

AB 5921: City Council Comment/Question Matrix

Log No.	Code Section	Comment/Question	Staff Response
1	MICC 7.04.110(A)	Should the Code be amended to use the term “service dogs” vs. seeing eye dog or a dog trained to aid the disabled?	Staff is agreeable to language substituting the terms with “service animals as defined in RCW 49.60.040” on second reading if there is Council consensus.
2	throughout	MICC 7.04.120(A) and elsewhere refers to “animal control authority.” However, that term is not defined and a definition was in fact deleted from the definition section in MICC 7.04.020(2). Should a definition for “animal control authority” be re-inserted? What about using the definition in RCW 16.08.070(5)?	Staff believes the MICC to already use the definition of “animal control authority” contained in RCW 16.08.070(5) because MICC 7.04.240 incorporates certain RCW provisions by reference, including RCW 16.08.070, Dangerous Dogs and Related Definitions. This is the reason the definition is proposed to be struck from the current MICC.
3	MICC 7.04.120(A)(1)	Delete “citizen” and replace with either “resident” or “adult.”	Staff agrees with this change and would recommend substituting either the term “person” or “adult” for second reading.
4	MICC 7.04.130(C)	Should the registration fee in MICC 7.04.130(C) be a set amount as currently drafted, or should the section state that the fee is on a Schedule that will be subject to change by the City Manager from time to time consistent with the Council-approve cost recovery policy? If the section retains a fixed amount and the City wants to change the \$250 amount, then an amendment to the code has to occur. While going through a code amendment process might not be a major issue, I wanted to raise the question. Obviously, if this section is changed to	Staff is agreeable to this approach provided there is Council consensus and can provide language accordingly for second reading.

AB 5921: City Council Comment/Question Matrix

		refer to a Schedule, then the section needs to describe that Schedule with greater specificity so that the public knows where to find it.	
5	MICC 7.04.130(A) MICC 7.04.140(A)	Do we need to state what body of law governs if state law and the city code are inconsistent?	We can but it is not strictly necessary, under the principles of preemption. Local ordinances cannot forbid what state law permits, and cannot permit what state law forbids.
6	throughout	In MICC 7.04.235, the term "Hearing Examiner" should be capitalized throughout for drafting consistency.	Staff agrees and will make these edits for second reading.
7	throughout	What distinguishes a dangerous dog from a potentially dangerous dog?	<p>RCW 16.08.070 creates the distinction. A dangerous dog either initially inflicts "severe injury" (i.e. broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery), kills a domestic animal without provocation, or was previously potentially dangerous and repeats an aggressive bites/ attacks/ endangers a human. A dog can either be declared dangerous without the potentially dangerous dog declaration or can be advanced from potentially dangerous to dangerous.</p> <p>(1) "Potentially dangerous dog" means 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</p>

AB 5921: City Council Comment/Question Matrix

			<p>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.</p> <p>(2) "Dangerous dog" means 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.</p>
8	throughout	What is the penalty/restriction/liability difference for dangerous versus potentially dangerous?	<p>Potentially Dangerous Dogs must be physically restrained outside of its owner's residence (no voice control) or it must be restrained in a yard with a fence. (Misdemeanor for violation).</p> <p>Dangerous Dogs must be registered with the City, when outside its residence must be muzzled and restrained by substantial chain or leash. (Impoundment of dog and gross misdemeanor for violation. Repeat offender dog owners can be subject to prosecution for class C felony.)</p>