



Legislation Text

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Clerk 05/21/2009

AN ORDINANCE adopting provisions for dangerous and potentially dangerous dogs; amending Ordinance 6444, Section 3, as amended, and K.C.C. 2.34.030, Ordinance 1396, Article 1 Section 3, as amended, and K.C.C. 11.04.020, Ordinance 1396, Article 2 Section 1, as amended and K.C.C. 11.04.030, Ordinance 7416, Section 2, as amended, and K.C.C. 11.04.035, Ordinance 1396, Article 3 Section 7, as amended, and K.C.C. 11.04.230, Ordinance 1396, Article 3 Section 12, as amended, and K.C.C. 11.04.290 and Ordinance 10423, Section 22, as amended, and K.C.C. 11.04.550 adding a new section to K.C.C. 11.02 and adding a new chapter to K.C.C. Title 11; and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. According to the Centers for Disease Control and the American Veterinary Medical Association, more than four million seven hundred thousand people are bitten by a dog every year, and dog bite victims requiring medical attention in the United States number approximately eight hundred thousand annually.

B. Various types of breeds have more potential to be dangerous due to size and jaw strength. Training, socialization and proper care can make a significant impact.

C. According to the National Canine Research Foundation, in 2004, twenty-two dog bite related fatalities in the United States were reported. In 2005, there were twenty-nine human fatalities. In 2006, there were twenty-six. In 2007, there were thirty-three human fatalities. Forty-five of the attacks occurred to adults over

the age of eighteen, and fifty-five percent occurred to ages below eighteen.

D. According to the Centers for Disease Control, it is estimated that for each United States dog bite fatality, there are about six hundred seventy hospitalizations and sixteen thousand emergency room visits, twenty-one thousand other medical clinic visits, and one hundred eighty-seven thousand non-medically treated bites. Nearly half of dog bite injuries were triaged in emergency rooms as "urgent-emergent." Dog bites are the second highest reason why children seek emergency treatment.

E. According to the Centers for Disease Control, in 2006 more than thirty-one thousand people underwent reconstructive surgery as a result of being bitten by dogs.

F. There have been various instances within King County in which, unprovoked, dogs have aggressively attacked, injured or damaged persons, pets or property. Reported incidents include attacks by breeds with great jaw strength and domineering genetic characteristics including competitive instincts that have historically been used for dog fighting.

G. Dominant aggressive dogs are overly protective of their possessions and status. Attacks by dogs with domineering genetic characteristics are often stronger than other dogs, with no warning signals before attacking and the dogs are less willing to retreat from an attack. These unprovoked attacks are often more severe and are more likely to result in fatalities.

H. In the "Merritt Clifton Dog attack deaths and maimings, U.S. & Canada, September 1982 to November 13, 2006" study, more than two-thirds of the cases included a life-threatening or fatal attack that was apparently the first known dangerous behavior by the animal in question.

I. In order to assist the county in responding to unprovoked attacks by dangerous dogs or by potentially dangerous dogs as defined in chapter 16.08 RCW, a review of the current K.C.C. provisions for King County animal care and control revealed a need to enhance the enforcement tools to more effectively address these cases in the interest of the public safety and the welfare of the citizens of King County.

J. Therefore, it is appropriate to amend K.C.C. Title 11 accordingly.

SECTION 2. Ordinance 6444, Section 3, as amended, and K.C.C. 2.34.030 are each hereby amended to read as follows:

A. The board may administer oaths and affirmations and shall hear and decide all appeals from any valuation in property by the department of assessments, examine other matters related to assessment of the property of the county as provided by general law and hear appeals from any other orders by an executive department or administrative office as provided by ordinance.

B. In conformity with RCW 84.48.010 through 84.48.046 relating to the equalization of assessments, and in addition to those powers relating to valuation provided for in Section 720 of the King County Charter, the board shall hear and decide all appeals as are provided by statute, including the following appeals:

1. Appeals of exemption denials related to public corporations under RCW 35.21.755;
2. Appeals for a change in appraised value if the state Department of Revenue establishes taxable rent related to leasehold excise tax under RCW 82.29A.020(2)(b) based on an appraisal done by the county assessor at the request of the state Department of Revenue;
3. Appeals of decisions or disputes related to historic property under RCW 84.26.130;
4. Forest land determination under RCW 84.33.116, 84.33.118, 84.33.120, 84.33.130 and 84.33.140, including an appeal of an assessor's refusal to classify land as forest land under RCW 84.33.120;
5. Current use determinations under RCW 84.34.035 and 84.34.108;
6. Appeals related to senior citizen exemption denials under RCW 84.36.385;
7. Appeals related to cessation of exempt use under RCW 84.36.812;
8. Determinations related to property tax deferrals under RCW 84.38.040;
9. Determinations related to omitted property or value under RCW 84.40.085;
10. Valuation appeals of taxpayers under RCW 84.48.010;
11. Appeals from a decision of the assessor relative to a claim for either real or personal property tax exemption, under RCW 84.48.010; and

12. Destroyed property appeals under RCW 84.70.010.

C. The board shall hear and decide all appeals resulting from:

1. The granting, denial, suspension or revocation of business licenses under K.C.C. 6.01.150;

2. Grievances related to actions of the ((~~director~~)) manager of the animal care and control authority under K.C.C. chapters 11.04 and appeals under K.C.C. chapter 11.xx (sections 12 through 19 of this ordinance).

