

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**NOTICE OF PUBLIC HEARING AND PROPOSED ACTION)
TO ESTABLISH A DOG KENNEL OPERATING PERMIT)
PROGRAM AND TO AMEND THE ANIMAL BREEDING)
PRACTICES CODE ACCORDINGLY)**

RESOLUTION NO. 16-113

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Lewis County Board of County Commissioners (BOCC) in the hearing room at 351 NW North Street, Chehalis, Washington on May 2, 2016 at or after 10:00 am; and

WHEREAS, public notice of said hearing is required by law;

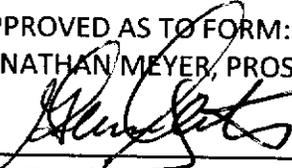
NOW, THEREFORE BE IT RESOLVED, the purpose of the public hearing is to take public testimony or written comment concerning a proposed ordinance enacting a new chapter 5.25 LCC, establishing a dog kennel operating permit program, and amending the dog breeding practices code, chapter 6.15 LCC, and the County Fee Schedule;

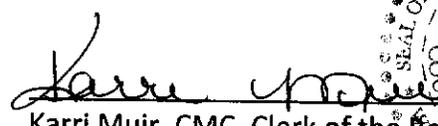
BE IT RESOLVED that the Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication as required by law.

BE IT FURTHER RESOLVED, that a hearing is hereby scheduled for May 2, 2016 to take public testimony or written comment on the adoption of an ordinance establishing a dog kennel operating permit program in new chapter 5.25 LCC and amending the dog breeding practices code in chapter LCC 6.15 and the County Fee Schedule to facilitate the new program. Final BOCC action will take place following the public hearing.

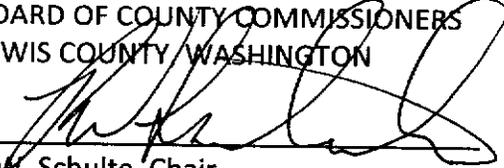
PASSED IN REGULAR SESSION by the BOCC this 18th day of April, 2016.

APPROVED AS TO FORM:
JONATHAN MEYER, PROS. ATTORNEY


Eric Eisenberg, Deputy Prosecuting Attorney


Karri Muir, CMC, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON


P.W. Schulte, Chair


Gary Stamer, Vice Chair


Edna J. Fund, Commissioner



Publish in the East County Journal April 20, 2016 and The Chronicle April 21, 2016

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the BOARD OF COUNTY COMMISSIONERS of Lewis County, Washington, will conduct a public hearing for the purpose of taking public testimony and comments regarding the **proposed revision of Lewis County Code (LCC) Chapter 6.15 – Dog Breeding Practices and proposed addition of LCC Chapter 5.25 – Dog Kennels.**

The public hearing will be held as follows:

DATE: Monday, May 2, 2016

TIME: On or about 10:00 AM

PLACE: County Commissioners Hearing Room
Lewis County Historic Courthouse – 2nd Floor
351 NW North Street
Chehalis, Washington

The proposed changes to LCC Chapter 6.15, entitled, “Dog Breeding Practices” are summarized as follows:

The definitions of Chapter 6.15 of the County Code are updated. The definition of “kennel” is expanded to include any property at which 10 or more dogs over the age of six months, or 20 or more dogs total, are kept for any purpose. The owner or operator of a “kennel” who keeps dogs in enclosures must meet the minimum humane treatment requirements of Chapter 6.15 LCC.

The humane treatment requirements themselves are largely unchanged. The enforcement section is rewritten for clarity, but not changed from existing law.

The proposed addition of LCC Chapter 5.25, entitled “Dog Kennels,” is summarized as follows:

An annual County operating permit is required for a kennel. One must pass a scheduled, annual kennel inspection to obtain the permit and must post the permit on the kennel’s premises. The fee for the permit is tiered, depending on the maximum number of dogs permitted at the kennel. It is free for some kennels.

There is a waiver program in which one may apply for a three-year waiver of the permitting requirement. A member of a private breeders’ organization with standards as rigorous as those of the County code may apply for such a waiver.

