

**ORDINANCE No. 326**

**AN ORDINANCE OF THE TOWN OF  
HAMILTON, CREATING TITLE 6 OF THE  
HAMILTON MUNICIPAL CODE; REPEALING  
Ordinances 142, 137, 77, 60, and 43; and  
amending Ord. 179, Zoning.**

**WHEREAS**, the Town of Hamilton has experienced an increase of reports of dogs at large and such dogs threatening the citizens and visitors of the Town, and

**WHEREAS**, the Town previously enacted Ordinances providing for the detention of dogs which are dangerous to the populace, and

**WHEREAS**, the State Laws pertaining to dangerous dogs have undergone substantial amendments, and

**WHEREAS**, it is necessary for the protection of the citizens of the Town of Hamilton and the general preservation of public peace and safety,

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF HAMILTON,  
WASHINGTON DO ORDAIN AS FOLLOWS:**

**SECTION 1: The following Ordinances are hereby repealed:**

Ordinance 142 Control of Dogs  
Ordinance 137 Dangerous Dogs  
Ordinance 77 Animals at Large  
Ordinance 60 Dog Licenses  
Ordinance 43 Animals at Large

**SECTION 2: That Ordinance 179, Zoning, is amended to read as follows:**

Under Section 10.15, R-1, Residential Single Dwelling

10.15.040 Additional Regulations

~~E. Horses, beef cattle or other domestic farm animals are permitted on the condition that the number of animals not exceed a ratio of 1 per ½ acre of fenced pasture area. The keeping of mink, goats, foxes or hogs is prohibited.~~ Keeping of animals: See Title 6 of the Hamilton Municipal Code for regulations regarding animals.

Under Section 10.18, R-A Residential-Agriculture Zoning

10.18.020 Permitted primary uses.

~~B. Agriculture – the raising of crops and animals, except commercial hogs, on the land in conformity with state law and county health ordinances. Buildings for the housing of horses, cattle, sheep or similar stock shall be at least 100 feet from the nearest property line and shall not exceed 6 animal units. Said stock shall not exceed one animal unit per ½ acre of fences pasture considering pasture rotation. See Title 6 of the Hamilton Municipal Code for regulations regarding animals.~~

**SECTION 3: That Title 6 of the Hamilton Municipal Code is hereby created and adopted, which enacted Title shall read as follows:**

**TITLE 6  
ANIMALS**

- Chapters:**  
**6.05 Domestic Animals**  
**6.08 Dangerous Dogs or Potentially Dangerous Dogs**  
**6.15 Livestock and other animals**  
**6.17 Pot-bellied Pigs and Pygmy Goats**

**Contents**

6.01.010 Purpose .....4  
6.01.020 Definitions .....4  
Chapter 6.05 Domestic Animals .....6  
6.05.030 Dogs not permitted at large .....6  
6.05.040 At large without license .....7  
6.05.050 Entering places where food is stored, served or prepared .....7  
6.05.060 Requirement for disposal .....7  
6.05.070 License and registration required. ....7  
6.05.080 License Application .....7  
6.05.090 License Fee .....7  
6.05.100 Lost Tag .....8  
6.05.110 Limitation on Number .....8  
6.05.120 Excessive Noise Prohibited .....8  
6.05.130 Impounding of Offending Animals .....8  
6.05.140 Impoundment – Registry – Notice .....8  
6.05.150 Impoundment – Redemption – Costs .....9  
6.05.160 Impoundment – Redemption – Destruction .....9  
6.05.170 Disposition of Proceeds from Sale of Impounded Animals .....9  
6.05.180 Impoundment – Conditions Upon Release .....9  
6.05.190 Impounding for observation. ....10  
6.05.200 Dog Chasing Vehicles .....10  
6.05.210 Arrest of Animal .....10  
6.05.220 Harboring Animal in Violation of Articles .....10

6.05.230	Hot Pursuit – Entry of Owner’s Premises .....	10
6.05.240	Care of Impounded Animals .....	11
6.05.250	Impoundment – Retention Time.....	11
6.05.260	Penalty for violation.....	11
6.05.270	Animal Abuse.....	11
6.05.280	Cruelty to animals.....	12
Chapter 6.08	Dangerous Dogs or Potentially Dangerous Dogs .....	12
6.08.010	Declaration of Potentially Dangerous Dogs or Dangerous Dogs.....	12
6.08.020	Registration of Potentially Dangerous and Dangerous Dogs.....	14
6.08.030	Restraint Requirements for Potentially Dangerous or Dangerous Dogs .....	15
6.08.040	Penalties.....	16
6.08.060	Rabies – Confinement of Suspected Animal.....	16
6.08.070	Rabies – Suspected Animal Slain by Animal Control officer.....	17
6.08.080	Enforcement .....	17
Chapter 6.15	Livestock and Other Animals .....	18
6.15.005	Limitations on type of livestock.....	18
6.15.010	Running at large prohibited.....	18
6.15.020	Impoundment.....	18
6.15.030	Notice.....	18
6.15.040	Sale.....	18
6.15.050	Charge for impoundment.....	18
6.15.060	Redemption.....	18
6.15.070	Reclaiming without permission.....	19
6.15.080	Driving, Leading or Riding Horses and Cattle.....	19
6.15.090	Horses on Specified Lands, Streets, Roads and/or Streets .....	19
6.15.100	Power to Restrict .....	19
6.15.110	Maintaining Offensive Conditions – At Large.....	19
6.15.120	Violation a Public Nuisance .....	19
6.15.130	Penalty for Violation .....	19
6.15.140	Swine and goats prohibited with exception.....	19
6.15.150	Barns and structures.....	20
6.15.160	Fences.....	20
6.15.170	General space and care requirements.....	20
6.15.180	Proximity to residences and occupied buildings.....	20
6.15.190	Hitching or tethering livestock.....	20
6.15.200	Light required at night.....	21
6.15.210	Ordinance cumulative.....	21
6.15.220	Permitting.....	21
6.15.230	Issuance of livestock permits.....	21
6.15.240	Permits – Keeping, mailing, contents, alteration.....	22
6.15.250	Revocation of permits.....	22
6.15.260	Notice – Service.....	23
6.15.270	Violations .....	24
Chapter 6.17	POT-BELLIED PIGS AND PYGMY GOATS .....	24
6.17.010	Purpose.....	25

6.17.020	Administration and enforcement.....	25
6.17.030	License – Compliance with regulations.....	25
6.17.040	Licensing procedures.....	25
6.17.050	Issuance – Term – Renewals.....	26
6.17.060	Regulations.....	26
6.17.070	Revocation of license.....	27
6.17.080	Violations.....	28
	Disclaimer of Liability.....	28
	Severability:.....	28

**6.01.010 Purpose**

An order for the purpose of regulating the keeping of animals within the Town of Hamilton. The fees, charges, and penalties collected hereunder shall be budgeted to defray, in whole or part, the expense of such regulations.

**6.01.020 Definitions**

For the purpose of this title, the following words shall have the following meanings:

“Animal control officer” means the mayor and/or any person(s) designated by, and under the direction and control of, the mayor for the purpose of enforcing this title, or any part thereof, or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals, which may include any state or municipal peace officer, sheriff or other employee whose duties in whole or in part include assignments which involve animal control activities. Such animal control officers shall also be considered animal control officers for purposes of Washington State RCW Chapter 16.52 (Prevention of Cruelty to Animals).