3. The fire marshal's decisions on fireworks permits under K.C.C. chapter 6.26;

4. Assessments by lake management districts, with the final decision made by the council under Ordinance 11956; and

5. Other orders or regulations as required by ordinance.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 11.02 to read as follows:

A. This title is enacted as an exercise of the King County council to protect and preserve the public safety and welfare. Its provisions shall be liberally construed for the accomplishment of this purpose.

B. It is expressly the purpose of this title to provide for and promote the safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by this title.

C. It is the specific intent of this title to place the obligation of complying with its requirements upon the owner of the animal designated by this title within its scope, and no provision of or term used in this title is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this title is discretionary and not mandatory.

D. Nothing in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of the owner of any animal to comply with this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of King County by its officers, employees or agents.

SECTION 4. Ordinance 1396, Article 1 Section 3, as amended, and K.C.C. 11.04.020 are each hereby amended to read as follows:

In construing this chapter, except where otherwise plainly declared or clearly apparent from the context, words shall be given their common and ordinary meaning. In addition, the following definitions apply to this chapter:

A. "Abate" means to terminate any violation by reasonable and lawful means determined by the manager of the animal care and control authority in order that an owner or a person presumed to be the owner shall comply with this chapter.

B. "Animal" means any living creature except Homo sapiens, insects and worms.

C. "Animal care and control authority" means the county animal care and control section of the records and licensing services division, acting alone or in concert with other municipalities for enforcement of the animal care and control laws of the county and state and the shelter and welfare of animals.

D. "Animal care and control officer" means any individual employed, contracted or appointed by the animal care and control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the care and licensing of animals, control of animals or seizure and impoundment of animals, and includes any state or municipal peace officer, sheriff, constable or other employee whose duties in whole or in part include assignments that involve the seizure and taking into custody of any animal.

E. "Cattery" means a place where four or more adult cats are kept, whether by owners of the cats or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult cat is one of either sex, altered or unaltered, that is at least six months old.

F. "Dangerous dog" has the same meaning as "dangerous dog:" in chapter 16.08 RCW, which is any dog that:

1. Inflicts severe injury on a human being without provocation on public or private property;

2. Kills a domestic animal without provocation while the dog is off the owner's property; or

3. 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.

G. "Domesticated animal" means a domestic beast, such as any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep, hog or other animal made to be domestic.

~~((G.))~~ H. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during the loss of consciousness.

~~((H.))~~ I. "Fostering" means obtaining unwanted dogs or cats and locating adoptive homes for those licensed and spayed or neutered dogs or cats. Individuals who wish to foster dogs and cats, and who through the activity shall routinely or from time to time harbor, keep or maintain more dogs and cats than allowed in K.C.C. Title 21A, must obtain either an individual or organizational private animal placement permit.

~~((I.))~~ J. "Grooming service" means any place or establishment, public or private, where animals are bathed, clipped or combed for the purpose of enhancing either their aesthetic value or health, or both, and for which a fee is charged.

~~((J.))~~ K. "Harbored, kept or maintained" means performing any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal's actions, or that the animal or animals are treated as living at one's house by the homeowner.

~~((K.))~~ L. "Hobby cattery" means a noncommercial cattery at or adjoining a private residence where four or more adult cats are bred or kept for exhibition for organized shows or for the enjoyment of the species. However, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number allowed in K.C.C. Title 21A.

~~((L.))~~ M. "Hobby kennel" means a noncommercial kennel at or adjoining a private residence where

four or more adult dogs are bred or kept for any combination of hunting, training and exhibition for organized shows, for field, working or obedience trials or for the enjoyment of the species. However, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number allowed in K.C.C. Title 21A.

~~((M.))~~ N. "Juvenile" means any dog or cat, altered or unaltered, that is under six months old.

~~((N.))~~ O. "Kennel" means a place where four or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult dog is one of either sex, altered or unaltered, that is at least six months old.

~~((O.))~~ P. "Livestock" has the same meaning as in K.C.C. 21A.06.695.

Q. "Microchip" means to place an electronic implant that is an integrated circuit under the skin of a dog, cat or other animal and that is used to identify animals and their owners.

~~((P.))~~ R. "Owner" means any person or legal entity having an interest in or right of possession to an animal. "Owner" also means any person ~~((having))~~ or legal entity that harbors, cares for or has control over, custody or possession of any animal, or by reason of the animal being seen residing consistently at a location, to an extent such that the person could be presumed to be the owner.

~~((Q.))~~ S. "Pack" means a group of two or more animals running upon either public or private property not that of its owner in a state in which either its control or ownership is in doubt or cannot readily be ascertained and when the animals are not restrained or controlled.

