

s;o dogs:21

COUNTY COUNCIL
Snohomish County, Washington



CO00027434

ORDINANCE NO. 87-047

DANGEROUS DOGS

BE IT ORDAINED:

Section 1. Snohomish County Code Section 9.01.030 adopted by Resolution July 9, 1973, is amended to read as follows:

9.01.030 Definitions. In construing the provisions set out in this title, all words not otherwise given special definition herein shall be given their common and ordinary meaning, in addition, the following definitions shall apply:

(1) "Abatement" means the termination of any violation of this title by lawful and reasonable means as determined by the authorized Snohomish County animal control agency personnel in order that a person or persons presumed to be the owner of an animal comply with this title.

(2) "Adult dog or cat" means any dog or cat six (6) months of age or older.

(3) "Agricultural pursuits" means where land is primarily used in the production of crops and livestock or fur farming.

(4) "Animal" means for purposes of this title any member of the classes: reptile, bird, or mammal, except man.

(5) "Animal control agency" means the Snohomish County animal control agency created and perpetuated to enforce the provisions of the Snohomish County Code and laws of the State of Washington as they pertain to animal welfare.

(6) "Animal control officer" means any individual employed, contracted or appointed by the animal control agency for the purpose of enforcing this code or any other code, or the laws of the State of Washington.

(7) (~~(a)~~) "Animal run" means any fenced area commonly associated with a commercial or private kennel, providing a limited exercise area for cats and/or dogs which is accessible from the housing (not a dwelling unit) customarily provided for such animals.

(8) "Certificate of Registration for Dangerous Dogs" means any document issued by the Snohomish County Auditor pursuant to Chapter 16.10 RCW and SCC 9.10.020.

(9) "Certification Authority" means the Snohomish County Auditor.

(10) (~~(7)~~) "Commercial kennel" means a place where three (3) or more adult dogs, cats, or combinations thereof whether or not for compensation, including facilities known and operated as animal shelters, but not including small animal hospitals where pets are kept for treatment only, pet shops, private kennels, or zoological parks.

(11) (~~(8)~~) "County," for purposes of this title, means the unincorporated areas of Snohomish County.

(12) "Dangerous dog" means any dog that according to the records of the county, (a) has inflicted severe injury on a human being without provocation on public or private property, (b) has killed a domestic animal 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 dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals; but, dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

(13) (~~(9)~~) "Domesticated animal" means any animal including dogs, cats, rabbits, horses, mules, asses, cattle, lambs, sheep, or other animals made to be domestic.

(14) (~~(10)~~) "Euthanasia" means the humane destruction of an animal by a method that is painless to such animal

either causing instant painless unconsciousness and subsequent death or immediate death.

(15) (~~(11)~~) "Grooming parlor" means any establishment, public or private, where animals are bathed, clipped, combed for a consideration, for purposes of enhancing their aesthetic value.

~~((12) "Owner" means any person having an interest in or right of possession of said animal, or persons having control, custody or possession of an animal.))~~

(16) Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(17) (~~(13)~~) "Pack of dogs" means a group of three or more dogs running upon land, either public or private, not that of their owner, when such dogs are not restrained or controlled.

(18) (~~(14)~~) "Person" means any individual, partnership, corporation, trust, estate, or other legal entity.

(19) (~~(15)~~) "Pet shop" means person or establishment that acquires animals for the purpose of resale to the public.

(20) "Potentially dangerous dog" means any dog that when unprovoked: (a) inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

(21) (~~(16)~~) "Private kennel" means a place at or adjoining a private residence where three (3) but not more than ten (10) adult dogs, cats, or combination thereof, owned by natural persons residing on said property, are kept for the purpose of hunting, training, exhibition for organized shows, for field work and obedience trails or for the enjoyment of the species. If three (3) or more adult

dogs, cats, or combination thereof owned by natural persons are kept on land other than that adjoining the private residence of their owner, they shall constitute a commercial kennel. If more than ten (10) adult dogs, cats, or combination thereof are kept, they shall constitute a commercial kennel. Cats kept for pest or vermin control and in conjunction with an agricultural pursuit as defined, shall not be subject to this provision. No advertising displays shall be permitted.

(22) "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog and comply with all applicable provisions of the Snohomish County Building and Zoning Code.

(23) ((+17+)) "Running at large" means to be off the premises of the owner and not under control of either the owner or competent person authorized by the owner.

(24) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(25) ((+18+)) "Under control" means the dog is either under voice, signal, or physical control so as to be restrained from approaching a bystander, from entering private property, or from causing damage to property. Said dog is presumed not to be under control if injuries, damages, or trespass result.

(26) ((+19+)) "Vicious" means acting in an unruly manner or the propensity to do any act which might endanger the safety of any person, animal, or property of another.