“Animal shelter” means a facility that is used to house or contain stray, homeless, abandoned or unwanted domestic animals and that is owned, operated or maintained by the Town of Hamilton, or an established humane society, animal welfare society for the prevention of cruelty to animals or other nonprofit organization devoted to the welfare, protection and humane treatment of animals. Animal shelter does not include facilities used to house or contain stray, homeless, abandoned or unwanted domestic animals for profit or kennels.

“At Large” means any animal not confined to the premises of its owner unless restrained by a leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a person over 12 years of age, or which enters upon public property or rights-of-way or upon land of another person without authorization of that person. A dog within an automobile or other vehicle of its owner shall be deemed to be upon the owners’ property.

“Barking Dog” means any dog which by frequent or habitual howling, yelping, or barking annoys or disturbs other persons in the vicinity.

“Dangerous Dog” means any dog that:

- (a) Inflicts severe injury on a human without provocation on public or private property
- (b) Kills any domestic animal or livestock without provocation while off the owner’s property
- (c) Has been previously found to be potentially dangerous, the owner having received notice of such, and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals, or bites domestic animals
- (d) Has been previously declared a dangerous dog in any other county, state or foreign country.

“Domestic animal” means any tame or domesticated animal that lives and breeds in a tame condition and is retained by a person as a companion. This generally refers to dogs, cats and does not include livestock.

“Harboring” means the occupant of any premises on which an animal remains or to which it customarily returns daily for food and care for a period of 10 days is presumed to be harboring or keeping the animal within the meaning of these articles.

“Kennel” means any place, other than a veterinary hospital, where three or more dogs are kept, or where one or more female dogs are kept for breeding, and the offspring thereof are sold for profit or given away, or where such animals are received for cared and boarding.

“Leash” means a cord, thong or chain by which an animal is controlled by the person accompanying it.

“License” means the dog license issued by the town under these articles.

“Livestock” means animals not meeting the definition of “domestic animal” kept either in open fields or structures for training, boarding, home use, sales, or breeding and production use or profit; including, but not limited to, horses, mules, donkeys, ponies, cattle, llamas, emus, goats, pygmy goats, sheep, fowl, bees, rabbits, swine, or other animals similar in nature and size; such as on a farm or ranch

“Miniature pot-bellied pig” and “pot-bellied pig” shall mean a domesticated miniature pot-bellied or pot-bellied pig not exceeding 180 pounds in weight and 26 inches in height measured at the shoulder.

“Owner or custodian” means any person owning, keeping, having charge of, harboring or feeding any domestic animal or livestock in the town of Hamilton.

“Potentially Dangerous Dog” means

- (a) Any dog that when unprovoked
  - (i) Bites a human on public or private property

- (ii) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack
- (iii) Bites a domestic animal or livestock, excluding poultry, while off the owner's property
- (b) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals or big game animals.
- (c) Any dog that chases or approaches a person upon private property other than the owner's in a menacing fashion or apparent attitude of attack
- (d) Any dog that has been previously declared a potentially dangerous dog in any other county, state or foreign country.

"Public Emergency" means any situation which in the opinion of the mayor or his designee warrants the restraint and confinement of animals within the premises of the owner or custodian.

"Pygmy goat" shall mean a breed of miniature domestic goat not exceeding 100 pounds in weight and 26 inches in height measured at the shoulder.

"Restraint" means an animal shall be deemed to be under restraint if it is confined within the property limits of the owner or custodian by suitable fence or enclosure or securely restrained within the premises by a leash affixed to a post or other securely fixed object.

"Rooster" means an adult male domestic chicken.

"Service Animal" means a dog that is individually trained to do work or perform tasks for people with disabilities.

"Severe Injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

"Spayed Female" means a female dog which has been sterilized by a licensed veterinarian to avoid or prevent conception. Proof of such sterilization must be evidenced by the certificate of a licensed veterinarian.

"Vicious dog" means any dog which has evidenced characteristics rendering it reasonably apparent to a prudent person that such dog is likely to harm persons or other animals.

## **Chapter 6.05 Domestic Animals**

### **6.05.030 Dogs not permitted at large**

It is unlawful for the owners or custodian or person having charge of any dog to allow such dog to run at large within the town limits. Any dogs under violation of this section can be declared a nuisance and dangerous to the public health, safety, and welfare.

**6.05.040 At large without license**

It is unlawful for the owner or custodian to permit an animal to run at large within the town at any time as provided by these articles. Any animal caught running at large within the town limits of the town of Hamilton may be impounded and/or transported to the Skagit County Humane Society at the owner of said animal's expense. If impounded by the town all fees associated with the impoundment, feed, care and a current license (if applicable) must be paid in full prior to the release of the animal.

**6.05.050 Entering places where food is stored, served or prepared**

It is unlawful for the owner or custodian of an animal to permit the animal to enter a church, market or other place where food is stored, prepared, served or sold to the public or any other public place or hall (except for animal shows or other exhibition purposes, veterinarian hospitals, kennels or places for which the licensing official has issued a permit under provisions of any ordinance of the town) except those animals licensed or determined to be service animals.

**6.05.060 Requirement for disposal.**

All pet owners and custodians are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person; provided, however, that any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

**6.05.070 License and registration required.**

A. All dogs in the Town of Hamilton must be licensed and registered if over three months of age. The animal license shall be an annual license which shall expire at midnight on December 31st of each year. Upon payment of the license fee, the city shall issue to the owner or custodian a license fee receipt and a metal tag for each animal so licensed. The license tag shall be stamped with the numbers issued for that year for that particular animal. Every owner or custodian must provide each dog with a collar to which the license tag must be securely fastened, and must ensure that the collar and tags are worn by the dog at all times. Tags are not transferable from one animal to another. It is unlawful for any person other than the owner, his agent or a town official to remove the license tag from the dog. No refund shall be made on any animal license fee as a result of death to a dog or cat or for any other reason.

**6.05.080 License Application**

Application for such license shall be made upon forms provided by the town. The application shall list the name, address and phone number of the owner; the name, breed, color, and sex of the animal owned or harbored by him or her. Such information shall be kept conveniently indexed by the office of the clerk-treasurer together with the number of the license issued.

**6.05.090 License Fee**

The annual license fee for each dog shall be set by resolution of the town council. There shall be a late fee charged on license renewals not renewed by January 31 of each year, said fee to be set by resolution of the town council.

**6.05.100 Lost Tag**

Any owner or custodian of a licensed animal whose current license tag has been lost may obtain a replacement tag, prior to the impounding of such animals, by payment of a fee set by resolution of the town council. Any animal licensed for the current year, which may be impounded while running at large without a tag, may be redeemed upon payment of the pickup, impounding fees as well as costs for feeding and care of such animal, and any other such fees as set by resolution of the town council

**6.05.110 Limitation on Number**

No person, owner, household, or custodian shall keep, have charge of, harbor or feed more than 5 domestic animals; excluding birds, fish, and suckling young.

**6.05.120 Excessive Noise Prohibited**

No owner or custodian of any dog or fowl shall permit the same to remain outside of the dwelling of such owner or custodian, or outside the closed building where the dog or fowl is kept while any such dog or fowl is causing excessive or frequent noises which disturb or are likely to disturb the comfort or repose of other persons in the neighborhood. Violation is a civil infraction, with fines of \$50 for the first violation, \$150 for the second violation and \$500 for the third violation. If the owner or person having custody can't be found or the animal is a repeat offender, the animal will be impounded.

**6.05.130 Impounding of Offending Animals**

For any violation of this chapter, any animal control officer may impound any such offending dog in the animal shelter or at such place as approved by the mayor.