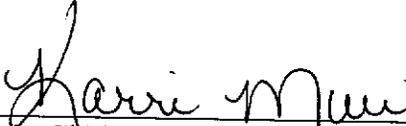
Owning or operating a kennel without a required permit is an infraction for the first violation and a crime for the second violation.

An overview of proposed Lewis County Codes 5.25 and 6.15 will be available for review at the Lewis County Public Health & Social Services Department, 3rd floor, located at 360 NW North St., Chehalis, WA 98532 (Phone: 360-740-1223) and at the Lewis County Environmental Health office in the Public Works building at 2025 NE Kresky Ave., Chehalis, WA 98532.

Written comments may be submitted to the Clerk of the Board of County Commissioners at the Lewis County Historic Courthouse, 2nd floor, 351 NW North Street, Chehalis, WA 98532 by 4:00 on April 29, 2016.

This meeting site is barrier free. People needing special assistance or accommodations should contact the Clerk of the Board 72 hours in advance of the meeting. Phone: (360) 740-1419.

DATED this 18th day of April 2016.



Karri Muir, Clerk of the Board of County Commissioners

PUBLICATION DATE: East County Journal: April 20, 2016
The Chronicle: April 21, 2016

Chapter 6.15
DOG BREEDING PRACTICES

Sections:

- 6.15.010 Definitions.
- 6.15.020 Breeding practices.
- 6.15.030 Enforcement - Penalties.

6.15.010 Definitions.

For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

- (1) "Board" means to advertise, announce, or maintain facilities for the express or implied purpose of temporarily taking custody, possession, or assuming general responsibility for the safety, accommodation, care, or feeding of a dog for a fee at property other than the animal's normal place of residence.
- (2) "Commercial kennel" means any kennel used to breed, buy, sell, or board dogs for revenue or barter on a regular basis, or any kennel in which dogs are bred primarily for the purpose of sale or barter, regardless of the number of dogs present, except that a hobby kennel shall not be considered commercial.
- (3) "Dog" means any member of *Canis lupus familiaris* (domesticated dog), or any other canid kept in the manner of a domesticated dog such as a wolf, coyote, dingo, wild dog, or cross-breed.
- (4) "Grooming facility" means any business or entity, however named, that provides services related to the appearance and cleanliness of a dog, but which do not include any overnight stay at the facility.
- (5) "Housing facility" means any room, land, building, trailer, or other structure used to contain a primary enclosure or enclosures.
- (6) "Hobby kennel" means a kennel at or adjoining a private residence where dogs are bred and/or kept for hunting, training, exhibiting at organized shows, field working, obedience trials, and/or for enjoyment of the species, from which dogs may sometimes be sold or bartered to reduce the number of dogs present, but which does not operate as a for-profit business or produce dogs primarily for the purpose of sale or barter.
- (7) "Humanely destroy" means the destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness. The term shall include euthanasia in a manner consistent with best veterinary practices; provided, that the term is not interpreted to exclude other humane destruction of animals without the assistance of a licensed veterinarian.
- (8) "Intact sexual organs" means that the dog has not been spayed or neutered. A dog will be presumed to have intact sexual organs unless it can be demonstrated to be spayed or neutered through documentation from the person who performed the operation or by a veterinarian who has examined the dog.
- (9) "Keep" means the providing of shelter, care, protection, or nourishment for the purpose of preserving a dog for at least 72 hours.
- (10) "Kennel" means any same property at which 10 or more dogs over the age of six months, or 20 or more dogs total, are kept for any purpose. However, the following locations are not kennels: (1) an animal hospital; (2) a grooming facility; and (3) a building used by a veterinarian to provide veterinary care but not boarding unrelated to veterinary care.
- (11) "Nonprofit" means an entity organized under Section 501(c)(3) through (10) of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)) that is exempt from tax under Section 501(a) of the code. [Ord. 1214 §1, 2010]

(12) "Operating permit" means a business license issued to a kennel pursuant to Chapter 5.25 LCC.

