

Title 6

ANIMALS

Chapters:

6.04 Dogs

6.05 Potentially Dangerous Dogs and Dangerous Dogs

6.08 Swine

Chapter 6.04**DOGS**

Sections:

- 6.04.010 Public nuisance defined – Unlawful.
- 6.04.020 Unlawful acts.
- 6.04.030 Impoundment and care requirements.
- 6.04.040 Impounding fee – Keeping fee.
- 6.04.050 Notice to owner of impoundment.
- 6.04.060 Period of keeping required.
- 6.04.070 Mad, vicious or rabid dogs.
- 6.04.080 Dog licenses.
- 6.04.090 Violation – Penalty.

6.04.010 Public nuisance defined – Unlawful.

The following dogs are declared to be a public nuisance:

A. Any dog running at large in violation of the provisions of this chapter; or

B. Any dog which by frequent or habitual howling, yelping, or barking annoys or disturbs persons in the neighborhood, or the peace or quiet of the community, or which by its actions disturbs or hinders the free use of the sidewalks and streets by the public; or

C. Any dog which causes or does damage to any property other than that of its owner; or

D. Any mad or vicious dog or dog afflicted with rabies, or dog displaying the tendencies and symptoms of either, if not securely confined and kept from the public; or

E. Any dog in town which is not properly licensed as provided in this chapter or which does not at that time have affixed to it an official license tag issued by the town pursuant to the provisions of this chapter; or

F. Any dog which is abandoned; or

G. Any dog which is found on the running board, fender, hood or other outside part of any parked or unoccupied vehicle, to include the back of a truck, unless such dog is by suitable harness or other device from falling, escaping or being thrown therefrom. (Ord. 683 § 1, 1986; Ord. 460 § 1, 1978)

6.04.020 Unlawful acts.

It is unlawful for any person to keep or maintain any dog constituting a public nuisance within the town or for any owner or custodian thereof to permit any such dog to be within the town and not within the direct control of its owner or custodian. (Ord. 460 § 2, 1978)

6.04.030 Impoundment and care requirements.

A. The town marshal, and the humane officer under his direction, are directed to keep and maintain or to provide for a suitable pound for dogs, and it shall be their duty to cause all dogs, while impounded, to be fed and treated in a humane manner.

B. It shall be the duty of the town marshal, or any officer or the humane officer, or other town employee at the direction of the mayor or town marshal, to seize and impound any and all dogs constituting a public nuisance, as defined in this chapter.

C. The impounding may be upon the complaint of any person or upon actual observation by the town marshal or humane officer of any such dog, which is a public nuisance, as defined in this chapter.

D. The town marshal shall cause upon the impounding of any dog or dogs, the making of a complete registry, entering the breed, color and sex of such dog, time and place of the impounding. (Ord. 460 § 3, 1978)

6.04.040 Impounding fee – Keeping fee.

Any dog impounded under authority of this chapter shall be released to the owner or custodian thereof by the humane officer upon payment of the sum of \$25.00 upon the first impounding of the dog, and the sum of \$50.00 upon any second subsequent impounding of the dog within a period of one year, together with the sum of \$3.00 per day, or fraction thereof, for the keeping and boarding of the dog. (Ord. 460 § 4, 1978)

6.04.050 Notice to owner of impoundment.

Not later than the next business day after the impounding of the dog, the owner, if known,

shall be notified of the impounding by mailing a written notice thereof, addressed to the owner at his or her last known address, or if unknown, by posting a notice at the Town Hall bulletin board. The notice shall include description of the dog as provided in this chapter, and the place and time of the impounding thereof. (Ord. 460 § 5, 1978)

6.04.060 Period of keeping required.

A. It shall be the duty of the town marshal to keep, or provide for the keeping, of all dogs so impounded for a period of 14 days after the mailing or posting of notice, as required in this chapter.

