

**KITSAP COUNTY DISTRICT COURT
STATE OF WASHINGTON**

<p>_____, Petitioner, v. ANIMAL CONTROL KITSAP HUMANE SOCIETY, Respondent.</p> <p>Animal Name(s) – _____ Animal Description(s) – _____ _____</p>	<p>No. _____</p> <p>PETITION FOR RETURN OF IMPOUNDED DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL(S) KCC 7.12.020(c)</p>
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1. LITIGANT CONFIDENTIAL INFORMATION FORM

IMPORTANT NOTICE – District Court needs information about every party involved in a case so the court can accurately identify the parties and be able to contact them.

If you have not already done so, please complete a Litigant Confidential Information Form and provide it to the court. You should also use the form to update information previously provided to the court. The form is available at many locations on the District Court website (www.kitsap.gov/dc).

2. DECLARATION OF OWNER

My true name is _____ and I make the following declaration –

2.1 **Owner**. I am the owner of _____ (*names*) [hereafter “animal(s)”], a
_____ (*animal descriptions*).

2.2 **Animal(s) Status**. (*select all that apply*)

_____ **Dangerous Animal(s)**. On _____, my animal(s) was/were
declared to be a dangerous animal by _____.

_____ **Potentially Dangerous Animal(s)**. On _____, my animal(s)
was/were declared to be a potentially dangerous animal by _____.

2.3 **Impoundment**. On _____, my animal(s) was/were impounded by the
Animal Control Kitsap Humane Society.

2.4 **Notice Of Impoundment Hearing.**

_____ **Received Notice.** On _____, I was provided notice of the hearing to be held before the Hearing Examiner to determine disposition of my impounded animal(s).

_____ **Did Not Receive Notice.** I did not receive notice of the hearing to be held before the Hearing Examiner to determine disposition of my impounded animal(s).

2.5 **Hearing Examiner’s Decision.** On _____, the Hearing Examiner entered a decision determining that my animal(s) should not be returned to me.

2.6 **Posting A Bond.** I understand that I am required to post a bond with the District Court in an amount sufficient to provide minimum care for the animal(s) for 30 calendar days from the seizure date. KCC 7.12.020(c)(2).

2.7 **Deadline To Post Bond.** I understand that I am required to post the bond with the clerk of the District Court within 7 calendar days after the animal was seized. KCC 7.12.020(c).

In the event the deadline falls upon a day when the court shall be closed, the time for such filing shall be extended until the end of the next business day upon which the Court shall be open for business. General Rule 3.

2.8 **Failure To Timely Post Bond.** I understand that if the Animal Control Kitsap Humane Society still has custody of my animal(s) when the bond or security expires, my animal(s) shall become the Animal Control Kitsap Humane Society’s property unless the court orders an alternative disposition.

If a court order prevents the Animal Control Kitsap Humane Society from assuming ownership and it continues to care for the animal(s), the court shall order the owner to renew a bond or security for the continuing costs for the care of the animal(s). KCC 7.12.020(c).

2.9 **My Statement.** Describe why your animal(s) should be returned to you (see the definitions on the following pages) –

2.10 **My Request.** I request that District Court – (1) order the immediate return of my animal(s) to me; and (2) impose any conditions the Court deems appropriate.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, and that I am the person whose name I typed (or wrote) below.

SIGNED at (city) _____, (state) _____ on (date) _____.

/s/ Signed Electronically

[Note – By typing your name, you intend to sign electronically and agree your electronic signature is the same as a handwritten signature for the purpose of validity, enforceability, and admissibility.]

DEFINITIONS

ANIMAL CONTROL AUTHORITY – KCC 7.04.020(5).

“Animal control authority” means Kitsap Humane Society, the Kitsap County sheriff’s office, or other organization contracted by the board of county commissioners to enforce the county’s animal control provisions.

DANGEROUS ANIMAL – KCC 7.04.020(10).

“Dangerous animal” means any pet or livestock that, according to the records of the animal control authority:

- (A) Has inflicted severe injury on a human being without provocation while on public or private property;
- (B) Has killed a pet or livestock without provocation while off the owner’s property; or
- (C) Has been previously found to be potentially dangerous, the owner having received notice of such, and the animal again aggressively bites, attacks, or endangers the safety of humans, pets, or livestock.

IMPOUNDMENT – KCC 7.04.020(19).

“Impoundment” means when an animal is placed under the control or custody of the animal control authority.

LIVESTOCK – KCC 7.04.020(22).

“Livestock” means animals including, but not limited to, all equine (horse, mule), bovine (cattle), porcine (swine), caprine (goats), ovine (sheep), camelid (camel, llama, alpaca), ratitae (ostrich, emu, rhea), domesticated poultry, game birds and waterfowl (as authorized by the state of Washington), or federally permitted fowl and other pen raised fowl, or other animals raised primarily for use as food or fiber for human utilization or consumption.

OWNER – KCC 7.04.020(23).

