

RCW 16.08.070 / LMC 6.09.020

“Dangerous dog” means any dog that

- (a) inflicts severe injury on a human being without provocation on public or private property,
- (b) kills a domestic animal **without provocation** while the dog is off the owner's property, or
- (c) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans.

“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.

Municipality making the dangerous dog determination has the burden of proving the “lack of provocation” element by substantial evidence.

Morawek v. City of Bonney Lake, 184 Wn.App. 487, 494, 337 P.3d 1097 (2014).

Potentially dangerous dogs shall be regulated only by local, municipal, and county ordinances. Nothing in this section limits restrictions local jurisdictions may place on owners of potentially dangerous dogs.

[RCW 16.08.090\(2\)](#)

LMC Regulations of Potentially dangerous dogs:

- Owner shall not permit Potentially dangerous dog to go unconfined on owner's premises (LMC 6.09.060)
- Owner shall not allow Potentially dangerous dog to go off owner's premises unless securely leashed and muzzled (LMC 6.09.070, 6.09.090(A)(2)(a))
- Potentially dangerous dog required to be microchipped (within 30 days of declaration issued by Police Chief (6.09.090(B)).

Violation by owner of a Potentially dangerous dog is a misdemeanor (6.09.160)

Additional regulations only applicable to Dangerous dogs (not Potentially dangerous dogs):

- Dangerous dog must be registered with the city (6.09.080(A))
- Maintain liability insurance of at least \$250,000 (6.09.080(B)(2))
- Display “Dangerous Dog” sign visible from public street or sidewalk (6.09.080(B)(4))
- Sterilization (6.09.100)
- Vaccination (6.09.110)
- Impoundment if not controlled as required (6.09.130)

Violation by the owner of a dangerous dog is a gross misdemeanor (6.09.160)

Notice Issues:

1. RCW 16.08.080 and LMC 6.09.040 require an initial notice and a separate final determination.

- Initial notice must come before offered meeting with the dog's owner. The final determination follows the meeting (or offered meeting time).

- Both can be either (1) served in person, or (2) sent by regular **and** certified mail, return receipt requested.

2. RCW 16.08.080(3) and LMC 6.09.040 require the initial notice to both (1) list a specific meetings time, and (2) offer the recipient an opportunity to propose a different meeting time within 15 days.

“The notice shall state the date, time, and location of the meeting, which must occur prior to expiration of fifteen calendar days following delivery of the notice. The owner may propose an alternative meeting date and time, but such meeting must occur within the fifteen-day time period set forth in this section.

3. LMC 6.09.040 provides that if no meeting occurs due to the dog owner's failure to attend, the police chief's determination becomes final. The RCW does not allow for this. We need to send a separate final determination to start the clock for the 14-day window for an appeal to the Hearing Examiner (LMC 6.09.050).