

abatement shall be entered upon the docket of the court and made a part of the judgment in the action. Any such person shall be liable for all costs and expenses of abating the same when such nuisance has been abated by an officer of the city. (Ord. 843 §21, 1987)

6.04.280 Enforcement.

Any humane officer shall have police powers in the enforcement of this chapter and no person shall interfere with, hinder, molest or abuse any humane officer in the exercise of his lawful duties. (Ord. 843 §22, 1987)

6.04.290 Killing or butchering domestic animals and fowl.

No person shall kill any animal or fowl within the city limits of Wapato. Butchering of animals and/or fowl shall be conducted inside buildings and in such a manner so as to eliminate any and all potential for public viewing. No carcasses and/or parts thereof shall be in public view within the city limits except for regulated butcher shops and/or lockers approved by city, state and/or federal authorities. No person shall dispose of carcasses and/or parts thereof in any manner other than in a type of container which prevents any and all accessibility by other animals and/or viewing by the public. (Ord. 843 §23, 1987)

6.04.300 Violation--Penalties.

Any person violating the provisions of this chapter, not including any violation of Chapter 16.08 RCW as adopted herein, whose penalty provisions are outlined in Chapter 16.08 RCW et seq. and fully incorporated herein, shall be deemed guilty of a misdemeanor and shall be punished by a fine of up to one thousand dollars or by imprisonment of up to ninety days, or by both a fine and imprisonment. If any violation is continuing, each day's violation shall be a separate violation. In addition to said penalties as outlined, if any person is found guilty by a court of violating Section 6.04.200, his or her permit to own, keep, harbor or have custody of any animal shall be automatically revoked and no new permit may be issued for a period of one full year (three hundred sixty-five days). (Ord. 1190 §8, 2008; Ord. 843 §24, 1987)

Chapter 6.06

PROHIBITED DOGS

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6.06.005 Purpose.

The purpose of this chapter is to prohibit those dogs, pure-bred, mixed breed or otherwise, which have unique traits and characteristics that pose a greater threat of serious injury or death to humans than other breeds due to their aggressive tendencies. (Ord. 1190 §1(part), 2008)

6.06.010 Definitions.

A. "Prohibited dog" means any pit bull terrier, or mixed breed thereof, including, but not limited to: American pit bull terrier; Staffordshire bull terrier; American bulldog or American Staffordshire terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American pit bull terrier; Staffordshire bull terrier; American bulldog or American Staffordshire terrier so as to be identifiable as partially of the breed American pit bull terrier; Staffordshire bull terrier; American bulldog or American Staffordshire terrier; any American Rottweiler or German Rottweiler, or any mixed breed of a dog which contains as an element of its breeding the breed of American Rottweiler or German Rottweiler; any mastiff, including but not limited to English mastiff, Old English mastiff, American mastiff, Neapolitan mastiff, Doque de Bordeaux (aka French mastiff), bull mastiff, Tibetan mastiff, Spanish mastiff, Pyrenean mastiff, Fila Brasileiro (aka Brazilian mastiff), or any mixed breed of a dog which contains as an element of its breeding any mastiff breed.

B. "Officer" means any law enforcement officer, code enforcement officer, or animal control officer, if one is contracted with the city of Wapato.

C. "City" means the city of Wapato.

D. "AKC evaluator" means any person who has been authorized or approved by the American Kennel Club to conduct Canine Good Citizen classes and holds a valid approved evaluator certificate or equivalent. (Ord. 1196 §1, 2008; Ord. 1190 §1(part), 2008)

6.06.020 Keeping of "prohibited dog" prohibited.

A. It is unlawful to keep, harbor, own or in any way possess a prohibited dog within the city of Wapato. Violation of this section is a gross misdemeanor. The minimum fine for a violation of this section shall be two hundred fifty dollars for the first offense and five hundred dollars for a second or subsequent offense, which fine shall not be suspended or deferred. For purposes of this section, proof of a prior violation shall not require proof that the same prohibited dog is involved. Each day of violation shall be a separate offense.

B. This chapter shall not apply to prohibited dogs which:

1. Do not reside in the city of Wapato;
2. Are brought into the city for the purpose of participating in a dog show or canine sporting event for which the owner is able to show proof of entry; and
3. Do not remain in the city for a period exceeding forty-eight consecutive hours. (Ord. 1190 §1(part), 2008)

6.06.030 Impounding prohibited dogs.

A. Whenever a prohibited dog is found within the city of Wapato it may be impounded by an officer. In the event a prohibited dog is impounded, the owner shall be notified in writing of the prohibitions contained in this chapter and of the procedure required to redeem the animal. Such notice shall be served upon the owner or, if the owner is not present, upon any person of suitable age and discretion residing at owner's residence. If no one is present at the time of attempted service, the notice may be posted at the owner's residence, and sent certified and regular mail to the owner's address.

