the date the notice was served, the animal owner both files a written notice of appeal with the Cowlitz County District Court and serves a copy of the Animal Control Authority. An appeal under this section shall be a civil action. The Animal Control Authority shall have the burden of proof that the abatement notice was properly issued. [Ord. 94-027, § 21, 2-7-94.]

#### **6.12.210 Enforcement.**

A. The Animal Control Authority and each Animal Control Officer shall have full authority to administer and enforce this chapter and any other county ordinance or state law or regulation pertaining to animal control, the prevention of cruelty to animals, or other matters related to animals. This authority is nonexclusive, and such ordinances, laws, and regulations may also be enforced by any law enforcement officer and any other person to whom Cowlitz County may delegate such authority.

B. Any Animal Control Officer who pursues any animal while enforcing this chapter may enter upon any public or private property, other than a private residence. Search warrants may be requested in accordance with RCW 16.52.050. [Ord. 94-027, § 22, 2-7-94.]

#### **6.12.220 Impoundment.**

A. The following animals are subject to impoundment:

1. Any animal that does any act described in CCC 6.12.040;
2. Any animal that is subjected to any mistreatment described in CCC 6.12.060;
3. Any animal that is delivered to the Animal Control Authority by a law enforcement officer, and that was taken by an officer from a person in the custody of a law enforcement agency;
4. Any dog that has been declared to be a potentially dangerous dog or a dangerous dog and that does not meet all the requirements of CCC 6.12.050 and 6.12.055;
5. Any dangerous dog that does not meet all the requirements of Chapter 16.08 RCW, as now or hereafter amended.

B. If any Animal Control Officer has probable cause to believe that an animal is subject to impoundment under subsection A of this section, the officer may apprehend the animal. The officer may return the animal to its owner if the officer reasonably believes that doing so will not endanger the health, safety or property of any person, or endanger the animal. Otherwise, the officer shall impound the animal. Upon impoundment, the Animal Control Authority shall promptly make reasonable efforts to identify the animal's owner.

C. If the animal's owner is identified, the Animal Control Authority shall promptly serve an impoundment notice on the owner. The notice shall:

1. Identify the animal;
2. State the date and time the animal was impounded;
3. State why the animal was impounded; and
4. State what the owner must do to redeem the animal and the deadline for doing so.

The notice may be served by any means authorized for service of process under the laws of the State of Washington, or by mailing the notice by certified mail, return receipt requested, or by posting the notice at the animal owner's residence.

D. The Animal Control Authority shall hold an impounded animal for at least 72 hours. If the animal's owner is unknown, the 72-hour period

begins when the animal is apprehended. If the animal's owner is known, the 72-hour period begins when the owner is served with the impoundment notice. If the owner does not redeem the animal within the 72-hour period, the Animal Control Authority may have the animal euthanized. The owner may redeem the animal at any time before the animal is euthanized.

E. If an animal is suffering from a serious injury or disease, and destroying the animal is in the interest of public health and safety, or in the interest of the animal, the Animal Control Authority may immediately have the animal euthanized. [Ord. 94-027, § 23, 2-7-94.]

### **6.12.230 Impoundment register.**

The impounding authority shall maintain a register of all animals impounded pursuant to this chapter, and such register shall show the identification tag number, if any, species and breed of the animal, a description of the animal by coloring and marking, the time and date of impoundment, the name of the Animal Control Officer impounding the animal, the area in which the animal was picked up, the method and time of notifying the owner, if known, of redemption procedures, and the disposition of the animal and the date and time thereof. [Ord. 84-305, § 23, 12-31-84.]

