

An Ordinance Amending Skagit County Code Title 7 to Provide for Appropriate Regulation of Potentially Dangerous Wild Animals

Whereas RCW Chapter 16.30 prohibits ownership of potentially dangerous wild animals acquired on or after July 22, 2007, and allows a local government's Animal Control Authority to enforce such prohibition;

Whereas RCW Chapter 16.30 expressly reserves to local government the right to regulate potentially dangerous wild animals in a manner more restrictive than RCW Chapter 16.30, including but not limited to prohibition of potentially dangerous wild animals acquired prior to July 22, 2007;

Whereas Skagit County residents have possessed a variety of captive exotic animals over the years, including a gorilla, tigers, cougars, and wolves;

Whereas the Board of County Commissioners desires to regulate the possession of all potentially dangerous wild animals, whenever acquired, to protect the health, safety, and welfare of the community and the animals;

Whereas revisions to Skagit County Code Title 7, Animals, are necessary to accomplish those purposes;

Whereas, on January 16 and 30, 2014, the Board of County Commissioners published notice of the proposed ordinance and of a public hearing;

Whereas, on February 4, 2014, the Board of County Commissioners held a public hearing on the proposed revisions to Skagit County Code;

Whereas the Board of County Commissioners deliberated on the proposed ordinance and the public comments;

Now Therefore, Be It Ordained by the Board of County Commissioners that:

Section 1. The Board of County Commissioners adopts the following findings of fact:

- A. The animals to be regulated by the proposed ordinance are inherently dangerous, as they are not normally domesticated and pose unique threats to human life due to their physical and temperamental characteristics, including their strength, speed, and unpredictability.
- B. According to the US Department of Agriculture, wolf hybrids, often larger in size than either the wolf or dog from which they were bred, have been the source of a number of attacks on people—mostly children—that have resulted in severe injuries and several deaths. Many states prohibit or regulate possession of wolves and wolf hybrids.
- C. RCW 16.30 prohibits captive-bred cougars but not cougars born in the wild. No purpose is served by distinguishing between the two, as cougars born in the wild are not less dangerous. The federal Captive Wildlife Safety Act prohibits sale or transport of cougars across state lines.
- D. It is within the prerogative and function of the Board of County Commissioners to decide whether and how best to regulate such matters as the possession, care, and transfer of these animals.

- E. Other counties impose strict regulations on potentially dangerous wild animals, e.g. Island County prohibits the possession of cats other than housecats and limits the possession of wolf hybrids; Jefferson County prohibits harboring any vicious animal; King County prohibits possession unless obtained prior to 1994.
- F. The regulated animals are unsuitable for rearing and handling in a home or by non-professionals.
- G. The Humane Society of the United States has taken the position that “dangerous wild animals should only be kept in captivity by professionally run accredited zoological facilities and sanctuaries that have the resources and know how to meet the complex needs of the animals.”
- H. The proposed ordinance would reasonably regulate the possession of potentially dangerous wild animals by restricting them to the exempt facilities specified in RCW 16.30.020, such as accredited zoos and wildlife sanctuaries.
- I. A zoo or wildlife sanctuary may qualify under the definition of “animal preserve,” which the County’s zoning code allows by Hearing Examiner special use permit in some zones.

Section 2. Skagit County Code Title 7 is hereby amended as shown in Attachment 1.

Section 3. This ordinance is effective starting [May] 1, 2014.

Witness Our Hands and the Official Seal of Our Office this ____ day of _____, 2014.

**Board of County Commissioners
Skagit County, Washington**

Ron Wesen, Chair

Kenneth A. Dahlstedt, Commissioner

ATTEST:

Sharon D. Dillon, Commissioner

Clerk of the Board

APPROVED AS TO FORM:

Will Honea, Chief Civil Deputy
Skagit County Prosecutor's Office

Attachment 1

7.01 General provisions

7.01.010 Purpose [no changes]

7.01.020 Definitions

In construing the provisions of this Title except where otherwise plainly declared and clearly apparent from the context, words used herein shall be given their common and ordinary meaning; in addition, the following definitions ~~shall~~ apply:

~~(1) “Abatement” means the termination of any violation by reasonable and lawful means determined by the Board of County Commissioners in order that a person or persons presumed to be the owner shall comply with this Title.~~

(2)-(4) [No change].

~~(5) “County” means Skagit County.~~

(6)-(9) [No change].