Section 2. A new chapter is added to Title 9 of the Snohomish County Code:

Chapter 9.10

Dangerous Dogs

Sections:

- 9.10.010 Certificates of Registration for Dangerous Dogs.
- 9.10.020 Duties of the Certification Authority.
- 9.10.030 Duties of Animal Control Agency.
- 9.10.040 Terms of Certificate of Registration.
- 9.10.050 Certification Fees.
- 9.10.060 Confinement of Potentially Dangerous Dogs Off and On the Premises of the Owner.
- 9.10.070 Confinement of Dangerous Dogs Off and On The Premises of the Owner.
- 9.10.080 Confiscation of Dangerous Dogs: Penalties
- 9.10.090 Severability.

9.10.010 Certificates of Registration for Dangerous Dogs. It is unlawful for an owner to have a dangerous dog in the county without a certificate of registration issued under this chapter. This chapter shall not apply to dogs used by law enforcement officials for police work.

9.10.020 Duties of the Certification Authority. The Certification Authority is authorized to issue a certificate of registration to the owner of a dangerous dog 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 sign that there is a dangerous dog 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 dog,

(b) A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the certification authority in the sum of at least fifty thousand dollars, payable to any person injured by the dangerous dog, or

(c) A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified

under Title 48 RCW in the amount of at least fifty thousand dollars, insuring the owner for any personal injury inflicted by the dangerous dog.

9.10.030 Duties of Animal Control Agency. The animal control agency is responsible for enforcement of the provisions of this chapter. Enforcement duties includes, but are not limited to: a) Carrying out all investigations pertaining to potentially dangerous dogs and dangerous dogs; and b) Providing written reports of dangerous dogs to the Certification Authority prior to issuance of a certificate of registration.

9.10.040 Terms of Certificate of Registration. The term for the certificate of registration is one year from the date of issuance. Renewal applications for the certificate of registration must contain sufficient evidence of the information required in SCC 9.10.020(1)(a), (b) and (c).

9.10.050 Certification Fees. The fee for this certificate of registration is twenty five dollars (\$25.00).

9.10.060 Confinement of Potentially Dangerous Dogs Off and On the Premises of the Owner.

(a) The owner of a potentially dangerous dog shall not suffer or permit such dog to go beyond the premises of the owner unless the dog is securely leashed or otherwise restrained.

(b) While the potentially dangerous dog is on the premises of the owner, the owner must confine the dog in a proper enclosure or keep the dog on a secure leash or other restraint.

9.10.070 Confinement of Dangerous Dogs Off and On the Premises of the Owner. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure as defined by this title unless the dog is muzzled and restrained by a substantial chain or leash and under control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

9.10.080 Confiscation of Dangerous Dogs; Penalties.

(1) Any dangerous dog shall be immediately confiscated by an animal control authority if:

(a) The dangerous dog is not validly registered;

(b) The owner does not secure the liability insurance coverage;

(c) The dangerous dog is not maintained in the proper enclosure; and,

(d) The dangerous dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the owner.

In addition to confiscation as provided in subsections (a), (b), (c) and (d), the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

(2) 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. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(3) 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 an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

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

9.10.090 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the

application of the provision to other chapter 9.10 SCC is not affected.

NEW SECTION: Section 3. A new subsection is added to Snohomish County Code Section 9.12.060, adopted by Resolution on July 9, 1973 as follows:

(18) Any dangerous dog or potentially dangerous dog as defined by SCC Chapter 9.10 that is not restrained as required by that chapter either on the premises of the owner or off the premises of the owner.

Section 4. Snohomish County Code Section 9.12.070 adopted by Resolution July 9, 1973, is amended as follows:

9.12.070 Dangerous Dog, Potentially Dangerous Dog, or Vicious Animal Restraint. Upon filing of a public nuisance action in a court in Snohomish County alleging that a specific animal is vicious or a specific dog is dangerous or potentially dangerous, the owner (~~or person having~~ eustody) of such animal or dog shall cause the animal or dog to be restrained or confined thereafter until the conclusion of any court proceedings. (~~unless specified otherwise by any judge of the court wherein such action is pending~~)

Section 5. Snohomish County Code Section 9.12.125 adopted by Resolution July 10, 1973, is amended as follows:

9.12.125 Habitual attacker. In addition to any legal remedy available under the provisions of this title, the animal control agency shall notify and direct the owner or keeper of any (~~dog or other~~) animal other than a dog which shall bite or attack one or more persons twice without provocation (~~two or more times within a one- (1) -year period~~), to abate and remove said animal from the county within ninety-six (96) hours from the date of said notice. If such animal is found within Snohomish County after ninety-six (96) hours have elapsed from date of notice, said animal shall be apprehended and removed by the animal control agency, and disposed of immediately with no right of redemption by any person.

The rabies control section of this title, Section 9.12.130, when applicable will preempt any conflicting provisions of this section.

PASSED this 8th day of July, 1987.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Shirley Bartholomew
Chairperson

Approved as to Form:

Gordon V. Sily
Deputy Prosecuting Attorney

ATTEST:

Kathryn J. Merton
Clerk of Council

- () APPROVED
- () VETOED
- () EMERGENCY

DATE: 7/13/87
John Martinis
JOHN MARTINIS
Deputy Executive
County Executive

PUBLISHED _____ and _____