



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 06-134

RELATING TO POTENTIALLY DANGEROUS AND DANGEROUS DOGS
AMENDING CHAPTER 9.10 SNOHOMISH COUNTY CODE

BE IT ORDAINED:

Section 1. Snohomish County Code Section 9.10.020, last amended by Ordinance No. 95-098 on December 20, 1995, is amended to read:

**9.10.020 Declaration of potentially dangerous dog or dangerous dog --
Procedure and notification requirements.**

(1) The animal control agency shall identify and classify potentially dangerous dogs and dangerous dogs. The agency may find and declare an animal potentially dangerous or dangerous if the animal control officer has probable cause to believe that the animal falls within the definitions set forth in SCC 9.01.030 ~~((18))~~ (19) or SCC 9.01.030 (10). Probable cause may be based upon:

- (a) the written ~~((complaint))~~ statement of a citizen who is willing to testify that he or she witnessed the animal acting in a manner which causes it to fall within the definition of SCC 9.01.030 ~~((18))~~ (19) or SCC 9.01.030 (10); or
~~((b)) dog bite reports filed with the animal control agency;~~
- ~~((c))~~ (b) actions of the dog ~~((witnesses))~~ witnessed by any animal control officer or law enforcement officer; or
- ~~((d))~~ (c) other substantial evidence.

(2) Upon ~~((making a finding))~~ declaring a dog potentially dangerous or dangerous under subsection (1) of this section, the animal control agency shall prepare a written notice that the dog is dangerous or potentially dangerous. At a minimum, the notice shall state:

- (a) A description of the dog including breed, color, sex and license number, if known;
- (b) The name and address of the owner, if known;
- (c) The location of the animal if not in the custody of the owner;
- (d) The facts upon which the notice is based;

(e) The requirements for containment and restraint of the dog, if applicable, as determined by the animal control agency, that the requirements for containment and restraint shall be complied with immediately upon receipt of the notice ((:)) and that failure to comply with the requirements of containment and restraint shall result in the immediate confiscation and impoundment of the dog, pursuant to SCC 9.10.090;

(f) The criminal penalty for violation of the requirements for containment and restraint imposed by the animal control agency, including a statement advising that if the requirements are not timely met, ~~((that))~~ the animal control officer shall have the authority to issue a criminal citation or report such noncompliance to the office of the prosecuting attorney, which shall also have authority to issue a criminal citation~~((:))~~, and that if the dog is declared potentially dangerous, similar incidents in the future could result in the dog being declared dangerous pursuant to Section 9.01.030 (10); and

(g) a statement advising:

(i) that the notice may be appealed to the Snohomish county hearing examiner as specified in SCC 2.02.125 ~~((and SCC 9.12.101)); and~~

(ii) ~~((that any per diem civil penalty shall not accrue during the pendency of such administrative appeal; and))~~ that the failure to file a timely and complete appeal will constitute a waiver of all rights to an appeal under county code.

~~((iii) that the failure to file a timely and complete appeal will constitute a waiver of all rights to an appeal under county code.))~~

(h) a statement that the notice constitutes a final determination that the dog is either potentially dangerous or dangerous.

(3) The notice shall be served on the owner ~~((in))~~ by one of the following methods:

(a) certified mail to the owner's last known address. The service shall be deemed complete upon the third day following the day upon which the notice was placed in the mail; or

(b) ~~((personally))~~ personal service. If the declaration is personally served, proof of personal service of the declaration shall be made by a written declaration under penalty of perjury executed by the person ~~((affecting))~~ effecting service, declaring time, date and manner in which service was made; or

(c) if the owner cannot be located as provided in paragraph (a) or (b) of this subsection, by publication in a newspaper of general circulation. The service shall be deemed complete 14 days following the day upon which the notice was published.

Section 2. Snohomish County Code Section 9.10.030, last amended by Ordinance No. 95-098 on December 20, 1995, is amended to read:

9.10.030 Appeal of notice of potentially dangerous or dangerous dog.

(1) Any owner of a dog which has been declared potentially dangerous or dangerous by the animal control agency pursuant to SCC 9.10.020 may appeal the ~~((notice))~~ declaration to the Snohomish county hearing examiner pursuant to the provisions of SCC 2.02.125 ~~((and SCC 9.12.101)).~~

(2) The enforcement stay contained in SCC 2.02.125(3) shall not apply to the declaration that a dog is potentially dangerous or dangerous, except that no dog declared potentially dangerous or dangerous shall be destroyed as provided by this chapter during the pendency of an appeal as provided herein.