### **6.12.240 Redemption.**

Any animal impounded pursuant to the provisions of this chapter may be redeemed upon payment of the redemption fee as herein provided and other applicable fees and charges, and upon evidence that the violation has been corrected. The correction of a violation includes, but is not limited to, the registration of any unregistered animal as required by this chapter. The redemption fee for an animal includes the cost of apprehension and transportation and the costs of impoundment and care of the animal, including veterinary fees and shall be paid to and retained by the Animal Control Authority. Any registration fees or civil penalties due and owing shall be in addition to the redemption fee. The redemption fee shall be set in accordance with the following schedule:

	<u>Fee</u>
A. Impoundment:	
1. First in a 12-month period	\$15.00
2. Second in a 12-month period	\$25.00
3. Third in a 12-month period	\$40.00
4. Subsequent in a 12-month period	\$60.00

B. Daily care: For each 24-hour period or portion thereof, from the time of impoundment:

- |  |        |
|--|--------|
| 1. Dog or cat                                      | \$8.00 |
| 2. Other small animal weighing less than 50 pounds | \$8.00 |
| 3. Any livestock weighing 50 pounds or more        | \$8.00 |

C. Veterinary costs: Actual costs incurred for emergency medical care.

Other extraordinary costs incurred to apprehend and/or impound the animal may be charged by Animal Control Authority. [Ord. 87-073, § 2, 5-4-87; Ord. 84-305, § 24, 12-31-84.]

### **6.12.250 Violation – Civil infraction.**

A. Any violation of this chapter is a civil infraction and a public nuisance, unless otherwise stated, and is subject to enforcement action under this chapter. Neither an adjudication that a person has committed an infraction, nor payment of any penalty, shall relieve the violator from compliance with the provisions of this chapter.

B. A civil infraction proceeding is initiated by the issuance of a notice of infraction by any Animal Control Officer. The issuance of a notice of infraction represents a determination that an infraction has been committed. The determination will be final unless contested as hereafter provided.

C. A notice of infraction may be served either personally or by mail. Personal service may be made by any person authorized to serve process in civil cases. Service by mail may be made by any person authorized to issue a notice of infraction, or by the Cowlitz County District Court. Service by mail shall be made by mailing the notice by certified mail, return receipt requested. The notice of infraction shall be filed with the Cowlitz County District Court promptly after it is issued. [Ord. 94-027, § 25, 2-7-94.]

### **6.12.260 Notice of infraction – Contents.**

The notice of infraction shall include the following:

A. A statement that the notice represents a determination that an infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

B. A statement that an infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

C. A statement of the specific infraction for which the notice was issued;

D. A statement of the monetary civil penalty established for the particular infraction;

E. A statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options;

F. A statement that at any hearing to contest the determination the prosecuting authority has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the person may subpoena witnesses including the person who issued the notice of infraction;

G. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction, the person will be deemed to have committed the infraction and may not subpoena witnesses;

H. A statement that the person must respond to the notice as provided in this chapter within 15 days;

I. A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

J. A statement that it is a misdemeanor punishable by a fine and/or imprisonment for a person to fail to sign a notice of infraction or to fail to respond to a notice of infraction as promised. [Ord. 94-027, § 26, 2-7-94.]

#### **6.12.265 Notice of infraction – Procedures for response.**

A. Any person who receives a notice of infraction shall respond to such notice as provided in this section within 15 days of the date of the notice.

B. If the person determined to have committed the infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the Cowlitz County District Court. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the Court records.

C. If a person determined to have committed the infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the Cowlitz County District Court. The Court shall notify the person in writing of the time, place and date of the hearing, and that date shall not be

sooner than seven days from the date of notice, except by agreement.

D. If a person determined to have committed the infraction does not contest the determination, but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the Cowlitz County District Court. The Court shall notify the person in writing of the time, place and date of the hearing.

E. If any person issued a notice of infraction: (1) fails to respond to the notice of infraction within 15 days as required by this section; or (2) fails to appear at a hearing requested pursuant to subsection C or D of this section, the Court shall enter an appropriate order assessing the monetary penalty prescribed for the infraction. [Ord. 94-027, § 27, 2-7-94.]

#### **6.12.270 Notice of infraction – Hearing procedures and rules.**

Infractions under Chapter 6.12 CCC shall be heard and determined by the Cowlitz County District Court. Procedures in the Cowlitz County District Court for infractions under this chapter shall conform generally to those followed for traffic infractions under Chapter 46.63 RCW.

A. Any person receiving a notice of infraction may be represented by counsel. Each party to an infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in an infraction case.