**6.05.140 Impoundment – Registry – Notice**

The animal control officer shall immediately upon impounding of any animal make a complete registry, entering the breed, color and sex of such animals and whether said animal is licensed, if known, and if licensed, he or she shall enter the name and address of the owner and number of the license tag is known.

A. When any licensed animal shall be impounded, the Animal Control officer shall forthwith give notice by mail or by telephone to the owner of such licensed animal informing the owner of the impounding, describing the animal and place and time of taking, and advising where the animal is held.

B. When any animal not bearing a collar or harness to which is attached a license shall be impounded, the animal control officer shall give notice within 24 hours of such impounding by posting notice giving the breed, color, sex, and other identifying characteristics of such impounded animal together with the date and place of apprehension thereof. Such notice shall be posted at Town Hall and at such other public place as shall be provided for such notices.



**6.05.150 Impoundment – Redemption – Costs**

For every animal taken in and impounded as provided for in this article, there shall be paid to the town, for the use of the town, by any person desiring to redeem such animal, the total of the following fees:

A. A pickup fee and impounding fee set by resolution of the town council or such other sums that are designated from time to time by the town council.

B. If no license has been issued for the current year, an annual license fee, or if the tag is lost, the replacement fee.

C. Such costs for feeding and care of such animal as shall be set by resolution of the town council for the care of the impounded animals; provided, that the payment of fees provided in this section will be exclusive or in addition to any fines or penalties imposed upon the owner upon violation of any provisions of these articles.

**6.05.160 Impoundment – Redemption – Destruction**

Any animal which has been impounded may be redeemed within 72 hours after being impounded by any person claiming to own or be acting for the owner of such animal. After 72 hours of being impounded:

A. Such animal may be kept and offered for sale at a price fixed by the animal control officer; or

B. Released by the animal control officer to any person who shall pay the fees required by these articles or such portion thereof as the animal control officer may require; or

C. The animal control officer may release such animal to any other organization for such other disposition as he may see fit; provided, that no animal shall be given or sold to any person or association for vivisection purposes; or

D. Vicious dogs, or any animal which has bitten any person and after examination by a qualified veterinarian has been determined to have rabies or other disease rendering such animal dangerous to humans, may be destroyed.

**6.05.170 Disposition of Proceeds from Sale of Impounded Animals**

The proceeds from the auction or sale of any impounded animals after the expiration of the period of redemption provided in HMC 6.05.150 shall be applied first to the cost of apprehension, license and care of the animal at the rate set in HMC 6.05.160 and the balance of the proceeds shall be deposited with the office of the clerk treasurer to be deposited with the general funds of the town.

**6.05.180 Impoundment – Conditions Upon Release**

When any animals shall be impounded pursuant to the provisions of these articles, the animal control officer may impose such conditions upon the release of such animal as may be necessary or desirable in order to avoid, forestall or prevent recurrence of the violation leading to the impounding of such animal and no animal shall be redeemed by the owner or other persons except in compliance with and subject to conditions which may include undertaking to keep such animal outside the town, undertaking to pay for damages done by such animal, undertaking to control such animal within specified

limits, or any other conditions which may be appropriate and reasonable to avoid recurrence of the condition leading to such impounding.

**6.05.190 Impounding for observation.**

Any animal control officer, upon receiving notice that a dog has bitten any person or has acted in such manner as to indicate that it has rabies or other similar dangerous disease, is authorized to impound such dog after its identification by the victim or a witness, and the dog shall be held under observation and for examination by a veterinarian for a period of not less than 10 days. The veterinarian's fee and the cost of impounding and care must be paid before the dog can be redeemed, and if the dog is not redeemed by the owner or custodian, it may be sold or destroyed as otherwise provided in this chapter.

**6.05.200 Dog Chasing Vehicles**

Any dog chasing cars, motorcycles, bicycles or any other vehicles may be declared a nuisance upon written statement of two or more persons having observed such animal in action.

**6.05.210 Arrest of Animal**

The Town of Hamilton by its properly constituted officers shall arrest any animal:

- A. Found to be at large or harbored under circumstances constituting a violation of these articles; or
- B. Damaging property of a person other than the owner of such dog, except in the defense of the property of or members of the owner's household; or
- C. Causing bodily harm to any person; or
- D. Acting in such a manner as to cause reasonable apprehension or such harm to person or animals not within or upon the premises of such dog's owner.

Such animal may also be taken into custody by any person who observes such violation. Such person shall promptly call the town official, or report the circumstances leading to such a seizure and deliver or tender possession of such animal to the town for impounding.

**6.05.220 Harboring Animal in Violation of Articles**

Any person, including the owner or a member of his or her family, who shall give refuge to or who shall fail or refuse to deliver possession of an animal to the animal control officer who was in pursuit of the animal seen violating any provision of these articles may be subject to a fine not to exceed \$250.00. It shall be unlawful for any person, firm, organization or corporation to interfere with, hinder, delay or impede any animal control officer in the enforcement of the provisions of this chapter.

**6.05.230 Hot Pursuit – Entry of Owner's Premises**

An officer or other animal control officer, in hot pursuit of an animal known to be vicious, or reasonably suspected of being dangerous to persons other than wrongful trespassers upon his or hers owners premises, may enter the premises of the owner and demand possession of such animal, and if, after request therefore, the owner or custodian of the

animals, over 16 years of age, shall refuse to deliver the animal to the officer or Animal Control officer and the officer or Animal Control officer cannot with reasonable safety catch the animal, he or she may cause it to be killed; provided, such officer or Animal Control officer shall not enter the abode of the owner with a warrant therefore.

**6.05.240 Care of Impounded Animals**

All animals arrested and impounded shall be given humane care and properly fed during such detention. Reasonable effort shall be exerted to segregate such animals as to size, condition and temperament so that the timid, sick, weak or injured animals will not suffer from the actions of others.

**6.05.250 Impoundment – Retention Time**

Except in those cases in which the animal is being redeemed or returned to the owner or person having the lawful right thereto, all impounded animals shall be retained for not less than 72 hours, after which time of giving notice of such impounding unless the animal is sick or injured and a sooner disposal is deemed by the animal control officer to be the proper course to be taken. The animal control officer shall retain impounded animals beyond the 72-hour minimum requirement, if, in his opinion, the animal is of sufficient value and attraction that the continued care and expense is warranted pending the sale or disposal of such animal.

**6.05.260 Penalty for violation.**

A. Civil Penalties – First and Second Violations. Any person and any owner or custodian violating any provisions of this chapter (with the exception of HMC 6.05.210) shall incur a fine in the amount of \$50.00 for a first violation, and a fine in the amount of \$100.00 for a second violation within the 12-consecutive-month period following the date on which the first violation was found to be committed if the second violation is for a violation of the same provision.

B. Criminal Penalties – Third and Subsequent Violations. A third violation of the same provision of this chapter (with the exception of HMC 6.05.210) within the 12-consecutive-month period following the date on which the first violation was found to be committed shall be a misdemeanor, punishable by not more than 90 days in jail and a fine of not more than \$500.00. A fourth violation of the same provision of this chapter (with the exception of HMC 6.05.210) within the 12-consecutive-month period following the date on which the first violation was found to be committed shall be a gross misdemeanor, punishable by not more than one year in jail and a fine of not more than \$5,000. A fifth or subsequent violation of the same provision of this chapter (with the exception of HMC 6.05.210) shall be a gross misdemeanor, regardless of the passage of time from the date on which the first violation was found to be committed, punishable by not more than one year in jail and a fine of not more than \$5,000.