B. If after expiration of 14 days such dog has not been redeemed and all fees paid, the dog may be destroyed or sold by the town marshal. (Ord. 575 § 1, 1983; Ord. 460 § 6, 1978)

6.04.070 Mad, vicious or rabid dogs.

Any mad or vicious dog, or dog afflicted with rabies, or dog displaying the tendencies of either, or dog attacking any person within the town may be forthwith seized by the town marshal, or any officer, or the humane officer, as a public nuisance, and must be impounded a minimum of 10 days to determine if the dog is afflicted with rabies. (Ord. 460 § 7, 1978)

6.04.080 Dog licenses.

A. Requirement. All dogs kept within the town shall be registered as to sex, breed, name of dog and name, address, and phone number of owner.

B. Procedure. The town marshal, or persons designated by him for this purpose, shall issue licenses under the procedures set forth in this section.

C. License Tag. The license shall be a metal or plastic tag of a size and color determined by the marshal, who may establish tags of various sizes so as to equip each licensed dog with as conspicuous a tag as practical, given the size of the dog being licensed. Each tag shall bear a number and the legend "Town of Friday Harbor Dog License," and no tag shall be given the number assigned to another tag. License tags shall not be transferred from one dog to another.

D. License Card. A card containing the name, address and telephone number of the dog's owner and such further information as the marshal deems reasonably necessary to identify the dog and its owner shall be kept and be available for inspection by members of the public by appointment. On change of ownership of a licensed dog, the new owner shall promptly report the transfer to the custodian of the license card.

E. License Fees.

1. License fees shall be valid for one calendar year, however, a license purchased between November 15th and December 31st shall be valid from the date of purchase through the following year.

2. License fees shall be:

a. Neutered, \$8.00 annually;

b. Unneutered, \$15.00 annually;

c. Replacement tag, \$2.00 as required.

3. License fees shall be transferred to the current expense fund to be disbursed as follows:

a. Six dollars of each license shall be paid to such persons, if any, as may be authorized or designated by the town marshal to issue licenses.

b. The balance of all fees collected shall be used by the town for the purpose of developing and supporting animal control and animal impounding facilities, and to support the costs of enforcement. (Ord. 962 § 1, 1994; Ord. 845 § 1, 1991; Ord. 683 § 2, 1986; Ord. 460 § 8, 1978)

6.04.090 Violation – Penalty.

A. The owner or custodian of any dog found to be in violation of any provision of this chapter shall have committed a civil infraction. Any law enforcement officer shall have authority to issue such owner or custodian a notice of civil infraction when the infraction is committed in the officer's presence. The court may issue a notice of civil infraction upon receipt of a sworn written statement of an officer that there is a reasonable cause to believe an infraction has been committed.

B. Upon issuance of a notice of infraction, the matter shall be processed in accordance

with the provisions of Chapter 7.80 RCW. (Ord. 845 § 2, 1991; Ord. 683 § 3, 1986; Ord. 460 § 9, 1978)

Chapter 6.05

POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS

Sections:

- 6.05.010 Purpose.
- 6.05.020 Definitions.
- 6.05.030 Potentially dangerous or dangerous dogs – General.
- 6.05.040 Declaration of potentially dangerous or dangerous dog.
- 6.05.050 Annual registration for dangerous dogs.
- 6.05.060 Regulations and offenses – Potentially dangerous dogs.
- 6.05.070 Offenses and regulations – Dangerous dogs – Confiscation or destruction of dangerous dogs.
- 6.05.080 Impoundment and redemption.
- 6.05.090 Appeals.
- 6.05.100 Nonliability.
- 6.05.110 Immunity.

6.05.010 Purpose.

It is the policy of the town of Friday Harbor to secure and maintain levels of animal control that will protect human health and safety, and to the greatest degree practicable prevent injury to property. To this end, it is the purpose of this chapter to provide a means of controlling dangerous or potentially dangerous dog behavior so that it shall not become a public nuisance. This chapter shall be construed so as to be consistent with Chapter 16.08 RCW. In the event of a conflict between this chapter and any provision of Chapter 16.08 RCW, then the applicable provision of Chapter 16.08 RCW shall prevail. (Ord. 1455 § 1, 2011)

6.05.020 Definitions.

Within the provisions of this chapter, the following definitions shall apply:

“Allow” means to permit, including by failing or neglecting to restrain or prevent.