~~((R.))~~ T. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

~~((S.))~~ U. "Pet" means a dog or a cat or any other animal required to be licensed by this chapter. "Dog," "cat" and "pet" may be used interchangeably.

~~((T.))~~ V. "Pet shop" means any person, establishment, store or department of any store that acquires

live animals, including birds, reptiles, fowl and fish, and sells or rents, or offers to sell or rent, the live animals to the public or to retail outlets.

~~((U-))~~ W. "Potentially dangerous dog" is a dog that:

1. When unprovoked, inflicts bites on a human or a domesticated animal either on public or private property;
2. When unprovoked, chases or approaches a person upon the streets, sidewalks or 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 other domesticated animals; or
3. Any dog declared to be potentially dangerous under section 17 of this ordinance.

X. "Private animal placement permit - individual" means a permit issued to persons engaged in fostering dogs and cats who meet certain requirements to allow the persons to possess more dogs and cats than is specified in K.C.C. Title 21A. Persons holding an individual private animal placement permit and fostering dogs and cats must locate an adoptive home for a dog or cat within six months of acquisition of the dog or cat.

~~((V-))~~ Y. "Private animal placement permit - organizational" means permits issued to organizations engaged in fostering dogs and cats, the organizations having first met certain requirements. These organizations may distribute these permits to individuals who will foster the dogs and cats in their homes. The permits will allow the individuals to possess more dogs and cats than is specified in K.C.C. Title 21A. The organizations must be approved by the manager of the animal care and control ~~((section))~~ authority, and their permit holders must locate an adoptive home for a dog or cat within six months of acquisition of the dog or cat.

~~((W-))~~ Z. "Running at large" means to be off the premises of the owner and not under the control of the owner, or competent person authorized by the owner, either by leash, verbal voice or signal control.

~~((X-))~~ AA. "Service animal" means any animal that is trained or being trained to aid a person who is

blind, hearing impaired or otherwise disabled and is used for that purpose and is registered with a recognized service animal organization.

~~((Y-))~~ BB. "Shelter" means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

~~((Z-))~~ CC. "Special hobby kennel license" means a license issued under certain conditions to pet owners, who do not meet the requirements for a hobby kennel license, to allow them to retain only those specific dogs and cats then in their possession until such time as the death or transfer of the animals reduces the number they possess to the legal limit in K.C.C. Title 21A, the King County zoning code.

~~((AA-))~~ DD. "Under control" means the animal is either under competent voice control or competent signal control, or both, so as to be restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off a leash or off the premises of the owner.

~~((BB-))~~ EE. "Vicious" means having performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation.

SECTION 5. Ordinance 1396, Article 2 Section 1, as amended and K.C.C. 11.04.030 are each hereby amended to read as follows:

A. All dogs and cats eight weeks old and older that are harbored, kept or maintained in King County shall be licensed and registered annually.

B. Pet licenses shall be issued by the animal care and control ~~((section))~~ authority and may be issued by veterinarians, pet shops, catteries and kennels and other approved locations upon application and the payment of a license fee made payable to the department of finance according to the schedule provided in

K.C.C. 11.04.035 ((of this chapter)).

1. Pet licenses for unaltered dogs and cats shall be valid for a term of one year from issuance, expiring on the last day of the twelfth month. Pet licenses for altered dogs and cats shall be valid for one year, expiring on the last day of the twelfth month. There is no proration of any license fees. Renewal licenses shall retain the original expiration period whether renewed before, on or after their respective renewal months.

2. Juvenile licenses must be obtained for pets from eight weeks to six months old.

3. King County residents sixty-five years old or older may purchase a special permanent license for the lifetime of cats or dogs that are neutered or spayed and for which they are the registered owners when the animals are maintained at the owners' registered addresses. Those residents shall not be required to annually purchase a new license for the lifetime of the licensed animals though no person shall be issued more than three special permanent animal licenses for any combination of three cats and dogs for which the person is the registered owner.

4. Applications for a pet license shall be on forms provided by the animal care and control ((~~section~~)) authority.

5. License tags shall be worn by dogs at all times. As an alternative to a license tag, a dog or cat may be identified as licensed by being tattooed on its right ear or on its inside right thigh or groin with a license number approved or issued by the animal care and control ((~~section~~)) authority.

6. Owners of dogs or cats who hold valid licenses from other jurisdictions and who move into King County may transfer the license by paying a transfer fee. The license shall maintain the original license's expiration date.

7. It is a violation of this chapter for any person to sell or transfer ownership of any pet without a pet license. The King County animal care and control authority shall be notified of the name, address and telephone number of the new owner by the person who sold or transferred the pet.