**6.05.270 Animal Abuse**

No owner shall fail to provide his animal or livestock with sufficient veterinary care when needed to prevent suffering, and with humane care and treatment. No person will beat,

cruelly treat, torment, overload, overwork, or otherwise abuse any animal, or cause or permit any dog fight, cockfight, bull fight or other conflict between animals and humans. No owner of any animal or livestock shall abandon any animal or livestock.

**6.05.280 Cruelty to animals.**

A. Injuring Animal with Vehicle. No person shall willfully injure, beat, abuse or run down any animal with a vehicle. Any person who kills or injures an animal while driving a vehicle shall stop at the scene of the accident and render such assistance as practicable, shall make reasonable efforts to locate and identify themselves to the owner or to any person having custody of the animal and shall report the accident immediately to the police department.

B. Feeding and Care of Animals. It is unlawful for any person to keep or harbor an animal within the city without providing a suitable amount of wholesome food and clean water for the nutrition and comfort thereof, and without providing a clean sleeping area, or to leave the premises upon which the animal is confined or through which it customarily returns for more than 24 hours without providing for the feeding and care of such animal in the absence of the person.

C. Poisoning of Animals. It is unlawful for any person to willfully or maliciously poison any domestic animal or bird or to lay out or expose any kind of poisoned food or drink for man, animal or fowl, or any substance or fluid whatever whereon or wherein there is or shall be deposited or mingled any kind of poison or poisonous or deadly substance or fluid whatever, on any premises or in any unenclosed place, or to aid or abet any person in doing so; except, that the provisions of this section shall not apply to the killing by poison of any animal or bird in a lawful and humane manner by the owners thereof or by a duly authorized servant or agent of such owner, or by the owner, or by a person acting pursuant to the instructions from a duly constituted public authority, in accordance with the exceptions provided in RCW 16.52.190.

D. Injury to Animal – Neglect of Injured Animal. It is unlawful for any person to: (1) willfully and cruelly injure or kill any animal by any means causing it fright and pain, except for the humane slaughter of animals and fowl used for human food; (2) by reason of neglect or intent to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury such person has caused to any animal; or (3) maintain any place where fowl or any animals are suffered to fight upon exhibition or for sport upon any wager.

E. Criminal Penalty. Any person and any owner or custodian found to have violated this section shall be guilty of a misdemeanor, punishable by not more than 90 days in jail and a fine of not more than \$500.00.

**Chapter 6.08 Dangerous Dogs or Potentially Dangerous Dogs**

**6.08.010 Declaration of Potentially Dangerous Dogs or Dangerous Dogs**

- A. The Animal Control Officer may issue a notice of intent to declare a dog potentially dangerous or dangerous if there is probable cause to believe that the dog falls within the definitions. The notice of intent must be based on:
1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the certain definition;
  2. Dog bite reports filed with the Animal Control officer as required by local or state laws;
  3. Actions of the dog witnessed by any Animal Control Officer or law enforcement officer; or
  4. Other substantial evidence, including hearsay if it is of a nature that a reasonable and prudent person would rely upon.
- B. Service:
1. Notices and orders issued pursuant to this Section must be in writing and served on the owner in one of the following methods:
    - a. Certified mail, with return receipt requested, and ordinary first class mail to the owner's or custodian's last known address; or
    - b. Personally by an authorized town representative to owner's physical property address; or
    - c. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
  2. Service is effective on the date the notice is received; or, in the case of certified mail, three days after the notice is mailed; or, in the case of service by publication, 15 days after publication.
  3. The owner of any dog found to be a potentially dangerous or dangerous dog under this Chapter shall be assessed all service costs expended under this Subsection.
- C. The notice of intent to declare a dog potentially dangerous or dangerous must include:
1. A description of the animal;
  2. The name and address of the owner or custodian of the animal, if known;
  3. The whereabouts of the animal if it is not in the custody of the owner;
  4. The facts upon which the declaration is based;
  5. The restriction placed on the animal as a result of the declaration;
  6. A reference to the penalties for violation of the restriction, including the possibility of destruction of the animal, and imprisonment or fining of the owner; and
  7. A statement that the owner is entitled to an opportunity to meet with the Sheriff or Animal Control officer for the town to give any reasons or information as to why the dog should not be declared potentially dangerous or dangerous and the date, time, and place of the meeting, and that the owner may propose an alternative meeting date and time, but that such meeting must occur within 15 days of the date the notice was served.
- D. Meeting with Sheriff or Animal Control officer
1. If the owner does not attend the scheduled meeting with the Sheriff or Animal Control officer, the Sheriff or Animal Control officer may issue an order finding

that the dog is potentially dangerous or dangerous and such meeting shall be audio recorded.

2. If the owner attends the scheduled meeting with the Sheriff or Animal Control officer, the owner may offer, orally or in writing any reason or information as to why the dog should not be found potentially dangerous or dangerous.
3. After review of the record and the owner's reasons and information, the Sheriff or Animal Control officer must determine whether a preponderance of the evidence weighs in favor of finding the dog potentially dangerous or dangerous.
4. If the Sheriff or Animal Control officer determines the dog is potentially dangerous or dangerous, the Sheriff or Animal Control officer must issue a declaration that includes:
  - a. A recital of the authority for the declaration;
  - b. A concise statement of the facts that support the determination; and
  - c. The signature of the person who made the determination.

E. The Sheriff or the Animal Control officer determination is final and may only be appealed to the Skagit County District Court, which will review the record made at the meeting to determine whether the declaration is supported by a preponderance of the evidence. Any such appeal must be filed within 20 days of service of the order. Upon notice that an appeal has been filed, the Sheriff or Animal Control officer must file a certified copy of the record from any such meeting with the District Court. A recording of the meeting will be made available to the person appealing the ruling, who will have the responsibility of transcribing the meeting for the appeal.

F. The Sheriff or Animal Control officer may impound the dog found to be potentially dangerous or dangerous if circumstances require. If the final determination is upheld, the owner must pay impound costs consistent with HMC 6.05.150 and HMC 6.05.180.

#### **6.08.020 Registration of Potentially Dangerous and Dangerous Dogs**

- A. It is unlawful for an owner of a potentially dangerous or dangerous dog to:
1. Keep, own, or maintain such a dog in the Town of Hamilton without a current certificate of registration issued by the Sheriff or Skagit County.
  2. Move such a dog within or from the Town of Hamilton without a certificate of registration and the consent of the Sheriff or Skagit County. The Sheriff or Skagit County must be informed as to the residence of any such dog at all times.
- B. Skagit County shall not issue a certificate of registration to the owner of a dangerous dog unless the owner presents sufficient evidence of:
1. A warning sign as required by HMC 6.05.470(2)(a); and
  2. A secure enclosure consistent with that required by HMC 6.05.470(2)(b), or a declaration that, while on the owner's property, the owner will keep the dangerous dog securely confined indoors; and
  3. Microchipping as required by HMC 6.05.470(2)(e)
  4. Compliance with the insurance requirement of HMC 6.05.470(2)(f)(i) or 6.05.470(2)(f)(ii).

- C. The registration fees are as set by Skagit County.
- D. If a potentially dangerous or dangerous dog is destroyed or dies other than pursuant to HMC 6.05.180 the owner must present sufficient evidence of that fact to the Sheriff or Skagit County. If a potentially dangerous or dangerous dog is sold, given away, or otherwise disposed of, the owner must present verification of the dogs new location to the Sheriff or Skagit County.