“Animal control authority” means the town of Friday Harbor or its designee, including the San Juan County sheriff’s office, acting alone or in concert with other local governmental units or with humane societies for enforcement

of the animal control laws of the town, county, and state.

“Animal control officer” means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control 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. This definition shall have the same meaning as in RCW 16.08.070.

“At large” means off the premises of the owner or caretaker of the dog, and not under the immediate control of the owner or caretaker of the dog or the owner or caretaker’s agent (including members of the immediate family), either by leash, cord or chain no longer than six feet, or other physical restraint not longer than six feet.

“Dangerous dog” means any dog that, when unprovoked: (A) inflicts severe injury on a human being on public or private property; (B) kills a domestic animal while off the owner’s property; or (C) aggressively bites, attacks or endangers the safety of humans after the owner has been notified that the dog has been previously found to be potentially dangerous by the animal control authority.

“Declaration” means the initial determination made by the animal control officer that a dog is either dangerous or potentially dangerous.

“Dog” means all members of the dog family, including wolf breeds.

“Domestic animal” means any animal that is lawfully bred and kept for use by humans.

“Notice of disposition” means an order of the animal control authority that an animal will be euthanized in an expeditious and humane manner.

“Order” means the final determination made by the animal control officer, after a dog owner has had an opportunity to contest an initial declaration by the animal control officer, that a particular dog is either dangerous or potentially dangerous.

“Owner” means any person or entity possessing, harboring, keeping, having an interest in, or having permanent or temporary control or custody of a dog, including a caretaker of a dog.

“Person” includes individuals, corporations, departments, firms, partnerships, trusts or associations, or other legal entities, and agents of those entities.

“Potentially dangerous dog” means any dog that when unprovoked: (A) inflicts bites on a human or a domestic animal either on public or private property; or (B) chases or approaches a person upon the streets, sidewalks, or any public grounds or private property not belonging to the dog owner in a menacing fashion or apparent attitude of attack; or (C) has a known propensity, tendency, or disposition to attack, to cause injury or otherwise to threaten the safety of humans or domestic animals.

“Provoke” means to taunt, strike at, torment, abuse, or assault a dog without justification or excuse or to make an unauthorized entry onto the portions of the premises where a dog is lawfully kept, in compliance with the requirements of this chapter, which premises are not open to the public.

“Secure enclosure,” when applied to a dangerous dog, means, while on the owner’s property, a dangerous dog shall be securely confined indoors, or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping, including by digging under the sides. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog. A motor vehicle can be considered a temporary secure enclosure only when the driver is present, it is locked and the dog is muzzled and unable to exit the vehicle. Windows may be left open to the extent that the dog can receive fresh air but not to the extent that the dog can extend any part of its mouth outside of the window. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

“Severe injury” means any physical injury that results in broken bones or lacerations that are either disfiguring or require multiple sutures.

“Unconfined” means that the dog is not securely confined indoors or confined in a securely enclosed and locked pen, motor vehicle or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. (Ord. 1455 § 2, 2011)

6.05.030 Potentially dangerous or dangerous dogs – General.

A. It is unlawful for any owner to have, maintain, or bring within the town any dangerous dog or potentially dangerous dog unless the owner has notified the animal control authority of the dog’s status within 15 calendar days and is in compliance with the provisions made applicable to the keeping of these dogs by this chapter.

B. Any dog that has been declared a dangerous or potentially dangerous dog by a similar animal control authority in another local jurisdiction within the state, or by the state of Washington, shall be considered by the town’s animal control authority to be a dangerous or potentially dangerous dog.

C. This chapter shall not apply to police dogs as defined in RCW 4.24.410.

D. Nothing in this chapter shall preclude any criminal prosecution for violation of RCW 16.08.100 or other state laws. (Ord. 1455 § 3, 2011)

6.05.040 Declaration of potentially dangerous or dangerous dog.

A. The animal control authority may determine that a dog is a potentially dangerous or dangerous dog if there is probable cause that the dog has the characteristics of a potentially dangerous or dangerous dog as defined in this chapter or pursuant to FHMC 6.05.030(B). The determination shall be made by written declaration of the animal control officer which shall be followed by a final order after the owner has been given an opportunity to present evidence to contest the determination.