(3) At the hearing, the director of the animal control agency and his officers shall have the burden of proving the dog declared dangerous or potential dangerous falls within the definition of SCC 9.01.030 (10) and (15), which burden shall be met by a preponderance of the evidence.

(4) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by an action for writ of review filed in Snohomish County superior court as provided in chapter 2.02 SCC.

Section 3. Snohomish County Code Section 9.10.040, last amended by Ordinance No. 02-042 on September 18, 2002, is amended to read:

9.10.040 Certification of registration of a dangerous dog required.

(1) It shall be unlawful for ~~((an owner to have))~~ a person or persons to keep, own or otherwise maintain a dangerous dog in Snohomish county without a certificate of registration issued under this section.

(2) Following the declaration of dangerous dog ~~((and the exhaustion of the appeal process))~~, the owner of a dangerous dog must obtain a certificate of registration for the dog with the licensing authority within fifteen days as provided in this section.

(3) The licensing authority is authorized to issue a certificate of registration to the owner of a dangerous dog upon payment of ~~(((\$100))~~ a \$200 registration fee and if the owner presents sufficient evidence of the following:

(a) ~~a proper enclosure ((to confine a dangerous dog and the posting of the premises with a clearly visible warning symbol that informs children as well as adults of the presence of a dangerous dog))~~ of a dangerous dog; and

(b) either:

(i) a surety bond issued by a surety insurer qualified under chapter 48.28 RCW and in a form acceptable to the licensing authority in the sum of at least \$250,000, payable to any person injured by the dangerous dog; or

(ii) a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW and in a form acceptable to the licensing authority in the amount of at least \$250,000, insuring the owner for any personal injury inflicted by the dangerous dog~~((-))~~;

(c) that the dog has been microchipped;

(d) that the dog has been licensed; and

(d) that the dog has been neutered or spayed.

Section 4. Snohomish County Code Section 9.10.060, last amended by Ordinance No. 02-042 on September 18, 2002, is amended to read:

9.10.060 Potentially dangerous dog -- Confinement ~~((on and off premises of owner))~~.

It shall be unlawful for the owner of a potentially dangerous dog:

(1) to ~~((allow))~~ suffer or permit the dog ~~((to remain on the premises of the owner unrestrained by a secure leash or other restraint or not under the control of the owner))~~ to be on the property where the owner resides and outside the owner's dwelling unless the dog is contained by a secure fence or under control; or

(2) to suffer or permit the dog to leave the ~~((premises of the))~~ property where the owner resides unless the dog is ~~((securely restrained by a substantial leash or other restraint under the control of a responsible person))~~ under control and securely muzzled. The muzzle shall be worn in a manner which will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

Section 6. Snohomish County Code Section 9.10.070, last amended by Ordinance No. 95-098 on December 20, 1995, is amended to read:

9.10.070 Dangerous dog -- Confinement ~~((off premises of owner))~~.

It shall be unlawful for the owner of a dangerous dog to suffer or permit the dog to be outside the proper enclosure of ~~((the))~~ a dangerous dog unless the dog is securely muzzled and ~~((restrained by a substantial leash or other restraint and under the control of a responsible person))~~ under control. The muzzle shall be ~~((made))~~ worn in a manner which will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

Section 5. Snohomish County Code Section 9.10.090, last amended by Ordinance No. 95-098 on December 20, 1995, is amended to read:

9.10.090 Potentially dangerous and dangerous dog – Confiscation – Notice - Conditions – Penalties for owners of dogs that attack – Dog fights, penalty.

(1) Any potentially dangerous dog shall be immediately confiscated by the animal control agency if:

(a) the dog is ~~((not maintained within a proper enclosure or otherwise restrained on the premises of the owner))~~ either not contained by a secure fence or under control while on the property where the owner resides and outside of the owner's dwelling; or

(b) the dog is ~~((outside))~~ off the ~~((dwelling of))~~ property where the owner resides, ~~((outside a proper enclosure and not under physical restraint of a responsible person))~~ and the dog is either not under control or not securely muzzled.

In addition, the owner shall be guilty of a misdemeanor punishable in accordance with RCW 9A.20.021.