~~(10) “Residential” means any area within Skagit County in which the average population density for the area within a half mile shall not exceed two (2) family units per five (5) acres; provided, that the population density shall not exceed six (6) family units per five (5) acres for any area within said half mile.~~

~~(11) “Skagit County” means the unincorporated areas of Skagit County.~~

~~(12) “Vicious” means the propensity to do any act that might endanger the safety of any person, animal or property of another, including, but not limited to, disposition of mischief or fierceness as might occasionally lead to an attack on human beings without provocation, whether in play or outbreak of untrained nature.~~

7.01.030-100 [no changes]

SCC Chapter 7.04 is hereby repealed and replaced with the following:

7.04 Potentially Dangerous Wild Animals

7.04.010 Definitions

(1) “Potentially dangerous wild animal” means:

- (a) All animals listed in RCW 16.30.010(2);
- (b) All animals of the family Canidae (as dogs, wolves, jackals, or foxes) and their hybrid, except for the domestic dog *Canis lupus familiaris*; and
- (c) All cougars.

7.04.020 Exceptions

The provisions of this chapter do not apply to the persons and entities listed in RCW 16.30.020.

7.04.030 Prohibited behavior.

- (1) A person may not own, possess, keep, harbor, bring into the county, or have custody or control of any potentially dangerous wild animal within the unincorporated area of Skagit County.
- (2) A person in legal possession of a potentially dangerous wild animal on the effective date of this section who does not qualify for one of the exceptions listed in RCW 16.30.020 may keep possession of the animal until _____, 201_, upon a showing, satisfactory to the Animal Control Officer, that the possessor is diligently pursuing licensing, accreditation, and land use approvals for one of the exceptions listed in RCW 16.30.020.
- (3) RCW Chapter 77.15 prohibits the trafficking in, and release of, “deleterious exotic wildlife” as defined in RCW 77.08.010.

7.04.040 Confiscation—Duties of animal control authority.

- (1) The Animal Control Authority or a law enforcement officer may immediately confiscate a potentially dangerous wild animal held in contravention of this chapter.
- (2) The Animal Control Authority officer must serve notice upon the possessor in person or by regular and certified mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is responsible for payment of reasonable costs for caring and providing for the animal during the confiscation, notice of right to administrative review of the confiscation, and that the possessor must meet the requirements of subsection (3) of this section in order for the animal to be returned to the possessor.
- (3) A potentially dangerous wild animal that is confiscated under this section may be returned to the possessor, or a facility such as a wildlife sanctuary or a facility exempted pursuant to SCC 7.04.020, only for the purpose of transporting the animal out of the county on the day of transport, and only if the Animal Control Authority establishes that the return does not pose a public safety or health risk.
- (4) If a potentially dangerous wild animal confiscated under this section is not returned to the possessor, the Animal Control Authority may release the animal to a facility such as a wildlife sanctuary or a facility exempted by SCC 7.04.020.
- (5) An Animal Control Authority may euthanize a potentially dangerous wild animal under this section only if reasonable placement options such as relocation to a wildlife sanctuary are unavailable within a reasonable period of time.

7.040.050 Right to Administrative Review

- (1) The owner of an animal confiscated under this chapter may request a meeting with the Sheriff to contest (a) the determination that the animal is regulated by this chapter, or (b) the determination that the owner is not exempt under SCC 7.04.020.
- (2) After review of the record and the owner's reasons and information, the Sheriff must determine whether a preponderance of the evidence indicates the animal was properly confiscated.
- (3) If the Sheriff determines that the animal was properly confiscated, the Sheriff must issue a decision that includes:
 - (a) A recital of the authority for the decision;
 - (b) A concise statement of the facts that support the decision; and
 - (c) The signature of the person who made the decision.
- (4) The Sheriff's decision is the final administrative review of the confiscation.

7.04.060 Violation—Deemed nuisance—Abatement

- (1) A violation of SCC 7.04.030 is detrimental to the public health, safety, and welfare and is declared to be a public nuisance.
- (2) A person who violates SCC 7.04.030 is liable for a civil penalty of \$2,000 for each animal with respect to which there is a violation and for each day the violation continues.
- (3) The costs of abatement (including confiscation) are personal obligations of the animal owner. The Prosecuting Attorney on behalf of Skagit County may collect the abatement work costs by use of all appropriate legal remedies.
- (4) In addition to the remedies herein provided, the County has the right to take any legal or equitable action, including injunctions, necessary for the protection of the public health and safety.

7.04.070 Enforcement

The Animal Control Authority is authorized and empowered to enforce the provisions of this chapter.

7.06 Dangerous Dogs

SCC 7.06.001, Definitions, is revised to read as follows:

- (1) [no change]
- (2) "Potentially dangerous dog" means:
 - (a) Any dog that when unprovoked:
 - (i) [no change]
 - (ii) [no change]
 - (iii) Bites a domestic animal or livestock, excluding poultry, while off the owner's property; or
 - (b) –(d) [no change]
- (3) [no change]
- (4) [no change]