



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5939
October 5, 2021
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 5939: Second Reading of Ordinance No. 21C-18 Amending Chapter 7.04 MICC – Animal Code.	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Adopt Ordinance No. 21C-18.	<input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Police
STAFF:	Bio Park, City Attorney Ed Holmes, Police Chief Mike Seifert, Commander Eileen Keiffer, Special Counsel
COUNCIL LIAISON:	n/a n/a
EXHIBITS:	1. Ordinance No. 21C-18 (Proposed)
CITY COUNCIL PRIORITY:	n/a

SUMMARY

This is a second reading of Ordinance No. 21C-18, amending chapter 7.04 of the Mercer Island City Code (MICC), regulating animals. The first reading of the ordinance occurred on August 31, 2021 (see [AB 5921](#)).

Pursuant to direction from the City Council at first reading, staff made the following changes to the proposed ordinance:

- MICC 7.04.110(A) – removed the terms “trained seeing eye dog” and “any dog which is trained to aid the disabled” with the more inclusive and precise term of “service animals as defined in RCW 49.60.040”
- MICC 7.04.020 – included and incorporated definitions from chapter 16.08 RCW for ease of use, including a definition of “Animal Control Authority.”
- MICC 7.04.120(A)(1) – removed the term “citizen” and replaced it with the term “person”
- MICC 7.04.130(C) – provides the dangerous dog registration fee shall be \$250 for the year 2021 and thereafter in an amount set by the City Council within the City’s Fee Schedule
- Throughout – capitalized the term “Hearing Examiner” for consistency
- MICC 7.04.125 – proposes a new section establishing a mechanism by which a dog owner can request review of a Potentially Dangerous Dog declaration if the dog has committed no new offenses within the two years of the Potentially Dangerous Dog Declaration

- MICC 7.04.120(A) – clarifies the types of evidence that may be used and/or combined to support a declaration to support a finding that a dog is a Potentially Dangerous Dog, including, but not limited to: medical reports and photographs of injuries caused by the dog
- MICC 7.04.235(H) – clarifies that among the defense of the dog afforded to an Owner in an appeal hearing of a Potentially Dangerous or Dangerous Dog declaration, a dog owner may present either lay or expert testimony in defense of the dog, and that the dog owner can also offer documentation in defense of the dog

RECOMMENDED ACTION

Adopt Ordinance No. 21C-18, amending Chapter 7.04 of the Mercer Island City Code – Animal Code.