**6.08.030 Restraint Requirements for Potentially Dangerous or Dangerous Dogs**

- A. An owner of a potentially dangerous dog must:
  - 1. Conspicuously display a sign with a warning symbol on any premises where the dog is kept that informs children or other persons of the presence of a potentially dangerous dog;
  - 2. While on the owner's property, ensure the dog is restrained by chain, leash, or other suitable confinement to prevent the animal from leaving the owner's property;
  - 3. While off the owner's property, ensure the dog is under physical restraint by the owner or other responsible person;
  - 4. Ensure the dog wears a bright orange collar bearing the warning "potentially dangerous dog"; and
  - 5. Ensure the dog has a microchip implant for permanent identification.
  - 6. Comply with any other requirements of Skagit County for potentially dangerous dogs
- B. An owner of a dangerous dog must:
  - 1. Conspicuously display a sign with a warning symbol on any premises where the dog is kept that informs children and other persons of the presence of a dangerous dog.
  - 2. Ensure the dog is securely confined indoors, or inside a locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping, with secure sides and a secure top, that also provides protection from the elements for the dog;
  - 3. Whenever not confined, ensure the dog is securely muzzled, on a leash that is not longer than six feet in length, and under the control of a person 15 years of age or older who is physically able to control the dog;
  - 4. Ensure the dog wears a bright orange collar bearing the warning "dangerous dog"
  - 5. Ensure the dog has a microchip implant for permanent identification; and
  - 6. Maintain either:
    - a. A surety bond issued by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the Sheriff or the Animal Control officer in the sum of at least \$250,000.00, payable to any person injured by the dangerous dog; or
    - b. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$250,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog.

7. Comply with any other requirements of Skagit County for dangerous dogs

**6.08.040 Penalties**

- A. A violation of HMC 6.08 is a civil infraction; provided, however, that no such civil infraction may be assessed until five days have elapsed from the date such owner is notified by the Sheriff, Skagit County, or Animal Control officer that such a registration or renewal is required.
1. For a potentially dangerous dog, the civil infraction carries a penalty of \$125.00
  2. For a dangerous dog, the civil infraction carries a penalty of \$250.00
- B. Failure to comply with the requirements of HMC 6.08 is a misdemeanor for a potentially dangerous dog and a gross misdemeanor for a dangerous dog.

**6.08.050 Rabies – Duties of Owner – Observation**

It is unlawful for the owner of any animal, when notified that such animal has bitten any person or has so injured any person as to cause an abrasion or puncture of the skin, to kill, sell, or give away such an animal or to permit or allow such animal to be taken beyond the town limits except to a veterinarian hospital. It shall be the duty of the owner of the animal to immediately notify in person or by phone Sheriff, Animal Control officer or the county health department of the bite. Upon receipt of official notice, the owner of the animal shall place and keep the animal in confinement for a period of observation of at least 10 days or at the owner's expense deliver the animal to a licensed veterinary hospital for an observation period. Provided, when the owner of the animal assumes the responsibility of the animal for the 10-day observation period, he shall keep the animal securely chained and confined to the premises of the owner and segregated from any other animals. The owner shall also take reasonable precautions to ensure the safety of persons from the animal during the observation period.

Should the animal during the observation period manifest any unusual behavior or develop symptoms or illness or die, the owner or veterinarian shall immediately notify law enforcement, the designated town official or the county health department of that condition.

Provided further, that any Sheriff or Animal Control officer may have such animal placed in a duly licensed veterinary hospital at the owner's expense, when the owner is unable to provide suitable quarters in which to confine the animal in the manner set forth in this section, or the animal manifests any questionable behavior or symptoms which may be rabies.

The Sheriff or Animal Control officer may notify the Skagit County Health Officer of all reports received on animal bites. Where rabies is suspected, the Skagit County Health Officer shall be notified immediately.

**6.08.060 Rabies – Confinement of Suspected Animal**

Upon taking possession of an animal known to have bitten or having displayed symptoms of rabies, any Animal Control officer or authorized agent shall forthwith convey such animal to the nearest veterinary hospital where such animal is confined for a period of at least 10 days. In the case that such animal is delivered to a veterinary



hospital, notice of the name and location of such shall be immediately furnished to an authorized Animal Control officer by the owner of such animal. Upon receipt of such animal the veterinary hospital shall submit to a town Animal Control officer at the earliest possible time a certificate stating that such animal either shows no symptoms of rabies or does show symptoms of rabies. At the expiration of the 10 days of confinement and upon release of such animal, the veterinary hospital shall submit to the town a second certificate stating that the animal does not have rabies and has been released. The cost of maintaining such an animal in the veterinary hospital shall be borne by the owner thereof, except where the owner of such animal cannot be ascertained, the town shall then pay for such observation and care.

**6.08.070 Rabies – Suspected Animal Slain by Animal Control officer**

In all cases where any animal, which has bitten a person or caused an abrasion or puncture of the skin, is slain by any Animal Control officer whether by order of the court or otherwise, and a period of 10-days has not elapsed since the day on which such dog bit any person or caused an abrasion or puncture of the skin of any person, it shall be the duty of said Animal Control officer slaying such animal to forthwith deliver intact the head of such animal to the county health official.

**6.08.080 Enforcement**

- A. All civil penalties required to be paid for violations of this Chapter must be made at the office of the Town Clerk;
- B. The Animal Control officer may impound;
  - 1. A potentially dangerous or dangerous dog for which the owner has not obtained a certificate of registration; or
  - 2. A potentially dangerous or dangerous dog that is not in compliance with sections of HMC 6.05.460.
- C. The Animal Control officer may impound, quarantine for the proper length of time, and thereafter destroy in an expeditious and humane manner;
  - 1. A dangerous dog that bites a person or a domestic animal; or
  - 2. A dog that aggressively attacks and causes severe injury or death of a human, regardless of whether there has been previous determination of whether such dog is potentially dangerous or dangerous.
- D. The Animal Control officer may assess a civil penalty in the amount of \$150.00 plus \$10.00 for each day a potentially dangerous or dangerous dog is impounded, plus actual costs for any necessary additional care as approved by the town council.
- E. The Animal Control officer may destroy, in an expeditious and humane manner, a potentially dangerous or dangerous dog when the right to appeal has been exhausted or waived and the dog remains impounded for 20 days or more due to the failure of the owner to obtain a certificate of registration or pay civil penalties. The Animal Control officer may assess an additional civil penalty in the amount of \$250.00 for the cost of destroying any such dog.
- F. No potentially dangerous dog or dangerous dog impounded by the Animal Control officer may be returned to any owner until such owner has paid all civil penalties assessed against such owner under this Chapter.

## **Chapter 6.15 Livestock and Other Animals**

### **6.15.005 Limitations on type of livestock**

Prohibited: roosters, bulls, venomous reptiles, weasels, turkeys, peacocks, feral animals, wolves, coyotes, alligators, crocodiles, bears, non-human primates. Exceptions can be made for handicapped persons. Fowl are limited to a maximum of 20 per household.

### **6.15.010 Running at large prohibited.**

No livestock shall be permitted to run at large within the limits of the town of Hamilton. Livestock found running at large are hereby declared to be a public nuisance and are subject to impound as provided herein, or as may be otherwise provided by law.

### **6.15.020 Impoundment.**

Animal control officers are authorized to impound any livestock found running at large within the town limits in the presence of such officer.

### **6.15.030 Notice.**

Impounded animals may be kept at such places as are approved by the mayor and his or her designee and may be sold at auction no earlier than seven days after notice is provided by the animal control officer. The animal control officer shall provide notice of the impound in the same manner as set forth at HMC 6.05.090 (Notice of impounding).

