



**RULE-MAKING ORDER**  
(RCW 34.05.360)

*Adm Order 5049*

**CR-103 (10/1/89)**

Agency: Department of Agriculture

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: June 9, 1994

(2) Purpose:  
Sets livestock market license fees, brand inspection regulations, and facilities requirements.

(3) Citation of existing rules affected by this order:

Repealed:  
Amended: WAC 16-604  
Suspended:

(4) Authority for adoption:  
Statute: RCW 16.65  
Other Authority:

(5.1) **PERMANENT RULE ONLY**  
Pursuant to notice filed as WSR 94-10-074 on May 18, 1994 (date).  
Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**  
Pursuant to RCW 34.05.350 the agency for good cause finds:  
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?  
 Yes  No If yes, explain:

(6) Effective date of rule:

<b>Permanent Rules</b>	<b>Emergency Rules</b>
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____ *	<input type="checkbox"/> Later (specify) _____

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**  
CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED  
JUN 09 1994  
TIME: 4:13  
WSR 94-13-009

NAME (TYPE OR PRINT)  
**Jim Jesernig**  
SIGNATURE  
*Jim Jesernig*  
TITLE  
Director  
DATE  
6/9/94

NEW SECTION

**WAC 16-604-008 License fees.** License fees for individuals wishing to operate public livestock markets shall be based upon audited average gross sales volume per official sales day of that market. The fee schedule shall be established as follows:

- (1) For markets producing gross sales up to and including ten thousand dollars a license fee of one hundred fifty dollars;
- (2) For markets producing gross sales over ten thousand dollars up to and including fifty thousand dollars, a license fee of three hundred fifty dollars;
- (3) For markets producing gross sales over fifty thousand dollars, a license fee of four hundred fifty dollars.

AMENDATORY SECTION (Amending WSR 92-06-013, filed 2/24/92, effective 3/26/92)

**WAC 16-604-010 Brand inspection regulations.** (1) All cattle and horses shall be inspected for brands by the director prior to sale at any public livestock market.

(2) A minimum daily inspection fee of ninety dollars shall be paid by the licensee to the department.

(3) Whenever any cattle or horses are offered for sale at a market and not sold, the identical animals may be offered for sale at the same market within eight days of the original inspection date without being required to pay a second brand inspection fee, upon presentation of the prior brand inspection certificate. In any such instance the unsold cattle or horses must be presented for brand inspection without any animals having been taken from, or other animals having been added to, such lot or group of livestock and must be retained on the premises where first offered for sale within the time limit specified above.

~~((3))~~ (4) It shall be the responsibility of the licensee to identify each head of cattle and horses consigned to a market by placing a numbered tag or other method of identification as approved by the director on each animal before the animals are brand inspected. Certain lots of one brand cattle or no brand cattle may be exempted by the director. The licensee or any consignor shall, at the request of the director, make visible any brand on any animal. The licensee shall provide the director with a sale ticket or sale sheet immediately after the animal is sold which shall show the name of the new buyer and the number identifying the animals.

~~((4) Brand inspection facilities shall be approved by the director and shall consist of:~~

~~(a) A chute which has a solid base on each side of sufficient strength to contain cattle and horses at least twenty four inches in height, but no more than thirty six inches in height. Above the~~

~~base on each side, the chute shall have wire cables extended along its entire length separated by six inch intervals to a height of at least six feet. The cables shall be attached to a vertical post every sixteen feet, alternated with a pipe or stay every eight feet for support and to ensure that the cables are maintained in a tight condition;~~

~~(b) The brand chute shall be kept well lit with shop, spot, or flood lights on both sides of the chute at a height of five feet above the highest cable. The lighting shall extend for a distance of three fourths of the length of the chute beginning at the head of the chute;~~

~~(c) Electrical outlets for clippers at chutes;~~

~~(d) The brand inspection area shall be kept free of any leaking or water build up of any kind and well covered by adequate roofing;~~

~~(e) The work area for brand inspectors on each side of the chute shall be protected from cattle and horses being unloaded or moved by fencing or any other permanent structure allowing at least thirty inches of work space along the length of the chute;~~

~~(f) An office shall be provided in the brand inspection area with dimensions of at least eight feet by ten feet. The office shall contain adequate heating and a counter approximately eighteen inches in width at a standing work level.)~~

(5) No person shall remove any cattle or horses from the premises of any market without first obtaining a release from the licensee. The licensee or any agent or employee of the licensee shall not allow the removal of any cattle or horses from the premises of the market without first obtaining a brand inspection clearance issued by the director for the cattle or horses to be removed.

## NEW SECTION

**WAC 16-604-012 Brand inspection facilities.** Brand inspection facilities shall be approved by the director and shall consist of:

(1) A chute which has a solid base on each side of sufficient strength to contain cattle and horses at least twenty-four inches in height, but no more than thirty-six inches in height. Above the base on each side, the chute shall have wire cables extended along its entire length separated by six-inch intervals to a height of at least six feet. The cables shall be attached to a vertical post every sixteen feet, alternated with a pipe or stay every eight feet for support and to ensure that the cables are maintained in a tight condition;

(2) The brand chute shall be kept well lit with shop, spot, or flood lights on both sides of the chute at a height of five feet above the highest cable. The lighting shall extend for a distance of three-fourths of the length of the chute beginning at the head of the chute;

(3) Electrical outlets for clippers at chutes;

(4) The brand inspection area shall be kept free of any leaking or water build-up of any kind and well covered by adequate roofing;

(5) The work area for brand inspectors on each side of the chute shall be protected from cattle and horses being unloaded or moved by fencing or any other permanent structure allowing at least thirty inches of work space along the length of the chute;

(6) An office shall be provided in the brand inspection area with dimensions of at least eight feet by ten feet. The office shall contain adequate heating and a counter approximately eighteen inches in width at a standing work level.