

ORDINANCE 729

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 7.04 OF THE LACEY MUNICIPAL CODE RELATING TO THE APPOINTMENT OF THE ANIMAL CONTROL COMMISSION AS POUND MASTER AND ESTABLISHING LICENSING AND REGULATIONS FOR DOGS AND OTHER PET ANIMALS, ADOPTING RCW CHAPTER 16.52 AND 16.54 BY REFERENCE AND SETTING FORTH PENALTIES FOR VIOLATION OF SAID CHAPTER

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 7.04 of the Lacey Municipal Code is hereby readopted to read as follows:

Title 7ANIMALSChapters:

- 7.04 Animal Regulations
7.18 Animals on Streets or Sidewalks

Chapter 7.04ANIMAL REGULATIONSSections:

- 7.04.010 Purpose.
 7.04.020 Appointment and responsibilities of joint animal control commission as poundmaster.
 7.04.030 Definitions.
 7.04.040 Licensing requirements.
 7.04.050 Control of dogs and other pet animals.
 7.04.060 Issuance of citation and/or impoundment and redemption.
 7.04.070 Violation deemed misdemeanor.
 7.04.080 Cruelty to animals and/or abandoned animals.

7.04.010 Purpose. This chapter is enacted for the purpose of regulating the keeping of dogs, cats and other pet animals within the city. The fees, charges, and penalties collected under this chapter shall be budgeted to defray, in whole or in part, the expense of such regulation. Donations and voluntary fees shall be retained in a special fund at the city of Lacey for joint animal control and known as the "animal control donation fund." These funds may be used for training, education, capital expenditures, and animal care. (Ord. 640 §2(part), 1982).

7.04.020 Appointment and responsibilities of joint animal control commission as poundmaster. A. Appointment of Poundmaster. The joint animal control commission authorized by the Intergovernmental Agreement for Joint Animal Control Operations is appointed and declared to be the official poundmaster of the city.

B. Responsibilities of the Joint Animal Control Commission. The joint animal control commission, pursuant to adopted rules of the commission:

1. Shall act as a sales agent for licenses;

2. Shall provide for impounding of pet animals found to be in violation of and as prescribed by this title;

3. Shall provide shelter services and authorize the redemption, sale and humane destruction of pet animals so impounded;

4. May adopt rules and fees for the voluntary purchase of licenses and identification tags for cats and pet animals other than dogs;

5. May adopt rules for the issuance of licenses without charge for municipally owned police dogs and without charge or at a reduced fee for privately owned Seeing Eye dogs, specially trained dogs for hearing impaired owners, and dogs registered with county or municipal law enforcement search and rescue operations;

6. May employ such agents and employees as shall be necessary and the agents and employees shall have official authority to act on behalf of the commission in its capacity as poundmaster of the city and will be commissioned deputies by the appropriate law enforcement agency as their duties relate to animal control. (Ord. 640 §2(part), 1982).

7.04.030 Definitions. A. "Animal shelter" means a place provided and operated under the authority of the joint animal control commission for the impoundment, care, and euthanasia of dogs, cats, and other pet animals.

B. "At large" means any dog found off the premises or outside the vehicle of the owner or custodian of the dog and not under control of a person by means of a leash.

C. "Barking, howling or yowling pet animal" means any pet animal which by frequent or habitual howling, yowling, yelping or barking constitutes a nuisance.

D. "Euthanasia" means the humane destruction of an animal.

E. "Impound" means to take control by authorized officials of any animal found to be in violation of this chapter and pursuant to the terms of this chapter.

F. Kennel.

1. "Hobby kennel" means a noncommercial kennel at or adjoining a private residence where 4 or more adult dogs and/or cats are bred and/or kept for hunting, training and exhibition for organized shows, field working, and/or obedience trials or for enjoyment of the species.

2. "Commercial kennel" means a place where adult dogs or cats are kept by persons providing facilities for breeding and the offspring thereof are sold for profit, or where such dogs or cats are received for care, training and boarding for compensation, but not including a small animal hospital, clinic or pet shop. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of six months.