### **6.15.040 Sale.**

If the impounded animal has not been claimed and/or the fees paid, at or before the time set for sale, the animal control officer may proceed to sell the animal through public auction or adoption or dispose of the animal through other lawful means.

### **6.15.050 Charge for impoundment.**

For every animal taken in and impounded as provided for in this article, there shall be paid to the town, for the use of the town, by any person desiring to redeem such animal, the total of the following fees:

- A. A pickup fee and impounding fee set by resolution of the town council or such other sums that are designated from time to time by the town council.
- B. If no license has been issued for the current year, an annual license fee, or if the tag is lost, the replacement fee.
- C. Such costs for feeding and care of such animal as shall be set by resolution of the town council for the care of the impounded animals; provided, that the payment of fees provided in this section will be exclusive or in addition to any fines or penalties imposed upon the owner upon violation of any provisions of these articles.

### **6.15.060 Redemption.**

The owner or custodian of the impounded animal may recover the animal at any time before sale, adoption or other lawful disposal by providing satisfactory evidence of ownership or entitlement to custody and paying all charges or fees accrued.

**6.15.070 Reclaiming without permission.**

Any person who shall reclaim or attempt to reclaim an impounded animal which is in the city's custody without permission, or interferes with the actions of the animal control officer in the course of impounding livestock found running at large, shall be deemed guilty of a misdemeanor.

**6.15.080 Driving, Leading or Riding Horses and Cattle**

It is unlawful for any person, firm or corporation to drive, lead, or ride any horse, cattle, swine, or sheep within the town limits in a manner that might endanger persons or property, including but not limited to specific public land, town streets, roads and or alleys.

**6.15.090 Horses on Specified Lands, Streets, Roads and/or Streets**

It is unlawful for any person, firm, or corporation to drive, lead, or ride any horse or livestock upon any portion of specified public lands, streets, roads, and/or alleys other than the regularly traveled portions thereof.

**6.15.100 Power to Restrict**

The town council shall have the power to designate specified public lands, streets, roads, and/or alleys where no horse, horses or cattle shall be allowed to be kept, driven, led, or ridden except as authorized by the town council.

**6.15.110 Maintaining Offensive Conditions – At Large**

It is unlawful for any person, firm, or corporation to maintain any stable, pen, lot, place, or premises in which any animal, including fowl or poultry may be confined or kept in such a manner as to be nauseous, foul, or offensive to any community neighbor, family, or person, or allow such animals to roam at large within the town limits.

**6.15.120 Violation a Public Nuisance**

The keeping, driving, leading, or riding of animals in violation of these articles shall constitute a public nuisance and the designated Animal Control officer shall have the authority to enter all necessary orders to restrict or remove the animals from the town so that the nuisance shall be abated in addition to the penalties prescribed in HMC 6.05.240.

**6.15.130 Penalty for Violation**

Any person, firm, or corporation violating any provisions of this article may be punished by a fine not to exceed \$250.00

**6.15.140 Swine and goats prohibited with exception.**

No swine or goats shall be kept within the corporate limits of the town of Hamilton; provided, that pot-bellied pigs and pygmy goats as defined in Chapter 6.05 HMC shall be allowed in accordance with the regulations set out in Chapter 6.17 HMC.

**6.15.150      Barns and structures.**

All barns or structures where livestock are kept shall be properly constructed and in good repair, and they must be kept reasonably clean at all times. All buildings, stables, pens or enclosures shall be cleaned of manure or other refuse at least once each week and such manure or refuse shall be placed in fly proof containers until disposed of in such a manner as approved of by the animal control officer or their designee. Enclosures, barns and pens must be sprayed monthly, or as needed, with an adequate insecticide, from April 1st to October 31st each year. Grounds shall be limed or treated in a similar manner as needed to control odors.

**6.15.160      Fences.**

All fences must be well-built, in compliance with HMC 10.45.050 (Ordinance 179, Zoning), and kept in good repair at all times. All fences bordering neighboring property must be a minimum of four feet high and of substantial construction. The word "fences," as used in this section, refers to fences used for the purpose of keeping or containing livestock.

**6.15.170      General space and care requirements.**

There must be a minimum space of 21780 square feet (0.5 acre) for each grazing animal such as a horse, cow, mule or other grazing animal weighing more than 200 pounds, and such grazing area shall not be less than 20 feet wide and be kept reasonably clean at all times.

There must be a minimum space of 400 square feet for each grazing animal such as a pygmy goat, pot-bellied pig or other grazing animal weighing 50 to 200 pounds, and such grazing area shall not be less than eight feet wide.

There must be a minimum space of 40 square feet for each grazing animal such as a chicken, rabbit or other grazing animal weighing less than 50 pounds, and such grazing area shall not be less than four feet wide.

**6.15.180      Proximity to residences and occupied buildings.**

It is hereby declared to be a public nuisance for any person to keep livestock larger than 50 pounds in an enclosure set back less than 10 feet on the sides, less than 20 feet from the front and set back less than five feet from the back of a residence or occupied building.

**6.15.190      Hitching or tethering livestock.**

No livestock outside of a securely fenced livestock enclosure shall be left within the town of Hamilton without being first securely hitched or tied to a substantial hitching post or structure. No person shall tie, hitch or fasten any livestock in any manner on public property within the town of Hamilton except where designated, or on private property without permission of the property owner, nor to any light or utility pole located upon any street or other public place in the town of Hamilton.

**6.15.200 Light required at night.**

No person shall ride or drive any saddle or work animal of any description upon any street, alley or public place within the town of Hamilton during the hours of darkness without prominently displaying a light upon such animal which is clearly visible from a distance of 300 feet, at least, front and rear, at all times.

**6.15.210 Ordinance cumulative.**

This chapter and the regulations shall be cumulative and in addition to the regulations and requirements of all other ordinances of the town of Hamilton on the same subject. In case of direct conflict, the provisions of this chapter shall, to the extent of the conflict, govern over the provisions of any earlier ordinance on the same subject.

**6.15.220 Permitting.**

It shall be unlawful for any person to keep livestock within the corporate limits of the town of Hamilton except pursuant to an approved livestock permit. It shall be unlawful to keep upon the permitted premises more livestock than the maximum number of each breed of livestock authorized by such permit to be kept upon such premises.

**6.15.230 Issuance of livestock permits.**

A. Application Required. All applications for permits to keep livestock within the town of Hamilton shall be made in writing and filed with the animal control officer or such other officials as may be designated by the mayor.

B. Required Information. The livestock permit application shall identify the name and mailing address of the applicant, the breed livestock applicant seeks to be permitted to be kept within the town of Hamilton, if someone other than the owner of the livestock is the applicant, the name and mailing address of the owner, the premises upon which the livestock will be kept, the location upon the premises where the livestock will be kept, and verification of the total square footage available on the premises meeting the requirements of HMC 6.15.120 for grazing area. If the livestock are kept at a location prohibited pursuant to HMC 6.15.130 because of the proximity to another residence or occupied structure, a copy of the written permission given by the owner/occupant of such adjacent property. The permit application shall be signed by the applicant and

certified under penalty of perjury under the laws of the state of Washington that the contents of the application are true and correct.

C. Effect of Permit. A permit issued pursuant to this chapter shall authorize the applicant to keep each breed of livestock as set forth in the permit, upon the premises identified in the permit. The animal control officer may include on the face of the permit such terms and conditions as are reasonably related to the keeping of such livestock upon the permitted premises. Changes in ownership (real property and/or animal ownership), tenancy and/or breed-type to be kept shall require a new permit to be applied for and issued.

