

Update to Dangerous Dog Ordinance

Summary:

Created in 2004, the Dangerous Dog Ordinance has been amended several times to address specific items as the need arose. For example, the original ordinance did not contemplate potentially dangerous dogs, which was added later, consistent with statutory authority. Because new subjects have been addressed somewhat in isolation from each other, the chapter of city code that spells out the criteria and process for dangerous dogs and potentially dangerous dogs has become overly complex and, in some instances, outdated. The animal control officers have done an excellent job of implementing the dangerous dog ordinance in a manner that protects public safety and private property rights. Updating the dangerous dog ordinance will create clarity and consistency in the City Code that is already in practice.

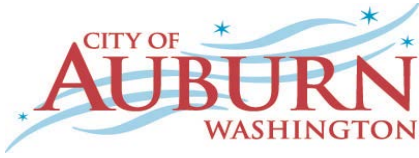
Modifications that would be helpful include:

- Identifying concise and uniform requirements for giving a dog owner notice of a determination that a dog is dangerous or potentially dangerous.
- Creating clear and precise timeframes for appealing a determination of a dog as dangerous or potentially dangerous.
- Establishing appeal procedures that delineate between determinations of a dog as dangerous and a determination that a dog is potentially dangerous.
- Clarifying the language regarding an animal control officer's determination of a dog as dangerous or potentially dangerous, and the animal control authority's review thereof as an appeal.
- Consolidating requirements for dangerous dogs into a single code section, or consecutive sections, instead of spreading them across multiple sections.
- Eliminating potential ambiguities relating to when requirements like fencing and insurance must be implemented during any appeal.
- Specifying applicable timelines for the abandonment of confiscated dogs.
- Adding mandatory impoundment of dogs that seriously injure or kill another animal or human. [*See also* ACC 6.02.080 - Dogs jumping or threatening pedestrians.]
- Clarifying the scope of the dangerous dog definition concerning dogs previously designated as potentially dangerous dogs – ACC 6.01.010(13)(e)
- Adding a bond requirement to cover the anticipated costs of impounded animals, and incentives for owners to pay impound fees..
- Defining "emergency situation" for purposes of providing emergency care of impounded animals.
- Clarifying whether city code violations are subject to RCW 16.52.085.
- Providing a more complete definition of "proper enclosure" ACC 6.35.020(F)(1), 6.35.030(A), (B) & (C), 6.35.040.

Additional updates:

In addition to updating the code language to reflect current practices, there are internal practices that can be modified to promote transparency and efficiency within the City.

- Moving the assignment of the initial review/appeal from the Assistant Chief of Police to another City official.
- Establishing compliance with the requirements in the dangerous dog ordinance as a condition of release as provided for in other code sections for impounded dogs, like ACC 6.01.040.



Substantive Changes:

Additional substantive changes that have been proposed include:

- Prohibiting from within the City specific breeds prone to aggression.
- Adding a harness to leashing requirements for dangerous dogs.
- Adding spay/neuter requirements for dangerous dogs.
- Specifying that dogs which chase or menace someone on private property other than the property of the owner are potentially dangerous dogs and that the owner may be criminally liable.
- Reducing the level of crime for animals injuring other animals.

There are several other potential changes that could be plugged into the City Code, but they need to be further vetted and reviewed for practical and legal considerations, not yet completed.