G. "Leash" includes a cord, thong or chain by which a dog is controlled by the person accompanying it.

H. "License" means the dog, cat, or other pet animal license issued for registration and identification.

I. "Officer" or "official" means any police officer, animal control officer, or other official designated by the city to issue licenses or citations, pick up, restrain, impound, sell, dispose of, or give notice for any other acts, duties or functions prescribed by this title or other title relating to pet animals.

J. "Owner" means any person, firm or corporation owning, having an interest in, or having custody or possession of any pet animal.

K. "Pet animals" means dogs (Canidae), cats (Felidae), monkeys and other similar primates, turtles, psittacine birds, skunks or any other species of wild or domestic animals, female, spayed female, male, or neutered male, sold or retained for the purpose of being kept as a pet.

L. "Vicious animal" means any pet animal which creates a reasonable apprehension of injury to persons or property, or any pet animal for which two or more written verified complaints have been received alleging that the pet animal has injured a human being. (Ord. 640 §2(part), 1982).

7.04.040 Licensing requirements. A. Dog licenses required. Except for licensed veterinarians and commercial kennels, it is unlawful for any person to own, keep or have control of any dog in the city unless the person has procured a license therefor. Licenses are valid for the calendar year for which issued.

B. Issuance of licenses--Tag--Collar. The issuing authority or agent thereof shall issue licenses and appropriate identification tags for each animal licensed to persons applying therefor upon payment of the license fee as shown below. The license and tag shall be in a format approved by the joint animal control commission. It shall be the responsibility of the owner of a dog to keep a substantial collar on the dog and attach firmly thereto the identification license tag for the current year, provided that in the event an owner does not desire to provide identification for the dog by use of the authorized identification tag, an alternate method of identification may be used, such as tattooing. The owner, however, shall pay the appropriate license fee and shall be issued an identification tag which need not be worn by the animal. The owner shall also assume the responsibility for the tattooing and shall provide the required data for proper identification of the animal to animal control, including the name and telephone number of the central tattoo registry in which the pet animal is registered, if so registered. A dog with neither an authorized identification tag nor a registered tattoo shall be considered an unlicensed dog.

C. License fees and penalties for the late purchase of licenses shall be established by resolution of the city council.

D. Date due.

1. All dog licenses granted under this chapter shall expire December 31st of the year for which issued.

2. City residents may purchase licenses through January 31st after which a penalty in an amount established by resolution of the city council shall be assessed.

3. A resident moving from one municipality to another within Thurston County and having a dog with a valid license within the previous municipality shall notify animal control of their new address. The license shall remain valid for the remainder of that calendar year, provided such notification is made.

E. Licenses nontransferable. Dog licenses as provided in this chapter shall be nontransferable from one dog to another.

F. License tag removal unlawful. It is unlawful for any person to remove a license tag from any dog or to obliterate any tattoo registered under the provisions of this title without the permission of the owner or issuing authority.

G. Kennel license. A kennel license shall be issued only for those areas where such use is not prohibited by local zoning. (Ord. 666 §16, 1982; Ord. 640 §2(part), 1982).

7.04.050 Control of dogs and other pet animals. It shall be unlawful for the owner or custodian of any pet animal to:

A. Permit a dog to be at large as defined herein; provided, however, this section shall not prohibit the owner from permitting a dog to participate in an organized dog show or training, exercise or hunting session in a location designed and authorized for such purpose. A dog within the confines of the premises of the owner or with the consent of the property owner shall not be considered to be at large;

B. Permit a pet animal to damage property of another, including other animals. This prohibition shall also apply to the deposit of fecal material on public or private property;

C. Keep or maintain within the city a barking dog or yowling pet animal as defined herein;

D. Keep or maintain within the city a vicious pet animal, as defined herein, unless the pet animal is securely confined on the owner's premises in a manner so as not to endanger persons lawfully entering the owner's property or other property. (Ord. 640 §2(part), 1982).

7.04.060 Issuance of citation and/or impoundment and redemption. A. Citation. In lieu of impounding a dog in violation of Section 7.04.050 A, or dog or other pet animal in violation of Section 7.04.050 B or C, the owner, if known and available, shall be subject to a citation appropriate to the violation incurred. In the case of violation of Section 7.04.050 D, the pet animal shall, whether the owner is known and available or not, be immediately impounded.