B. If the prohibited dog is not immediately impounded pursuant to this chapter, the owner must permanently remove the pit bull dog from the city within twenty-four hours of issuance of the notice required by this section. Failure to remove a prohibited dog within twenty-four hours of such notice shall result in the immediate impoundment of the animal. Whenever any prohibited dog is found within the city and the owner has previously had the notice required by this section, the dog shall immediately be taken up and impounded by an officer. Prohibited dogs impounded under this subsection may be redeemed or adopted pursuant to the provisions of this chapter. (Ord. 1190 §1(part), 2008)

6.06.040 Impounding prohibited dogs at large.

Notwithstanding the provisions of Section 6.06.020 or 6.06.030, any prohibited dog found running at large in the city of Wapato which is not in the possession or control of its owner or owner's agent shall be immediately impounded by an officer. (Ord. 1190 §1(part), 2008)

6.06.050 Impoundment procedure.

Dogs found or reasonably believed to be kept in violation of this chapter or Chapter 6.04 of the Wapato Municipal Code may be impounded by an officer. If impounded, a dog shall not be redeemed until it has been microchipped at the owner's expense; provided, that if a complaint identifying the dog owner of a dog at large, a barking dog or an unlicensed dog is received, and the dog owner can be immediately located, the dog shall be left with the dog owner, and a summons and notice to appear in regard to the violation may be issued to such dog owner. (Ord. 1190 §1(part), 2008)

6.06.060 Interference with impounding.

It is unlawful for any person in control of any premises, or in control of their animal, to refuse to surrender to any officer of the city any dog or dogs sought to be confiscated or impounded under the provisions of this chapter or Chapter 6.04 of the city of Wapato Municipal Code. (Ord. 1190 §1(part), 2008)

6.06.070 Notice of impoundment.

Upon impoundment of any dog or other animal, or the confiscation of a dangerous dog or prohibited dog, the impounding authority shall immediately notify the owner in writing. Such written notice shall be served upon the owner or, if the owner is not present, then upon any person of suitable age and discretion residing at the owner's residence. If no one is present at the residence, notice may be served by posting the notice on the residence and sending a copy certified and regular mail to the owner. Contained within such written notice shall be a description of the dog or other animal, any license number, the reason for impoundment or confiscation, and the terms upon which such dog or other animal may be redeemed. If the owner of such dog or other animal is unknown, then such written notice shall be posted as soon as possible after confiscation or impoundment at the Humane Society of Central Washington, Wapato City Hall, and the Wapato police department. (Ord. 1190 §1(part), 2008)

6.06.080 Redemption of impounded animals.

A. The owner or owner's agent of any dog or other animal impounded pursuant to this chapter or Chapter 6.04 of this title may redeem the impounded dog or animal within forty-eight hours, exclusive of Sundays and holidays, after notice of the impoundment is given pursuant to Section 6.06.070. Notice, if served by posting and mail, shall be considered effective on the third day after the notice was mailed (or the next day if the third day falls on a Sunday or federal holiday). Such redemption shall be effected as provided by either subsection (B)(1) or (B)(2) of this section.

B. 1. Redemption for each dog, or any other impounded animal, may be accomplished by payment to the owner of the impounding facility the amount due and owing for housing the dog at the facility. In addition to the redemption fee provided by this subsection, a person redeeming an unlicensed dog shall also pay for and obtain a current city of Wapato dog license before the dog is redeemed. In addition to the redemption fee, an additional charge of ten dollars per day shall be imposed for the period of time that the impounded dog is kept in the pound after impoundment, together with the cost for mandatory microchipping, prior to redemption.

2. Any payment required by this subsection for the redemption of an impounded dog or other animal may be made with any commercially reasonable tender, including but not limited to cash, money orders or major credit or debit cards, on sufficient identification being made; provided, that tender is generally accepted by the impoundment facility.

C. In the event an owner of an impounded dog or other animal desires to contest the validity of the impoundment, the impounded

dog or other animal nevertheless may be redeemed by the execution and delivery to the impoundment authority of a certified check payable to the city of Wapato in the amount of one hundred dollars plus the appropriate impoundment fee, and the simultaneous filing with the impoundment authority of a request for an animal impoundment hearing, on a form to be provided by the impoundment authority and which shall read substantially as follows:

IN THE MUNICIPAL COURT FOR THE CITY OF WAPATO

CITY OF WAPATO, ]  
 Plaintiff, ] NO. \_\_\_\_\_  
 v. ]  
 ] REQUEST FOR  
 ] ANIMAL  
 ] IMPOUNDMENT  
 ] HEARING  
 ]  
 \_\_\_\_\_ ]  
 (name of owner) ]  
 Defendant. ]

I, \_\_\_\_\_ (full name), as owner or owner's agent of a \_\_\_\_\_ (dog or animal description/license number) hereby request a hearing to contest its impoundment of \_\_\_\_\_ (date) at \_\_\_\_\_ (place).