“Owner” means any person or entity which controls, maintains, possesses, has custody of, or otherwise provides care, shelter, protection, restraint, refuge, food, or nourishment in such a manner as to control an animal’s activities.

PET – KCC 7.04.020(24).

“Pet” means any animal maintained by a person or entity for the primary purpose of personal enjoyment, exhibition, companionship or service including, but not limited to, domesticated animals, such as cats and dogs, and non-domesticated animals suitable to living in companionship with humans, such as some birds and mammals.

POTENTIALLY DANGEROUS ANIMAL – RCW KCC 7.04.020(26).

“Potentially dangerous animal” means any animal that when unprovoked:

- (A) Inflicts a bite(s) on a human, pet, or livestock either on public or private property;
- (B) Chases or approaches a person upon the streets, sidewalks, or any other public grounds or private property in a menacing fashion or apparent attitude of attack; or
- (C) Any animal with a known propensity, tendency, or disposition to attack unprovoked, or to cause injury or otherwise threaten the safety of humans, pets, or livestock on any public or private property.

PROVOKE – KCC 7.04.020(27).

“Provoke” means to intentionally agitate, harass, or excite an animal.

REGISTRATION OF DANGEROUS ANIMALS – KCC 7.12.030.

(a) Registration Required. The owner of an animal declared to be dangerous by a court of law, the hearing examiner, or the animal control authority, shall register the dangerous animal with the animal control authority pursuant to RCW 16.08.080 within seven calendar days of the date the animal is declared dangerous. Thereafter, the dangerous animal shall be registered annually.

(b) Annual Registration Expiration. Certificates of registration for dangerous animals shall expire on the anniversary date of the animal’s initial registration.

(c) Annual Registration Fee. The annual registration fee for dangerous animals shall be \$100.00. This registration fee is in addition to regular animal licensing fees.

(d) Certificate of Registration Application. An application to obtain a certificate of registration of a dangerous animal shall contain the following:

- (1) Owner Contact Information. Name, address, and telephone number of the applicant owner;
- (2) Animal Information. Type, name, age, color, sex, and distinguishing characteristics of the animal;
- (3) Enclosure Diagram. A diagram to approximate scale showing the proper enclosure to confine the animal;
- (4) Bond. A surety bond issued by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the animal control authority in a sum equal to at least the minimum required by RCW 16.08.080;
- (5) Liability Insurance. A policy of liability insurance, such as homeowner’s insurance, issued by an insurer qualified under Title 48 RCW, in an amount equal to at least the minimum required by RCW 16.08.080, insuring the applicant owner for personal injuries inflicted by the animal;
- (6) Animal Photo. A recent clear color photo of the animal;

(7) Microchipping. Proof of permanent identification upon the animal by the procedure known as microchipping, if applicable;

(8) Warning Sign. Evidence of the posting of the premises with a clearly visible warning sign that there is a dangerous animal on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous animal.

(e) Pre-certificate On-site Inspection – Within 30 Days. An employee of the animal control authority shall make an on-site inspection of the applicant’s site for keeping the dangerous animal to ensure that the site is properly enclosed and posted, pursuant to RCW 16.08.080(2)(a). Such inspection shall occur within thirty calendar days of the animal being declared dangerous.

(f) Non-compliance. In the event the owner of a dangerous animal fails to comply with the requirements of this section and/or RCW 16.080.080, the animal control authority can take immediate action pursuant to RCW 16.08.100. Rules and regulations for notifying owners of the confiscation of registered dangerous animals shall be formulated by the animal control authority. Section 7.12.020(c) shall govern the procedures for impoundment.

(g) Certificate of Registration Issuance. On behalf of the county, the animal control authority shall issue the certificate of registration if the registration fee is paid and the application and site inspection show that the applicant meets the requirements of this section and applicable state law. The certificate of registration shall contain its date of expiration and also a statement of the applicable state criminal penalties for failing to comply. The certificate of registration shall be prominently displayed by the owner of the dangerous animal in a conspicuous location.

(h) Annual Inspections. Within thirty calendar days prior to the renewal of a certificate of registration, the animal control authority shall inspect the premises where the dangerous animal is kept at a time mutually convenient to both the animal control authority and the owner of the animal. The purpose of this annual inspection shall be to ascertain whether the site remains in compliance with this section. Such inspection shall occur on or before the expiration of the certificate of registration.

Failure of the owner of the animal to cooperate in this inspection can result in further action pursuant to RCW 16.08.100 and subsection (f) of this section.

(i) Change of Ownership Prohibited Without Court Approval. An owner of an animal declared dangerous shall not sell, barter, or otherwise transfer the ownership, custody, or residence of the animal without first obtaining written court approval. Any owner seeking such court approval shall notify the animal control authority of its intent.

(j) Prohibited Ownership. No person(s) under the age(s) of eighteen years old shall own a dangerous animal, as defined in Section 7.04.020(10).