

Amendments to MCC 4.08-Animal Code

***New language denoted in bolded italics***

***“Owner” or “Keeper,” in addition to their ordinary meanings, are terms that can be used interchangeably within this chapter and*** means any person, firm, corporation, organization possessing, harboring, keeping, having an interest in , or having control or custody of an animal.

4.08.030-Public nuisance-Owner responsibility

It shall be a public nuisance, and therefore unlawful, for any person to permit their animal(s) to: ***(enforcement of this section (public nuisance) is separate and distinct from the terms of MCC 4.08.??- Animals at large)***

***4.08.?? Animals at large.***

***(a) It shall be unlawful for the owner or keeper of any animal to negligently allow such animal to enter or trespass onto private property of another without the express permission of the owner or caretaker of said property; or to allow said animal to run at large onto any public property or the public right-of-way within Mason County.***

***(1) The animal control authority or any commissioned law enforcement officer may cite an owner or keeper upon probable cause that a violation of this subsection (a) has occurred.***

***(2) Any owner or keeper who is found, by a preponderance of the evidence, to have violated any portion of subsection (a) shall be subject to a \$250 civil infraction.***

***(b) It shall be unlawful for the owner or keeper of any animal to knowingly allow that animal to be at large under subsection (a) of this section when such animal represents a potential threat of substantial bodily injury to people or damage to property.***

***(1) A fully commissioned law enforcement officer may cite an owner or keeper upon probable cause that a violation of this subsection (b) has occurred or the prosecuting attorney may file a complaint after first receiving written reports, drafted by fully commissioned law enforcement officers that support probable cause that a violation of this subsection (b) has occurred.***

***(2) Any owner or keeper who is found, beyond a reasonable doubt, to have violated this subsection (b) shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for a maximum term fixed by the court of up to 90 days, or by a fine in an amount fixed by the court of not more than \$1,000 plus statutory assessments, or by both such imprisonment and fine. Further, upon probable cause that this crime has been occurred, the animal may be impounded pursuant to the procedures outlined in section 4.08.120 and 4.08.130 of this chapter.***

4.08.120-Impoundment

(a) The animal control authority may apprehend any animal found doing or involved in acts defined as a public nuisance, ***animals at large***, and/or being subjected to cruel treatment.