

## POULSBO DISTRIBUTION SCHEDULE

### ORDINANCE NO. 2008-12

**SUBJECT: Amending PMC Chapter 6.05; State Insurance Laws Relating to Potentially Dangerous Dogs and Delete Redundant Subsections, Amending Chapter 6.08 to Define "Low Income Disabled" for the Purposes of Qualifying for Permanent Dog and Cat Licenses**

#### CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 06/24/2008
- (X) Passed by the City Council: 07/02/2008
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 08/13/2008
- (X) Effective: 08/18/2008

#### DISTRIBUTED COPIES AS FOLLOWS: email all departments

- (X) NK Herald: Emailed by jb 08/08/2008
- (1) Ordinance Book (copy)
- (X) Code Publishing - via email if in electronic format
- (1) City Attorney
- ( ) Civil Service Commission and/or Sec/Chief Examiner
- (X) Clerk's Department: Original
- ( ) City Council
- ( ) Finance:
- ( ) Fire District No. 18
- ( ) Mayor
- (X) Municipal Court
- ( ) MRSC from website:
- ( ) Parks/Recreation:
- ( ) Planning/Building:
- (X) Police
- ( ) Public Works:
- ( ) Public Works/Engr Section:
- ( ) Bookshelf Contracts Copy
- (X) Kitsap Humane Society/Animal Control



City Clerk



Date

ORDINANCE NO. 2008-12

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON; RELATING TO ANIMAL CONTROL; AMENDING CHAPTER 6.05 OF THE POULSBO MUNICIPAL CODE IN ORDER TO CORRECT REFERENCES TO STATE INSURANCE LAWS, TO SET THE AMOUNT OF THE INSURANCE OR SURETY BOND REQUIRED FOR POTENTIALLY DANGEROUS DOGS AT \$100,000, AND TO DELETE REDUNDANT SUBSECTIONS RELATING TO MINIMUM AGE REQUIREMENTS FOR OWNERSHIP OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS; AMENDING CHAPTER 6.08 TO DEFINE "LOW INCOME DISABLED" FOR PURPOSES OF QUALIFYING FOR PERMANENT DOG AND CAT LICENSES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the Poulsbo City Council passed Ordinance 2007-46 on October 3, 2007, adopting updated regulations regarding dangerous and potentially dangerous dogs as Chapter 6.05 of the Poulsbo Municipal Code, and

WHEREAS, during codification of Ordinance 2007-46, several minor discrepancies in the provisions of Chapter 6.05 were discovered and the City Council has determined to correct the same,

WHEREAS, the City Council has also determined to amend Section 6.08.030 of the Poulsbo Municipal Code in order to define "low income disabled" for purposes of qualifying for permanent dog and cat licenses and to correct various references within said chapter, now, therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON,  
DO ORDAIN AS FOLLOWS:

**Section 1. Amendments to Chapter 6.05.** Chapter 6.05 of the

Poulsbo Municipal Code are hereby amended to read as follows:

**6.05.010 Definitions**

For the purpose of this Chapter, the following words shall have the following meanings unless the context indicates otherwise:

“Dangerous” means an animal that according to the records of the animal control or other appropriate authority:

1. Has inflicted severe injury on a human without provocation while on public or private property;

2. Has killed a domestic animal without provocation while on public or private property;

3. Has been previously found to be potentially dangerous, the owner has received notice of such potential and the animal subsequently bites, attacks or endangers the safety of humans or domestic animals.

4. RCW 16.08.070(2), containing the definition of “dangerous dog” as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

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

“Potentially dangerous” means an animal that when unprovoked:

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

2. Causes injury to or otherwise threatens the safety of a human or domestic animal;

3. Inflicts a bite upon a human or domestic animal either on public or private property;

4. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals.