D. Fees. All applications for a livestock permit shall be accompanied by the nonrefundable permit fees as set by resolution of the city council.

E. Permit Nontransferable. Livestock permits are nontransferable.

**6.15.240 Permits – Keeping, mailing, contents, alteration.**

All permits issued under this chapter shall be posted in a conspicuous place on the premises where such livestock are to be kept. Such permits shall include the date of issuance, the breed of livestock permitted to be kept on the premises, the location of the premises upon which the livestock are to be kept, the name of the person to whom the permit has been issued, and such other information as may be required by the animal control officer or mayor's designee.

It shall be unlawful to vary such permit by alteration or modification in any manner without the written approval of the animal control officer or such other city officer in charge of issuing such permits.

It is a condition of each livestock permit that the permittee shall, during reasonable hours, allow the animal control officer to enter into and upon the premises to inspect the premises to determine if permittee is in compliance with this chapter and the terms and conditions of the permit. Failure to grant such consent shall constitute a violation of the permit.

**6.15.250 Revocation of permits.**

In the event of a violation of the terms and conditions of the permit, the animal control officer may serve a notice of revocation upon the permittee in the manner authorized by this chapter. The notice shall specify the violations which are to be corrected. If the violation(s) as set forth in the notice are not corrected within 30 days after a notice has been received, or the permittee has not timely filed a notice of appeal, the permit shall be revoked. Upon such revocation it shall be unlawful for the person to whom the permit

was issued or for any person residing in the same home to keep within the town of Hamilton any of the livestock for which the permit was issued.

The permittee may appeal the notice of revocation to the Hamilton town council by filing with the animal control officer a written notice of appeal within 10 days of receipt of the notice of revocation. The written notice of appeal and request for hearing shall identify with specificity (A) the name of the appellant, (B) the mailing address at which the appellant may receive notices related to the hearing, (C) the notice of revocation sought to be appealed, (D) the violation or violations being appealed, (E) the errors of fact or law that form the basis for the appeal, and (F) a statement identifying the relief the appellant is seeking from the city council. The notice of appeal must be signed by the person to whom the notice was issued. In the event that a timely notice of appeal is filed with the city, the revocation shall be stayed until the city council issues a decision upon the appeal.

Upon timely receipt of a notice of appeal, the city shall schedule an appeal hearing at the next regular meeting of the Hamilton town council following receipt of the timely notice of appeal, and provide notice of the same to permittee; provided, that, in the event the hearing is less than five days following receipt of the notice of appeal, the hearing shall be scheduled for the subsequent city council meeting. Failure of the permittee to so appear before the council shall be deemed a waiver of permittee's right to appeal the matter to the Hamilton town council.

The filing of an appeal, as provided herein, shall not preclude the city from taking further enforcement action under this chapter.

**6.15.260 Notice – Service.**

A. Methods of Service Authorized. For purposes of this chapter, the methods of service of notice of revocation are authorized as follows:

1. Personal Service. Personal service shall mean handing the document to the person subject to the document or leaving it at his or her dwelling or usual place of abode with some person of suitable age and discretion then residing therein, or leaving it at his or her office or place of employment with a person in charge thereof. Personal service shall also be deemed complete when the hearing examiner or designee, or the hearing body or its designee, hands any order, ruling, decision, or other document to a person prior to, during, or after a hearing.

2. Mailing. Service by mail shall mean sending the document by regular first class mail, postage prepaid and properly addressed, to the mailing address of applicant as set forth in the permit application. Where service of the notice of

violation is by mail, service shall be deemed complete upon the third day following the day upon which they are placed in the mail, unless the third day falls on a Saturday, Sunday, or federal legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday, or federal legal holiday following the third day.

3. Posting. Posting shall mean affixing a copy of the document in a conspicuous place on the property, with at least one copy of such document placed at an entryway to the property or structure if an entryway exists. Service by posting shall be accomplished on the date of the posting in compliance with this section.

4. Publication. Publication of the document shall mean publication as set forth in RCW 4.28.100 and 4.28.110, as currently enacted or hereafter amended.

B. When First Class Mail Deemed Service. Any correction notice, notice of civil violation, notice of hearing, civil regulatory order, or other code enforcement document shall be deemed legally served upon a party by use of regular first class mail, as described in subsection (A)(2) of this section, unless another method of service is expressly required in a particular subsection of this chapter, state law, or court rule; provided, at the discretion of the code enforcement officer, the code enforcement officer may personally serve documents or cause documents to be personally served upon a party.

C. Proof of Service – Due Diligence. Proof of service may be made by written affidavit or declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which service was made, and if service was made solely by posting or publication, facts showing that due diligence was used in attempting to locate a mailing address for the person at whom the notice of violation is directed. Proof of service may also be made by testimony given under oath in a proceeding relating to the violation.

D. Additional Proof of Service Not Necessary. The city council shall not require additional proof of service beyond the requirements in this section.

#### **6.15.270 Violations**

Any person, firm or organization violating this chapter shall, in addition to revocation of the permit, be subject to the violations and penalties set out in HMC 6.05.180, as applicable, for each such violation. Each day for which a violation shall continue shall constitute a separate violation.

### **Chapter 6.17 POT-BELLIED PIGS AND PYGMY GOATS**



Sections:

- 6.17.010 Purpose.**
- 6.17.020 Administration and enforcement.**
- 6.17.030 License – Compliance with regulations.**
- 6.17.040 Licensing procedures.**
- 6.17.050 Issuance – Term – Renewals.**
- 6.17.060 Regulations.**
- 6.17.070 Revocation of license.**
- 6.17.080 Violations.**

**6.17.010 Purpose.**

Miniature pot-bellied pigs and pygmy goats are increasing in popularity as domesticated pets. However, as such animals are still livestock notwithstanding size, the keeping of such animal needs to be closely regulated and controlled to ensure that such animal does not become a nuisance or danger to the general public and the neighborhood in which it is kept. The city council finds that the keeping of pot-bellied pigs and pygmy goats so as not to create a nuisance can be reasonably accommodated by licensing and other restrictions.

**6.17.020 Administration and enforcement.**

The provisions of this chapter shall be administered and enforced by the animal control officer.

**6.17.030 License – Compliance with regulations.**

It is unlawful for any person to own or have custody, control or possession of any pot-bellied pig or pygmy goat within the city limits unless such pot-bellied pig or goat is licensed pursuant to the provisions of this chapter within 10 calendar days upon the effective date of the ordinance codified in this chapter or within 10 calendar days of said pot-bellied pig or goat's entry into the city and unless the owner or custodian of said pot-bellied pig or pygmy goat complies with the regulations as set forth in this chapter.

**6.17.040 Licensing procedures.**

Any person owning or having custody or control of a pot-bellied pig or pygmy goat within the city may obtain a license for such pig or goat from the city in accordance with the following procedures:

- A. Application. File with the city an application on a form provided by the city which shall contain the following information:
  - 1. The name and address of the applicant and the address of the property upon which the pot-bellied pig or pygmy goat is to be kept;

2. The name, age, height and weight of the pot-bellied pig or pygmy goat including any identifying marks or tattoos;
  3. Such other information as the animal control officer deems appropriate.
- B. License Fee. The application shall be accompanied by a nonrefundable license fee in an amount as may be established by resolution of the city council.
- C. Veterinary Certification. The application shall be accompanied by a signed statement declaring the current height and weight of the pot-bellied pig and/or pygmy goat, and a statement signed by a licensed veterinarian certifying that the pot-bellied pig or pygmy goat is in good health and is current on all necessary vaccinations. Such veterinary certification shall be no older than 30 calendar days when submitted to the city.