1. The declaration and final order must be based upon one or more of the following

sources of information: (a) the written complaint of a citizen, provided under penalty of perjury; or (b) actions of the dog witnessed by any animal control officer or other law enforcement officer; or (c) sufficient documentary evidence that the dog has been declared a dangerous or potentially dangerous dog by a similar animal control or law enforcement authority in any local jurisdiction within the state, or by the state of Washington.

2. It is an affirmative defense to a finding that the dog is potentially dangerous that the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner of the dog or was committing or attempting to commit a crime against persons, or property where the dog is located. The owner must prove the affirmative defense by a preponderance of the evidence.

B. Upon a declaration that a dog is a potentially dangerous or dangerous dog, the restrictions set forth in FHMC 6.05.060 and 6.05.070 shall apply.

C. The declaration that a dog is a potentially dangerous or dangerous dog shall include the following information:

1. A description of the dog;
2. The name and last known address of the owner of the dog, if known;
3. The last known location or whereabouts of the dog if it is not in the custody of the owner;
4. The facts upon which the declaration of a potentially dangerous or dangerous dog is based;
5. The legal basis for the proposed action;
6. A statement that the dog is subject to the licensing or registration requirements of this title;
7. The availability of the owner’s right to a hearing to contest the declaration and the procedure to be followed, as set forth in subsection D of this section, and FHMC 6.05.090;
8. The restrictions placed on the dog as a result of the declaration of potentially dangerous or dangerous dog; and
9. The penalties for violation of the restrictions.

D. Prior to the animal control authority issuing its final order, the animal control authority shall notify the owner in writing that he or she is entitled to an opportunity to meet with the authority, at which meeting the owner may give, orally or in writing, any reasons or information as to why the dog should not be declared potentially dangerous. The notice shall state the date, time, and location of the meeting, which must occur prior to expiration of 15 calendar days following delivery of the notice. The owner may propose an alternative meeting date and time, but such meeting must occur within the 15-day time period set forth in this section and must be acceptable to, and approved by, the animal control officer. After such meeting, the authority must issue its final determination, in the form of a written order, within 15 calendar days.

E. The order declaring a dog to be a potentially dangerous or dangerous dog shall be in writing, and shall be effective upon delivery of the order to the owner of the dog by one of the following methods:

1. Regular mail and certified mail, return receipt requested, to the owner's last known address, in which case delivery is presumed three days after deposit in the United States mail; or

2. Personal service; or

3. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation. (Ord. 1455 § 4, 2011)

6.05.050 Annual registration for dangerous dogs.

A. The owner of a dog that is subject to a final order determining the dog to be dangerous must register the dog pursuant to this section and RCW 16.08.080. Such annual registration is in addition to all other licensing requirements.

B. The animal control authority shall issue an original certificate of registration or renewal certificate of registration, as appropriate, for the registration of a dangerous dog, if the owner pays an annual fee of \$250.00 for a potentially dangerous and \$500.00 for a dan-

gerous dog and presents to the animal control authority evidence of:

1. A secure enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a symbol that informs children of the presence of a dangerous dog.

2. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least \$250,000, payable to any person injured by the dangerous dog; or a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$250,000, insuring the owner for the personal injuries inflicted by the dangerous dog. (Ord. 1455 § 5, 2011)

6.05.060 Regulations and offenses – Potentially dangerous dogs.

A. After a final order that a dog is a potentially dangerous dog, it is unlawful for an owner to:

1. Fail to obtain and maintain a current license for the dog as required by FHMC 6.04.080, or fail to attach the current license tag to the dog.

2. Fail to mark the dog with a microchip that identifies both the owner of the dog and the animal control officer as contact persons for identification.

3. Fail to post signs on the owner's premises with a clearly visible warning sign that there is a potentially dangerous dog on the property, or fail to conspicuously display a sign with a symbol that effectively informs children of the presence of a potentially dangerous dog.

4. While outside of the secure enclosure, fail to keep the dog muzzled and on a substantial chain or leash and under the physical restraint of a responsible person of sufficient age and size to control the dog in all circumstances. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

5. When in a motor vehicle, fail to ensure that a responsible person of sufficient age and size to control the dog is present in the vehicle.