(13) "Owner" or "keeper," in addition to their ordinary meanings, are terms that can be used interchangeably within this chapter and mean any person, firm, corporation, organization, department or other entity possessing, harboring, keeping, having or claiming an interest in, or having control or custody of an animal for at least three calendar days, whether or not all of the traditional rights of ownership are vested in the entity. The terms also refer to any entity performing any of the acts of providing care, shelter, protection, refuge, food, water, or nourishment in such manner as to control or attempt to control the animal's actions or habits, when the entity provides any of these acts or exercises control for three calendar days or more. An entity is an owner or keeper when an animal is apparently spending the majority of its time at a location under that entity's control for a period of at least three calendar days. When the terms are used to mean the owner or keeper of something other than an animal, the terms shall have their plain and ordinary meanings.

(14) "Person" or "entity" means any human individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other entity.

(15) "Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, crate or hutch, where the animal or animals reside until their sale, transfer, or other disposition.

(16) "Property" means any real property in which a person has a legal interest. The "same property" includes any property under the same person's or persons' ownership, occupancy, or control that is geographically contiguous or proximate, even if it is not considered the same property for real estate or taxation purposes.

(17) "Retail pet store" means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets and is regulated by the United States Department of Agriculture.

6.15.020 Breeding practices.

(1) Operating Permits. A kennel shall have an operating permit if Chapter 5.25 LCC so requires.

(2) Restriction by Individual. At any time, a person shall not own, possess, control, or otherwise have charge or custody of more than 50 dogs with intact sexual organs over the age of six months.

(3) Restriction by Property - Variance.

(a) A person or persons shall not house or keep more than 50 dogs with intact sexual organs over the age of six months on the same property regardless of who owns, controls, possesses or has charge of the dogs.

(b) Variance. The hearing examiner shall have authority to grant a variance from the provisions of this subsection when, in the opinion of the hearing examiner, application of this subsection would be inconsistent with the purpose and intent of this chapter; provided, that no variance shall be granted which authorizes a use which is in violation of subsection (1) of this section.

(i) Application Procedures. Any application for a variance shall be submitted to the Lewis County hearing examiner in the same manner as appeals are submitted according to LCC 2.25.130, except that the application shall also contain the following information:

(A) The name and notarized signature, address, and phone number of the legal owner of subject property;

(B) The parcel number of the property;

(C) A narrative statement describing how the requested variance conforms to the standards in subsection (3)(b)(ii) of this section;

(D) The number of dogs with intact sexual organs over the age of six months kept on the property; and

(E) A waiver of rights allowing the Department of Public Health & Social Services to inspect the property prior to the hearing with 24 hours' notice to the applicant.

(ii) Public Health Review. As a mandatory condition of application for a variance, an applicant shall permit the Lewis County animal control authority, or the authority's designee, to enter and observe the property on which the dogs are kept or housed. The authority shall give 24 hours' notice of the inspection. The authority shall provide either a written or verbal report of his or her observations to the hearing examiner at least one week prior to the date of the hearing. The application shall include a waiver of the applicant's rights to restrict access to his or her property for the purpose of the inspection.

(iii) Standards of Review. After receiving the animal control authority's report and holding a hearing on the matter, the hearing examiner shall grant a variance if the applicant can prove and the examiner finds, by a preponderance of the evidence, that:

(A) More than one entity has ownership, control, charge, or custody of the dogs, six months or older, with intact sexual organs on the property; and

(B) The keeping or housing of more than 50 dogs on the property will not harm the health or wellbeing of any of the dogs, or create any of the conditions listed in subsection (3) of this section; and

(C) Granting a variance will not be contrary to the public interest or be injurious to other persons residing in the vicinity; and

(D) The size of the property does not limit the ability of the dogs to receive adequate exercise and proper shelter.

(iv) Public Hearing and Notification. The hearing examiner shall hold a public hearing on all variance requests. Notification of such hearing and the procedures for conducting the hearing shall be pursuant to the provisions of Chapter 2.25 LCC.

(v) Conditions of Approval. Upon granting a variance, the hearing examiner shall specify the maximum number of dogs with intact sexual organs over the age of six months that each person may own, possess, control or assert custody over on the property, and any other reasonable conditions that the hearing examiner may deem necessary to effectuate the purposes of this chapter.