(2) Any dangerous dog shall be immediately confiscated by the animal control agency if:

(a) the dog is not validly registered pursuant to ~~((SCG 9.10.050))~~ SCC 9.10.040;

or

(b) the owner does not maintain continuous liability insurance coverage or surety bond required under SCC 9.10.040; or

(c) the dog is not ~~((under control of the owner))~~ in a proper enclosure of a dangerous dog and either not under control or not securely muzzled((; or))

~~(d) the dog is outside the dwelling of the owner, outside of a proper enclosure and not wearing an appropriate muzzle and not under physical restraint of a responsible person.~~

In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

(3) ~~((If a potentially dangerous dog as determined by this chapter attacks or bites another person or another domestic animal, the dog's owner is guilty of a gross misdemeanor, punishable in accordance with RCW 9A.20.021))~~ If a dog is confiscated under section (1) or (2) above, the animal control agency must serve notice pursuant to this chapter upon the dog owner within seventy-two hours of the confiscation, specifying the reason for the confiscation of the potentially dangerous or dangerous dog, that the owner is responsible for redemption of the dog pursuant to SCC 9.12.110, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within fifteen calendar days of the receipt of the notification. The animal control agency shall destroy the confiscated potentially dangerous or dangerous dog in an expeditious and humane manner if any deficiencies required by the notice are not corrected within fifteen days of service of the notification.

(4) ~~((If a dangerous dog as determined by this chapter attacks or bites another person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. In addition, the dangerous dog shall be immediately confiscated by the animal control agency, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner))~~ Any dog which threatens the safety of any animal or person, whether designated as potentially dangerous or dangerous, may be immediately confiscated by the animal control agency prior to a notice being served pursuant to SCC 9.10.020. Within seventy-two hours of the confiscation, the animal control agency shall serve notice under SCC 9.10.020 on the owner. If the requirements included in the notice are satisfied and the dog is redeemed pursuant to SCC 9.12.110, the dog shall be released. The animal control agency shall destroy the confiscated dog in an expeditious and humane manner if the requirements included in the subsequent notice are not satisfied or the dog is not redeemed within fifteen calendar days of the notification.

~~(5) ((The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether the dog has previously been declared potentially dangerous or dangerous, shall be guilty of a class C felony punishable in accordance with RCW 9A.20.021. In addition, the dog shall be immediately confiscated by the animal control agency, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner))~~ If a potentially dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or a domestic animal, the dog's owner is guilty of a misdemeanor, punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that he or she was in compliance with the requirements for ownership of a potentially dangerous dog pursuant to this chapter and the person or domestic animal attacked or bitten by the defendant's dog trespassed on the defendant's real or personal property or provoked the defendant's dog without justification or excuse.

~~(6) ((Any person entering a dog into a dog fight is guilty of a class C felony punishable in accordance with RCW 9A.20.021))~~ If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that he or she was in compliance with the requirements for ownership of a dangerous dog pursuant to this chapter and the person or domestic animal attacked or bitten by the defendant's dog trespassed on the defendant's real or personal property or provoked the defendant's dog without justification or excuse. In addition, the dangerous dog shall be immediately confiscated by the animal control agency, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

~~(7) The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall be guilty of a class C felony punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the human severely injured or killed by the defendant's dog: (a) trespassed on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of small children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog; or (b) provoked the defendant's dog without justification or excuse on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of small children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog. In such a prosecution, the state has the burden of showing that the owner of the dog either knew or should have known that the dog was potentially dangerous as defined in this chapter. The state may not meet its burden of proof that the owner should have known the dog was potentially dangerous solely by showing the dog to be a particular breed or breeds. In addition, the~~

dog shall be immediately confiscated by the animal control agency, quarantined, and upon conviction of the owner destroyed in an expeditious and humane manner.

(8) Any person entering a dog into a dog fight is guilty of a class C felony punishable in accordance with RCW 9A.20.021.

PASSED this 28th day of February, 2007.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Dave Garrett
Chairperson

ATTEST:

Sheila McCallister
Clerk of the Council, *asst*

APPROVED

Date: *3/6/07*

VETOED

EMERGENCY

[Signature]
for County Executive
MARK SOINE
Deputy Executive

ATTEST:

Cara E. Palmer

Approved as to form only:

Deputy Prosecuting Attorney

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