6. Fail to notify the animal control authority of a change of ownership or residence of the dog within 10 days of such change.

7. Allow the dog to inflict a bite on a human or a domestic animal, on public or private property.

8. Allow the dog to chase or approach a person in a menacing fashion or apparent attitude of attack.

9. Allow the dog to attack or cause injury to or otherwise threaten the safety of any person or domestic animal.

10. Fail to provide proof that the dog has been spayed or neutered to the animal control officer.

B. Penalty. Violation of this section is a gross misdemeanor, punishable in accordance with RCW 9A.20.021. The animal control authority may impound the dog for a violation of this section as provided in FHMC 6.05.080. (Ord. 1455 § 6, 2011)

**6.05.070 Offenses and regulations –
Dangerous dogs – Confiscation
or destruction of dangerous dogs.**

A. After a final order that a dog is a dangerous dog, it is unlawful for an owner to:

1. Fail to obtain and maintain a current license for the dog as required by FHMC 6.04.080, or fail to attach the current license tag to the dog.

2. Fail to register the dog as a dangerous dog when required by FHMC 6.05.050.

3. Fail to maintain a surety bond or liability insurance as required by FHMC 6.05.050.

4. Fail to mark the dog with a microchip that identifies both the owner of the dog and the animal control officer as contact persons for identification.

5. Fail to notify the animal control authority in writing of a change of ownership or residence of the dog within 10 days of such change.

6. Fail to maintain the dog in a secure enclosure while on private property or when unattended.

7. Fail to post signs on the owner's premises with a clearly visible warning sign that there is a dangerous dog on the property, or fail to conspicuously display a sign with a symbol that effectively informs children of the presence of a dangerous dog.

8. While outside of the secure enclosure, fail to keep the dog muzzled and on a substantial chain or leash and under the physical restraint of a responsible person of sufficient age and size to control the dog in all circumstances. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

9. When in a motor vehicle, fail to ensure that a responsible person of sufficient age and size to control the dog in all circumstances is present in the vehicle, or fail to ensure that the motor vehicle meets the definition for a secure enclosure, as set forth in FHMC 6.05.020.

10. Fail to notify the animal control authority of a change of ownership or residence of the dog within 10 days of such change.

11. Fail to provide proof that the dog has been spayed or neutered to the animal control officer.

12. Allow the dog to chase or approach a person in a menacing fashion or apparent attitude of attack.

13. Allow the dog to inflict a bite on a human or domestic animal, on public or private property.

14. Allow the dog to attack or cause injury to or otherwise threaten the safety of any person or domestic animal.

B. Penalty. Violation of subsection A of this section is a gross misdemeanor punishable in accordance with RCW 9A.20.021, and the dog is subject to immediate impoundment, confiscation and disposition in the manner provided in this section.

C. Procedures for Confiscation – Destruction. For any dog confiscated due to a violation of subsection A of this section, the owner must

pay the costs of confinement and control. The animal control authority must serve notice upon the dog owner, as set out in subsection H of this section, specifying the reason for the confiscation of the dangerous dog, the consequences of violation under this chapter, and that the owner is responsible for the payment of the costs of confinement and control.

1. If the owner has violated subsections (A)(1) through (5) of this section, the owner shall provide proof that deficiencies have been corrected within 20 days of effective delivery of the notice. In the event the owner fails or refuses to pay costs of confinement and control and show proof of the correction of all violations within 20 days, the animal control authority shall issue a notice of disposition and may destroy the confiscated dangerous dog if no appeal is filed within 10 days after delivery of the notice to the owner.

2. If the owner has violated subsections (A)(6) through (12) of this section, the dog will be impounded for a period of 10 days and the owner shall pay all costs of confinement before the animal can be redeemed. If the costs have not been paid and the dog has not been redeemed by the owner within 20 days of the effective delivery of the notice to the owner, the animal control authority shall issue a notice of disposition and shall destroy the dog in an expeditious and humane manner if no appeal of the notice is filed within 20 days after effective delivery of the notice to the owner.

