

**ORDINANCE NO. 379**

**AN ORDINANCE** adding a new chapter to Grays Harbor County Code Title 6, Animals, prohibiting and providing penalties for permitting frequently, repetitively or continuously barking dogs on premises.

**WHEREAS**, the board of county commissioners finds it to be in the public interest and for the protection of the public health, safety, welfare and property of the residents of Grays Harbor County to minimize exposure of citizens to noise created by a barking dog or dogs that unreasonably annoys or disturbs the peace, comfort or repose of a reasonable person of normal sensitivity; and

**WHEREAS**, the board of county commissioners find that the above purpose will be furthered by adding a new chapter to Grays Harbor County Code Title 6,

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Grays Harbor County, State of Washington:

There is hereby added to Title 6 of the Grays Harbor County Code a new chapter to read as follows:

**SECTION 1. Declaration of policy.** It is declared to be the policy of Grays Harbor County (the "county") and in the public interest, and for the protection of public health, safety, welfare and property of the residents of the county to minimize exposure of citizens to unnecessary, excessive and annoying barking or other loud noise from dogs in unincorporated areas of Grays Harbor County and regulate the same pursuant to its police powers.

**SECTION 2. Definitions.** For the purpose of this chapter, the following words and phrases used herein shall have the designated meaning unless a different meaning is expressly provided:

(1) "Animal control authority" means the Grays Harbor County sheriff's office or designee, or an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the county and state and the shelter and welfare of animals.

(2) "Animal control officer" means any individual empowered, employed, contracted with, or appointed by the animal control authority or the county for the purpose of aiding in the enforcement of this ordinance or any other law or ordinance relating to the control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

(3) "Boarding Kennel" means a commercial establishment to rent space to house animals as a for-profit business.

(4) "Dog" means any member of the zoological family Canidae, feral or domesticated, but does not include Coyote, *Canis latrans*.

(5) "Owner" means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest/right/claim/title/legal share in, or having lawful possession, control or custody of a dog.

(6) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

(7) All other words and phrases used in this chapter will have their commonly accepted meanings.

**SECTION 3. Unlawful to keep certain barking dogs.** It is unlawful for an owner or custodian of any dog or dogs to permit, keep or maintain any dog or dogs that frequently, repetitively, or continuously bark(s), make(s) other loud or unusual noises, or in any other manner disturb(s) the peace of any person. An owner who keeps or maintains a dog whose barking or howling, sustained for

one hour or intermittently for three hours, can be heard at or beyond the boundary of the property on which the dog is located violates this section. The provisions of this section shall not apply to licensed animal hospitals or veterinary clinics conducted for the treatment of small animals, boarding kennels or to the premises used and occupied by the county for impounding animals.

**SECTION 4. Dogs barking.** It shall be the duty of the sheriff or county animal control officer to respond to and investigate complaints of any dog which by frequent or habitual howling, yelping, or barking that annoys or disturbs a neighborhood or the quiet and repose of a complainant, and shall have the authority to issue a citation based on complaints from three separate households, or if warranted by the personal observation of the sheriff or county animal control officer.

**SECTION 5. Interference with animal control officer.** It is unlawful for any person to interfere with, molest, hinder or obstruct an animal control officer or any sheriff's office employee or official in the discharge of his/her official duties under this chapter.

**SECTION 6. Citation procedure.** The procedures for issuance of a notice of infraction, hearings, assessments and payment of monetary penalties, shall be in accordance with the provisions of RCW Chapter 7.80. Hearings on notices of infractions issued pursuant to this chapter shall be held in the Grays Harbor County district court.

**SECTION 7. Violation – Penalty.** Any person violating any provisions of this chapter shall be guilty of a civil infraction and shall subject the violator to a penalty of one hundred fifty dollars for each separate infraction.

**SECTION 8. Violation as constituting a public nuisance.** In addition to the foregoing remedies, the repeat violation of any provisions of this chapter after official notice of the violation shall

constitute a public nuisance and may be abated in any manner authorized by RCW Chapters 7.48 and 9.66.

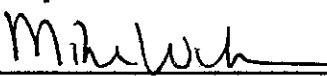
**SECTION 9: Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

PASSED by the Board of Commissioners of Grays Harbor County at a regular meeting thereof this 26 day of January, 2009.

BOARD OF COMMISSIONERS  
GRAYS HARBOR COUNTY

  
Albert A. Carter, Chair, Commissioner  
District 3

  
Terry Willis, Commissioner  
District 1

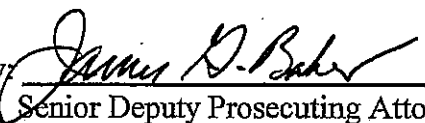
  
Mike Wilson, Commissioner  
District 2

ATTEST:

  
Clerk of the Board

APPROVED AS TO FORM:

H. STEWARD MENEFEE  
PROSECUTING ATTORNEY

By   
Senior Deputy Prosecuting Attorney

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