(vi) Per Person Restriction. Under no circumstances shall the hearing examiner grant a variance to allow a person to own, possess, control, or otherwise have charge or custody of more than 50 dogs with intact sexual organs over the age of six months.

(4) Kennel Conditions. The owner or keeper of dogs kept in a kennel, which remain in a primary enclosure or enclosures for any period of time, shall at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. Each dog shall be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure shall be at least six inches higher than the head of the tallest dog that lives in the enclosure when the dog is in a normal standing position. Each enclosure shall be at least three times the length and width of the longest dog that lives in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise shall include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in subsection (3)(a) of this section allowing the dog free mobility for the entire exercise period, but shall not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures shall be kept in a sanitary condition. Housing facilities where dogs are kept shall be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities shall have a means of fire suppression, such as functioning fire extinguishers, on the premises and shall have sufficient lighting to allow observation of the dogs at any time of day or night;

(ii) Housing facilities shall enable all dogs to remain dry and clean;

(iii) Housing facilities shall provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(iv) Housing facilities shall provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure shall have floors that are constructed in a manner that protects the dogs' feet and legs from injury;

(vi) Primary enclosures shall be placed no higher than 42 inches above the floor and shall not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste shall be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs in the same enclosure at the same time shall be compatible, as determined by observation. Animals with a vicious or aggressive disposition shall never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat shall not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters shall not be in the same enclosure at the same time with other adult dogs. Puppies under 12 weeks shall not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam, unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles shall be regularly cleaned and sanitized. All enclosures shall contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog shall not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of 12 months and eight years of age shall be used for breeding. Animals requiring euthanasia shall be humanely destroyed. Surgeries and their equivalents, including but not limited to spaying, neutering, docking of tails, and cropping of ears, shall be performed by a licensed veterinarian.

(f) Take reasonable steps to reduce excessive barking and to insulate neighbors and the public from such barking.

(5) Exemptions.

(a) This section does not apply to the following:

(i) A veterinary facility that is not also a kennel;

(ii) A research institution; or

(iii) A grooming facility;

(b) Subsections (2) and (3) of this section do not apply to a commercial dog breeder licensed, before the effective date of this chapter, by the United States Department of Agriculture pursuant to the federal Animal Welfare Act (Title 7 U.S.C. Sec. 2131 et seq.). [Ord. 1214 §1, 2010]

6.15.030 Enforcement - Penalties.

Violation - Penalties.

Any entity who is found, beyond a reasonable doubt, in a criminal proceeding to have violated any portion of LCC 6.15.020 except LCC 6.15.020(1) shall be guilty of a gross misdemeanor, punishable by imprisonment in the county jail for a maximum term fixed by the court of up to three hundred and sixty four days, or by a fine in an amount fixed by the court of not more than five thousand dollars plus statutory assessments, or by both such imprisonment and fine. Further, upon probable cause that this crime has occurred, the animal(s) may be impounded under an administrative warrant issued pursuant to LCC chapter 6.05 and held pending resolution of the matter. Upon conviction, the entity shall be stripped by the Court of all ownership interest in the animal(s). The animal(s) shall become the property of Lewis County and may be humanely destroyed; provided, where the animal(s) has/have been declared dangerous the animal(s) shall be humanely destroyed and not held for adoption or sale and shall not become the property of Lewis County. Upon acquittal, the animal(s) shall be returned to the entity.

In addition, any violation of LCC 6.15.020 shall constitute a public nuisance, and the County may take legal action to enjoin and abate the nuisance.

6.15.040 Restitution

Upon conviction for any criminal law violation of this chapter, the defendant shall be liable to Lewis County for all costs actually incurred in the investigation and prosecution of the case. The costs shall include the costs of investigating the violation including the hourly rate of pay for Lewis County staff involved in the investigation process, transportation and housing and veterinary costs for any animals related to the matter or held by Lewis County, and any other incidental costs of investigation or prosecution, excluding attorney fees. The court shall impose all such costs as restitution.

6.15.050 Scope

The provisions of this chapter shall be effective in and throughout the unincorporated areas of Lewis County, Washington.