B. Impoundment. If the owner is not known or is not available, the authorized official may impound any pet animal found to be in violation of Section 7.04.050; provided, however, that for violations of Section 7.04.050 B, C, and D the authorized official may impound the animal on any property, including that of the alleged owner of the animal, upon receiving a written complaint from the victim thereof. For violations of Section 7.04.050 A, the authorized official may pursue such dog onto private property only if the officer witnesses the dog at large or if the complainant has seized the dog.

C. Notification of Owner. Upon any pet animal being impounded, the impounding authority shall, as soon as feasible, notify the owner, if the owner is known, of the impounding of such pet animal, and the terms upon which the pet animal can be redeemed. For the purposes of this section, the notice herein provided for may be by telephone, or by other means appropriate in the circumstances, which notice shall include a description of the pet animal impounded, the reason for impoundment, the date upon which such impounding occurred, and shall advise the owner that the pet animal will be disposed of by the impounding authority unless redeemed within the time limits provided in this chapter.

D. Redemption of Animal. The owner of any pet animal impounded under this chapter may redeem it within 48 hours

from the time of impoundment by paying to the impounding authority a service charge pursuant to a posted schedule of impounding fees duly adopted by the joint animal control commission, and, if the pet animal is a dog which is not licensed, shall also pay the appropriate fee for a license. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or license fees. If such pet animal is not redeemed by the owner within 48 hours, it will be made available for sale for the next 48 hours. In case such pet animal is not redeemed or purchased at the end of such time (96 hours), it may be humanely destroyed. Holidays and Sunday shall not be considered when computing the holding period.

E. When Owner not Known. In the event that the owner of the pet animal is not known, a notice providing appropriate information as described in subsection C of this section shall be posted on the bulletin board maintained by the impounding authority. The notice shall remain posted for a period of 96 hours from the date of impoundment, or less if the pet animal is redeemed or purchased after the 48-hour holding period required by subsection D of this section.

F. Disposition of Vicious Pet Animal. Any pet animal identified as vicious as a result of court action, and not appropriately confined as required by this chapter, may be seized and impounded. Such pet animal may be redeemed only by the owner or keeper, provided that such person agrees to be responsible for the appropriate control of such pet animal. Any pet animal not maintained in accordance with such agreement may be impounded and humanely destroyed.

G. Sick and Injured. All seriously sick or injured pet animals may be seized and impounded when not in the owner's possession and may be euthanized or given emergency medical treatment. Costs for any medical treatment provided in this manner will be the responsibility of the owner of the pet animal, if known, or, if unknown, of the joint animal control commission. The poundmaster shall immediately notify the owner, if the owner is known, and if the owner is unknown, make all reasonable efforts to locate and notify the owner.

H. Abandoned Animals. The authorized official is empowered to impound any dog or other pet animal found abandoned within any building, establishment or premises, whether public or private, in such condition as would be considered cruelty to animals under Section 7.04.080. Upon such impoundment, the impounding authority shall treat such dog or other animal in the same manner as other impoundments provided for in this chapter.

I. Voluntary Release.

1. Any owner desiring to relinquish their ownership of a pet animal to be made available for sale at the animal shelter may notify the poundmaster and, upon signing a consent and release of liability form, the pet animal may be made

available for purchase immediately, or retained at the shelter, on a space-available basis, for up to the 96-hour holding period provided for impounded pet animals.

2. Any owner desiring to have a pet animal euthanized may notify the poundmaster. If the pet animal is adoptable in the opinion of the poundmaster, the poundmaster shall counsel with the owner and urge that the pet animal shall first be made available for adoption. The poundmaster shall euthanize the pet animal only upon the written request of the owner and upon the owner signing a consent and release of liability form.

3. A pet animal brought to the shelter by a person other than its owner shall be held for the same holding period as impounded nonowner pet animals. (Ord. 640 §2(part), 1982).

7.04.070 Violation deemed misdemeanor. A. Interference Unlawful. It is unlawful for any person to interfere with, hinder, delay or impede any officer in the enforcement of any animal control ordinance adopted by the city and such violation constitutes a misdemeanor.