B. An attorney representing the county may, but is not required to, appear at any infraction proceeding under this chapter.

C. A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

D. The Court may consider the notice of infraction and any other written report made under oath submitted by the person who issued the notice in lieu of that person's appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer who issued the notice of infraction, and has the right to present evidence and examine witnesses present in court.

E. The burden of proof is upon the prosecuting authority to establish the commission of the infraction by a preponderance of the evidence.

F. After consideration of the evidence and argument the Court shall determine whether the infraction was committed. Where it has not been

established that the infraction was committed, an order dismissing the notice shall be entered in the Court's records. Where it has been established that the infraction was committed an appropriate order shall be entered in the Court's records.

G. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances. After the Court has heard the explanation of the circumstances surrounding the commission of the infraction, an appropriate order shall be entered in the Court's records. There may be no appeal from the Court's determination or order. [Ord. 94-027, § 28, 2-7-94.]

**6.12.275 Failure to respond to or sign a notice of infraction – Misdemeanor.**

Any person willfully violating a written and signed promise to appear in court or to respond to a notice of infraction pursuant to this chapter shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction; provided, a written promise to appear in court or to respond to a notice of infraction may be complied with by an appearance by counsel. Failure to sign a notice of infraction is a misdemeanor. [Ord. 94-027, § 29, 2-7-94.]

**6.12.280 Civil penalties – Schedules.**

A. A person found to have committed an infraction of Chapter 6.12 CCC shall be assessed a monetary civil penalty as follows:

1. Violation of CCC 6.12.040:	
a. First offense	\$48.00
b. Second offense in 12-month period	\$96.00
c. Third offense in 12-month period	\$144.00
2. Violation of CCC 6.12.050 and/or 6.12.055:	
a. First offense	\$250.00
b. Second offense in 12-month period	\$500.00
c. Third offense in a 12-month period	\$750.00
3. Violation of CCC 6.12.060:	\$190.00
4. Violation of CCC 6.12.180:	\$190.00
5. Failure to respond to notice of infraction:	\$100.00
6. Violation of any other provision of Chapter 6.12 CCC:	\$48.00

B. Any monetary penalty imposed by the Court is payable immediately. If a person is unable to pay the penalty immediately, the Court may grant an extension to a specified date. Any willful failure to pay the penalty by the time required is a misdemeanor. [Ord. 94-027, § 33, 2-7-94.]

**6.12.290 Collection of penalties.**

Civil penalties under this chapter may be collected in the same manner as other penalties, fines or assessments imposed by the Cowlitz County District Court. [Ord. 94-027, § 30, 2-7-94.]

**6.12.300 Prior offenses.**

No offense cited, penalty incurred or prosecution commenced prior to the effective date of the ordinance codified in this section shall be affected or abated in any way by the enactment of this chapter or any amendment or repeal effected by it. Any offense committed prior to the effective date of said ordinance may be prosecuted thereafter, and/or have sentence imposed thereafter, according to the laws and ordinances in effect at the time of the offense, notwithstanding the enactment of this chapter or any amendment or repeal effected by it. [Ord. 94-027, § 37, 2-7-94.]

**6.12.310 Service by mail.**

Whenever any document is served by certified mail under this chapter, service shall be deemed complete on the second day after the document is mailed. [Ord. 94-027, § 24, 2-7-94.]

**6.12.315 Records – Property of Cowlitz County.**

Records for citations and impoundments shall be maintained for a period of three years. Such records shall be the property of Cowlitz County, and shall be available upon request of the Board. [Ord. 87-073, § 6, 5-4-87; Ord. 84-305, 12-31-84.]

**6.12.320 Areas where chapter applicable.**

The provision of this chapter shall apply to all unincorporated Cowlitz County, except those areas located within the Mount St. Helens National Volcanic Monument and within the Gifford Pinchot National Forest. [Ord. 94-027, § 39, 2-7-94; Ord. 89-072, § 2, 5-8-89; Ord. 88-038, § 11, 4-4-88; Ord. 85-053, § 8, 3-25-85.]

