

CITY COUNCIL OF LYNDEN
AUTHORITY, FINDINGS OF FACT, DECISION AND ORDER

REGARDING the APPEAL OF
POTENTIALLY DANGEROUS DOG
DETERMINATION by KATIE WHEELER

AUTHORITY, FINDINGS OF FACT,
DECISION AND ORDER

Petitioner

I. SUMMARY OF DECISION

Police Chief Taylor's Declaration that Katie Wheeler's dog, Georgia, is a potentially dangerous dog, as defined in Lynden Municipal Code 6.09.020, is **AFFIRMED**.

II. AUTHORITY

1. Lynden Municipal Code ("LMC") 6.09.040, in accordance with RCW 16.08.080, authorizes the Lynden police chief to find and declare a dog dangerous or potentially dangerous as defined in LMC 6.09.020.
2. LMC 6.09.020 defines a "Potentially Dangerous Dog" as "any dog that when unprovoked:...Inflicts bites on a human or domestic animal either on public or private property;"
3. Once the Lynden police chief has issued a final determination that a dog is dangerous or potentially dangerous, LMC 6.09.050 allows the dog's owner to appeal the determination in writing to the Lynden City Council.
4. LMC 6.09.050 requires the Lynden City Council to conduct an open-record public hearing for any timely filed appeal within thirty days of filing and to issue its decision in writing.

III. FINDINGS OF FACT

1. Katie Wheeler of 860 South Pine Court, Lynden, Washington 98264, is the owner of a female boxer/terrier mix named Georgia, DOB: 09/06/2017.
2. On December 11, 2021, David Haworth was walking three dogs on leashes along the street in front of Ms. Wheeler's home as her daughter was leaving to take their family dog, Georgia, for a walk.
3. Georgia pulled free from Ms. Wheeler's daughter's hold on the leash, ran toward Mr. Haworth's dogs, and very quickly and without provocation bit Mr. Haworth's small dog, resulting in at least three puncture wounds to the dog's abdomen which were surgically treated at a veterinary hospital.

4. The incident was investigated by Officer Johal, who conducted conversations and interviews with the relevant parties, as well as veterinarians and dog trainers familiar with the dogs.
5. On February 18, 2022, Ms. Wheeler met with Police Chief Taylor to discuss the matter.
6. On February 25, 2022, based on his review of the investigation, and following his meeting with Ms. Wheeler, Police Chief Taylor issued a determination that Ms. Wheeler's dog, Georgia, was a potentially dangerous dog as defined in LMC 6.09.020.
7. On March 9, 2022, Police Chief Taylor received from Ms. Wheeler a timely written request appealing the determination to the Lynden City Council.
8. The Lynden City Council conducted an open-record public hearing on the matter on April 4, 2022.
9. At said open-record hearing, testimony was taken from Chief Taylor, Mr. Haworth, Ms. Wheeler, and a person identified as a friend of Ms. Wheeler's. Mr. Haworth was the only eyewitness to the incident to testify at the hearing, which testimony was consistent with these findings of fact.
10. Based on review of the record and consideration of testimony given, the Council finds that the bite inflicted on Mr. Haworth's dog was unprovoked.

IV. DECISION AND ORDER

Based upon the preceding authority and findings of fact, Police Chief Taylor's determination that Katie Wheeler's dog, Georgia, is a potentially dangerous dog, as defined in Lynden Municipal Code 6.09.020, is hereby **AFFIRMED**.

A copy of this written decision and order will be sent to the dog's owner in accordance with RCW 16.08.080(3).

Done by the Lynden City Council by a vote of 5 to 0, with one abstention.

DATED: _____

Scott Korthuis, Mayor

ATTEST:

Pamela Brown, City Clerk