



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5921
August 31, 2021
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 5921: First Reading of Ordinance No. 21C-18 Amending Chapter 7.04 MICC – Animal Code.	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Set Ordinance No. 21C-18 for second reading.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

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

SUMMARY

[Chapter 16.08 RCW](#) authorizes the City of Mercer Island (City) to regulate potentially dangerous dogs, dangerous dogs, and appeals of decisions by the City relating to potentially dangerous dogs and dangerous dogs. Current City code ([chapter 7.04 MICC, Animal Code](#)) lacks provisions for determining and declaring an animal to be a potentially dangerous dog. It also lacks a method for appeals of decisions by the City relating to potentially dangerous dogs and dangerous dogs, which is required by State statute and applicable caselaw in order to provide the requisite due process protections.

Accordingly, amendments to the City's Animal Code, chapter 7.04 MICC are presented for City Council's consideration to conform City code with State law.

SUMMARY OF PROPOSED AMENDMENTS

Below is a synopsis of the proposed changes to chapter 7.04 MICC:

- Revises definitions sections in to align with definitions provided in state law (chapter 16.08 RCW).
- Establishes a process to declare a dog potentially dangerous:
 - Adopts thresholds in RCW 16.08.070 for declaring a dog potentially dangerous;
 - Establishes requirements for notice to owner(s) of potentially dangerous dogs; and
 - Establishes an appeal to the City Hearing Examiner of potentially dangerous dog declarations.
- Establishes requirements for restraint of potentially dangerous dogs.
- Amends and clarifies the process to declare a dog dangerous, and requirements for owners of dangerous dogs:

- Incorporates RCW 16.08.080 notice procedures to owners of dangerous dogs, and requirements for owners of such dogs;
- Establishes an appeal to the City Hearing Examiner of dangerous dog declarations;
- Establishes a registry of dangerous dogs and associated registration fees; and
- Incorporates the RCW 16.08.100 requirements for confiscation of dangerous dogs in certain circumstances.
- Establishes Appeal Processes for Appeals of Potentially Dangerous Dog and Dangerous Dog Declarations:
 - Creates an appeal filing deadline and standardized requirements for appeals;
 - Creates appropriate timeframes for scheduling of hearing;
 - Establishes methods for presentations of evidence at the hearing; and
 - Establishes a burden of proof and standard of review for hearings.

The proposed amendments establish necessary procedures and due process protections for dog owners. Additionally, the amendments streamline and standardize procedures for the City to administer its Animal Code.

RECOMMENDED ACTION

Set Ordinance No. 21C-18 for second reading and adoption at the Council Meeting on September 21, 2021, or soon thereafter.