



CO00021488

SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington

AMENDED
ORDINANCE NO. 95-098

REPEALING CHAPTER 9.10 OF THE SNOHOMISH COUNTY CODE RELATING TO POTENTIALLY DANGEROUS AND DANGEROUS DOGS, ENACTING A NEW CHAPTER 9.10 AND AMENDING SECTION 9.12.101 SNOHOMISH COUNTY CODE RELATING TO THE APPEAL PROCESS

Section 1. Chapter 9.10 of the Snohomish County Code, added by Ord. 87-047, July 8, 1987, and by Ord. 86-099, November 12, 1986, is repealed in its entirety.

Section 2. A new chapter 9.10 is added to Snohomish County Code as follows:

Chapter 9.10

DANGEROUS DOGS

Sections:

- 9.10.010 Chapter inapplicable -- police dogs.
- 9.10.020 Declaration of potentially dangerous or dangerous dog -- procedure and notification requirements.
- 9.10.030 Appeal of notice of potentially dangerous dog or dangerous dog.
- 9.10.040 Certification of registration of dangerous dog.
- 9.10.050 Term of certificate of registration.
- 9.10.060 Potentially dangerous dog -- confinement on and off premises of owner.
- 9.10.070 Dangerous dog -- confinement off premises of owner.
- 9.10.080 Duty of owner to notify animal control agency of change in status of potentially dangerous or dangerous dog.
- 9.10.090 Potentially dangerous and dangerous dog -- confiscation -- conditions -- penalties for owners of dogs that attack -- dog fights, penalty.
- 9.10.110 Severability.

9.10.010. Chapter inapplicable -- police dogs.

~~((This chapter shall not apply to police dogs as defined in RCW 4.24.410.))~~ This chapter shall not apply to a "police dog" which includes any breed of dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

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(20) or SCC 9.01.030(12). Probable cause may be based upon:

- (a) the written complaint 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(20) or SCC 9.01.030(12);
- (b) dog bite reports filed with the animal control agency;
- (c) actions of the dog witnessed by any animal control officer or law enforcement officer; or
- (d) other substantial evidence.

(2) Upon making a finding 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;
- (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 restraint of the dog, if applicable, as determined by the animal control agency ~~((and a reasonable period during which to comply as determined by the Snohomish county animal control officer))~~ shall be complied with immediately upon receipt of the notice;
- (f) the criminal penalty for violation of the requirements for 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
- (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;
 - (ii) that any per diem civil penalty shall not accrue during the pendency of such administrative appeal; and
 - (iii) that the failure to file a timely and complete appeal will constitute a waiver of all rights to an appeal under county code.

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

- (a) certified mail to the owner's last known address;
- (b) personally. 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 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.

9.10.030. Appeal of notice of potentially dangerous dog or dangerous dog.

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 to the Snohomish county hearing examiner pursuant to the provisions of SCC 2.02.125 and SCC 9.12.101.

9.10.040. Certification of registration of a dangerous dog required.

(1) It shall be unlawful for an owner to have 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 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 registration fee 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; 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 \$50,000, 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 in the amount of at least \$50,000, insuring the owner for any personal injury inflicted by the dangerous dog.

9.10.050 Term of certificate of registration.

The term for a certificate of registration issued pursuant to SCC 9.10.030 is one year from the date of issuance or until the dog is moved to another address, whichever is less. Renewal applications for the certificate of registration must contain sufficient evidence of the information required in SCC 9.10.030(2) as well as payment of the application fees.

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 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; or

(2) to suffer or permit the dog to leave the premises of the owner unless the dog is securely muzzled and restrained by a substantial leash or other restraint under the control of a responsible person. The muzzle shall be made 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.

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 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. The muzzle shall be made 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.

9.10.080 Duty of owner to notify animal control agency of change in status of potentially dangerous or dangerous dog.

(1) The owner of a potentially dangerous or dangerous dog shall immediately notify the animal control agency when the dog:

- (a) is loose or unconfined off the premises of the owner;
- (b) has bitten or injured a human being or another animal;
- (c) is sold, given away, or moved to another address; or
- (d) dies.

(2) If a potentially dangerous or dangerous dog is sold, given away, or moved to another location, the owner shall provide the name, address, and telephone number of the new owner, or the address and telephone number of the new location if retained by the same owner, to the animal control agency prior to moving the dog, whether within or outside of Snohomish county. All requirements of this chapter must be met by the new owner prior to moving the dog if the dog remains within Snohomish county. If the dog is retained by the same owner, but moved to another address, the requirements of this chapter must be met prior to moving the dog.

(3) If a potentially dangerous or dangerous dog dies, the owner shall supply to the animal control agency within 30 days of death, a veterinarian certificate of death or other proof that the dog has died.

9.10.090 Potentially dangerous and dangerous dog -- confiscation -- 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; or

(b) the dog is outside the dwelling of the owner, outside a proper enclosure and not under physical restraint of a responsible person.

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 SCC 9.10.050;

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

(c) the dog is not under control of the owner; 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.

(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.

(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.

(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.

9.10.100 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions of chapter 9.10 SCC is not affected.

Section 3. Snohomish County Code Section 9.12.101 added by amended Ordinance 93-077, on September 8, 1993 is amended to read:

9.12.101 Appeals - Procedure.

(1) Any person aggrieved by the issuance of any license required by this title, the denial of a license pursuant to SCC 9.08.070, ~~((or))~~ the issuance of a notice of violation pursuant to SCC 9.12.090 or the issuance of a potentially dangerous or dangerous dog notice pursuant SCC 9.10.020 may appeal to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) The enforcement stay contained in SCC 2.01.125(3) shall not apply to the impoundment of an animal which is vicious or cruelly treated or the requirements set forth in a potentially or dangerous dog notice issued pursuant to SCC 9.10.020.

(3) At the hearing, the director of the animal control agency and his officers shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence.

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

PASSED this 20th day of December 1995.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Karen Miller
Chairperson

ATTEST:

Barbara Sidoroti
Clerk of Council, *Asst.*

APPROVED
 VETOED
 EMERGENCY

DATED: 12/22/95
Robert J. Drewel *Jes*
Robert J. Drewel, County Executive

APPROVED AS TO FORM:
[Signature]
Deputy Prosecuting Attorney
FOR TRACY WAGGONER

ATTEST:
Laura Nelson
RICHARD N. SMITH
Executive Director

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