**6.12.330 Severability.**

If any section, subsection or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction,

such section, subsection or portion thereof shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter. [Ord. 94-027, § 38, 2-7-94.]

**6.12.340 Effective date.**

This ordinance shall be effective March 31, 1985. [Ord. 84-305, § 33, 12-31-84.]

**Chapter 6.20**

**WEED CONTROL DISTRICT**

Sections:

- 6.20.010 District established.
- 6.20.020 Cowlitz County Noxious Weed Control Board – District boundary descriptions (July, 1998).

Cross-references:

Chapter 17.10 RCW: Noxious weeds – Control boards.  
Chapter 17.04 RCW: Weed districts.

**6.20.010 District established.\***

The total boundaries of Cowlitz County are declared to be the boundaries of the County Weed Control District. [Res. 3538, 3-26-74.]

\*Codifier’s note: A portion of the preamble of resolution 3538 states that the resolution codified in this chapter was enacted “pursuant to the Laws of the State of Washington [RCW] Chapter 17.10...”

**6.20.020 Cowlitz County Noxious Weed Control Board – District boundary descriptions (July, 1998).**

A. District #1. All properties bounded by the Lewis County line on the north, Skamania County line on the east, the south boundary of Township 10 North and the Wahkiakum County line on the west.

B. District #2. All properties bounded by Township 9 North and Township 10 North, then east to the Skamania County line, then south to boundary of Township 8 North, then west to the Wahkiakum County line, then north to the Township 9 North line.

C. District #3. All properties bounded by Township 8 North line to the Skamania County line, then south to the Kalama River, then southeast along the north side of the Kalama River to the intersection of Township 7 North, then west along Township 7 North line to the east boundaries of Sections 6 and 7, South to Rose Valley Road, then west to Oregon, Washington line.

D. District #4. All properties bound by Oregon, Washington line, then east to the east lines sections 6 and 7, then North to the Township 7 North, then east to the Kalama River, then southwest along the north side of the Kalama River until you intersect with the Willamette Meridian, then south to Township 4 North, then west to the Washington, Oregon line.

E. District #5. All properties bounded by the south boundary of Township 5 North to the Willamette Meridian, then north along the Willamette Meridian to the Kalama River, then northeast along the south side of the Kalama River to the Skamania County line, then south to the Clark County line, then south and west along the Clark, Cowlitz County lines to the Oregon, Washington State line. [Res. 98-109, 7-13-98; Res. 3538, 3-26-74.]

## Chapter 6.30

### COUNTY FAIR

#### Sections:

- 6.30.010 Former Fair Association assets conveyed to county – Purpose.
- 6.30.020 Assets accepted.
- 6.30.030 Name changed to Cowlitz County Fair.

#### Cross-references:

Chapter 36.37 RCW: County fairs authorized.

Chapter 15.76 RCW: State allocations to agricultural fairs.

RCW 16.40.120: Health certificates required for exhibit animals.

Chapter 6.31 CCC: Fair Board rules.

#### **6.30.010 Former Fair Association assets conveyed to county – Purpose.**

There has been in existence in Cowlitz County, a nonprofit corporation known as the Cowlitz Valley Fair Association, duly organized and existing under the laws of the State of Washington, for the purpose of promoting a county fair in Cowlitz County. The Cowlitz Valley Fair Association has concluded that it is in the best interests of the promotion of a fair that the same be done by the municipal corporation of Cowlitz County, for the reason that the county can appropriate funds and can share in certain distributive funds from the State of Washington, which make it more feasible and advisable that a fair be financed and promoted in such a manner rather than by the Cowlitz Valley Fair Association, a nonprofit corporation.