6.15.060 Severability

Should any section, paragraph, sentence, clause or phrase of this chapter, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this chapter be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this chapter or its application to other persons or circumstances.

Proposed Chapter 5.25
DOG KENNELS

Sections:

- 5.25.010 Preamble.
- 5.25.020 Definitions.
- 5.25.030 Operating Permit Required.
- 5.25.040 Other Code Applicable.
- 5.25.050 Kennel without Currently Valid Operating Permit—Penalties.
- 5.25.060 Application for and Granting or Denial of Operating Permit.
- 5.25.070 Annual Renewal of Operating Permit.
- 5.25.080 Amendments to Operating Permit.
- 5.25.090 Revocation of Operating Permit.
- 5.25.100 Posting.
- 5.25.110 Existing Kennels.

5.25.010 Preamble.

The board of county commissioners of Lewis County hereby declares that it is necessary for the protection of the health, welfare and safety of the people of Lewis County to enact under the police power of the county the following chapter, to provide for the humane care and treatment of animals, to prevent nuisances, and to prevent endangerment to the public health.

5.25.020 Definitions.

Terms used in this chapter shall have the same meaning as those used in Chapter 6.15 LCC (Dog Breeding Practices).

5.25.030 Operating Permit Required.

(1) The owner, operator, or person in control of a kennel, or of property or properties on which it is located, shall apply for an operating permit to operate the kennel. The applicant should apply for a permit that will accommodate the maximum number of dogs to be kept in the kennel.

(2) Fees. The fees for operating permits under this chapter shall be set forth in the Lewis County categorized schedule of fees, as adopted and updated from time to time by resolution by the Lewis County Board of County Commissioners.

(3) Only one operating permit need be obtained for each kennel during the permit's duration, unless the operating permit expires, is revoked, or otherwise loses force.

(4) The owner, operator, or person in control of any of the following entities may apply for a waiver exempting it from the permitting required by this chapter, which may be granted only if the nature of the entity and its operation are such that no public health or humane-treatment issues arise from its lack of an operating permit:

(a) A veterinary facility that is also a kennel;

(b) A retail pet store;

(c) A nonprofit animal-welfare or -protection organization with the primary purpose of providing temporary care, shelter, and placement of animals that would otherwise be at large;

(d) A research institution;

(e) An animal shelter run by Lewis County; or

(f) A kennel inspected and approved by a private breeders' organization with documented standards at least as rigorous as those provided in this chapter and Chapter 6.15 LCC.

(5) Waivers under subsection (4) of this section shall last for three years from the date the waiver is granted and shall be nontransferable.

5.25.040 Other Code Applicable.

Regardless of whether an operating permit is required of a kennel, it is subject to Chapter 6.15 of the Lewis County Code.

5.25.050 Kennel without Currently Valid Operating Permit—Penalties.

(1) It is a class 1 civil infraction, to be enforced pursuant to LCC 1.20.040, for a person to knowingly own, operate, or control a kennel, or the property or properties on which it is located, without a currently valid operating permit obtained and maintained pursuant to this chapter. This section applies in all circumstances in which the operating permit is not currently valid, whether from failure to obtain it initially, failure to renew it, its revocation, exceeding the scope of the permit, or otherwise. To violate this section, a person need not know that an operating permit is required or that the kennel's operating permit is not currently valid, nor that the property in question legally constitutes a kennel.

(2) A second or subsequent violation of subsection (1) of this section shall be a misdemeanor, punishable as prescribed in LCC 1.20.020. A committed finding on a prior infraction for violating subsection (1) of this section shall be sufficient to show the prior violation and notice to the accused, but shall not be necessary for proof of the misdemeanor. It shall suffice if it is proven beyond a reasonable doubt within the misdemeanor prosecution that (1) the prior violation occurred; (2) the accused was lawfully served with written notice of the prior violation before the second or subsequent violation; and (3) the second or subsequent violation occurred.

(3) Whether knowingly or not, owning, operating, or controlling a kennel, or the property or properties on which it is located, without a currently valid operating permit obtained and maintained pursuant to this chapter shall constitute a public nuisance that may be enjoined, abated, or otherwise remedied through a civil action.