8. An applicant may be denied the issuance or renewal of a pet license, if the applicant was previously found in violation of the animal cruelty provisions of K.C.C. 11.04.250 or convicted of animal cruelty under RCW 16.52.205 or 16.52.207.

a. An applicant may be denied the issuance or renewal of a pet license for up to:

(1) four years, if found in violation of the animal cruelty provisions of K.C.C. 11.04.250 or convicted of a misdemeanor under RCW 16.52.207; or

(2) indefinitely, if convicted of a felony under RCW 16.52.205.

b. Any applicant who is either or both the subject of a notice and order under K.C.C. 11.04.250 or charged with animal cruelty under RCW 16.52.205 or 16.52.207, or both, may have the issuance or renewal of their pet license denied pending the final result of either the notice and order or charge, or both.

9. The denial of the issuance or renewal of a pet license is subject to appeal, in accordance with K.C.C. 11.04.270.

C. A late penalty shall be charged on all pet license applications, according to the schedule provided in K.C.C. 11.04.035.

D. All fees and fines collected under this chapter shall be deposited in the county current expense fund and shall be distributed according to K.C.C. 11.04.035.

E. Fees and fines collected for dangerous dog or potentially dangerous dog offenses as required in this title shall be used for public education regarding the responsibilities and consequences of owning a dangerous or potentially dangerous dog. Fees collected for spay or neuter or microchip services for a dangerous dog or potentially dangerous dog may be used to support normal operations for the animal care and control authority.

~~(E.)~~ F. It is a violation of this chapter for any person to knowingly issue a check for which funds are insufficient or to stop payment on any check written in payment of fees in this chapter. Any license or penalty paid for with those types of checks are, in the case of the license, invalid; and in the case of the penalty, still outstanding. Costs incurred by the county in collecting checks of this nature shall be considered a cost of

abatement and are personal obligations of the animal owner under K.C.C. 11.04.300.

~~((F.))~~ G. This section shall not apply to dogs or cats in the custody of a veterinarian or animal shelter or whose owners are nonresidents temporarily within the county for a period not exceeding thirty days.

~~((G.))~~ H. License and registration fees for dangerous dogs or potentially dangerous dogs shall be in accordance with this chapter and under section 15 of this ordinance.

~~((H.))~~ I. Registration certification under section 15 of this ordinance shall also apply.

~~((I.))~~ J. The manager of the animal care and control authority shall design and make available dangerous dog or potentially dangerous dog signage with a consistent warning symbol that informs children of the presence of such a dog.

~~((J.))~~ K. The owner shall obtain signage from the animal care and control authority and the owner shall then display dangerous dog or potentially dangerous dog signage upon registration and licensing, in accordance with K.C.C. chapter 11.xx (sections 12 through 19 of this ordinance). If the signage is exposed to outdoor elements, it is the responsibility of the owner to waterproof the signage.

L. An owner of a dangerous dog or potentially dangerous dog may request the animal care and control authority to humanely euthanize a dangerous dog or potentially dangerous dog in lieu of paying registration fees, licensing fees, or penalty fees for failure to register, license, microchip, or spay and neuter.

SECTION 6. Section 7 of this ordinance implements new animal and pet license and service fees within the animal services and programs section of the records and licensing services division. These fees are assessed under K.C.C. 2.99.030.

SECTION 7. Ordinance 7416, Section 2, as amended, and K.C.C. 11.04.035 are each hereby amended to read as follows:

A. The following fees are applicable as provided in this chapter:

1. Pet license

a. Unaltered (dog or cat) \$60.00

b. Altered	\$20.00
2. Juvenile pet license	\$5.00
3. Senior citizen - lifetime license	
a. Senior citizen - lifetime license - dog	\$20.00
b. Senior citizen - lifetime license - cat	\$12.00
4. Replacement tag	\$5.00
5. Transfer fee	\$3.00
6. Animal shelter	\$250.00
7. Kennel and cattery	
a. Hobby	\$50.00
b. Commercial	\$250.00
8. Pet shop	\$250.00
9. Grooming service	
a. Operating alone	\$150.00
b. When operated in conjunction with pet shop or kennel or veterinarian	\$150.00
10. Guard dog registration	\$100.00
11. Exotic pet	
a. New	\$500.00
b. Renewal	\$250.00
12. Service animal	no charge
13. K-9 police dog	no charge
14. Individual private animal placement permit	\$25.00
15. Organizational private animal placement permit	\$10.00

16. Dangerous dog registration, as required in section 15 \$1,000.00
of this ordinance.

17. Potentially dangerous dog registration, as required \$500.00
in section 15 of this ordinance.

B. The following late fees are applicable to license renewal applications as provided in this chapter:

1. Received after forty-five days of license expiration, \$15.00
but before ninety days or failure to comply with
K.C.C. 11.04.030.C
2. Received after ninety days of license expiration, \$20.00
but before one hundred thirty-five days
3. Received after one hundred thirty-five \$40.00
days of license expiration

C. The following penalties shall be assessed:

1. Dog leash law violations
 - a. First notice \$25.00
 - b. Successive violations within one year \$50.00
2. Civil penalties maximum \$1,000.00
3. Animal abandonment \$500.00
4. Failure to license or register a dangerous dog, \$1,000.00
as required in section 15 of this ordinance.
5. Failure to license or register a potentially dangerous dog, \$500.00
as required in section 15 of this ordinance.
6. Failure to microchip a dangerous dog or potentially dangerous \$500.00
dog, as required in section 16 of this ordinance.