B. Violation Deemed Misdemeanor. Any person violating any of the provisions of this chapter especially declared unlawful is guilty of a misdemeanor. The minimum fine for specific violations shall be as follows:

	1st Violation	2nd Violation	3rd and Subsequent Violation
	Fine	Fine	Fines
1. Unlicensed dog	\$ 15.00	\$ 30.00	\$ 30.00
2. Dog at large	15.00	30.00	100.00
3. Damage property of others	15.00	30.00	100.00
	and restitution		
4. Deposit of fecal material on public or private property	15.00	30.00	100.00
5. Keep or maintain barking dog or yowling pet animal	15.00	30.00	100.00
6. Unsecured vicious animal	250.00	250.00	250.00
7. Interference with impound- ment	250.00	250.00	250.00
8. Cruelty to animals	150.00	250.00*	500.00*
	*and confiscation of animal.		

(Ord. 640 §2(part), 1982).

7.04.080 Cruelty to animals and/or abandoned animals.
RCW Chapters 16.52 and 16.54 are adopted by reference. (Ord. 640 §2(part), 1982).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 7.04 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.

CITY COUNCIL

By 
Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

Posted: March 29, 1985

The undersigned, being the duly appointed City Clerk of the City of Lacey, Washington, hereby attests that the attached document consisting of Chapters 16.52 and 16.54 of the Revised Code of Washington are the authentic statutes adopted by the Lacey City Council on January 28, 1982, by Section 7.04.080 in Ordinance No. 640 and readopted by the Lacey City Council on March 28, 1985, by Section 7.04.080 in Ordinance No. 729 and is duly recorded by the undersigned in my office along with said adopting ordinance.

DATED: March 29, _____, 1985.



TIMOTHY McGUIRE
City Clerk

Chapter 16.52
PREVENTION OF CRUELTY TO ANIMALS

Sections	
16.52.010	Definitions—Construction.
16.52.020	Humane societies.
16.52.030	Members as peace officers—Powers and duties.
16.52.040	Prosecutions.
16.52.050	Complaint—Search warrant—Arrest.
16.52.055	Certain officers empowered to make arrests for violations.
16.52.060	Arrest without warrant.
16.52.065	Wanton cruelty to fowls.
16.52.070	Certain acts as cruelty—Penalty.
16.52.080	Transporting or confining in unsafe manner—Penalty.
16.52.085	Removal of neglected animals for feeding and restoration to health.
16.52.090	Docking horses—Misdemeanor.
16.52.095	Cutting ears—Misdemeanor.
16.52.100	Confinement without food and water.
16.52.110	Old or diseased animals at large.
16.52.113	Causing animals to fight—Injuring animals—Presence at event.
16.52.117	Dog fighting—Owners, trainers, spectators—Exceptions.
16.52.120	Cockfighting.
16.52.130	Training birds to fight—Attending exhibitions.
16.52.140	Arrest without warrant.
16.52.160	Punishment—Attempt as a misdemeanor.
16.52.165	Punishment—Conviction of misdemeanor.
16.52.180	Limitations on application of chapter.
16.52.185	Exclusions from chapter.
16.52.190	Poisoning animals.
16.52.193	Poisoning animals—Strychnine sales—Records—Report on suspected purchases.
16.52.195	Poisoning animals—Penalty.

Cruelty to stock in transit: RCW 81.56.120.
Dogs—Taking, concealing, injuring, killing, etc.—Penalty: RCW 9.08.060.

16.52.010 Definitions—Construction. In RCW 16.52.010 through 16.52.055, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 the singular shall include the plural; the word "animal" shall be held to include every living creature, except man; the words

"torture," "torment," and "cruelty," shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" shall be held to include corporations as well as individuals; and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the act and knowledge of such corporations as well as of such agents or employees. [1901 c 146 § 17; RRS § 3200.]

16.52.020 Humane societies. Any citizens of the state of Washington who have heretofore, or who shall hereafter, incorporate as a body corporate, under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may avail themselves of the privileges of RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180: *Provided*, That the legislative authority in each county may grant exclusive authority to exercise the privileges and authority granted by this section to one or more qualified corporations for a period of up to three years based upon ability to fulfill the purposes of this chapter. [1973 1st ex.s. c 125 § 1; 1901 c 146 § 1; RRS § 3184.]

