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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 10 - 069

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

BE IT ORDAINED:

Section 1. Snohomish County Code Section 9.10.030, last amended by Ordinance No. 06-134 on February 28, 2007 is amended to read:

SCC 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 or confiscated under SCC 9.10.090 may appeal the declaration or confiscation to the Snohomish county hearing examiner pursuant to the provisions of SCC 2.02.125.

(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 by a preponderance of the evidence that the dog declared dangerous or ~~((potential))~~ potentially dangerous falls within the definition of SCC 9.01.030 (10) and (15) or that the dog was in violation of SCC 9.10.090 when confiscated ~~((, 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

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1 reviewable by an action for writ of review filed in Snohomish County superior court as
2 provided in chapter 2.02 SCC.

3
4
5 Section 2. Snohomish County Code Section 9.10.090, last amended by Ordinance
6 No. 06-134 on February 28, 2007 is amended to read:

7
8 **SCC 9.10.090 Potentially dangerous and dangerous dog -- Confiscation --**
9 **Conditions -- Penalties for owners of dogs that attack -- Dog Fights, penalty.**

10
11 (1) Any potentially dangerous dog shall be immediately confiscated by the animal control
12 agency if:

13
14 (a) the dog is either not contained by a secure fence or under control while on the
15 property where the owner resides and outside of the owner's dwelling; or

16
17 (b) the dog is off the property where the owner resides, and the dog is either not
18 under control or not securely muzzled. In addition, the owner shall be guilty of a
19 misdemeanor punishable in accordance with RCW 9A.20.021.

20
21 (2) Any dangerous dog shall be immediately confiscated by the animal control agency if:

22
23 (a) the dog is not validly registered pursuant to SCC 9.10.040;

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

26
27 (c) the dog is not in a proper enclosure of a dangerous dog and either not under
28 control or not securely muzzled. In addition, the owner shall be guilty of a gross
29 misdemeanor punishable in accordance with RCW 9A.20.021.

30
31 (3) If a dog is confiscated under section (1) or (2) above, the animal control agency must
32 serve notice pursuant to this chapter upon the dog owner within seventy-two hours of the
33 confiscation, specifying the reason for the confiscation of the potentially dangerous or
34 dangerous dog, that the owner is responsible for redemption of the dog pursuant to SCC
35 9.12.110, and that the dog will be destroyed in an expeditious and humane manner if the
36 deficiencies for which the dog was confiscated are not corrected within fifteen calendar
37 days of the receipt of the notification unless an appeal is filed under SCC 2.02.125. The
38 animal control agency shall destroy the confiscated potentially dangerous or dangerous
39 dog in an expeditious and humane manner if any deficiencies required by the notice are
40 not corrected within fifteen days of service of the notification and an appeal has not been
41 filed under SCC 2.02.125.

42
43 (4) Any dog, which threatens the safety of any animal or person (~~(, whether designated as~~
44 ~~potentially dangerous or dangerous,)) may be immediately confiscated by the animal
45 control agency prior to a notice being served pursuant to SCC 9.10.020. Within seventy-
46 two hours of the confiscation, the animal control agency shall serve notice under SCC~~

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1 9.10.020 on the owner. If the requirements included in the notice are satisfied and the dog
2 is redeemed pursuant to SCC 9.12.110, the dog shall be released. The animal control
3 agency shall destroy the confiscated dog in an expeditious and humane manner if the
4 requirements included in the subsequent notice are not satisfied or the dog is not
5 redeemed within fifteen calendar days of the notification and an appeal has not been filed
6 under SCC 2.02.125.

7
8 (5) An owner of a dog confiscated under SCC 9.10.090 may appeal the confiscation of
9 the dog pursuant to SCC 9.10.030.

10
11 ~~((5))~~ (6) If a potentially dangerous dog of an owner with a prior conviction under this
12 chapter attacks or bites a person or a domestic animal, the dog's owner is guilty of a
13 misdemeanor, punishable in accordance with RCW 9A.20.021. It is an affirmative
14 defense that the defendant must prove by a preponderance of the evidence that he or she
15 was in compliance with the requirements for ownership of a potentially dangerous dog
16 pursuant to this chapter and the person or domestic animal attacked or bitten by the
17 defendant's dog trespassed on the defendant's real or personal property or provoked the
18 defendant's dog without justification or excuse.

19 ~~((6))~~ (7) If a dangerous dog of an owner with a prior conviction under this chapter attacks
20 or bites a person or another domestic animal, the dog's owner is guilty of a class C felony,
21 punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the
22 defendant must prove by a preponderance of the evidence that he or she was in
23 compliance with the requirements for ownership of a dangerous dog pursuant to this
24 chapter and the person or domestic animal attacked or bitten by the defendant's dog
25 trespassed on the defendant's real or personal property or provoked the defendant's dog
26 without justification or excuse. In addition, the dangerous dog shall be immediately
27 confiscated by the animal control agency, placed in quarantine for the proper length of
28 time, and thereafter destroyed in an expeditious and humane manner.

29
30 ~~((7))~~ (8) The owner of any dog that aggressively attacks and causes severe injury or death
31 of any human, whether or not the dog has previously been declared potentially dangerous
32 or dangerous, shall be guilty of a class C felony punishable in accordance with RCW
33 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance
34 of the evidence that the human severely injured or killed by the defendant's dog:

35
36 (a) trespassed on the defendant's real or personal property which was enclosed by
37 fencing suitable to prevent the entry of small children and designed to prevent the
38 dog from escaping and marked with clearly visible signs warning people ,
39 including children, not to trespass and to beware of dog; or

40
41 (b) provoked the defendant's dog without justification or excuse on the
42 defendant's real or personal property which was enclosed by fencing suitable to
43 prevent the entry of small children and designed to prevent the dog from escaping
44 and marked with clearly visible signs warning people, including children, not to
45 trespass and to beware of dog. In such a prosecution, the state has the burden of

1 showing that the owner of the dog either knew or should have known that the dog
2 was potentially dangerous as defined in this chapter. The state may not meet its
3 burden of proof that the owner should have known the dog was potentially
4 dangerous solely by showing the dog to be a particular breed or breeds. In
5 addition, the dog shall be immediately confiscated by the animal control agency,
6 quarantined, and upon conviction of the owner destroyed in an expeditious and
7 humane manner.

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

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14 PASSED this 8th day of September, 2010.

15
16 SNOHOMISH COUNTY COUNCIL
17 Snohomish County, Washington
18 *Dave Forsyth*
19
20 Chairperson

21
22 ATTEST:
23 *Deborah Sikorst*
24 Clerk of the Council, ASST.

- 25
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27 APPROVED
28
29 EMERGENCY
30
31 VETOED

32 DATE: 9/9/10
33
34 *Gary Haakenson* for
35 County Executive

36
37 ATTEST:
38 *Linda Paul*

39
40 **GARY HAAKENSEN**
41 Deputy County Executive

42 Approved as to form only:
43 *[Signature]*
44 Deputy Prosecuting Attorney

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