**6.17.050 Issuance – Term – Renewals.**

A. Issuance of License. The city shall issue a license for the keeping of a pot-bellied pig or pygmy goat on a lot within the city that allows for such use upon the filing of a completed application and a finding that the animal meets the requirements set forth in HMC 6.17.060(A) through (D).

B. Term of License. Any license issued pursuant to this chapter shall be valid for a period of one year from the date of issuance; provided, however, any license expiring on a Saturday, Sunday or holiday shall be valid until the next work day.

C. Renewals. Any license issued pursuant to this chapter may be renewed for periods of one year each upon the filing of an application for such renewal with the city accompanied by a nonrefundable renewal fee in an amount as may be established by resolution of the city council. The renewal application shall be on such form as provided by the city. The city shall issue such renewed license unless it is found that the pot-bellied pig or pygmy goat is not in compliance with the regulations as set forth in HMC 6.17.060.

**6.17.060 Regulations.**

The owner or person having custody, control or possession of a pot-bellied pig or pygmy goat within the city shall comply with the following regulations:

A. Weight. The pot-bellied pig shall not weigh more than 180 pounds. The pygmy goat shall not weigh more than 100 pounds.

B. Height. The pot-bellied pig and/or pygmy goat shall not exceed 26 inches in height as measured from the shoulder of said animal.

C. Confinement on Premises. Each pot-bellied pig or pygmy goat shall be provided with a fenced yard designed to assure that the animal is confined and managed in a safe and clean manner when out-of-doors. Notwithstanding any other provision of this

code, the pot-bellied pig or pygmy goat may be kept as a pet in the residence on the lot upon which said pig or goat resides.

D. Leash Requirements. Each pot-bellied pig or pygmy goat while on a street, sidewalk or other public place shall be restrained by a harness and leash or similar restraint not longer than six feet in length held by a competent person. The owner or person having custody shall immediately remove any feces deposited by the animal on any street, sidewalk, park or other publicly owned area, or private property of another.

**6.17.070 Revocation of license.**

The license for a pot-bellied pig or pygmy goat issued pursuant to this chapter may be revoked by the animal control officer upon the finding that the provisions of HMC 6.17.060(A) through (D) have been violated and not corrected within 10 calendar days of issuance by the animal control officer of a notice of violation or within such longer period as may be specified in the notice of violation. The animal control officer may grant a longer period than 10 calendar days to correct the violation in the event that the animal control officer finds that such additional time is reasonable and necessary to correct the violation and that the public health, safety and welfare will not be adversely affected by the additional amount of time. Upon failing to correct the violation within the required time, the animal control officer shall issue a written notice of the revocation of the license and the pot-bellied pig or pygmy goat must be removed from the city within 10 calendar days after receipt thereof, unless the licensee timely files a notice of appeal. The notice of revocation shall be served upon the licensee in the same manner as set forth at HMC 6.15.250 for service of notice of revocation of a livestock permit.

The licensee may appeal the notice of revocation to the Hamilton town council by filing with the animal control officer a written notice of appeal within 10 days of receipt of the notice of revocation. The written notice of appeal and request for hearing shall identify with specificity (A) the name of the appellant, (B) the mailing address at which the appellant may receive notices related to the hearing, (C) the notice of revocation sought to be appealed, (D) the violation or violations being appealed, (E) the errors of fact or law that form the basis for the appeal, and (F) a statement identifying the relief the appellant is seeking from the city council. The notice of appeal must be signed by the person to whom the notice was issued. In the event that a timely notice of appeal is filed with the city, the revocation shall be stayed until the city council issues a decision upon the appeal.

Upon timely receipt of a notice of appeal, the city shall schedule an appeal hearing at the next regular meeting of the Roslyn city council following receipt of the timely notice of appeal, and provide notice of the same to permittee; provided, that, in the event the hearing is less than five days following receipt of the notice of appeal, the

hearing shall be scheduled for the subsequent city council meeting. Failure of the licensee to so appear before the council shall be deemed a waiver of licensee's right to appeal the matter to the Roslyn city council.

The filing of an appeal, as provided herein, shall not preclude the city from taking further enforcement action under this chapter.

**6.17.080 Violations.**

Any person, firm or organization violating this chapter shall, in addition to revocation of the license, be subject to the violations and penalties set out in HMC 6.05. 260, as applicable, for each such violation. Each day for which a violation shall continue shall constitute a separate violation.

**Disclaimer of Liability**

This Chapter has been enacted for the welfare of the public as a whole. Nothing contained in this Chapter is intended to be nor may be construed to create or form the basis of any liability on the part of the County or Town of Hamilton, its officers, employees, or agents for any injury or damage resulting from the failure of anyone to comply with the provisions of this Chapter, or by reason or in consequence of the implementation or enforcement pursuant to this Chapter, or by reason of any action or inaction on the part of the County or Town of Hamilton related in any manner to the enforcement of this Chapter by its officers, employees or agents.

**Severability:**

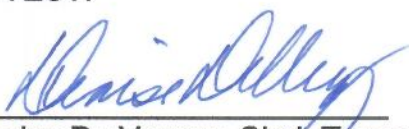
Should any Section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Council of the Town of Hamilton that it would have passed all other portions of this Ordinance hereby adopted independent of that word determined to be invalid and accordingly such declaration of invalidity shall not affect the validity of this Chapter as a whole nor any part hereof other than the part so declared to be invalid.

**Effective Date:** This Ordinance shall take effect five (5) days after its passage, approval and publication by law.

**Passed and approved this 11th day of April 2017.**

  
\_\_\_\_\_  
Joan Cromley, Mayor

ATTEST:

  
\_\_\_\_\_  
Denise Du Varney, Clerk Treasurer

SKAGIT PUBLISHING  
C/O ISJ PAYMENT PROCESSING CENTER  
PO BOX 1570  
POCATELLO ID 83204-1570  
(360)424-3251

ORDER CONFIRMATION

Salesperson: Jeanette Kales

Printed at 04/28/17 08:59 by jka30

Acct #: 212345

Ad #: 1613461

Status: N

TOWN OF HAMILTON  
PO BOX 528  
HAMILTON WA 98255

Start: 04/29/2017 Stop: 04/29/2017  
Times Ord: 1 Times Run: \*\*\*  
STDS 1.00 X 2.48 Words: 55  
Total STDS 2.50  
Class: 0001 LEGAL NOTICES  
Rate: LACR Cost: 26.90  
# Affidavits: 1

Contact:

Phone: (360)826-3027

Fax#: (360)826-3027

Email: townofhamilton.2010@gmail.co

Agency:

Ad Descrpt: SVH-1613461

Given by: \*

Created: jka30 04/28/17 08:54

Last Changed: jka30 04/28/17 08:59

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
SVH	A	97	W	04/29/17	1	04/29/17	SMTWTFS
SVWN	A	97	W	04/29/17	1	04/29/17	SMTWTFS

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

\_\_\_\_\_  
Name (print or type)

\_\_\_\_\_  
Name (signature)

**ORDINANCE  
NO. 326**

Ordinance 326 was adopted by Hamilton Town Council on April 11, 2017. It revises the town's animal code to reflect handling of dogs at large, dangerous dogs and livestock within town limits. For copies of this ordinance in its entirety, please email the Town of Hamilton, townofhamilton.2010@gmail.com.

**Published  
April 29, 2017  
SVH-1613461**