16.52.030 Members as peace officers—Powers and duties. All members and agents, and all officers of any society so incorporated, as shall by the trustees of such society be duly authorized in writing, approved by any judge of the superior court of the county, and sworn in the same manner as are constables and peace officers, shall have power lawfully to interfere to prevent the perpetration of any act of cruelty upon any animal and may use such force as may be necessary to prevent the same, and to that end may summon to their aid any bystander; they may make arrests for the violation of any of the provisions of RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 in the same manner as herein provided for other officers; and may carry the same weapons that such officers are authorized to carry. Authorizations under this section shall be for a period not exceeding three years or termination of duties, whichever occurs first. The trustees of the society shall review the authorizations every three years and may revoke authorizations at any time by filing a certified revocation with the superior court from which the authorization was issued: *Provided*, That all such members and agents shall, when making arrests under this section, exhibit and expose a suitable badge to be adopted by such society. All persons resisting such specially authorized, approved and sworn officers, agents or members shall be guilty of a misdemeanor. [1982 c 114 § 2; 1901 c 146 § 2; RRS § 3185.]

16.52.040 Prosecutions. Any member of such society authorized as provided in RCW 16.52.030, may appear and prosecute in any court of competent jurisdiction for

any violation of any of the provisions of RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180, whether or not he be an attorney or counsellor at law: *Provided*, That all such prosecution shall be conducted in the name of the people of the state of Washington. [1901 c 146 § 14; RRS § 3197.]

16.52.050 Complaint—Search warrant—Arrest. When complaint is made on oath, to any magistrate authorized to issue warrants in criminal cases that the complainant believes that any of the provisions of law relating to or in any way affecting animals, are being or are about to be violated in any particular building or place, such magistrates shall issue and deliver immediately a warrant directed to any sheriff, constable, police or peace officer, or officer of any incorporated society qualified as provided in RCW 16.52.030, authorizing him to enter and search such building or place, and to arrest any person or persons there present violating or attempting to violate any law relating to or in any way affecting animals, and to bring such person or persons before some court or magistrate of competent jurisdiction within the city or county within which such offense has been committed or attempted to be committed, to be dealt with according to law. [1901 c 146 § 10; RRS § 3193.]

16.52.055 Certain officers empowered to make arrests for violations. All sheriffs, constables, police and peace officers are empowered to make arrests for the violation of any provisions of RCW 16.52.010 through 16.52.055, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180, as in other cases of misdemeanor. [1901 c 146 § 3; RRS § 3186.]

16.52.060 Arrest without warrant. Any judge, justice of the peace, police judge, sheriff, constable or police officer may arrest any person found committing any of the cruelties hereinbefore enumerated, without a warrant for such arrest, and any officer or member of any humane society, or society for the prevention of cruelty to animals, may cause the immediate arrest of any person engaged in, or who shall have committed such cruelties, upon making oral complaint to any sheriff, constable or police officer, or such officer or member of such society may himself arrest any person found perpetrating any of the cruelties herein enumerated: *Provided*, That said person making such oral complaint or making such arrest shall file with a proper officer a written complaint, stating the act or acts complained of, within twenty-four hours, excluding Sundays and legal holidays, after such arrest shall have been made. [1893 c 27 § 9; RRS § 3204.]

Reviser's note: This section being 1893 c 27 § 9, prior sections of the act respecting "cruelties hereinbefore enumerated" are codified as RCW 16.52.065 and 81.56.120.

16.52.065 Wanton cruelty to fowls. Whosoever shall wantonly or cruelly pluck, maim, torture, deprive of

necessary food or drink, or wantonly kill any fowl or insectivorous bird, shall be deemed guilty of a misdemeanor. [1982 c 114 § 3; 1893 c 27 § 8; RRS § 3203. Formerly RCW 16.52.170.]

