



Washington County Civil Infraction FAQ's

WHAT IS A CIVIL INFRACTION?

Washington County Animal Services, specifically the Washington County Code, allows citizens to file infractions for violations that they witness. These violations predominantly involve barking dogs, dogs running loose off the owner's property and dogs inflicting injury to humans and other domestic pets. The civil infraction process is used when the dog owner has not resolved the situation, after they have been issued warnings from animal services, or when the dog inflicts injury regardless of prior warnings.

HOW CAN I FILE A CIVIL INFRACTION?

You, as the complainant, will be asked to fill in a declaration of probable cause form used to support the allegations. If the case involves a barking dog you will need to furnish the name, address and daytime phone number of at least one neighbor who is willing to go to court with you as a supporting witness. For a barking dog case you need to keep a log of the dates and times the nuisance is occurring. A copy of the log should be attached to the forms. Other supporting evidence, such as photos, may also be submitted.

When your paperwork is all in order you need to call our office to set up an appointment with an Animal Services Officer. This appointment takes approximately 30 minutes. When you come in for your appointment the officer will review your forms to ensure they are completed properly, go over the process with you and then issue the infractions for your signature. Once these are completed the case will be sent to County Counsel for review and approval. A \$30 non-refundable filing fee is required to process the complaint. If modifications are required you may have to come back in and furnish further proof of the allegations. It is possible that County Counsel may decline to prosecute if it determines that prosecution is not appropriate or likely to succeed.

WHAT HAPPENS NOW THAT THE INFRACTION IS APPROVED?

The approved infraction is sent back to Animal Services for service upon the defendant. The dog owner will be served with the infraction in person or by mail telling them that they will need to answer charges in Justice Court. On the face of the infraction the defendant will be given a date and time of their arraignment. You will not need to attend the arraignment. At the arraignment the defendant will be given an opportunity to enter a plea. If the defendant pleads "guilty" the judge will determine the penalty and the case will be closed. If the defendant pleads "not guilty" the court clerk will then set a hearing date. You and your witnesses will be notified of the date, time and location of the hearing. You and all your witnesses will be required to attend the hearing. If you or your witnesses do not appear then the case against the defendant will be dismissed and cannot be reset. If the defendant does not appear he will be automatically presumed to be guilty.

WHAT HAPPENS AT THE HEARING?

At the hearing the judge will review all the evidence and testimony. You, your witnesses and the defendant will all be given the opportunity to address the court. The judge will make a determination of guilt, and if the dog owner is found "guilty" the judge will set a penalty. The penalty will be a monetary fine that is listed on the face of the infraction. The judge has the ability to modify the fine to a lower fee than listed and/or set other requirements upon the dog owner. The maximum penalty for a civil infraction is \$500. In addition to any civil penalty, the hearings officer may order additional steps to remedy the violation. If the defendants hire an attorney then the county will furnish its own attorney who will represent the county's interest in the case.

CAN I COLLECT DAMAGES? SHOULD I HIRE AN ATTORNEY?

If you have damages resulting from this violation, the judge may impose restitution for your damages. You must file a separate action in small claims court to ask for compensation for your damages. Your own counsel, for the purpose of this hearing, does not need to represent you. However, if you do hire an attorney the cost is not recoverable in this process.



CIVIL INFRACTIONS

- 1) There is a nonrefundable \$30.00 filing fee for all civil infractions. If, the hearings officer rules in your favor, you might be able to collect the \$30.00 filing fee. It is not the responsibility of Washington County to collect any so ordered fees. No fees will be refunded if the County Legal office dismisses this complaint.
- 2) When filling out your affidavit please be very specific on dates and times. We are not able to file an infraction without this information. It is not acceptable to fill in “the dog runs loose (or barks) all the time.” For a barking dog case, we will need a copy of your log with the various barking times to attach to the infraction. We will make copies of all the dates for you when you meet with us. Bring your copies to the hearing with you to help you with your testimony.
- 3) We do not expect you to know the breeds of all types of dogs, but please note the size (small, medium or large) and color of the animals. Also include the animal’s sex or call name if known.
- 4) When choosing witnesses for your affidavit keep in mind that they must have witnessed the **same exact activity** as stated on the face of the infraction. You will need at least one other non-related witness for barking dog cases. For a barking dog case you will all need to agree on the dates and times of the barking incidents. It should be noted that many of the civil infractions turned in to the County Legal office for barking dogs are dropped due to a lack of supporting witnesses, so proceed carefully. For other types of complaints you may be the only witness.
- 5) It is not necessary for you to have made prior contact with the dog owner. However, if you have, please note it in the section provided. If you have turned in complaints to our office previously also note that information so we can research our files and possibly provide supporting evidence. If you do not know the name of the dog owner please let us know at the time you set up your meeting with us so that we have time to research the information. We cannot write citations without knowing the name of the owner.
- 6) You may use video footage or photos to support your complaint. The person who takes the photos or footage will need to be available to testify at the hearing to substantiate the date, time and circumstances under which the film was taken.
- 7) **After you have completed your forms please call Animal Services to schedule an appointment to review the documents and issue the citation.**

Thank you, Animal Services Staff.



DECLARATION OF PROBABLE CAUSE
IN SUPPORT OF CIVIL INFRACTION

Owner of dog(s) _____ Phone number _____

Address _____ City _____ State _____ Zip _____

Date(s) of Incident _____ Time(s) of Incident _____
(attach log if needed)

Description of dog(s) (i.e. breed, color, sex, size)

Complaining Party (Your name) _____ Phone number _____

Address _____ City _____ State _____ Zip _____

Names of people (Non-relatives) who support the allegations or witnessed the alleged incident,
and who would be willing to serve as witnesses in a hearing.

1)Name _____ 2)Name _____

Address _____ Address _____

Phone _____ Phone _____

3)Name _____ 4)Name _____

Address _____ Address _____

Phone _____ Phone _____

Alleged Violation

_____ Barking
_____ Dog At Large (running loose)
_____ Dangerous Dog....Date of Bite _____ Case # _____
_____ Other _____

Prior Contact made with the Dog(s) Owner(s)?

_____ In person _____ By Animal Services Officer
_____ In writing or e-mail
_____ By phone or fax

Office Use Only:

Charge _____ Animal Control Report # _____ Infraction # _____