5. RCW 16.08.070(1), containing the definition of "potentially dangerous dog," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

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

"Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery. RCW 16.08.070(3), containing the definition of "severe injury," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

#### **6.05.020 Potentially Dangerous Dog and Dangerous Dog**

A. Declaration of a Dog as Potentially Dangerous. The animal control authority shall have the authority to declare and restrict a dog potentially dangerous if the animal control authority has probable cause to believe that the dog falls within the definition of potentially dangerous set forth in PMC 6.05.010. The declaration must be based upon:

1. The written complaint of a citizen who is willing to testify that the dog has acted in a manner which

causes it to fall within the definition of potentially dangerous in PMC 6.05.010.

2. Dog bite reports filed with the animal control authority; or

3. Actions of the dog witnessed by any employee of the animal control authority or law enforcement officer; or

4. Other substantial evidence.

B. Exclusions. A dog shall not be declared potentially dangerous if the animal control authority determines, by a preponderance of the evidence, that the threat, injury, or bite alleged to have been committed by the dog was sustained by a person who was at the time committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or who was tormenting, abusing, or assaulting the dog, or who had been in the past observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime.

C. Restrictions. The animal control authority may impose any or all of the following restrictions on the owners of a dog to protect the public safety.

1. Training. The animal control authority may require the owner of the potentially dangerous dog and the dog to attend, complete, and pay all costs associated with an accredited obedience/training class or seminar. The animal control authority shall pre-approve any choice of class by the owner of the dog, and proof of satisfactory completion of such training shall be provided to the animal control authority upon completion, even if such type of training has been completed by the dog in the past.

2. Restraint. The animal control authority may require the owner of the potentially dangerous dog to muzzle, leash, collar, confine, lock, isolate, or remove the dog from the City of Poulsbo. Residential fencing of the property will be required if necessary to restrain the dog.

3. Insurance. The animal control authority may require the owner of the potentially dangerous dog to

prove purchase of liability insurance or bond and renewals in the amount of \$100,000 or more, as set by the animal control authority. The insurer/bond issuer must be qualified under Title 48 RCW and must provide coverage/funds to offset any injuries inflicted by the potentially dangerous dog. All costs associated with the insurance/bond must be paid by the insured.

4. Registration Required. The animal control authority will require the owner of a dog declared potentially dangerous by a court of law or the animal control authority to register the dog within seven (7) calendar days of the date the dog is declared potentially dangerous. Thereafter, the potentially dangerous dog will be registered annually.

5. Warning. The animal control authority will require the owner of a potentially dangerous dog to post all entrances to any property where such dog is located with such visible warning sign(s) as the animal control authority deems necessary.

6. Dog Park. It will be unlawful for any person to permit a potentially dangerous dog in a "dog park" in the City of Poulsbo.

7. Tether. It will be unlawful for any person to tie or otherwise tether a potentially dangerous dog to any inanimate object, such as trees, mailboxes, vending machines, and the like.

8. Financial Responsibility. The animal control authority may require the owner of a potentially dangerous Dog to pay any costs associated with enforcement of this section including, but not limited to, those stated above.

D. Prohibited Ownership. No person(s) under the age(s) of eighteen (18) years old shall own a potentially dangerous dog, as defined in PMC 6.05.010.

E. Notice of Animal Control Authority Declaration. If the animal control authority receives a report of a potentially dangerous dog, it shall immediately initiate an investigation including, but not limited to, interviewing the complainant(s), interviewing the owner of the dog, if known and observing the dog. Upon completion

of its investigation, if the dog is declared potentially dangerous, the animal control authority shall prepare a written declaration. The declaration shall include, but is not limited to, a description of the dog, the name and address of the owner of the dog, if known, a brief summary of the facts upon which the declaration is based, a statement of any restrictions placed on the dog or owner as a consequence of the declaration, a statement of the penalties for further violations, and notice of the right to appeal the declaration.

F. Service of Notice of Declaration. The animal control authority shall personally serve or send by certified mail its declaration to the owner of the dog. If the owner is unknown, the animal control authority shall make reasonable efforts to notify the owner of its written declaration.