3. No dog shall be returned to its owner until all the requirements of this subsection C have been met.

D. If the owner has violated subsection (A)(13) or (14) of this section, and the dog has been declared dangerous under this chapter or a similar law enacted by another local jurisdiction or state law, and attacks or bites a person or another domestic animal, the dog shall be immediately confiscated by the animal control authority and placed into quarantine for 10 days. The animal control officer shall issue a notice of disposition and shall thereafter destroy the dog in an expeditious and humane manner if no appeal of the notice is filed within 20 days after delivery of the notice to the owner. The animal control authority may

destroy a dangerous dog prior to the resolution of an accompanying criminal case involving the defendant where the procedures of this chapter have been followed.

E. A dog that aggressively attacks and causes the severe injury or death of any human, whether or not the dog has previously been declared dangerous or potentially dangerous, shall be immediately confiscated by the animal control authority, placed into quarantine for 10 days and thereafter destroyed in an expeditious and humane manner after the time for filing an appeal of the notice of disposition has lapsed. The animal control authority may destroy a dangerous dog prior to the resolution of an accompanying criminal case involving the defendant where the procedures of this chapter have been followed.

F. The dog of an owner who is convicted of a Class C felony in violation of RCW 16.08.100(2) or 16.08.100(3) based upon that dog's behavior shall be immediately confiscated by the animal control authority, placed into quarantine for 10 days and thereafter destroyed in an expeditious and humane manner.

G. An owner may appeal a notice of disposition of the animal control authority directing the disposition of an animal by filing a notice of appeal following the procedures set out in FHMC 6.05.050 with the San Juan County district court within 10 days after the date of delivery of the authority's notice of disposition. A notice of disposition that is based upon the conviction of the animal's owner under RCW 16.08.100(2) or RCW 16.08.100(3) may not be appealed under this chapter.

H. The notice of disposition and other notices in this section shall be in writing and shall be effective upon delivery to the owner of the dog by one of the following methods:

1. By mailing a copy of the applicable notice or order by certified mail, postage pre-paid, return receipt requested, to the person at the person's last known address; or

2. Personal service; or

3. By posting the notice of violation and order on the front door of the living unit of the owner or person with right to control the animal if the owner or person is not home.

I. Proof of service of the notice shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. (Ord. 1455 § 7, 2011)

6.05.080 Impoundment and redemption.

A. Except as provided in FHMC 6.05.070, a potentially dangerous or dangerous dog may be impounded and taken into the care and custody of the animal control authority in the following situations:

1. When the dog is at large or otherwise is in violation of the restrictions placed upon it by this chapter or state law.

2. When a dog is brought to the animal shelter or appropriate agency by a private citizen who has found the dog.

3. When the dog has been deemed abandoned pursuant to RCW 16.54.010.

4. When the dog has been subjected to cruel treatment as defined by RCW 16.52.205 or 16.52.207 or by this chapter, and removal is necessary for the immediate safety and well-being of the dog.

5. When the animal's owner is incapable or unable to continue to care for it.

6. When the dog has bitten a person, breaking or puncturing the skin, and the owner is unable, incapable or unwilling to provide the 10-day quarantine requirements. If such a dog is found at large, the owner will be deemed unable to provide quarantine and said dog may be impounded.

B. Except as provided in subsection C of this section or FHMC 6.05.070, any dog impounded under this section may be redeemed by its owner upon identification of the owner and payment of licensing fees and payment of the reasonable costs of impoundment and care to the owner or caretaker of the dog, and any other costs imposed under this chapter. If in conflict, the provisions of FHMC 6.05.070 shall prevail over the provisions of this section.

C. An animal impounded upon reasonable suspicion of having chased, bitten or killed a person or domestic animal may not be redeemed by the owner until after the animal

control authority has been notified and given 48 hours to determine whether to declare the dog a potentially dangerous dog as provided in FHMC 6.05.040, or to provide other notices that the dog was seen chasing, biting or killing a person or domestic animal. (Ord. 1455 § 8, 2011)

6.05.090 Appeals.

A. Within 20 days following service of a final order of a dangerous dog or potentially dangerous dog, or within 10 days following service of a notice of disposition to euthanize a dog, the owner may appeal the determination to the San Juan County district court by filing and serving a written notice of appeal.