Grounds for contesting the validity of the impoundment:

\_\_\_\_\_  
\_\_\_\_\_

I understand that if I fail to appear at the time set for hearing, in accordance with a notice to be given to me by the court, judgment will be entered against me for the amount of my certified check payable to the City of Wapato, given in connection with this request for hearing, together with additional court costs.

Dated \_\_\_\_\_

\_\_\_\_\_  
(signature of owner or agent)

Address \_\_\_\_\_

Telephone number \_\_\_\_\_

The impounding authority shall cause all timely requests for an animal impoundment hearing to be filed with the city of Wapato municipal court. The city shall hold the certified check until the outcome of the impoundment hearing, and shall not cash or deposit said check until judgment is rendered in its favor. If the owner prevails at the impoundment hearing, the certified check shall be returned to the owner.

D. If an impounded dog or other animal is not redeemed by its owner within the forty-eight-hour period following the notice of impoundment, then any person may redeem the dog or other animal by complying with the provisions of subsection (B)(1) of this section; provided, however, that within the discretion of the impounding authority, any such impounded dog or other animal may be humanely destroyed or otherwise disposed of; provided, further, that in the case of any horse, mule, cattle, hog or other stock animals that may be impounded when running at large within the city of Wapato, the impounding authority shall follow the procedure established by the laws of the state of Washington in RCW Title 16 relative to the care and sale of strays.

E. Redemption of Dangerous Dogs. Dangerous dogs shall be redeemed as outlined in Chapter 16.08 RCW.

F. The daily boarding fees set forth in this section as costs to the individual redeeming an impounded dog may be increased from time to time to reflect actual increased cost assessments by the Humane Society for boarding city animal impounds.

G. Redemption of Prohibited Dogs. In addition to the provisions provided in this section, an owner or owner's agent redeeming a prohibited dog must sign a promise to remove the dog from the city of Wapato and provide the address to which the animal will then reside. (Ord. 1190 §1(part), 2008)

#### 6.06.090 Injured or diseased animals.

Any dog or other animal suffering from serious injury or disease may be humanely destroyed by the impounding authority. (Ord. 1190 §1(part), 2008)

#### 6.06.100 Enforcement.

Any officer shall have police powers in the enforcement of this chapter, and no person shall interfere with, hinder, assault or abuse any officer in the exercise of his lawful duties. (Ord. 1190 §1(part), 2008)

#### 6.06.110 Exemptions.

A. Trained guide dogs or service animals used by persons with disabilities are exempt from the definition of prohibited dogs; however, all trained guide dogs and service animals shall be safe and under the control of the owner at all times. Failure to keep a trained guide dog or service animal safe and under control at all times shall be punishable under Title 6 of the Wapato Municipal Code section appropriate to the offense.

B. Owners of dogs falling under the definition of prohibited dogs defined by this chapter may earn an exemption from the restrictions listed in this chapter by showing proof that their dog

has passed the Canine Good Citizen test of the American Kennel Club, as administered by an AKC evaluator, and received appropriate certification from the AKC. Such animal shall be retested at least once every two years and must pass each time in order to maintain this exemption. The exemption shall be noted on the dog license application.

C. Owners of dogs registered for training and/or obedience classes on or before August 1, 2008, shall be exempt from this chapter during the time period of the training and/or obedience classes. To qualify for this exemption, the owner must provide proof of enrollment in training and/or obedience class, as well as the length of the class and the last date of the class. Within ten days of the last date of the class, the owner must provide proof that the dog successfully completed the training and/or obedience classes. Such proof shall be the equivalent of the first year of the Canine Good Citizen testing, as outlined in subsection B of this section. Animals falling under this exemption shall be tested under the Canine Good Citizen testing at least once every two years after completing the training and/or obedience classes in order to maintain this exemption. The exemption shall be noted on the dog license application. (Ord. 1196 §2, 2008; Ord. 1190 §1(part), 2008)

6.06.120 Penalty.

Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor, unless other penalty is outlined herein. The fine imposed shall not be less than two hundred fifty dollars for the first violation, and five hundred dollars for any subsequent violations, in addition to any other penalties allowed by law. If any violation is continuing, each day's violation shall be a separate violation of this chapter. (Ord. 1190 §1(part), 2008)

6.06.130 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this chapter. (Ord. 1190 §1(part), 2008)

Chapter 6.08

DANGEROUS DOGS

(Repealed by Ord. 1190)