G. Appeal to Poulsbo Municipal Court. The owner of a dog declared potentially dangerous shall have fourteen (14) calendar days from receipt of the written declaration to file a written appeal with the Poulsbo Municipal Court and pay a filing fee equal to that established by RCW 3.62.060 for civil actions commenced in the district courts, as the statute now exists or as it may hereafter be amended or superseded. Within fourteen calendar days of receiving the written notice of appeal, the Municipal Court Clerk shall schedule an appeal hearing before the Poulsbo Municipal Court and provide written notice of the hearing to the owner of the potentially dangerous dog and the animal control authority.

H. Hearing before Municipal Court. At the appeal hearing before the Poulsbo Municipal Court, the appellant shall have the burden of proving that the determination by the animal control authority was arbitrary and capricious. The owner of the dog may present evidence in defense of the dog and against the declaration. The Court shall weigh the evidence presented by both the animal control authority and the owner (if applicable), and shall issue a written decision to the appealing dog owner and animal control authority that either sustains or reverses the animal control authority's declaration. If the declaration is reversed and an appeal is not timely filed by the animal control authority, any restrictions on the dog previously imposed shall be annulled. No court costs or attorney fees

shall be assessed against the City of Poulsbo, Kitsap County, or the animal control authority in such an instance. If the Court finds that the decision by the animal control authority was not arbitrary and capricious, the court may impose court costs, but not attorney fees, against the appellant, and may impose additional restrictions on the potentially dangerous dog.

I. Appeal of Municipal Court's Decision. Either the owner of a dog declared potentially dangerous by the authority or the animal control authority itself may appeal the decision of the Poulsbo Municipal Court to the Kitsap County Superior Court. Any such appeal shall be filed within thirty days as provided in the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) and shall be governed by and subject to such rules.

J. Change of Ownership, Custody, and/or Residence. Owners of a dog that has been declared potentially dangerous who sell, barter, or otherwise transfer the ownership, custody, or residence of the dog shall, within fourteen (14) calendar days of the change, inform the animal control authority in writing of the name, address, and telephone number of the new owner, and/or the address of the new residence where the dog is located. Such notice shall also include the name, description, and license number of the dog. In the event the ownership and/or custody of the dog changes, the owner shall notify the new owner in writing of the details of the dog's record relating to being declared potentially dangerous and the terms and conditions of the declaration. The owner shall also provide the animal control authority with a copy of the written notification that shall contain a notarized statement by the new owner acknowledging receipt of the original notification.

K. Failure to Abide by Restraints. Failure on the part of the owner(s) of a potentially dangerous dog to abide by the restraints placed upon the owner(s) or their dog by the animal control authority or municipal court may result in impoundment of the potentially dangerous dog by the animal control authority, pursuant to PMC 6.05.030(C).

**6.05.030 Penalty and Impoundment.**

A. Misdemeanor. When a dog has been declared potentially dangerous pursuant to Section 6.05.020, the owner of the potentially dangerous dog shall be guilty of a misdemeanor if the dog is thereafter found:

1. At large;
2. To have, when unprovoked, inflicted a bite(s) upon a human, pet, or livestock either on public or private property;
3. To have chased or approached a person upon the streets, side-walks, or any other public grounds in such a manner as to significantly threaten the safety of humans, pets, or livestock; or
4. To have caused injury to or otherwise threatened the safety of humans, pets, or livestock. This section shall not preclude immediate criminal prosecution under RCW 16.08.100 in a first bite situation causing severe injury or death of any human.

B. Declaration of a Dog as Dangerous. If the owner of a potentially dangerous dog is found guilty of violating subsection A of this section, the animal authority shall make a further determination as to whether the dog should be declared dangerous.

C. Impoundment of Dangerous and Potentially Dangerous Dogs. In the event that a dangerous dog or potentially dangerous dog is impounded due to the owner's failure to abide by the restraints imposed by the animal control authority or the Poulsbo Municipal Court, a hearing shall be held within fourteen (14) calendar days by the Poulsbo Municipal Court to determine whether the dog should be returned to the owner, forfeited by the owner, or euthanized by the animal control authority. Written notice of the hearing shall be provided by the municipal court clerk. In the event that the Poulsbo Municipal Court determines that the dog should not be returned to the owner, the animal control authority may adopt or give the dog to a dog welfare organization or qualified individual, or

euthanize the dog. An owner may prevent the dog's destruction or adoption by:

1. Appealing the decision of the Poulsbo Municipal Court to the Kitsap County Superior Court. Any such appeal shall be filed within thirty days as provided in the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) and shall be governed by and subject to such rules.; or

2. Posting a bond or security in an amount sufficient to provide for the dog's care for a minimum of thirty (30) calendar days from the seizure date.