In pursuance thereof, the Cowlitz Valley Fair Association has voluntarily dissolved itself by due and regular procedure with authority vested in the trustees by the members' request for dissolution, for the trustees to turn the remaining assets of the corporation over to Cowlitz County, and in pursuance thereof the Cowlitz Valley Fair Association, through its officers and trustees in dissolution, has heretofore on the 21st day of November, 1946, conveyed the real estate owned by said corporation in fee, to-wit:

Beginning at the intersection of the Easterly right-of-way line of the Northern Pacific Railroad right-of-way with the Southerly line of Washington Street as shown by the plat of West Kelso on file in the office of the County Auditor of Cowlitz County, Washington; thence South 15 deg. 02 min. West

along the Easterly line of the Northern Pacific Railroad right-of-way 700 ft. to the true point of beginning of this description; thence continuing South 15 deg. 02 min. West along said Easterly right-of-way of the Northern Pacific Railroad 390 ft.; thence North 74 deg. 58 min. West 200 ft. to the Westerly right-of way of the Northern Pacific Railroad; thence North 15 deg. 02 min. East along said Westerly right-of-way 390 ft.; thence South 74 deg. 58 min. East 200 ft. to the place of beginning, containing 1.79 acres, more or less:

Fair is changed to Cowlitz County Fair and all funds and records shall carry this name. [Res. 1899, 1-2-70.]

by quit claim deed, and that the real estate being purchased by the said corporation on contract from the Longview Company, as agents for the Bondholder's Protective Committee, to wit:

Tax No. 10 of Gross Addition and Longview Out Lot Tax No. 10, as more fully described on Contract #926:

by assignment of the corporation interests in said contract, and has tendered any and all remaining assets of the corporation, and its cash, to the county, in the sum of \$3,624.80.

It appears to this Board to be in the best interests of Cowlitz County that said properties of the Cowlitz Valley Fair Association, be accepted by the county, and that the county assume responsibility for financing and promoting the fair in Cowlitz County. [Res. dated 11-26-46, preamble.]

#### **6.30.020 Assets accepted.**

Cowlitz County accepts the assets of the Cowlitz Valley Fair Association, as described in CCC 6.30.010, assumes the balance for the real estate contract and will take whatever steps are reasonably necessary and expedient in the financing and promoting of the fair of Cowlitz County. [Res. dated 11-26-46.]

#### **6.30.030 Name changed to Cowlitz County Fair.**

For some years past, the annual agricultural fair held in the City of Longview, Cowlitz County, Washington, has been called the Columbia Empire Fair. The Fair Board has acted to change the name of the fair to the Cowlitz County Fair. It appears to this Board that the name Cowlitz County Fair is a better designation of the nature and scope of the fair, therefore the name of the Columbia Empire

## Chapter 6.31

### FAIR BOARD RULES\*

#### Sections:

- 6.31.005 Fair Board established.
- 6.31.010 Fair Board responsibilities.
- 6.31.020 Fair Board membership.
- 6.31.030 Members' attendance, participation and removal.
- 6.31.040 Vacancies.
- 6.31.050 Officers.
- 6.31.060 Officers' duties.
- 6.31.070 Election of officers.
- 6.31.080 Transaction of business.
- 6.31.090 Meeting dates.
- 6.31.100 Committees.
- 6.31.110 Committee responsibilities and authority.
- 6.31.120 Director's responsibilities.
- 6.31.130 *Repealed.*
- 6.31.140 Membership in Washington Fairs Association.
- 6.31.150 Admissions to the fair and exposition events.

\*Prior history: Resos. 4973, 83-250, 88-047 and 96-084.

#### **6.31.005 Fair Board established.**

The Board of County Commissioners shall be responsible for the general management of the Cowlitz County Fair and shall establish the Fair Board, to be organized according to the provisions of this chapter to fulfill the responsibilities assigned to it. [Ord. 04-019, 3-9-04.]

#### **6.31.010 Fair Board responsibilities.**

The Fair Board shall be responsible for making recommendations for the general development, production and operation of the annual County Fair. The Board of County Commissioners shall be the policy-making body for the annual County Fair.

The Fair Board may create committees as provided in CCC 6.31.100 as it deems necessary to assist the Fair Board in performing its duties. [Ord. 04-019, 3-9-04.]

#### **6.31.020 Fair Board membership.**

The Fair Board shall consist of nine voting members appointed for four-year terms by the Board of County Commissioners. Fair Board member terms shall be staggered so that no more

than three members of the Fair Board shall have terms expiring in any year.

