



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5980**  
**December 7, 2021**  
**Consent Calendar**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5980: Third Reading of Ordinance No. 21C-18 Amending Chapter 7.04 MICC – Animal Code.	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Adopt Ordinance No. 21C-18, and authorize letter to King County Council	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Police
<b>STAFF:</b>	Mike Seifert, Commander Bio Park, City Attorney Eileen Keiffer, Special Counsel
<b>COUNCIL LIAISON:</b>	n/a n/a
<b>EXHIBITS:</b>	1. Ordinance No. 21C-18 (Proposed) 2. Letter from Mercer Island City Council to King County Council (Draft)
<b>CITY COUNCIL PRIORITY:</b>	n/a

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ 0

### SUMMARY

This is a third reading of Ord. 21C-18, amending MICC Chapter 7.04, regulating control of animals. The first reading of the ordinance was [AB 5921](#) on August 31, 2021. The second reading was [AB 5939](#) on October 5, 2021. The third reading version of the ordinance incorporates edits requested by the City Council at first and second reading, except as noted below.

Pursuant to direction from the City Council at or before second reading, Staff made the following changes to the proposed ordinance:

- MICC 7.04.110(B) – removed the term “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” to be consistent with previous suggested change to subsection (A)
- MICC 7.04.125 – change to have the City Clerk receive the request for review of a potentially dangerous dog designation; other minor revisions to subsections (B)-(C) for readability
- MICC 7.04.235 – change to have the City Clerk receive the request for appeal, consistent with other City procedures regarding administrative appeals

- Throughout – capitalization of the term “Owner” and capitalization and use of the term “the City” for consistency (rather than “City” and “City of Mercer Island”)

Certain amendments suggested at second reading, however, regarding revising the definitions of “dangerous dog” and “potentially dangerous dog” are not recommended because they deviate from the controlling state statute (RCW) and have therefore not been included in the draft for third reading. Deviating from the plain language of the RCW poses legal and enforcement challenges, negatively impacting the City’s ability to enforce protections regarding dangerous dogs and potentially dangerous dogs. Maintaining standards consistent with RCW for declaring dogs “dangerous” and “potentially dangerous” will ensure the City’s ability to enforce its animal control code, because the RCW standards have been successfully tested in Washington courts.

Finally, this ordinance is intended to be a temporary measure until King County adopts its new animal control code, which the County has been working on since 2019. The ILA between the City and King County for animal control services requires the City to substantially adopt King County’s animal control code. A draft letter from the Mercer Island City Council to the King County Council urging efforts to complete the rewrite of their animal control code is included in the City Council packet for Council’s consideration.

## **RECOMMENDATION**

1. Adopt Ordinance No. 21C-18, amending Chapter 7.04 MICC – Animal Code, as set forth in Exhibit 1 to AB 5980.
2. Authorize Mayor Wong to send on behalf of the City Council a letter to the King County Council, substantially in the form attached as Exhibit 2 to AB 5980 regarding the planned revision of King County Code Title 11.