3. If the animal control authority still has custody of the dog when the bond or security expires, the dog shall become the animal control authority's property unless the court orders an alternative disposition. If a court order prevents the animal control authority from assuming ownership and it continues to care for the dog, the court shall order the owner to renew a bond or security for the continuing costs for the dog's care.

**6.05.040 Dangerous dogs – additional requirements**

A. License Requirements. If a dog has been classified as a Dangerous Dog by the animal control authority or court, additional restrictions to ownership will apply. The animal authority may issue a license to keep the dog in the City of Poulsbo only if the owner presents to the animal authority proof of compliance with all aspects of PMC 6.05.020 as well as:

1. A proper 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 warning symbol that informs the public of the presence of a dangerous dog; and

2. A surety bond issued by a surety insurer qualified under Title 48 RCW in a form acceptable to the animal control authority in the sum of at least one hundred thousand dollars (\$100,000), payable to any person injured by the dangerous dog; or

3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW, in the amount of at least one hundred thousand dollars (\$100,000), insuring the owner for any personal injuries inflicted by the dangerous dog.

B. Restrictions. The owner of a dangerous dog shall not permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. 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.

**6.05.050 Registration of Potentially Dangerous Dogs and Dangerous Dogs**

A. Registration Required. The owner of a dog declared to be potentially dangerous or dangerous by a court of law or the animal control authority, shall register the potentially dangerous dog or dangerous dog with the animal control authority pursuant to RCW 16.08.080 within seven (7) calendar days of the date the dog is declared potentially dangerous or dangerous. Thereafter, the potentially dangerous dog or dangerous dog shall be registered annually.

B. Registration Expiration. Certificates of registration for potentially dangerous dogs shall expire on the anniversary date of the dog's initial registration.

C. Registration Fee for Potentially Dangerous Dog. The annual registration fee for potentially dangerous dogs shall be \$250. This registration fee is in addition to regular dog licensing fees.

D. Registration Fee for Dangerous Dog. The annual registration fee for a dangerous dog shall be \$500. This registration fee is in addition to regular dog licensing fees.

E. Certificate of Registration Application. An application to obtain a certificate of registration of a

potentially dangerous dog or a dangerous dog shall contain the following:

1. Name, address, and telephone number of the applicant owner;

2. Type, name, age, color, sex, and distinguishing characteristics of the dog;

3. A diagram to approximate scale showing the proper enclosure to confine the dog;

4. A surety bond issued by a surety insurer qualified under Title 48 RCW in a form acceptable to the animal control authority in a sum equal to at least the minimum required by Subsection 6.05.020(C)(3) or 6.05.040(A)(2);

5. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW, in an amount equal to at least the minimum required by Subsection 6.05.020(C)(3) or 6.05.040(A)(3);

6. A recent clear color photo of the dog;

7. Proof of permanent identification upon the dog by the procedure known as microchipping;

8. Evidence of the posting of the premises with a clearly visible warning sign that there is a potentially dangerous dog or dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs the public of the presence of a potentially dangerous dog or dangerous dog.

F. Pre-certificate On-site Inspection. An employee of the animal control authority shall make an on-site inspection of the applicant's site for keeping the animal to ensure that the site is properly enclosed and posted, pursuant to RCW 16.08.080(2)(a). Such inspection shall occur within thirty (30) calendar days of the dog being declared potentially dangerous or dangerous.

G. Non-compliance. In the event the owner of a dangerous dog fails to comply with the requirements of this

section and/or RCW 16.08.080, the animal control authority can take immediate action pursuant to RCW 16.08.100. Rules and regulations for notifying owners of the confiscation of registered dangerous dogs shall be formulated by the animal control authority. PMC 6.05.030 (C) shall govern the procedures for impoundment.