Terms shall begin on November 1st.

The Fair Board shall include as a nonvoting member the Visitor and Community Services Director or his designee. [Ord. 04-019, 3-9-04.]

#### **6.31.030 Members' attendance, participation and removal.**

It is expected by the Board of County Commissioners that members of the Fair Board are and shall remain interested in the advancement of the mission of the Fair Board and will devote all possible time to the promotion and development of the annual fair, and to their responsibilities as Fair Board members. A condition of membership on the Fair Board shall be regular participation in the meetings of the Fair Board and its appointed committees. Any Fair Board member who misses three consecutive meetings, except in the case of illness or when excused by the Fair Board, shall no longer be on the Fair Board. The Board of County Commissioners also has the power to remove an existing member. Such a position would automatically become vacant and the Board of County Commissioners shall appoint a successor. [Ord. 04-019, 3-9-04.]

#### **6.31.040 Vacancies.**

When a vacancy occurs in the Fair Board due to a resignation or for other reasons, the Board of County Commissioners will make an appointment to fill the unexpired term. [Ord. 04-019, 3-9-04.]

#### **6.31.050 Officers.**

The Fair Board shall elect from among its members a President, Vice President and Secretary. The immediate past President shall be an officer. Officers shall serve for one year. [Ord. 04-019, 3-9-04.]

#### **6.31.060 Officers' duties.**

The duties of the officers shall be as follows:

The officers shall constitute the Executive Committee.

A. President: performs all duties usually prescribed for the office; conducts meetings; shall be responsible for the functioning of committees appointed and shall serve as an ex officio member of all committees.

B. Vice President: performs all duties of the President in case of the President's absence.

C. Secretary: acts as recording secretary for the Fair Board and cooperates with the Visitor and

Community Services Director in handling the Fair Board's correspondence.

D. Immediate Past President: shall act as consultant to the Fair Board and carry out assignments as determined by the Fair Board. [Ord. 04-019, 3-9-04.]

#### **6.31.070 Election of officers.**

At the first meeting in November of each year, the Fair Board shall organize by electing a President, Vice President and Secretary to serve for a period of one year. [Ord. 04-019, 3-9-04.]

#### **6.31.080 Transaction of business.**

A majority of the Fair Board shall constitute a quorum necessary for the transaction of business. All actions of the Fair Board shall be determined by a majority vote at a meeting of which a quorum is present; provided, that where state law or county resolution requires a vote larger than the majority of a quorum, such provisions shall govern.

Roberts' Parliamentary Rules shall govern the conduct of the regular and special meetings of the Fair Board.

The Executive Committee shall have the authority to act for the Fair Board in emergency situations or when circumstances do not warrant the assembly of the entire Fair Board. Such actions of the Executive Committee shall be placed on the agenda of the next regular Fair Board meeting. [Ord. 04-019, 3-9-04.]

#### **6.31.090 Meeting dates.**

The Fair Board shall establish a schedule of meeting dates at its November meeting for the conduct of its regular business. The President or the majority of the Fair Board shall call any additional or special meetings that they shall deem necessary to conduct the affairs of the organization and shall give proper notice by following the rules of the Open Public Meetings Act. The Executive Committee shall have authority to cancel Fair Board meetings when in its judgment a meeting is not necessary. [Ord. 04-019, 3-9-04.]

#### **6.31.100 Committees.**

In addition to the Executive Committee as provided in CCC 6.31.060, the Fair Board may establish such standing committees and special committees as it deems necessary to performance of its duties. Committee membership is not limited to members of the Fair Board, but the committee chair shall, in all cases, be a Fair Board member. Vacancies on committees shall be filled by

appointment with consent of a majority of the Fair Board. [Ord. 04-019, 3-9-04.]

#### **6.31.110 Committee responsibilities and authority.**

The committee chair shall have the authority to call his or her own committees to study and prepare data for the Fair Board, and to identify and evaluate any recommended action to the Fair Board and to the Visitor and Community Services Director. The committee shall make regular reports to the Fair Board. [Ord. 04-019, 3-9-04.]