16.52.070 Certain acts as cruelty—Penalty. Except as provided in RCW 9A.48.080, every person who cruelly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes, procures, authorizes, requests or encourages so to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten or mutilated or cruelly killed, any animal; and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the same, or unnecessarily fails to provide the same with the proper food, drink, air, light, space, shelter or protection from the weather, or who wilfully and unreasonably drives the same when unfit for labor or with yoke or harness that chafes or galls it, or check rein or any part of its harness too tight for its comfort, or at night when it has been six consecutive hours without a full meal, or who cruelly abandons any animal, shall be guilty of a misdemeanor. For the purposes of this section, necessary sustenance or proper food means the provision at suitable intervals, not to exceed twenty-four hours, of wholesome foodstuff suitable for the species and age of the animal and sufficient to provide a reasonable level of nutrition for the animal. [1982 c 114 § 4; 1979 c 145 § 4; 1901 c 146 § 4; RRS § 3187. Prior: 1893 c 27 § 2, part; Code 1881 § 930, part; 1873 p 211 § 133; 1869 p 227 § 127; 1854 p 97 § 121.]

16.52.080 Transporting or confining in unsafe manner—Penalty. Any person who wilfully transports or confines or causes to be transported or confined any domestic animal or animals in a manner, posture or confinement that will jeopardize the safety of the animal or the public shall be guilty of a misdemeanor. And whenever any such person shall be taken into custody or be subject to arrest pursuant to a valid warrant therefor by any officer or authorized person, such officer or person may take charge of the animal or animals; and any necessary expense thereof shall be a lien thereon to be paid before the animal or animals may be recovered; and if the expense is not paid, it may be recovered from the owner of the animal or the person guilty. [1982 c 114 § 5; 1974 ex.s. c 12 § 1; 1901 c 146 § 5; RRS § 3188. Prior: 1893 c 27 § 2, part; Code 1881 § 930, part.]

Cruelty to stock in transit: RCW 81.56.120.

16.52.085 Removal of neglected animals for feeding and restoration to health. If the county sheriff shall find that said domestic animal has been neglected by its owner, he may authorize the removal of the animal to a proper pasture or other suitable place for feeding and restoring to health. [1974 ex.s. c 12 § 2.]

16.52.090 Docking horses—Misdemeanor. Every person who shall cut or cause to be cut, or assist in cutting the solid part of the tail of any horse in the operation known as "docking," or in any other operation for the purpose of shortening the tail or changing the carriage thereof, shall be guilty of a misdemeanor. [1901 c 146 § 6; RRS § 3189. FORMER PART OF SECTION: Code 1881 § 840; 1871 p 103 § 1; RRS § 3206, now codified as RCW 16.52.095.]

16.52.095 Cutting ears—Misdemeanor. It shall not be lawful for any person to cut off more than one-half of the ear or ears of any domestic animal such as an ox, cow, bull, calf, sheep, goat or hog, and any person cutting off more than one-half of the ear or ears of any such animals, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum less than twenty dollars. [Code 1881 § 840; 1871 p 103 § 1; RRS § 3206. Formerly RCW 16.52.090, part.]

16.52.100 Confinement without food and water. Any person who shall impound or confine or cause to be impounded or confined any domestic animal, shall supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof shall be guilty of a misdemeanor. In case any domestic animal shall be impounded or confined as aforesaid and shall continue to be without necessary food and water for more than twenty-four consecutive hours, it shall be lawful for any person, from time to time, as it shall be deemed necessary to enter into and open any pound or place of confinement in which any domestic animal shall be confined, and supply it with necessary food and water so long as it shall be confined. Such person shall not be liable to action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such animal, and the said animal shall be subject to attachment therefor and shall not be exempt from levy and sale upon execution issued upon a judgment therefor. If an investigating officer finds it extremely difficult to supply such animals with food and water, the officer may remove the animals to protective custody for that purpose. [1982 c 114 § 6; 1901 c 146 § 12; RRS § 3195.]

16.52.110 Old or diseased animals at large. Every owner, driver, or possessor of any old, maimed or diseased horse, cow, mule, or other domestic animal, who shall permit the same to go loose in any lane, street, square, or lot or place of any city or township, without proper care and attention, for more than three hours after knowledge thereof, shall be guilty of a misdemeanor: *Provided*, That this shall not apply to any such owner keeping any old or diseased animal belonging to him on his own premises with proper care. Every sick, disabled, infirm or crippled horse, ox, mule, cow or other domestic animal, which shall be abandoned on the public highway, or in any open or enclosed space in any city or township, may, if, after search by a peace officer or officer of such society no owner can be found therefor, be killed by such officer; and it shall be the duty of all

peace and public officers to cause the same to be killed on information of such abandonment. [1901 c 146 § 13; RRS § 3196.]