H. Certificate of Registration Issuance. On behalf of the City of Poulsbo, the animal control authority shall issue the certificate of registration if the registration fee is paid and the application and site inspection show that the applicant meets the requirements of this section and applicable state law. The certificate of registration shall contain its date of expiration and also a statement of the applicable state criminal penalties for failing to comply. The certificate of registration shall be prominently displayed by the owner of the dangerous dog in a conspicuous location.

I. Annual Inspections. Within thirty (30) calendar days prior to the renewal of a certificate of registration, the animal control authority shall inspect the premises where the dangerous dog is kept at a time mutually convenient to both the animal control authority and the owner of the dog. The purpose of this annual inspection shall be to ascertain whether the site remains in compliance with this section. Such inspection shall occur on or before the expiration of the certificate of registration. Failure of the owner of the dog to cooperate in this inspection can result in further action pursuant to RCW 16.08.100 and subsection (F) of this section.

J. Change of Ownership Prohibited. An owner of a dog declared dangerous shall not sell, barter, or otherwise transfer the ownership, custody, or residence of the dog without first obtaining written court approval. Any owner seeking such court approval shall notify the animal control authority of its intent.

#### **6.05.060 Penalty for violation.**

A. Unless specifically designated in this title as a gross misdemeanor or misdemeanor or is specified to be enforced pursuant to other law, including, but not limited to, other chapters or titles of this Code, any violation of this chapter is a misdemeanor.

B. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

C. Any person who fails to respond or appear on any violation of any provision of the Poulsbo Municipal Code set forth in this title shall be assessed a failure to respond or appear fee in the amount set forth in RCW 46.63.110(3), as the same now exists or as may be hereafter amended, which statute is incorporated herein by this reference as if fully set forth.

D. If a time pay agreement is requested a fee of not to exceed \$10 per charge or \$25 per payment plan may be imposed.

**Section 2. Cat and Dog Licenses.** Chapter 6.08 of the Poulsbo

Municipal Code is hereby amended to read as follows:

**6.08.010 Cat and dog licenses.**

A. Annual license. All dogs and cats shall be licensed annually or within thirty calendar days from the date the owner acquires the animal or takes up residency in the city. It is unlawful for any person to own, keep or have control of a dog or cat over the age of six months within the corporate limits of the city, whether confined or not, without having a current license tag attached to the collar or harness which is worn by the dog or cat. These licenses shall be obtained by paying the required license fee in the amounts and within the time limits as provided herein.

B. All licenses granted under the provisions of this chapter shall be due and payable by the first non-holiday weekday of July each year; except, that any lawful obligated party, as set forth in Section 6.08.010, shall apply for a license and pay the required fee within thirty days of becoming so obligated.

C. The fee for licenses sold during the second half of the licensing year (January through June), shall be one-half of the license fee for licenses issued at any other

time. This reduced fee is not applicable to renewals, but shall be applicable to new licenses only.

D. A metal tag shall be furnished with each license. The tag shall bear the name "Poulsbo," be dated with the combination of the years the tag is valid and the expiration date (i.e., 2006-2007 expires June 30, 2007) and include a pre-stamped serial number. The information to be gathered by the licensing agents shall include the name, address and telephone number of the person responsible for the animal, and a description of the animal including its name, age, sex and color. Such tag shall be securely attached to a collar which shall be worn by the dog or cat at all times, except when displayed in an official exhibition.

E. The provisions of this chapter shall not apply to dogs and cats in the custody of a veterinarian, pet store, or animal shelter, or whose owners are non-residents temporarily within the city for a period not to exceed 30 days.

F. Lost tags. Lost license tags may be replaced by a substitute license or tag upon application to the city or animal control authority and payment of a replacement charge.