#### **6.31.120 Director's responsibilities.**

The Visitor and Community Services Director, as an appointee of the Board of County Commissioners, shall be the executive authority responsible for carrying out the policies of the Board of County Commissioners and programs of the Fair Board, and shall be responsible for the detailed operation, production and management of the annual fair, as described in the job description for this position. [Ord. 04-019, 3-9-04.]

#### **6.31.130 Manager's licensing agreement authority.**

*Repealed by Ord. 04-134.* [Res. 96-084, § 7A, 5-28-96.]

#### **6.31.140 Membership in Washington Fairs Association.**

The Cowlitz County Fair shall be a member of the Washington Fairs Association and shall pay dues to that Association. This does not limit the fair's membership in other associations. Participation expenses of Fair Board members and Visitor and Community Services Director shall be a proper charge against the Exposition Center Budget, when funds allow. [Ord. 04-019, 3-9-04.]

#### **6.31.150 Admissions to the fair and exposition events.**

When services provided or work performed are of equal or greater value and when services are essential to the success of the event, the Fair Board, with concurrence of the Visitor and Community Services Director, may issue admission passes. [Ord. 04-019, 3-9-04.]

## Chapter 6.32

### RODEO BOARD RULES

#### Sections:

- 6.32.005 Rodeo Board established.
- 6.32.010 Rodeo Board responsibilities.
- 6.32.020 Rodeo Board membership.
- 6.32.030 Members' attendance, participation and removal.
- 6.32.040 Vacancies.
- 6.32.050 Officers.
- 6.32.060 Officers' duties.
- 6.32.070 Election of officers.
- 6.32.080 Transaction of business.
- 6.32.090 Meeting dates.
- 6.32.100 Committees.
- 6.32.110 Committee responsibilities and authority.
- 6.32.120 Director's responsibilities.
- 6.32.150 Admissions to the rodeo.

#### **6.32.005 Rodeo Board established.**

The Board of County Commissioners shall be responsible for the general management of the rodeo at the Cowlitz County Fair and shall establish the Rodeo Board, with such Board to be organized according to the provisions of this chapter to fulfill the responsibilities assigned to it. [Ord. 04-020, 3-9-04.]

#### **6.32.010 Rodeo Board responsibilities.**

The Rodeo Board shall be responsible for making recommendations for the general development, production and operation of the rodeo at the annual County Fair and other events. The Board of County Commissioners shall be the policy-making body for the rodeo.

The Rodeo Board may create committees as provided in CCC 6.32.100 as it deems necessary to the performance of its duties. The Board of County Commissioners shall hire a Visitor and Community Services Director and such other personnel as it deems necessary to assist the Rodeo Board in performing its duties. [Ord. 04-132, 6-15-04; Ord. 04-020, 3-9-04.]

#### **6.32.020 Rodeo Board membership.**

The Rodeo Board shall consist of at least seven but not more than eleven voting members appointed for four-year terms by the Board of County Commissioners. Rodeo Board member terms shall be staggered so that no more than three

members of the Rodeo Board shall have terms expiring in any year.

Terms shall begin on November 1st.

The Rodeo Board shall include as a nonvoting member the Visitor and Community Services Director or his designee. [Ord. 04-020, 3-9-04.]

#### **6.32.030 Members' attendance, participation and removal.**

It is expected by the Board of County Commissioners that members of the Rodeo Board are and shall remain interested in the advancement of the mission of the Rodeo Board and will devote all possible time to the promotion and development of the annual rodeo and other related events, and to their responsibilities as Rodeo Board members. A condition of membership on the Rodeo Board shall be regular participation in the meetings of the Rodeo Board and its appointed committees. Any Rodeo Board member who misses three consecutive meetings, except in the case of illness or when excused by the Rodeo Board, shall no longer be on the Rodeo Board. The Board of County Commissioners also has the power to remove an existing member. Such a position would automatically become vacant and the Board of County Commissioners shall appoint a successor. The Rodeo Board may suggest individuals to be appointed to the Board of County Commissioners for their consideration. [Ord. 04-132, 6-15-04; Ord. 04-020, 3-9-04.]