16.52.113 Causing animals to fight—Injuring animals—Presence at event. Any person who for amusement or gain causes any bull, bear, or other animal except a dog to fight with an animal of like kind, or causes any such animal, including dogs, to fight with a different kind of animal; or who for amusement or gain injures any bull, bear, dog, or other animal, or causes any bull, bear, or other animal except a dog to worry or injure another such animal; and any person who permits any of these acts to be done on any premises under his charge or control or who aids, abets, or is present at such fighting, chasing, or worrying of such animal is guilty of a misdemeanor. [1982 c 114 § 8.]

16.52.117 Dog fighting—Owners, trainers, spectators—Exceptions. (1) Any person who does any of the following is guilty of a gross misdemeanor punishable by imprisonment not to exceed one year, or by a fine not to exceed five thousand dollars, or by both fine and imprisonment:

(a) Owns, possesses, keeps, or trains any dog with the intent that the dog shall be engaged in an exhibition of fighting with another dog;

(b) For amusement or gain causes any dog to fight with another dog, or causes any dogs to injure each other; or

(c) Permits any act in violation of (a) or (b) of this subsection to be done on any premises under his charge or control, or aids or abets any such act.

(2) Any person who is knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subsection (1)(b) of this section, with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.

(3) Nothing in this section may prohibit the following:

(a) The use of dogs in the management of livestock, as defined by chapter 16.57 RCW, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of the livestock;

(b) The use of dogs in hunting as permitted by law; or

(c) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law. [1982 c 114 § 9.]

16.52.120 Cockfighting. Every person who wantonly or for the amusement of himself or others, or for gain, shall cause any cock to fight, chase, worry or injure any other animal, or to be fought, chased, worried or injured by any person or animal, and every person who shall permit the same to be done on any premises under his charge or control; and every person who shall aid, abet, or be present at such fighting, chasing, worrying or injuring of such animal as a spectator, shall be guilty of a

misdemeanor. [1982 c 114 § 11; 1901 c 146 § 7; RRS § 3190.]

16.52.130 Training birds to fight—Attending exhibitions. Every person who owns, possesses, keeps, or trains any bird with the intent that such bird shall be engaged in an exhibition of fighting, or is present at any place, building or tenement, where training is being had or preparations are being made for the fighting of birds, with the intent to be present at such exhibition, or is present at such exhibition, shall be guilty of a misdemeanor. [1982 c 114 § 12; 1901 c 146 § 8; RRS § 3191.]

16.52.140 Arrest without warrant. Any person qualified under RCW 16.52.030 and any sheriff, constable, police or peace officer may enter any place, building or tenement, where there is an exhibition of the fighting of birds or animals or where preparations are being made or training had for such exhibition, and without a warrant arrest all or any persons there present and bring them before some court or magistrate of competent jurisdiction to be dealt with according to law. [1901 c 146 § 11; RRS § 3194.]

16.52.160 Punishment—Attempt as a misdemeanor. Every person who shall attempt to do any act or thing which by RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 is made a misdemeanor shall be guilty of a misdemeanor. [1901 c 146 § 9; RRS § 3192. FORMER PART OF SECTION: 1901 c 146 § 16; RRS § 3199. now codified as RCW 16.52.165.]

16.52.165 Punishment—Conviction of misdemeanor. Every person convicted of any misdemeanor under RCW 16.52.080 or 16.52.090 shall be punished by a fine of not exceeding one hundred and fifty dollars, or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment, and shall pay the costs of the prosecution. [1982 c 114 § 7; 1901 c 146 § 16; RRS § 3199. Formerly RCW 16.52.160, part.]

16.52.180 Limitations on application of chapter. No part of RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 shall be deemed to interfere with any of the laws of this state known as the "game laws," nor shall RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 be deemed to interfere with the right to destroy any venomous reptile or any known as dangerous to life, limb or property, or to interfere with the right to kill animals to be used for food or with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of the faculty of some regularly incorporated college or university of the state of Washington. [1901 c 146 § 18; RRS § 3201.]

16.52.185 Exclusions from chapter. Nothing in this chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or

poultry, or products thereof or to the use of animals in the normal and usual course of rodeo events. [1982 c 114 § 10.]

16.52.190 Poisoning animals. It shall be unlawful for any person to wilfully or maliciously poison any domestic animal or domestic bird: *Provided*, That the provisions of this section shall not apply to the killing by poison such animal or bird in a lawful and humane manner by the owner thereof, or by a duly authorized servant or agent of such owner, or by a person acting pursuant to instructions from a duly constituted public authority. [1941 c 105 § 1; RRS § 3207-1. Formerly RCW 16.52.150, part.]

16.52.193 Poisoning animals—Strychnine sales—Records—Report on suspected purchases. It shall be unlawful for any person other than a registered pharmacist to sell at retail or furnish to any person any strychnine: *Provided*, That nothing herein shall prohibit county, state or federal agents, in the course of their duties, from furnishing strychnine to any person. Every such registered pharmacist selling or furnishing such strychnine shall, before delivering the same, make or cause to be made an entry in a book kept for that purpose, stating the name and address of the purchaser, the quantity of strychnine purchased, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. If any such registered pharmacist shall suspect that any person desiring to purchase strychnine intends to use the same for the purpose of poisoning unlawfully any domestic animal or domestic bird, he may refuse to sell to such person, but whether or not he makes such sale, he shall if he so suspects an intention to use the strychnine unlawfully, immediately notify the nearest peace officer, giving such officer a complete description of the person purchasing, or attempting to purchase, such strychnine. [1941 c 105 § 2; Rem. Supp. 1941 § 3207-2. Formerly RCW 18.67.110.]

16.52.195 Poisoning animals—Penalty. Any person violating any of the provisions of RCW 16.52.190 or 16.52.193 shall be guilty of a gross misdemeanor. [1941 c 105 § 3; RRS § 3207-3. Formerly RCW 16.52.150, part.]

Chapter 16.54

ABANDONED ANIMALS

Sections

- 16.54.010 When deemed abandoned.
 16.54.020 Disposition of abandoned animal by person having custody.
 16.54.030 Duty of sheriff—Sale—Disposition of proceeds.

16.54.010 When deemed abandoned. An animal is deemed to be abandoned under the provisions of this

chapter when it is placed in the custody of a veterinarian, boarding kennel owner, or any person for treatment, board, or care and:

(1) Having been placed in such custody for an unspecified period of time the animal is not removed within fifteen days after notice to remove the animal has been given to the person who placed the animal in such custody or having been so notified the person depositing the animal refuses or fails to pay agreed upon or reasonable charges for the treatment, board, or care of such animal, or;

(2) Having been placed in such custody for a specified period of time the animal is not removed at the end of such specified period or the person depositing the animal refuses to pay agreed upon or reasonable charges for the treatment, board, or care of such animal. [1977 ex.s. c 67 § 1; 1955 c 190 § 1.]

16.54.020 Disposition of abandoned animal by person having custody. Any person having in his care, custody, or control any abandoned animal as defined in RCW 16.54.010, may deliver such animal to any humane society having facilities for the care of such animals or to any pound maintained by or under contract or agreement with any city or county within which such animal was abandoned. If no such humane society or pound exists within the county the person with whom the animal was abandoned may notify the sheriff of the county wherein the abandonment occurred. [1955 c 190 § 2.]

16.54.030 Duty of sheriff—Sale—Disposition of proceeds. It shall be the duty of the sheriff of such county upon being so notified, to dispose of such animal as provided by law in reference to estrays if such law is applicable to the animal abandoned, or if not so applicable then such animal shall be sold by the sheriff at public auction. Notice of any such sale shall be given by posting a notice in three public places in the county at least ten days prior to such public sale. Proceeds of such sale shall be paid to the county treasurer for deposit in the county general fund. [1955 c 190 § 3.]