#### **6.08.020 License fees**

License fees shall be as follows:

- A. Dogs:
- |                            |                     |
|----------------------------|---------------------|
| Spayed/Neutered:           | \$10.00             |
| Not Spayed/Neutered:       | \$35.00             |
| Lost/Replacement Tags:     | \$3.00              |
| Potentially dangerous dog: | See PMC 6.05.050(C) |
| Dangerous dog:             | See PMC 6.05.020(D) |
- B. Cats:
- |                        |         |
|------------------------|---------|
| Spayed/Neutered:       | \$5.00  |
| Not Spayed/Neutered:   | \$35.00 |
| Lost/Replacement Tags: | \$3.00  |
- C. Permanent License Fee:
- |                          |        |
|--------------------------|--------|
| 1. Spayed/Neutered Dogs: | \$6.00 |
| Lost/Replacement Tags:   | \$3.00 |

- 2. Spayed/Neutered Cats: \$3.00
- Lost/Replacement Tags: \$3.00

D. In order to receive the fee advantage for altered dogs and cats, an individual may be required to provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay-neuter procedure would be harmful to the animal.

E. Any person who fails to obtain a license 30 days after the license expiration date, but before 60 days of the expiration date, shall pay a penalty of \$10.00 per license. Any person who fails to obtain a license after 60 days of the license expiration shall pay a penalty of \$20.00 per license. No late penalty shall be charged if:

- 1. The owner submits proof of purchase or acquisition of the animal within the previous 30 days; or
- 2. The owner has moved into the city within the preceding 30 days; or
- 3. The animal is currently or has been within the preceding 30 days, under the age which requires a license; or
- 4. The owner purchases the license(s) voluntarily, prior to in-person or field contact by animal control personnel; or
- 5. The owner submits other proof deemed acceptable in the city or animal control authority's administrative policy.

**6.08.030 Special permanent license.**

Provided that the animals are not used for commercial purposes or designated as a dangerous dog, City of Poulso residents sixty-five years of age or older or who qualify as low-income disabled shall be entitled to purchase a permanent license for spayed or neutered dogs and cats for the lifetime of the animal for which they are the registered owners when said animals are maintained as said owner's address. Such residents shall not be required to annually purchase a new license for the lifetime of such

licensed animals; provided, that no person shall be granted more than three permanent animal licenses for any combination of cats or dogs for which they are registered owners. As used in this section, the term "low income disabled resident" means a person whose total household income is at or below one hundred twenty-five percent of the federally established poverty level as provided in RCW 70.164.020(4) as enacted or hereinafter amended, and who is (1) a person qualifying for special parking privileges under RCW 46.16.381(1)(a) through (f) as enacted or hereinafter amended; or (2) a blind person as defined in RCW 74.18.020 as enacted or hereinafter amended; or (3) as enacted or hereinafter amended, a disabled, handicapped, or incapacitated person as defined under any other state or federal program. All statutes or regulations referred to in the previous sentence are as the same now exist or as they may be hereafter amended. To qualify for this special permanent license, individuals must provide proof of income and proof of permanent disability. Proof of disability must be in the form of a U.S. Department of Veterans Affairs Identification Card or other documentation showing at least a thirty percent disability, a Washington Department of Licensing parking placard issued for permanent disability under RCW 46.16.381 as enacted or hereinafter amended, or such other means as the city or animal control authority may deem sufficient for purposes of proving permanent disability.

#### **6.08.040 License exemptions**

A. Licenses and license tags shall be provided free of charge by the city to service dogs properly trained to assist the handicapped and police and fire accelerant dogs as follows:

1. When such dogs are actually used by the handicapped for the purpose of aiding the handicapped in going from place to place;
2. To pups and young dogs being raised and trained as guide or service dogs for the handicapped, or
3. To police working dogs when the dogs are actively being used for such purpose, or

4. To dogs currently being trained for the purpose of aiding the handicapped in a school or program which has been approved or accredited by a professional organization or association, either for profit or not for profit.

B. The licensing agents, in writing such licenses, shall insert the words "guide dog," "hearing aid dog", "police working dog", or "fire accelerant dog" in the space allotted for and in place of a stated fee.