5.25.060 Application for and Granting or Denial of Operating Permit.

(1) Application Contents. The Director of Lewis County Public Health & Social Services, or his or her designee, shall develop and maintain an application for the operating permit required by this chapter. A completed operating permit application shall include at a minimum:

(a) The location, owner, and operator of the kennel;

(b) Contact information for the owner, and if different, the operator of the kennel;

(c) The maximum number of dogs that will be kept at the kennel;

(d) The name and address of the person designated by the applicant as agent for the service of legal process or notice;

(e) The name, address, and contact information of the licensed veterinarian who cares for the applicant's sick or injured animals; and

(f) Permission from the owner and, if different, operator of the kennel to allow inspection of the facilities at a reasonable time for the purpose of granting or denying the operating permit;

(g) The operating permit fee prescribed in this chapter.

(2) Inspection. After a completed application is received, the Humane Officer, as defined in LCC 6.05.010, or other designee of the Director of Lewis County Public Health & Social Services shall perform an initial inspection or inspections of a kennel. The initial inspection(s) shall be of such areas and of such

extent to allow the inspector to determine, under the standards of LCC 6.15.020, whether the kennel poses a public health, nuisance, or humane-treatment risk.

(a) The initial inspection(s) shall be scheduled in advance at reasonable hours of county operation, and with input from the applicant. The applicant has the right to be present at the inspection, but need not be present. A reasonable request to reschedule the initial inspection, made in advance of the inspection, shall not count as a refusal of the inspection. Other reschedule requests shall count as deficient inspections, triggering reinspection or denial of the operating permit as set forth in this section.

(b) The inspector shall employ a checklist or rubric, to be developed and maintained by the Director of Lewis County Public Health & Social Services or his or her designee, setting forth the subjects of the inspection. Such subjects may be weighted in terms of their importance to public health, nuisance, and humane treatment. The inspector shall note any areas of deficiency and shall inform the applicant of such deficiency and the manner or manners in which it could be corrected.

(c) If after the initial inspection(s), the deficiency is such that the inspector recommends denying the application, the inspector may with the applicant's consent and after payment of a reinspection fee perform an unscheduled reinspection within the following thirty days. If, after the results of such reinspection, the deficiency is remedied, the operating permit application may proceed. If the deficiency is not remedied, or if the applicant refuses to allow an initial inspection or reinspection or to pay a reinspection fee, the operating permit application shall be denied.

(3) Upon receipt of a completed application, and following initial inspection(s) or reinspection, the operating permit application shall be granted if the kennel poses minimal public health, nuisance, or humane-treatment risks under the standards of LCC 6.15.020 for the maximum number of dogs specified in the permit application. The operating permit application shall be denied if the kennel poses public health, nuisance, or humane-treatment risks under the standards of LCC 6.15.020 that are not minimal; if it violates other applicable laws, such as zoning or animal cruelty laws; or if it is not completed with 120 days of its initial submission.

(4) If an operating permit application is denied, the applicant shall be provided written notice of the denial. The applicant shall have ten days to appeal the decision using the procedures set forth in LCC 2.25.130 and LCC 2.25.140. Upon a showing of a change in circumstances suggesting that the application may be granted, the applicant may reapply for an operating permit at any time.

(5) Any operating permit granted under this chapter lasts for one year from the date of its issuance and is nontransferable. Such operating permit shall be conditioned on the kennel's continued compliance with LCC 6.15.020 and other applicable laws.

5.25.070 Annual Renewal of Operating Permit.

A person may apply for a renewed operating permit under this chapter up to 60 days before the expiration of the prior operating permit, using the procedure set forth in LCC 5.25.050. A renewed operating permit may be postdated to take effect when the prior operating permit expires.

5.25.080 Amendments to Operating Permit.

A person may apply to amend an existing operating permit during the period in which it is effective. Such amendment may occur upon a change of circumstances including, but not limited to, a change in the maximum number of dogs permitted to be kept in the kennel.

(1) Amendments that do not bear on public health, nuisance, or humane treatment may be approved without additional inspection but shall not result in a refund of a portion of the fee for the permit.