7. Failure to spay or neuter a dangerous dog or potentially dangerous dog, as required in section 13 of this ordinance \$500.00

D. The following service fees apply as provided in this chapter:

1. Adoptions - per animal \$75.00

This is a one-price fee that includes the fee for adopting an animal, the license fee and the spaying or neutering of the animal.

2. Spay or neuter deposit - per animal as required in K.C.C. 11.04.210.B.1.a \$50.00

3. Impound or redemption

- a. Dog, cats other small animals first offense \$45.00

Second offense, within one year \$85.00

Third offense within one year \$90.00

- b. Livestock \$100.00

4. Kenneling - per 24 hours or portion thereof \$12.00

5. In-field pick up of an owner's deceased unlicensed pet or pick up of an unlicensed pet released voluntarily to animal care and control authority \$20.00

6. Owner-requested euthanasia (unlicensed pets) \$20.00

7. Optional microchipping for adopted pets \$25.00

8. Microchipping for dangerous or potentially dangerous dogs \$25.00

9. Spay or neuter for dangerous or potentially dangerous dogs \$75.00

SECTION 8. Ordinance 1396. Article 3 Section 7, as amended, and K.C.C. 11.04.230 are each hereby amended to read as follows:

For purposes of this chapter, nuisances are violations of this chapter and shall be defined as follows:

- A. Any public nuisance relating to the animal care and control authority known at common law or in equity jurisprudence;
- B. A dog running at large within the county;
- C. Any domesticated animal, whether licensed or not, that runs at large in any park or enters any public beach, pond, fountain or stream or upon any public playground or school ground. However, this subsection shall not prohibit a person from walking or exercising an animal in a public park or on any public beach when the animal is on a leash, tether or chain ~~not to exceed eight feet in length~~. Also, this subsection shall not apply to any person using a trained service animal, to animal shows, exhibitions or organized dog-training classes if at least twenty-four hours' advance notice has been given to the animal care and control authority by those persons requesting to hold the animal shows, exhibitions or organized dog-training classes;
- D. Any domesticated animal that enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall. However, this subsection shall not apply to any person using a trained service animal, to veterinary offices or hospitals or to animal shows, exhibitions or organized dog-training classes if at least twenty-four hours' advance notice has been given to the animal care and control authority by the persons requesting to hold the animal shows, exhibitions or organized dog-training classes;
- E. Any female domesticated animal, whether licensed or not, while in heat and accessible to other animals for purposes other than controlled and planned breeding;
- F. Any domesticated animal that chases, runs after or jumps at vehicles using the public streets and alleys;
- G. Any domesticated animal that habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys or other public ways;
- H. Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal's premises or lawfully on the animal's premises. However, in addition to other

remedies and penalties, the provisions of this chapter relating to vicious animals potentially shall apply;

I. Any vicious animal or animal with vicious propensities that runs at large at any time is off the owner's premises not securely leashed on a line or confined and in the control of a person of suitable age and discretion to control or restrain the animal. However, in addition to other remedies and penalties, the provisions of this chapter relating to vicious animals shall apply;

J. Any domesticated animal that howls, yelps, whines, barks or makes other oral noises, in such a manner as to disturb any person or neighborhood to an unreasonable degree;

K. Any domesticated animal that enters upon a person's property without the permission of that person;

L. Animals staked, tethered or kept on public property without prior written consent of the animal care and control authority;

M. Animals on any public property not under control by the owner or other competent person;

N. Animals harbored, kept or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian; ~~((and))~~

O. Animals running in packs; and

P. Any animal that has been identified as a dangerous dog or potentially dangerous dog and constitutes a danger to the safety of persons or property off the animal's premises or lawfully on the animal's premises.
However, in addition to other remedies and penalties, the provisions of this title relating to dangerous dogs or potentially dangerous dogs potentially apply.

SECTION 9. Ordinance 1396, Article 3 Section 12, as amended, and K.C.C. 11.04.290 are each hereby amended to read as follows:

A.1. An animal, declared by the manager of the animal care and control ~~((section))~~ authority to be vicious, may be harbored, kept or maintained in King County only upon compliance with those requirements prescribed by the manager. In prescribing the requirements, the manager must take into consideration the following factors:

- a. the breed of the animal and its characteristics;
 - b. the physical size of the animal;
 - c. the number of animals in the owner's home;
 - d. the zoning involved; size of the lot where the animal resides and the number and proximity of neighbors;
 - e. the existing control factors, including, but not limited to, fencing, caging, runs and staking locations; and
 - f. the nature of the behavior giving rise to the manager's determination that the animal is vicious, including:
 - (1) extent of injury or injuries;
 - (2) circumstance, such as time of day, if it was on or off the property and provocation instinct; (~~and~~))
 - (3) circumstances surrounding the result and complaint, such as neighborhood disputes, identification, credibility of complainants and witnesses; and
 - (4) definitions in chapter 16.08 RCW and this title regarding dangerous dogs and potentially dangerous dogs.
2. Requirements that may be prescribed include, but are not limited to, the following:
- a. Erection of additional or new fencing adequate to keep the animal within the confines of its property;
 - b. Construction of a run within which the animal is to be kept. Dimensions of the run shall be consistent with the size of the animal;
 - c. Keeping the animal on a leash adequate to control the animal, the length and location to be determined by the manager. When unattended the leash must be securely fastened to a secure object;
 - d. Maintenance of the animal indoors at all times, except when personally controlled on a leash

adequate to control the animal by the owner or a competent person at least fifteen years old; and

e. Removal of the animal from the county within forty-eight hours from receipt of such a notice.

3. Failure to comply with any requirement prescribed by the manager in accordance with this section constitutes a misdemeanor. Such an animal shall not be kept in unincorporated King County after forty-eight hours after receiving written notice from the manager. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal and the owner or keeper of the animal or animals has no right to redeem the animal or animals.

B.1. Any animal constituting a public nuisance as provided in this chapter shall be abated and removed from the county by the owner or by the manager of the animal care and control (~~(section)~~) authority, upon the receipt of three notices and orders of violation by the owner in any one-year period, though this removal procedure shall not apply to the vicious animal removal procedure set out in K.C.C. 11.04.290.A.3. Where it is established by record in accordance with this chapter and no finding was entered showing that the owner will be able to provide reasonable restraints to protect the public from repetitions of violations, the manager of the animal care and control (~~(section)~~) authority shall notify and direct the owner of the animal to abate or remove the same from the county within ninety-six hours from the notice. If the animal is found to be within the confines of King County after ninety-six hours have elapsed from the notice, the same shall be abated and removed by the manager of the animal care and control (~~(section)~~) authority. Animals removed in accordance with this section shall be removed from King County or be subjected to euthanasia by the animal care and control authority.

2. Any animal that bites, attacks or attempts to bite one or more persons two or more times within a two-year period is declared to be a public nuisance and shall not be kept within unincorporated King County forty-eight hours after receiving written notice from the manager. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal, and the owner or keeper of the animal or animals has no right to redeem the animal.

C. Any animal that has been identified as a dangerous dog or potentially dangerous dog and constitutes a danger to the safety of persons or property off the animal's premises or lawfully on the animal's premises. However, in addition to other remedies and penalties, the provisions of this title relating to dangerous dogs or potentially dangerous dogs potentially apply.

SECTION 10. Ordinance 10423, Section 22, as amended, and K.C.C. 11.04.550 are each hereby amended to read as follows:

The animal care and control authority shall report to the council no later than July 15 each year on the number of animals taken into King County's custody, the number of animals redeemed by their owners, the number of animals adopted, the number of animals transferred to other animal welfare organizations or agencies, the number of reported dog bites classified by breed and severity of bite, the total amount of fees collected for dangerous dog or potentially dangerous dog licensing and violations, the number of animals euthanized, the number of animals euthanized at an owner's request, the number of animals euthanized due to a determination of vicious temperament, the number of dogs euthanized under K.C.C. chapter 11.xx (sections 12 through 19 of this ordinance), the number of animals euthanized due to a determination that the animal had a poor or grave prognosis of health and was irremediably suffering, the number of animals that die of causes other than an administered method of euthanasia, the number of animals spayed or neutered, the number of animal cruelty cases, the number and type of pet licenses issued and the number of spay or neuter vouchers issued and redeemed. Eleven copies of the report shall be filed with the clerk of the council, for distribution to all councilmembers.

SECTION 11. Sections 12 through 19 of this ordinance should constitute a new chapter in K.C.C. Title 11.

NEW SECTION. SECTION 12. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Animal care and control authority" means the county animal care and control section of the

records and licensing services division, acting alone or in concert with other municipalities for enforcement of the animal care and control laws of the city, county and state and the shelter and welfare of animals.

B. "Animal care and control officer" means any individual employed, contracted or appointed by the animal care and control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals, and includes any state or municipal peace officer, sheriff, constable or other employee whose duties in whole or in part include assignments that involve the seizure and taking into custody of any animal.

C. "Dangerous dog" has the same meaning as "dangerous dog:" in chapter 16.08 RCW, which is any dog that:

1. Inflicts severe injury on a human being without provocation on public or private property;
2. Kills a domestic animal without provocation while the dog is off the dog owner's property; or
3. Has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of the finding, and the dog again aggressively bites, attacks or endangers the safety of humans or domesticated animals.

D. "Dog handler" means a law enforcement officer who has successfully completed training as prescribed by the Washington State Criminal Justice Training Commission in police dog handling.

E. "Microchip" means to place an electronic implant that is an integrated circuit under the skin of a dog, cat or other animal and that is used to identify animals and their owners.