#### **6.08.070 Removal of license tag**

It is unlawful for any person other than the owner or keeper, or an officer of the animal control authority in conjunction with official duties, to remove a license tag from any dog or cat licensed under the provisions of this chapter. Violation of this section is a misdemeanor.

#### **6.08.100 Impounding unlicensed dogs and/or cats.**

Whenever an unlicensed dog or cat is found within the city, it may be taken up and impounded by an officer of the animal control agency or officer of the city, and an infraction may be issued to the owner of such dog or cat or the person having the custody and control of such dog or cat. The owner is subject to boarding charges as set forth in this title, in addition to all penalties set forth in this chapter.

#### **6.08.110 Penalty for violation**

A. Any person who violates 6.08.010 shall be guilty of a civil infraction with a maximum monetary penalty limited to a fine in an amount not to exceed \$250.00; provided that if the person presents evidence of a valid license obtained subsequent to the issuance of the infraction hereunder to the Poulsbo Municipal Court and prior to entry of a finding of committed, the infraction may be dismissed, except that the Poulsbo Municipal Court may assess court administrative costs of \$25.00 at the time of dismissal. A monetary penalty of \$52.00 shall be imposed for failure to respond to the infraction.

B. Unless specifically designated in this title as a civil infraction, gross misdemeanor or misdemeanor or is

specified to be enforced pursuant to other law, including, but not limited to, other chapters or titles of this Code, any violation of this chapter is a civil infraction and the penalty amount is \$250, not including statutory assessments.

C. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

D. Any person who fails to respond or appear on any violation of any provision of the Poulsbo Municipal Code set forth in this title shall be assessed a failure to respond or appear fee in the amount set forth in RCW 46.63.110(3), as the same now exists or as may be hereafter amended, which statute is incorporated herein by this reference as if fully set forth.

E. If a time pay agreement is requested a fee of not to exceed \$10 per charge or \$25 per payment plan may be imposed.

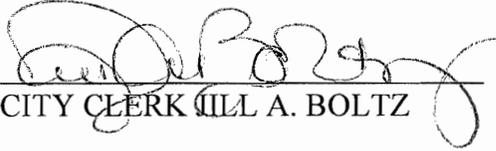
**Section 3.** **Severability.** If any section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby.

**Section 4.** **Effective Date.** This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

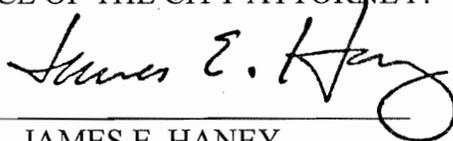
APPROVED:

  
MAYOR KATHRYN H. QUADE

ATTEST/AUTHENTICATED:

  
CITY CLERK WILL A. BOLTZ

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
JAMES E. HANEY

FILED WITH THE CITY CLERK: 06/24/2008  
PASSED BY THE CITY COUNCIL: 07/02/2008  
PUBLISHED: 08/13/2008  
EFFECTIVE DATE: 08/18/2008  
ORDINANCE NO. 2008-12

**SUMMARY OF ORDINANCE NO. 2008-12**

of the City of Poulsbo, Washington

On the 2<sup>nd</sup> day of July, 2008, the City Council of the City of Poulsbo, passed Ordinance No. 2008-12. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON; RELATING TO ANIMAL CONTROL; AMENDING CHAPTER 6.05 OF THE POULSBO MUNICIPAL CODE IN ORDER TO CORRECT REFERENCES TO STATE INSURANCE LAWS, TO SET THE AMOUNT OF THE INSURANCE OR SURETY BOND REQUIRED FOR POTENTIALLY DANGEROUS DOGS AT \$100,000, AND TO DELETE REDUNDANT SUBSECTIONS RELATING TO MINIMUM AGE REQUIREMENTS FOR OWNERSHIP OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS; AMENDING CHAPTER 6.08 TO DEFINE "LOW INCOME DISABLED" FOR PURPOSES OF QUALIFYING FOR PERMANENT DOG AND CAT LICENSES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 2nd day of July, 2008.

  
CITY CLERK JILL A. BOLTZ