The background of the slide features a large, light blue watermark of the University of Washington seal. The seal is circular and contains the text "UNIVERSITY OF MERCER ISLAND" at the top and "WASHINGTON" at the bottom. In the center of the seal is a stylized evergreen tree above wavy lines representing water.

**Ord. No. 21C-18  
Amending Chapter 7.04 MICC-  
Animal Code**

# How is Animal Control Provided in Mercer Island?

- The City contracts with Regional Animal Services of King County to provide animal control authority services.
- MIPD assists with intake of pet incidents or complaints and provides record keeping services in conjunction with the animal control authority services provided by Regional Animal Services of King County.



# Need for the Amendments

- Public Safety Oriented

- Creates framework for the rare instances of dog attacks on other pets and/or humans
- Provides necessary legal tools to balance public safety and due process protections for dog owners



# Need for the Amendments

- King County ordinance updates pending
- In the meantime, MICC Ch. 7.04 out of sync with state requirements



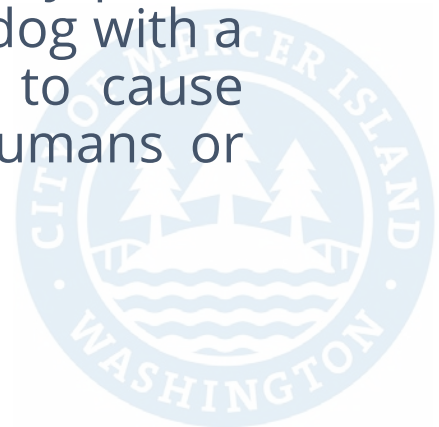
# Legal Framework

- State Statute (RCW Ch. 16.08)
  - Potentially Dangerous Dogs
  - Dangerous Dogs
- Caselaw
  - Requires due process protections for dog owners before dogs may be declared either potentially dangerous or dangerous



# Amendments to MICC Chapter 7.04, Animal Code—Potentially Dangerous Dog Declaration

- Creates a process to declare a dog “potentially dangerous”
- Potentially Dangerous Dog defined (RCW 16.08.070)
  - 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.



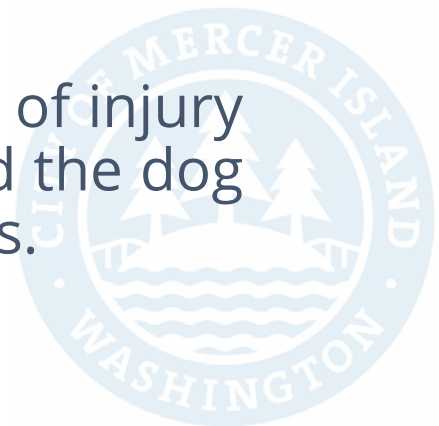
# Amendments to MICC Chapter 7.04, Animal Code—Potentially Dangerous Dog Declaration

- Establishes minimum requirements as to potentially dangerous declarations
  - Minimum standard of evidence for declaration to be made (probable cause)
  - Notice required to Owner
  - Subject to appeal to Hearing Examiner
- Provides exclusions for dogs engaging in self defense, etc.
- Requires dogs declared to be potentially dangerous dogs to be placed under restraint



# Amendments to MICC Chapter 7.04, Animal Code—Dangerous Dog Declarations

- Creates a process to declare a dog “dangerous”
- Dangerous Dog defined (RCW 16.08.070)
  - 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.





# Amendments to MICC Chapter 7.04, Animal Code—Dangerous Dog Declarations

- Establishes minimum requirements as to dangerous declarations (adopts statutory processes)
  - Notice required to Owner
  - Provides opportunity for dog owner to meet with animal control authority prior to declaration
  - Subject to appeal to Hearing Examiner
  - Provides exclusions for dogs engaging in self defense, etc. (RCW 16.08.100)



# Amendments to MICC Chapter 7.04, Animal Code—Dangerous Dog Declaration

- Creates requirements for dangerous dogs
  - Registration of dangerous dogs
    - Other requirements per RCW 16.08.080 (signage, bonds, insurance, etc.)
  - Restraints required of dangerous dogs (RCW 16.08.090)
    - Muzzle/restraint by substantial chain or leash and under physical restraint
- Provides for impoundment of dangerous dogs if owners fail to comply with Dangerous Dog Requirements



# Appeal Process For Potentially Dangerous and Dangerous Dog Declarations

- Creates appeal deadline and form for appeal
- Stays enforcement pending appeal
- Establishes right to put on evidence
- Creates burden of proof and standard of review



Questions?