(2) Any other amendments may be approved only after: (1) an inspection of the kennel in the manner of LCC 5.25.060(2) indicates that, under the amended permit, the kennel would pose minimal public health,

nuisance, or humane-treatment risks under the standards of LCC 6.15.020; and (2) the applicant pays any increased permit fee attributable to the amendment.

5.25.090 Revocation of Operating Permit.

(1) Upon probable cause that a permitted kennel is in violation of LCC 6.15.020 or of this chapter, the Humane Officer as defined in LCC 6.05.010, or other designee of the Director of Lewis County Public Health & Social Services shall cause written notice to be sent to the permittee of the alleged violation, specifying that the operating permit will be revoked within 30 days of the delivery of the notice unless the permittee requests a hearing on the violation within 14 days of the delivery of the notice.

(2) The hearing shall occur before the Director of Lewis County Public Health & Social Services or his or her designee not more than 45 days from the date of the hearing request unless a continuance is warranted for good cause. Any operating permit suspension shall be tolled pending the outcome of the hearing or subsequent appeals, but this shall not prevent an operating permit that would otherwise expire from expiring at the end of its term.

(3) At the hearing, the permittee shall appear in person or suffer default. The permittee may be represented by a retained attorney. The county may be represented by a deputy prosecuting attorney. The hearing shall be on the record, and testimony given under oath. The rules of evidence shall apply only as guidelines; the Director or his or her designee may consider any evidence that a reasonable person would consider in the conduct of his or her affairs, giving it such weight as is reasonable. Any evidence submitted shall be retained for the record.

(4) If the county proves by preponderance that the permitted kennel is in violation of LCC 6.15.020 or this chapter, the Director or his or her designee shall revoke the operating permit. If no such proof is made, the operating permit shall not be revoked. No costs or attorney fees shall be awarded. Either party may appeal the decision within 10 days using the procedures set forth in LCC 2.25.130 and LCC 2.25.140, but such review shall be limited to a review of the record for sufficiency of the evidence and errors of law, and no costs or attorney fees shall be awarded.

(5) If an operating permit is revoked, the former permittee may reapply for the operating permit using the procedure set forth in LCC 5.25.050, except that the operating permit application fee shall be doubled. No operating permit shall be issued upon such reapplication unless, in addition to all requirements for the operating permit, the applicant demonstrates that the violation giving rise to the operating permit revocation has been remedied.

5.25.100 Posting.

A copy of a kennel's operating permit shall be conspicuously posted on or in the building containing the kennel, or on the property containing or constituting the kennel if no building is used. Failure to comply with this section shall be a class 2 civil infraction, to be enforced pursuant to LCC 1.20.040.

5.25.110 Existing Kennels.

To give existing kennels an opportunity to comply, no operating permit nor any posting shall be required under this chapter until July 1, 2016.

Proposed Addition to Annual Fees Schedule for the Dept. of Pub. Health & Soc. Services for 2016
 (To be included directly beneath the Animal Shelter section)

ITEM	2015 BASE FEE	2015 VARIABLE FEE (if necessary):	ADDITIONAL FEES AND/OR PERMITS THAT MAY BE REQUIRED
<u>DOG KENNEL OPERATING PERMITS</u>			
Commercial – fewer than 15 dogs	50.00	100.00	Reinspection (if necessary):
Commercial – 16–30 dogs	100.00	200.00	
Commercial – 31–45 dogs	150.00	300.00	
Commercial – 46+ dogs	200.00	400.00	
Note: 51+ dogs requires a variance under LCC 6.15.020(3)(b)			
Noncommercial or hobby – fewer than 15 dogs	0.00	25.00	
Noncommercial or hobby – 16–30 dogs	25.00	50.00	
Noncommercial or hobby – 31–45 dogs	50.00	100.00	
Noncommercial or hobby – 46+ dogs	100.00	200.00	
Note: 51+ dogs requires a variance under LCC 6.15.020(3)(b)			
Amendment to Operating Permit without Inspection	10.00		
Amendment to Operating Permit with Inspection	25.00		Fee based on increase in maximum number of dogs permitted, if applicable