

ORDINANCE 2266

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING SNOHOMISH MUNICIPAL CODE SECTION 7.04.020 ENTITLED “DEFINITIONS”; 7.04.070 B. ENTITLED “PROHIBITED CONDUCT, OFFENSES RELATED TO CONTROL”; AND SECTION 7.08.060 ENTITLED “DECLARATION OF POTENTIALLY DANGEROUS OR DANGEROUS DOG – PROCEDURE AND NOTIFICATION REQUIREMENTS”; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, the Snohomish City Council finds that the City should encourage, secure, and enforce those animal control measures deemed desirable and necessary for the protection of human health, safety, and welfare, and to the greatest degree practicable to prevent injury to property and cruelty to animal life; and

WHEREAS, the federal Americans with Disabilities Act (ADA) regulations (28 CFR 35.104) relating to service animals supporting individuals with disabilities specifies how such animals may be exempted from certain local animal control regulations; and

WHEREAS, the Snohomish City Council finds that, for the protection of the public, dogs declared to be potentially dangerous or dangerous dogs should be identified, regulated, and licensed; and

WHEREAS, public health concerns would suggest that certain regulations be provided within City codes to protect the general public from the dangers of rabies-infected animals; and

WHEREAS, the requirements of law enforcement operations for the effective use of canine assistants generate a need to exempt such animals from certain regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC Section 7.04.020, entitled “Definitions” is hereby amended to add or amend the following definitions (All other provisions of SMC 7.04.020 remain in effect and unchanged):

“Quarantine” means the keeping of a biting animal or the suspected biting animal separate and apart from other animals and people for a period of up to fourteen days.

“Rabies” is an acute viral, infectious, and usually fatal disease of dogs, cats, and other warm-blooded animals, attacking the central nervous system causing inflammation of the brain and spinal cord, and transmitted to humans by the bite of an infected animal. Animals infected with rabies may appear sick, crazed, or vicious.

“Service dog/animal” which includes “guide dog,” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. for the purpose of assisting or accommodating a disabled person related to the person’s disability. (Ord. 2193, 2010)

Section 2. SMC Section 7.04.070 B entitled “Offenses Relating to Control” is amended to add paragraphs 6 -7 (All other provisions of SMC 7.040.070 remain in effect and unchanged):

7.04.070 B. Offenses Relating to Control. It shall be unlawful for any person to:

...

6. Permit a service animal to be without a harness, to be unleashed or untethered, if these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

7. Exemption - Police dogs. All police dogs owned by a public law enforcement agency or its agent and being used for training by such agency or agent shall be exempt from all provisions of the Snohomish Municipal Code relating to animal control, with the exception of Section 7.08.060 B, Rabies Control. If a police dog is required under Section 7.08.060 B to be quarantined, such dog will be remanded to the control of its handler. Police dogs so controlled may be used in the line of duty. Follow-up procedures prescribed by the Humane Society/health department will apply.

Section 3. SMC Section 7.08.060, entitled “Declaration of Potentially Dangerous or Dangerous Dog – Procedure and Notification Requirements” is amended to read as follows:

7.08.060 Declaration of Potentially Dangerous or Dangerous Dog – Procedure and Notification Requirements.

A. The Animal Control Officer shall identify and classify potentially dangerous dogs and dangerous dogs. The Animal Control Officer may find and declare a dog potentially dangerous or dangerous if the Animal Control Officer has probable cause to believe that the dog falls within the definitions set forth in SMC 7.04.020. Probable cause may be based upon:

1. The written complaint of a citizen who is willing to testify that he or she witnessed the dog acting in a manner which causes it to fall within the definition of potentially dangerous dog or dangerous dog.
2. Dog bite reports filed with the Animal Control Officer.
3. Actions of the dog witnessed by any Animal Control or Law Enforcement Officer.

4. Other substantial evidence.

B. Rabies Control.

1. In the event that any animal has bitten a human being, the designated animal control agent may order quarantine of such animal for a period up to fourteen days. In the event that the agent has reason to suspect that an animal is rabid, the appropriate officials of the Washington State Department of Health and Snohomish County Department of Health shall be notified and the designated animal control agent shall coordinate any further activities with the agencies which have jurisdiction rabies prevention and control. The provisions of Chapter 246-100 WAC, together with amendments thereto, are incorporated in this chapter by reference and prevail over any conflicting provision of this chapter in any suspected rabies matter.
2. The quarantined animal must not be kept in any area that is accessible to other animals or persons, but shall be kept indoors in a secluded room. Should the order of quarantine be broken, the animal may be impounded and held by a designated custodian of animals at owner and/or custodian expense for the remainder of the quarantine period. Redemption is subject to payment of any fees allowable under this chapter. It shall be a violation of this chapter for any owner or custodian to whom an order of quarantine is issued to knowingly, recklessly or with criminal negligence permit the order of quarantine to be broken.

~~B.C.~~ Upon determining that probable cause exists to believe that a dog is potentially dangerous or dangerous, the Animal Control Officer may issue a written notice to the owner of the dog. The notice shall contain the following:

1. The name and address of the owner of the dog;
2. A brief description of the dog;
3. A brief statement of why the dog has been found to be a potentially dangerous dog or dangerous dog;
4. The specific provision or provisions of SMC 7.08.060(A) under which the Animal Control Officer has found the dog to be a potentially dangerous dog or dangerous dog;
5. The requirements for restraint of the dog, if applicable, as determined by the Animal Control Officer, and when these requirements must be complied with;
6. The criminal penalty for violation of the requirements for restraint imposed by the Animal Control Officer, including a statement that, if the requirements are not timely met, the Animal Control Officer shall have the authority of issue a criminal citation or

report such noncompliance to the City Attorney's Office, which shall have the authority to initiate a criminal action, all as set out in 7.08.080 hereof; and

7. A statement advising:

- a. That the notice may be appealed to the City of Snohomish Hearing Examiner.
- b. 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.

~~C.D.~~ The notice shall be served on the owner in one of the following methods:

1. First class mail to the owner's last known address; or
2. Personally. If the notice of hearing is personally served, proof of personal service of notice of hearing shall be made by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

E. Duty of owner to notify animal control agency of change in status of potentially dangerous or dangerous dog.

1. The owner of a potentially dangerous or dangerous dog shall immediately notify the animal control agency when the dog:

- a. is loose or unconfined off the premises of the owner;
- b. has bitten or injured a human being or another animal;
- c. is sold, given away, or moved to another address; or
- d. dies.

2. If a potentially dangerous or dangerous dog is sold, given away, or moved to another location, the owner shall provide the name, address, and telephone number of the new owner, or the address and telephone number of the new location is retained by the same owner, to the animal control agency prior to moving the dog, whether within or outside of Snohomish county. All requirements of this chapter must be met by the new owner prior to moving the dog if the dog remains within Snohomish county. If the dog is retained by the same owner, but moved to another address, the requirements of this chapter must be met prior to moving the dog.

3. If a potentially dangerous or dangerous dog dies, the owner shall supply to the animal control agency within 30 days of death, a veterinarian certificate of death or other proof that the dog has died.

~~D.F.~~ If the owner cannot be located as provided in paragraph ~~(C)~~ (D) (1) or (2) of this subsection, notification shall be attempted by publication in a newspaper of general circulation.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision or preemption shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

Section 5. Effective Date. This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 4th day of February, 2014.

CITY OF SNOHOMISH

By _____
KAREN GUZAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By _____
TORCHIE COREY, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY