

**CHAPTER 6.05  
ANIMAL CONTROL**

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6.05.010 Preamble - Purpose: The City Council of the City of Moses Lake in accordance with its duty to safeguard the safety of the citizens of the City of Moses Lake, finds and declares that it is in the best interests of the citizens of the City of Moses Lake that the following ordinance regarding animal control be enacted. (Ord. 1021, 1981)

6.05.020 Definitions: When used in this chapter, the following words shall have the following meanings:

- A. "Abandonment" means leaving of an animal by its owner or owners or other person or persons responsible for its care or custody without making effective provisions for its proper care.
- B. "Animal" means any animal other than humans.
- C. "Animal Shelter" means the facility designed by the city for the boarding and caring of any animal impounded under the provisions of this chapter or any other ordinance or law of the State of Washington.
- D. "Cats" means any animal of the species Felidae, regardless of sex.
- E. "Common Areas of a Condominium, Town House, or Apartment Buildings" means and includes but is not limited to the yards, grounds, patios, garden areas, play areas, clubhouses, swimming pools, sidewalks, walkways, common garage areas, entryways, hallways, and driveways.
- F. "Community Services Officer" means any person or persons empowered by the city to enforce the provisions of this chapter.

- G. "Dogs" means any animal of the species Canidae, regardless of sex.
- H. "Dog Owner" means any person, firm, partnership, corporation, trust arrangement, or the like who owns, keeps, or harbors a dog or dogs.
- I. "Exotic Animal" means any animal which, when in its wild state, or due to its size, habits, natural propensities, training or instinct, presents a danger or potential danger to human beings and is capable of inflicting serious physical harm upon human beings, and includes inherently dangerous mammals and reptiles as follows:
  - 1. "Inherently dangerous mammal" means any live member of the Canidae, Felidae, or Ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and which includes:
    - a. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and domestic dog, but not including domestic dogs (*Canis familiaris*). Common names include wolf, coyote, jackal, hyena, fox, and all their hybrids,
    - b. Felidae, including any member of the cat (*felis*) family weighing over fifteen pounds (15 lbs.) not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).
    - c. Ursidae, including any member of the bear family, or any hybrids thereof.
  - 2. "Inherently dangerous reptile" means any live member of the class Reptilia which:
    - a. Is venomous, including but not necessarily limited to, all members of the following families: Helodermidae (Beaded Lizards including Gila Monster, Mexican Beaded Lizard); Viperidae (Vipers and Adders); Crotalidae (Pit Vipers); Atracaspidae (Mole Vipers); Hydrophilidae (Sea Snakes); and Elapidae (Cobras).
    - b. Is a "rear fanged" snake of the family Colubridae (rear fanged snakes) that are known to be dangerous to humans, including, but not necessarily limited to, all members of the following families: *Dispholidus typus* (Boom-slang Snake); *Thebtonis kirtlandii* (Twig Snake); and *Rhabdophis* ssp. (Speckled Belly Keelback and Red Necked Keelback).
    - c. Is a member of the order Crocodylia (crocodiles, alligators, and caiman) over two feet (2') in length.
- J. "Guard Dog" means a dog trained to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog. These dogs must be registered with the city as a guard dog.
- K. "Household pets" means dogs, cats, rabbits, mice, hamsters, gerbils, parakeets, canaries, finches, and other similar exotic fowl and songbirds, reptiles, amphibians, fish and similar small animals and fowl kept inside a residence for companionship and or personal enjoyment so long as they are not a danger to other persons or property. All other animals are prohibited within the city unless otherwise provided herein.
- L. "Mistreatment" means every act or omission which cause or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
- M. "Neglect" means failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual and proper for an animal's health and well-being.

- N. "Owner or custodian" means any person, firm, partnership, corporation, trust arrangement, or the like who shall keep, maintain, control, care for, or be responsible for keeping, maintaining, or caring for any animal.
  - O. "Running at Large" means off the premises of the owner and not under the effective control of the owner, his agent, servant, or competent member of his family by means of a leash, cord, or chain reasonable in length; except that, for the purpose of this definition, the "premises of the owner" shall not include common areas of a condominium complex, town houses, and apartment buildings, and any animal not in the effective control of its owner upon the common area of a condominium, town house or apartment building, or the grounds thereof, shall be deemed to be running at large.
  - P. "Vicious Animal" means any dog that constitutes a physical threat to humans or other domestic animals whether or not such animal has ever displayed any vicious tendencies, bitten, attacked, or threatened any person or domestic animal before that time. This is a specific abandonment of the common law concept that every dog was allowed one vicious act before being declared vicious. It is not a vicious act for such dog to be in lawful defense of its owner, keeper, or custodian, the owner's, keeper's, or custodian's real property or other humans or domestic animals. (Ord. 2472, 5/12/09; Ord. 1157, 1984; Ord. 1021, 1981)
  - Q. "Potentially Dangerous Dog" and "Dangerous Dog" have the meaning given them in RCW Chapter 16.08.
  - R. All other words and phrases used herein will have their commonly accepted meanings. (Ord. 2297, 3/27/07; Ord. 1293, 1987)
- 6.05.025 Chapter Supplementary: The provisions of this chapter shall be supplementary to the provisions of RCW Chapter 16.08 relating to dangerous dogs. (Ord. 1293, 1987)
- 6.05.030 License Required: It is unlawful for any person or persons to own or harbor any dog over the age of six months within the corporate limits of the city, unless such person or persons first procures a license therefore as provided in this chapter. (Ord. 1021, 1981)
- 6.05.035 Records Required to Obtain and Retain a License: All dog owners shall keep records regarding their dog ownership. The records shall include the following:
- A. Birthday of the dog or the best estimate in month and year.
  - B. Breed of dog.
  - C. Name of dog.
  - D. Brief statement of how the dog ownership was derived
  - E. Date when animal was first brought into the City of Moses Lake
  - F. Any official actions taken regarding the dog by any law enforcement official
  - G. Veterinary records
  - H. A rabies inoculation and other vaccinations and spay and neuter records, if appropriate
  - I. Injury and sickness reports as appropriate
  - J. Animal shelter records if appropriate
  - K. Training records if appropriate

- L. Temperance test, if administered
- M. Obedience classes, if attended
- N. Owner handling classes, if attended
- O. Formal training for service dogs
- P. Service records if appropriate
- Q. Record of microchip, if implanted
- R. A photograph of the dog and the owner
- S. Copy of city license

The records and file must be available to any law enforcement agent and may become a matter of public information. (Ord. 2425, 11/25/08)

6.05.040 License Fee and Tag: The license fee shall be in the sum of five dollars (\$5) per year for neutered male dogs and spayed female dogs, and one hundred fifty dollars (\$150) per year for non-neutered male and unsplayed female dogs. Upon the payment of such license fee to the Finance Director or his designee, and upon being shown proof of a current rabies vaccination, it shall be the duty of the Finance Director or his designee to issue a license to the party making application therefor. The person licensing a dog shall verify the breed of the dog at the time of licensing and that breed name shall be recorded with the tag number as provided in Section 6.05.180. If an owner has had an electronic chip implanted into a dog, the owner may present evidence of that chip and the registration number of the chip to help identify the dog if it needs to be identified.

- A. The license shall expire on the first day of January next succeeding the date of the issuance thereof and the time fixed for the issuing of a license shall commence on the first day of January of each year and no license shall be issued to expire at any other time than that date. The license fee shall be paid in full for any year or part thereof.
- B. The Finance Director or his designee shall, together with the license, furnish a suitable tag which shall be worn by the dog for which such license is issued and shall be fastened to such dog in such manner that it can easily be inspected at all times by city authorities. Lost tags will be replaced by the Finance Director or his designee upon a payment of an additional fee of two and one half dollars (\$2.50).
- C. All persons must present a current rabies vaccination receipt before a city dog license can be obtained.
- D. Pursuant to RCW Chapter 16.08, the city is required to regulate and issue certificates of registration for dangerous dogs. Such certificate shall be issued on an annual basis with no proration of the fee provided for herein for less than a full year's registration of a dangerous dog. The annual license period shall extend from January 1 through December 31 of each calendar year. It shall be the duty of each owner to obtain a current registration for a dangerous dog prior to January 1 of each licensing period or the cost of registration shall be doubled. The annual fee for registration of a dangerous dog shall be three hundred dollars (\$300).

- E. It is unlawful for any person, who for purposes of securing the license, to falsely represent the breed, age or sex of any dog, or that the dog has been spayed or neutered.
- F. No person may use any license for any animal other than the animal for which it was issued. (Ord. 2425, 11/25/08; Ord. 2297, 3/27/07; Ord. 1980, 11/14/00; Ord. 1890, 12/14/99; Ord. 1293, 1987; Ord. 1021, 1981)

6.05.050 Kennel License Required: No person, group of persons, or business entity shall own, keep, or harbor more than three (3) dogs or four (4) cats or any combination thereof of more than four (4) animals, of six (6) months of age or older or engage in the commercial business of breeding, buying, selling, trading, training or boarding cats or dogs or both cats and dogs without having obtained a kennel license from the Finance Director or his designee.

- A. The kennel license shall expire on the first day of January next succeeding the date of the issuance thereof. The time fixed for the issuing of a license shall commence on the first day of January of each year and no license shall be issued to expire at any other time than that date. The license fee shall be paid in full for any year or part thereof.
- B. The yearly fee for licensing a kennel shall be fifty dollars (\$50) which shall be the only business license fee the city requires of kennel owners.
- C. This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal clinic or hospital.
- D. This section shall not apply to and will not be construed to require a kennel license for any pet shop which sells animals of less than six (6) months of age.
- E. Kennel licenses shall not be issued for use in areas zoned R-1 and R-2.
- F. Violations of this section are enforced as provided in Section .185. (Ord. 2297, 3/27/07; Ord. 1980, 11/14/00; Ord. 1890, 12/14/99; Ord. 1021, 1981)

6.05.060 Rabies Control:

- A. All cats and dogs over the age of four (4) months or dogs with a full set of canine teeth shall have a current rabies vaccination administered by a licensed veterinarian. If a dog or cat is obtained from the Animal Control Shelter, the owner or custodian shall arrange for the dog or cat to be vaccinated within thirty (30) days of obtaining the dog or cat and the owner or custodian shall provide proof of such vaccination to the Community Services Officer or be in violation of this section. An owner acquiring a dog or cat shall have such dog or cat inoculated against rabies within thirty (30) days after the dog or cat reaches four (4) months of age. Any person moving into the city from a location outside of the city shall comply with this section thirty (30) days after having moved into the city. A current rabies vaccination means that a dog vaccinated between three (3) months to one (1) year shall be re-vaccinated within one (1) year and then re-vaccinated at least within every three (3) years thereafter and that a cat shall be re-vaccinated annually.
- B. Any dog, cat, or other animal that has bitten any person shall be immediately confined at the animal shelter at the owner's or custodian's expense for a period of not less than ten (10) days. No animal under confinement shall be released from confinement until such release has been approved by the Community Services Officer.
- C. It shall be unlawful for the owner of any dog, cat, or other animal that has bitten any person to destroy such animal before it can be properly confined by the Community Services Officer. The location of such confinement shall be determined by the Community Services Officer and shall be at the expense of the owner.

- D. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand of a Community Services Officer, produce such animal for examination and quarantine as prescribed in this section. If the owner, his agent, servant or competent member of his family, or any custodian of any such animal refuses to produce such animal, the owner, his agent, servant or competent member of his family, or any custodian shall be subject to immediate arrest if there shall be probable cause to believe that the animal has inflicted a bite on a person and the owner, his agent, servant or competent member of his family, or any custodian is keeping or harboring the animal and willfully refuses to produce the animal upon such demand. Such persons shall be taken before a judge of the Municipal Court, who may order the immediate production of the animal. If the owner, his agent, servant or competent member of his family, or any custodian of such animal shall willfully or knowingly secrete or refuse to produce the animal, each day of secretion or refusal to produce the animal shall constitute a separate and individual violation of this section.
- E. When an animal under quarantine has been diagnosed as being rabid by a licensed veterinarian, the veterinarian making such diagnosis shall immediately notify the County Public Health Officer and advise him of any reports of human contact with such rabid dog. If any animal under quarantine dies while under observation, the Community Services Officer or his agents shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as a diagnosis is made available, the Community Services Officer shall notify the County Public Health Officer of any reports of human contact with the animal. Any animal which has not been inoculated against rabies and known to have been bitten by a rabid animal shall be humanely destroyed immediately.
- F. Every physician or other medical practitioner who treats a person or persons for bites inflicted by animals shall report such treatment to the Community Services Officer, giving the names and addresses of such persons.
- G. Any veterinarian who diagnoses rabies in any animal shall report such fact to the Community Services Officer. The veterinarian shall determine, before any rabies inoculation is given, whether the subject animal is under quarantine or has inflicted a bite on any person within the last ten (10) days.
- H. In case of an outbreak of rabies, constituting an emergency situation, the City Manager shall be authorized to impose strict regulations pertaining to animals within the city limits. (Ord. 2297, 3/27/07; Ord. 1157, 1984; Ord. 1021, 1981)

6.05.070 Running At Large:

- A. It is unlawful for any owner or custodian of any dog to permit any such dog to run loose or be at large upon any public street, highway, or public place, or upon private property owned by a person or persons other than the owner or custodian of the dog, within the corporate limits of the city unless such dog is confined and controlled by a leash, rope, device or cord of such length as is sufficiently short to allow for the containment and control of such dog. Such leash, rope, device, or cord shall be of such material and of such size as to insure the custodian of the dog at the time can control and restrain the dog. Any person who elects to be at large within the corporate limits with a dog or dogs contained and controlled by a leash, rope, device, or cord as provided for herein shall be in violation of this section if that person in fact does not or cannot control and contain any dog by the leash, rope, device, or cord method.
- B. Animals injured or killed in the street shall be considered as running at large; the Community Services Officer shall remove all such animals and, at his discretion, take those needing medical attention to a veterinarian or the Animal Control Shelter. The owner of any such animal shall be responsible for all expenses of the treatment and of the impoundment. Reasonable efforts will be made using the licensing records of the city to notify the owner or custodian of any such animal prior to the animal being treated and impounded. Injured animals may be destroyed humanely, if it is determined by the Community Services Officer

or a veterinarian that the animal has sustained critical injuries, suffering is extreme, and/or the prognosis for recovery is poor. The Community Services Officer shall consult with a veterinarian as to the disposition of injured animals, when the animals' prognosis cannot be ascertained with reasonable certainty. (Ord. 2297, 3/27/07; Ord. 1157, 1984; Ord. 1021, 1981)

6.05.075 Habitual Violations - Animals Running at Large:

- A. In addition to any other penalty provided for in this chapter, any person responding to a notice of infraction for a dog or dogs running at large (herein referred to as the current infraction) who has previously been found to have committed the same violation with the same or different dogs on two (2) or more separate dates within twelve (12) months of the date of the current infraction, or who has been found to have committed the same violation with the same or different dogs on one (1) prior date within twelve (12) months of the date of the current infraction, and who has pending one (1) or more infractions for the same violation on dates within twelve (12) months of the current infraction shall be issued a Notice of Violation and Order to Correct or Cease Activity as provided in Section .185.
- B. Any dogs running at large whose owner is alleged to have violated this section as an habitual violator of Section 6.05.070 may be impounded and held at the owner's expense, not to be released except upon court order. If the dog owner is found to be an habitual violator of Section 6.05.070, the court shall issue an order directing the Community Services Officer to seize and destroy all dogs in the dog owner's possession which dogs are identified as having been running at large previously within twelve (12) months of the current infraction and ordering payment to the city of any costs incurred by the city as a result of the impound of any animals.
- C. Violations of this section are enforced as provided in Section 6.05.185. (Ord. 2297, 3/27/07; Ord. 1293, 1987)

6.05.080 Vicious Animals: No one shall keep, possess or harbor an animal within the city which acts in a vicious manner. Dogs maintained as guard dogs or placed in an enclosed area, chained or under control with a leash, cord, reasonable in length, for protection of persons or property shall not be included under this section so long as they remain confined to a specific area under complete and absolute control of their owner or custodian. A violation of this section shall be punished as provided in section .190 of this chapter. (Ord. 2472, 5/12/09; Ord. 2297, 3/27/07; Ord. 1021, 1981)

6.05.085 Notice and Order to Correct: It shall be the duty of the Community Services Officer or his or her agents to impound such animal upon the complaint of three (3) individuals residing in separate households and may do so in all other instances where the Community Services Officer or his or her agents determine, in their opinion, that the animal is vicious, and if impoundment cannot be made with safety to the Community Services Officer or other citizens, the animal may be destroyed without notice to the owner, keeper or possessor. If an animal is impounded because it is vicious or if an animal is determined by the Community Services Officer to be vicious, the Community Services Officer shall cause a Notice and Order to Correct to be issued to the custodian and/or owner of the dog in question as such can be determined from the city's dog licensing records or other means. During the period provided in that Notice and Order and during any period of appeal from that Notice and Order the dog in question shall remain impounded at the expense of the owner or custodian or shall be required to be maintained in a controlled area under the owner or custodian's control. The animal shall not be released to the owner or custodian until after compliance with the Notice and Order to Correct unless the owner agrees with the City Attorney to have the animal placed outside the corporate limits of the city or agrees

to have the animal euthanized. Having a vicious animal is declared to be a nuisance and may be abated as such as prescribed by law. (Ord. 2472, 5/12/09)

6.05.090 Impoundment Procedure - Disposition:

- A. Any dog found running at large contrary to the provisions of this chapter within the corporate limits of the city shall be subject to seizure by a Police Officer, Community Services Officer, or any other city authority designated by the City Manager for the purposes of seizing such dogs. Any private person shall have the right to seize any such dog and to immediately notify the city police authorities.
- B. Any other animal which may be impounded under the provisions of this chapter shall also be subject to seizure by a Police Officer, Community Services Officer, or any other city authority designed by the City Manager for the purpose of seizing such animal.
- C. After any such seizure, a written record thereof shall be kept in a record book for that purpose at the city Police Department, which record shall give a general description of such dog, and such dog so seized shall be held for a period of forty-eight (48) hours from the time of impounding, exclusive of holidays and Sundays, during which time the owner or custodian of such dog, upon establishing ownership or control of such dog, may recover the same by procuring a license for such dog if none has been issued and paying an impounding and/or redemption fee, together with a boarding fee in the sum of fifteen dollars (\$15) per day or any part thereof, which shall be paid to the keeper of such dog. The impounding and/or redemption fee for the first time a dog is seized shall be twenty dollars (\$20) which shall be waived if the dog is redeemed by the owner or the agent of the owner. For the second time a dog is seized shall be thirty dollars (\$30), and for a third or further time a dog is seized shall be fifty dollars (\$50). The owner, by paying such impounding and/or redemption fee and boarding fee, shall not thereafter be immune from other liabilities imposed by this chapter.
- D. If such dog is not claimed within forty-eight (48) hours exclusive of holidays and Sundays, from the time of impounding, the dog may be put to death, or otherwise disposed of as directed by the Police Chief. Any funds received from the sale of the dogs, in addition to the cost of boarding the dogs, shall be placed in the current expense fund of the city. (Ord. 2297, 3/27/07; Ord. 1157, 1984; Ord. 1021, 1981)

6.05.100 Cats - Impoundment and Disposition: Any person residing within the corporate limits of the city and owning a cat may deliver such cat to the Police Department, upon the execution of the necessary releases and waivers on forms provided for by the Police Department and upon payment of the necessary impounding, boarding, and euthanizing fees, for disposition. The owner of a cat brought in for disposition may request that such cat be euthanized immediately. Alternately, such cat brought in for disposition may be held, upon request of the owner, for a period of forty-eight (48) hours from the time of impounding, exclusive of holidays and Sundays, for the purpose of attempting to locate an adoptive home for such cat. If such cat remains impounded after the aforesaid forty-eight (48) hour period, such cat may be euthanized, or otherwise disposed of as directed by the Police Chief. Any funds received from the sale of any cats, in addition to the cost of boarding such cats, shall be placed in the current expense fund of the city (Ord. 1021, 1982)

6.05.110 Dogs Barking: It shall be the duty of city Police Officers or Community Services Officers to respond to and investigate complaints of any dog which by frequent or habitual howling, yelping, or barking annoys or disturbs a neighborhood or the quiet and repose of a complainant, and shall have the authority to issue a Notice and Order to Correct requiring the barking to cease by any reasonable means up to and including removal of the barking dog from that location and prohibiting its return. (Ord. 2297, 3/27/07; Ord. 1021, 1981)

- 6.05.120 Large Livestock Running at Large: It shall be unlawful for the owner or custodian of any horse, livestock, or other animals generally regarded as farm or ranch animals to permit the same to run at large within the corporate limits of the city (Ord. 1021, 1981)
- 6.05.130 Guard Dogs: It shall be unlawful to place or maintain guard dogs in any area for the protection of persons or property unless the following conditions are met:
- A. The dogs shall be confined to an enclosed area adequate to insure that they will not escape.
  - B. They shall be under the absolute control of a handler at all times.
  - C. Warning signs shall be conspicuously posted indicating the presence of guard dogs, and such signs shall plainly show a telephone number where some person responsible for controlling such dogs can be reached at all times.
  - D. Prior to the posting of guard dogs on any property, the person or persons responsible for the posting shall inform the supervising Community Services Officer in writing of their intention to post such dogs, the number of dogs to be posted, the location where such dog or dogs will be posted and the approximate length of time such dog or dogs will be patrolling the area.
  - E. Violations of this section are enforced as provided in Section 6.05.185. (Ord. 2297, 3/27/07; Ord. 1021, 1981)
- 6.05.140 Confinement of Females in Heat: Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building, or secure enclosure, and such area of enclosure shall be so constructed that no other dog or dogs may gain access to the confined animal. The Community Services Officer shall order any unspayed female that is in the stage of estrus (heat) and that is not properly confined or any such dog that is creating a neighborhood nuisance to be removed to a boarding kennel or to a veterinary hospital. All expenses incurred as a result of the confinement shall be paid by the owner. Failure to comply with the order of the Community Services Officer shall be a violation of this provision, and the animal shall then be impounded and a Notice and Order to Correct shall be issued as provided in Section .185. (Ord. 2297, 3/27/07; Ord. 1021, 1981)
- 6.05.150 Responsibility of Owner or Custodian:
- A. It shall be the responsibility of the owner or custodian of any animal within the corporate limits of the city to so control and care for their animal so as to prevent and keep that animal from being in violation of this chapter. In any proceeding to enforce the provisions of this chapter, it shall be conclusively presumed that the owner or custodian of any animal within the corporate limits of the city is aware of the animals whereabouts, condition, or method of being treated and/or maintained.
  - B. The owner or custodian of any animal within the corporate limits of the city shall be responsible for any cost, charge, fee, or expense of any nature incurred by the city in capturing, controlling, caring for, or destroying any animal in violation of this chapter. Without limitation but by way of illustration, the following are examples of costs, charges, fees, and expenses which the owner or custodian shall be responsible to pay to the city: board charges, tranquilizer costs, euthanasia costs, veterinary expenses. (Ord. 1293, 1987; Ord. 1021, 1981)
- 6.05.160 Interference With Community Services Officer: It shall be unlawful for any person to interfere with, molest, hinder or obstruct an Community Services Officer or any city employee or official in the discharge of his official duties under this chapter. (Ord. 2297, 3/27/07; Ord. 1021, 1981)

6.05.170 Fees: Any dog impounded under the provisions of this chapter shall not be released until the owner of such dog shall have paid all fees and charges due. (Ord. 1021, 1981)

6.05.175 License and Permit Issuance and Revocation:

- A. The City of Moses Lake may revoke any animal permit or license if the person holding the permit or license refuses or fails to comply with this chapter, the regulations promulgated by the City of Moses Lake, or any law governing the protection and keeping of animals.
- B. Any person whose animal permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept, or harbored by such person and no part of the permit or license fee shall be refunded.
- C. It shall be a condition of the issuance of any permit or license that the City of Moses Lake shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.
- D. If the applicant has withheld or falsified any information on the application, the City of Moses Lake shall refuse to issue or may revoke a permit or license.
- E. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- F. Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each re-application shall be accompanied by a twenty dollar (\$20) fee.
- G. Any dog impounded under the provisions of this chapter shall not be released until the owner of such dog shall have paid all fees and charges due. (Ord. 1980, 11/14/00; Ord. 1890, 12/14/99; Ord. 1293, 1987)

6.05.180 Records:

- A. It shall be the duty of the Community Services Officer to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all dogs coming into his custody and of all reports of animal bites reported to him.
- B. It shall be the duty of the Police Department to keep a record of the names of all persons to whom licenses are issued with the number of each license and whether for a male or female dog and whether the male dog has been neutered or the female dog spayed. (Ord. 2297, 3/27/07; Ord. 1980, 11/14/00; Ord. 1890, 12/14/99; Ord. 1021, 1981)

6.05.185 Enforcement and Penalties: When the Community Services Officer determines that any violation of Sections 6.05.050, 6.05.075, 6.05.080, 6.05.110, 6.05.130 and 6.05.140 of this chapter, he or she may proceed against that violation using the procedures provided in this section and Chapter 1.20.

A. Notice of Violation and Order to Correct or Cease Activity:

- 1. General. If the Community Services Officer or any Police Officer determines that any activity or condition, related to the keeping or management of animals as set forth in Sections 6.05.050, 6.05.075, 6.05.080, 6.05.110, 6.05.130 and 6.05.140 of this chapter exists that does not conform to this chapter, he or she may issue a Notice of Violation and Order to Correct or Cease Activity. This Notice will specifically indicate the following:
  - a. The name and address of the person(s) charged with the violation.

- b. What provision of this chapter is being violated.
  - c. The street address of the site on which the violation has been determined to exist.
  - d. What is necessary to correct the violation.
  - e. The time by which the violation is to be corrected or activity ceased.
  - f. A statement that the civil penalties established in Section 1.20.050(5) shall be assessed against the person(s) cited if the violation is not corrected within the specified time period.
2. Notice to Occupant and Owner. The Community Services Officer shall deliver or cause to be delivered the Notice of Violation and Order to Correct or Cease Activity by U.S. postal mail, or certified mail return receipt requested, or personal service to the occupant or person in charge of the property.
- B. Appeals. Any Notice of Violation and Order to Correct or Cease Activity issued by the Community Services Officer shall be appealable to the Hearing Examiner as provided in Chapter 1.20.
- C. Penalties. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued shall be subject to the penalties provided for in Section 1.20.050(5). The cumulative penalty provided for in Chapter 1.20 shall not preclude the initiation of appropriate legal action to correct the violation.
- D. The Community Services Officer may refer the matter to the City Attorney for civil enforcement by injunction or other appropriate action.
- E. Compromise, Settlement, and Disposition of Disputes or Litigation. The Community Services Officer and the City Attorney may negotiate a settlement or compromise, or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the city. (Ord. 2297, 3/27/07)
- 6.05.190 Penalty: Failure to comply with any provisions of this chapter other than Sections .050, .075, .080, .110, .130, and .140 shall subject the violator to the following penalties as they are defined in Chapter 1.08 of this code:

<u>Violation</u>	<u>Penalty</u>
A. No license on Dog (6.05.030)	
1. First offense	C-18
2. Subsequent offense within 12 months, each	C-14
B. Failure to renew license (6.05.060)	C-12
C. Failure to confine biting animal (6.05.060)	
1. First offense	C-7
2. Each subsequent offense	C-4
D. Refusal or failure to produce rabid animal (6.05.060)	C-1
E. Dog running at large (6.05.070)	
1. First offense	C-18
2. Second offense	C-12
3. Each subsequent offense	C-7
4. Failure to control dog by leash or device	C-17

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- F. Keeping vicious animal (6.05.080)
    - 1. First offense C-7
    - 2. Each subsequent offense C-4
  
  - G. Livestock at large (6.05.120)
    - 1. First offense C-18
    - 2. Each subsequent offense C-12
  
  - H. Obstructing Community Services or Police Officer enforcing Chapter 6.05 (6.04.160) C-4
  
  - I. Failure to provide evidence of rabies vaccination (6.05.060) C-17
  
  - J. Failure to pay annual dangerous dog registration fee (6.05.040) C-2
- (Ord 2297, 3/27/07; Ord. 1293, 1987; Ord. 1157, 1984; Ord. 1021, 1981)