#### **6.32.040 Vacancies.**

When a vacancy occurs in the Rodeo Board due to a resignation or for other reasons, the Board of County Commissioners will make an appointment to fill the unexpired term. The Rodeo Board may suggest individuals to be appointed to the Board of County Commissioners for their consideration. [Ord. 04-132, 6-15-04; Ord. 04-020, 3-9-04.]

#### **6.32.050 Officers.**

The Rodeo Board shall elect from among its members a President, Vice President and Secretary. The immediate past President shall be an officer. Officers shall serve for one year. [Ord. 04-020, 3-9-04.]

#### **6.32.060 Officers' duties.**

The duties of the officers shall be as follows:

The officers shall constitute the Executive Committee.

A. President: performs all duties usually prescribed for the office; conducts meetings; shall be

responsible for the functioning of committees appointed and shall serve as an ex officio member of all committees.

B. Vice president: performs all duties of the President in case of the President's absence.

C. Secretary: acts as recording secretary for the Rodeo Board and cooperates with the Visitor and Community Services Director in handling the Rodeo Board's correspondence.

D. Immediate Past President: shall act as consultant to the Rodeo Board and carry out assignments as determined by the Rodeo Board. [Ord. 04-020, 3-9-04.]

#### **6.32.070 Election of officers.**

At the first meeting in November of each year, the Rodeo Board shall organize by electing a President, Vice President and Secretary to serve for a period of one year. [Ord. 04-020, 3-9-04.]

#### **6.32.080 Transaction of business.**

A majority of the Rodeo Board shall constitute a quorum necessary for the transaction of business. All actions of the Rodeo Board shall be determined by a majority vote at a meeting of which a quorum is present; provided, that where state law or county resolution requires a vote larger than the majority of a quorum, such provisions shall govern.

Roberts' Parliamentary Rules shall govern the conduct of the regular and special meetings of the Rodeo Board.

The Executive Committee shall have the authority to act for the Rodeo Board in emergency situations or when circumstances do not warrant the assembly of the entire Rodeo Board. Such actions of the Executive Committee shall be placed on the agenda of the next regular Rodeo Board meeting. [Ord. 04-020, 3-9-04.]

#### **6.32.090 Meeting dates.**

The Rodeo Board shall establish a schedule of meeting dates at its November meeting for the conduct of its regular business. The President or the majority of the Rodeo Board shall call any additional or special meetings that they shall deem necessary to conduct the affairs of the organization and shall give proper notice by following the rules of the Open Public Meetings Act. The Executive Committee shall have authority to cancel Rodeo Board meetings when in its judgment a meeting is not necessary. [Ord. 04-020, 3-9-04.]

#### **6.32.100 Committees.**

In addition to the Executive Committee as provided in CCC 6.32.060, the Rodeo Board may establish such standing committees and special committees as it deems necessary to performance of its duties. Committee membership is not limited to members of the Rodeo Board, but the committee chair shall, in all cases, be a Rodeo Board member. Vacancies on committees shall be filled by appointment with consent of a majority of the Rodeo Board. [Ord. 04-020, 3-9-04.]

#### **6.32.110 Committee responsibilities and authority.**

The committee chair shall have the authority to call his or her own committees to study and prepare data for the Rodeo Board, and to identify and evaluate any recommended action to the Rodeo Board and to the Visitor and Community Services Director. The committee shall make regular reports to the Rodeo Board. [Ord. 04-020, 3-9-04.]

#### **6.32.120 Director's responsibilities.**

The Visitor and Community Services Director, as an appointee of the Board of County Commissioners, shall be the executive authority responsible for carrying out the policies of the Board of County Commissioners and programs of the Rodeo Board, and shall be responsible for the detailed operation, production and management of the annual rodeo, as described in the job description for this position. [Ord. 04-020, 3-9-04.]

#### **6.32.150 Admissions to the rodeo.**

When service provided, or work performed, are of equal or greater value and when services are essential to the success of the event, the Rodeo Board, with concurrence of the Visitor and Community Services Director, may issue admission passes. [Ord. 04-020, 3-9-04.]