F. "Owner" means a person or legal entity having an interest in or right of possession to an animal. "Owner" also means a person or legal entity that harbors, cares for, or has control over, custody or possession of an animal, or by reason of the animal being seen residing consistently at a location, to an extent such that the person could be presumed to be the owner.

G. "Physical restraint" means that the person who has the potentially dangerous or dangerous dog under restraint has sufficient control over the dog to prevent it from attacking a human or domestic animal that is within the immediate area surrounding the dog.

H. "Police dog" means a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

I. "Potentially dangerous dog" has the same meaning as "potentially dangerous dog:"in chapter 16.08 RCW, which is any dog that:

1. When unprovoked, inflicts bites on a human or a domesticated animal either on public or private property;
2. When unprovoked, chases or approaches a person upon the streets, sidewalks or 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 other domesticated animals; or
3. Any dog declared to be potentially dangerous under section 17 of this ordinance.

J. "Proper enclosure" means an enclosure that securely confines a dog indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. The pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

K. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

NEW SECTION. SECTION 13.

A. In accordance with K.C.C. 11.04.400, a person shall not own or harbor a dangerous dog or potentially dangerous dog that has not been spayed or neutered.

B. The animal care and control authority may confiscate and hold any unspayed or unneutered dog, at the owner's expense, until the dog is spayed or neutered. Any dog that is determined by the animal care and control authority to be owned or harbored in violation of subsection A. of this section may also be confiscated and held at the owner's expense until the dog is spayed or neutered.

C. The owner of a dangerous dog or potentially dangerous dog under this chapter or chapter 16.08 RCW shall have the dog spayed or neutered by a veterinarian of the owner's choice, at the owner's expense. This shall be in addition to any other requirement for licensing or registration required by this title. The spay or neuter must be accomplished within thirty days after the dog is declared to be a dangerous dog or potentially dangerous dog by the animal care and control authority or upon registration of the dog as a dangerous dog or potentially dangerous dog, whichever occurs first. Failure to comply with this section shall result in a civil penalty under K.C.C. 11.04.035.

NEW SECTION. SECTION 14.

A. An owner of a potentially dangerous dog or dangerous dog shall not permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under physical restraint of a responsible person. Any person who fails to comply with this subsection is guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

B. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with the dog's vision or respiration but shall prevent the dog from biting a person or animal.

C. The muzzle requirement shall apply only to a dog that is potentially dangerous as defined in section 12 I.1, I.2. or I.4. of this ordinance or is a dangerous dog.

D. The muzzle requirement shall apply whether or not the dog is registered as a guard dog under K.C.C. chapter 11.32.

NEW SECTION. SECTION 15.

A. An owner shall not have a dangerous or potentially dangerous dog within King County without a

certificate of registration issued under this section. The certificate of registration is in addition to any license or registration requirement otherwise required by this title. The certificate of registration requirement shall not apply to police dogs.

B. In order to obtain a certificate of registration of a dangerous dog or potentially dangerous dog, the owner of the dangerous dog or potentially dangerous dog must present to the animal care and control authority sufficient evidence of:

1. A proper enclosure to confine the dangerous or potentially dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous or potentially dangerous dog on the property. It is the responsibility of the owner to obtain and conspicuously display a sign, which is designed and made available by the animal care and control authority, with a warning symbol that informs children of the presence of a dangerous dog or potentially dangerous dog; and

2. Either:

a. a surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal care and control authority in the sum of at least two hundred fifty thousand dollars, payable to any person injured by the dangerous or potentially dangerous dog; or

b. a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least two hundred fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous or potentially dangerous dog.

C. The term for a certificate of registration is one year from the date of issuance or until the dog is moved to another address outside the limits of King County, whichever occurs first. The owner of a dangerous dog or potentially dangerous dog must renew the certificate of registration annually, unless the dog is moved to another address outside the limits of King County.

D. Failure to register a dangerous or potentially dangerous dog will result in the imposition of a penalty, as established by K.C.C. 11.04.035.

NEW SECTION. SECTION 16. The owner of a dangerous dog or potentially dangerous dog under this chapter or chapter 16.08 RCW shall have the dog microchipped by a veterinarian of the owner's choice, at the owner's expense. This shall be in addition to any other requirements for licensing or registration required by this title. The microchipping must be accomplished within thirty days after the dog is declared to be a dangerous dog or potentially dangerous dog by the animal care and control authority or upon registration of the dog as a dangerous dog or potentially dangerous dog, whichever occurs first. Failure to comply with this section shall result in a civil penalty under K.C.C. 11.04 035.

NEW SECTION. SECTION 17.

A. The animal care and control authority is authorized to identify and classify dangerous dogs and potentially dangerous dogs. The manager of the animal care and control authority may find and declare a dog potentially dangerous or dangerous if the animal care and control officer determines that the dog falls within the definition of a dangerous dog or potentially dangerous dog in this chapter. The animal care and control authority may consider factors, including, but not limited to, the following:

1. The written complaint of a citizen that he or she witnessed the dog acting in a manner that causes the dog to fall within the definition of potentially dangerous or dangerous dog;
2. Dog bite reports filed with the animal care and control authority;
3. Actions of the dog witnessed by any animal care and control officer or law enforcement officer.