B. The notice of appeal shall contain the following information:

1. The name, address and telephone number of the owner of the dog;

2. A statement of the owner's issues on appeal, briefly describing the owner's specific exceptions and objections to the animal control authority's order or notice of disposition and reasons why the decision should be reversed or modified, and the relief requested, such as reversal of the order or notice of disposition;

3. The verification by declaration under penalty of perjury of at least one appellant as to the truth of the matters stated in the appeal;

4. The name, address and phone number of every witness who will appear on the dog owner's behalf; and

5. A copy of the decision being appealed.

6. The animal control authority shall be served by delivery of the notice of appeal to the town of Friday Harbor administrator.

C. The standard of review for the appeal shall be considered de novo. The animal control authority has the burden of proving by a preponderance of the evidence that the dog was potentially dangerous or dangerous; or should be disposed of under applicable law. The appellant shall have the burden of proving any affirmative defenses by the preponderance of the evidence.

D. Procedure. The animal control officer and the appellant have the right to appear in

person, and to offer evidence that is pertinent and material to the order being appealed. Only those issues specifically raised by the appellant in the written notice of appeal shall be considered. Both parties have the right to be represented by counsel and present witnesses and evidence and cross-examine witnesses who testify at the hearing. Both parties have the right to subpoena witnesses and documents, except that the timelines for action must be compressed so that the time elapsed between the date of the notice of appeal and the court's decision shall not exceed 30 days.

E. Failure of any appellant to file an appeal or to attend the scheduled appeal hearing shall constitute a waiver of his or her right to a hearing, and the actions of the animal control authority will be upheld.

F. Witnesses may be excluded until their testimony is taken if requested by either party.

G. While the appeal is pending, the owner must comply with the conditions set out in the order of the animal control officer. If the dog has been impounded, the owner must pay the costs of the impoundment. Enforcement of a notice of disposition will be stayed during a pending appeal.

H. The court shall prepare a final written decision including findings of fact and conclusions of law. The court may affirm or reverse the animal control authority's final order or notice of disposition in whole or in part, or remand the decision to the animal control authority for further consideration. A copy shall immediately be mailed or delivered to the owner at the address provided to the animal control authority. Upon receipt of the written decision, the owner may appeal to the superior court by filing written notice within 30 days. Such appeals shall be governed by the provisions of the Washington State Court Rules for Appeal of Decisions. (Ord. 1455 § 9, 2011)

6.05.100 Nonliability.

Nothing contained in this chapter is intended to be, or shall be, construed to create or form the basis for any liability on the part of the town of Friday Harbor, its officers, employees or agents, or by reason or in consequence of any omission in connection with the

implementation or enforcement of this section on the part of the town of Friday Harbor by its officers, employees or agents. (Ord. 1455 § 10, 2011)

6.05.110 Immunity.

The town of Friday Harbor, the animal control officer, and any police officer, town official, employee, or agent of the town shall be immune from any and all civil liability for any actions taken pursuant to this title, or for failure to take action to enforce provisions of this title. It is not the purpose or intent of this title to create on the part of the town or its agents any special duties or relationships with specific individuals. This chapter has been enacted for the welfare of the public as a whole. (Ord. 1455 § 11, 2011)

Chapter 6.08

SWINE

Sections:

- 6.08.010 Prohibited acts.
- 6.08.020 Person defined.
- 6.08.030 Violation – Penalty.

6.08.010 Prohibited acts.

On or after January 1, 1912, no person, persons or residents of the town shall keep, raise or maintain any species of swine in or on any property within the limits of the town; provided, that nothing in this chapter shall prohibit the keeping, raising and maintaining of one or two swine for family use by any person, persons or residents. (Ord. 59 § 1, 1911)

6.08.020 Person defined.

The word “person” as used in this chapter shall be construed to include persons, copartnerships and corporations. (Ord. 59 § 2, 1911)

6.08.030 Violation – Penalty.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and may be punished by a fine not to exceed the sum of \$25.00, and costs, and upon default in the payment thereof may be confined in jail until such fine and costs shall have been paid. (Ord. 59 § 3, 1911)