B. Upon determining that a dog is dangerous or potentially dangerous, the animal care and control authority shall serve notice upon the dog owner in person or by regular and certified mail, return receipt requested. The notice must state:

1. The statutory authority, where applicable, and the legislative authority for the proposed action;
2. The reasons the animal care and control authority considers the animal dangerous or potentially dangerous;
3. A statement that the dog is subject to registration and controls required by this chapter, including a

recitation of the controls in RCW 16.08.080(6) and section 15 of this ordinance and

4. An explanation of the owner's rights and of the proper procedure for appealing a decision finding the dog dangerous or potentially dangerous.

C. Before the animal care and control authority issuing its final determination, the animal care and control authority shall notify the owner in writing that he or she is entitled to an opportunity to meet with the animal care and control authority, at which meeting the owner may give, orally or in writing, any reasons or information as to why the dog should not be declared dangerous or potentially dangerous. The notice shall state the date, time and location of the meeting, which must occur before expiration of fifteen calendar days following delivery of the notice. The owner may propose an alternative meeting date and time, but the meeting must occur within the fifteen-day period set forth in this section. After the meeting, the animal care and control authority must issue its final determination, in the form of a written order, within fifteen calendar days. In the event the animal care and control authority declares a dog to be dangerous or potentially dangerous, the order shall include a recital of the authority for the action, a brief concise statement of the facts that support the determination, a statement advising that the notice may be appealed in accordance with section 18 of this ordinance, that the failure to file a timely and complete notice of appeal will constitute a waiver of all rights to an appeal under this chapter, and the signature of the person who made the determination. The order shall be sent by regular and certified mail, return receipt requested, or delivered in person to the owner at the owner's last address known to the animal care and control authority.

NEW SECTION. SECTION 18.

A. An owner of a dog that has been declared dangerous or potentially dangerous by the animal care and control authority, in accordance with section 17 of this ordinance, may appeal the order by filing with the manager of the animal care and control authority, within fourteen days from the date of the order, a written notice of appeal. The written notice of appeal shall be on a form provided for that purpose by the animal care and control authority or other written notice, but must contain the following items:

1. A caption reading: "Appeal of _____," giving the name of the owner/appellant;
2. A brief statement of the finding being appealed, together with any material facts claimed to support the contentions of the appellant;
3. A brief statement of the relief sought, and the reasons why the determination of the animal care and control authority should be reversed, modified or otherwise set aside;
4. The current address of the appellant; and
5. A verification, by declaration under penalty of perjury, made by the appellant as to the truth of the matters stated in the appeal.

B. Failure to file a timely and complete notice of appeal constitutes a waiver of all rights to an appeal under this chapter.

C. Upon receipt of a timely filed and completed notice of appeal, the board of appeals shall set a time and place of a hearing. Written notice of the time, date and place of the hearing shall be sent to the appellant.

D. The hearing shall be set no less than ten nor more than thirty business days following receipt of a timely filed and complete notice of appeal.

E. The filing of a notice of appeal does not stay the requirements for restraint of the dog pursuant to section 14 of this ordinance.

F. At the hearing, the appellant shall be entitled to appear in person, to be represented by counsel and to offer evidence that is relevant and material to the determination that the dog is dangerous or potentially dangerous.

G.1. Dogs shall not be declared potentially dangerous or dangerous by the board of appeals if a threat, injury or damage sustained by a person forms the sole basis for the determination by animal care and control authority that the dog is potentially dangerous or dangerous, and the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or another crime or tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog or has, in the past, been observed or

reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

2. At the hearing, the burden is on the owner of the dog to prove, by a preponderance of the evidence, that one or more of the circumstances in subsection G.1. of this section exist.

H. After the hearing, the board of appeals shall issue a written decision affirming, modifying or vacating the decision of the animal control authority.

I. The decision of the board of appeals is the final agency action.

NEW SECTION. SECTION 19.

A. Dangerous dogs are subject to confiscation by the animal care and control authority pursuant to RCW 16.08.100(1).

B. The manager of the animal care and control authority shall immediately confiscate a dangerous dog if the:

1. The dog is not microchipped.
2. The dog is not spayed or neutered.

C. If a dog is confiscated under subsection B of this section, the owner must pay the costs of confinement and control. The manager of the animal care and control authority must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason for the confiscation of the dangerous dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be euthanized in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within twenty days. The animal care and control authority shall euthanize the confiscated dangerous dog in an expeditious and humane manner if any deficiencies in this subsection are not corrected within twenty days of notification. In addition, the owner of the confiscated dog is guilty of a gross misdemeanor.

SECTION 20. If any provision of this ordinance or the application to any person or circumstance is

held invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances is not affected.