

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2100**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON AMENDING PORTIONS OF ORDINANCE 1915 AND 1931 CODIFIED AS SMC CHAPTER 7.04.020. RELATING TO THE DEFINITION OF DANGEROUS DOG AND POTENTIALLY DANGEROUS DOG AND SMC CHAPTER 7.08.030 RELATING TO POTENTIALLY DANGEROUS AND DANGEROUS DOGS OUTSIDE OF AN ENCLOSURE AND SMC CHAPTER 7.08.040 RELATING TO LICENSING OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS AND SMC CHAPTER 7.08.080 RELATING TO CONFISCATION AND OFFENSES.**

**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 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

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

**Section 1.** SMC section 7.04.020 Definitions. “Dangerous dog” and “Potentially dangerous” dog are hereby amended to read as follows

**“Dangerous dog”** means any dog that according to the records of the appropriate authority has

- (1) inflicted severe injury on a human being without provocation on a public or private property;
- (2) killed a domestic animal without provocation while off the owner’s property; or
- (3) been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
- (4) previously found to be a dangerous dog by any jurisdiction.

**“Potentially dangerous dog”** means:

1. Any dog that, when unprovoked, chases or 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 otherwise threaten the safety of humans or domestic animals; or

2. Any dog that when unprovoked inflicts bites on a human or a domestic animal either on public or private property; or
3. Any dog previously found to be a potentially dangerous dog in any jurisdiction.

**Section 2.** SMC section 7.08.030 shall be amended to read as follows

**7.08.030 Potentially Dangerous Dog or Dangerous Dog Outside Enclosure.** It is unlawful for an owner of a potentially dangerous dog or dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal.

**Section 3** SMC section 7.08.040 shall be amended to read as follows.

**7.08.040 Dangerous Dogs and Potentially Dangerous Dogs – Certificate of registration required - Prerequisites.**

- A. It is unlawful for an owner to have a dangerous dog or a potentially dangerous dog in the City of Snohomish without a certificate of registration issued under this section. This section shall not apply to police dogs.
1. The owners of all dangerous dogs or potentially dangerous dogs shall obtain a certificate of registration from the City of Snohomish immediately on the next business day, upon the animal moving to the City. This includes dogs found to be dangerous or potentially dangerous in other jurisdictions that move to the City of Snohomish.
  2. After paying the registration fee and registering a potentially dangerous dog with the City of Snohomish, the owners of potentially dangerous dogs labeled so by another jurisdiction based solely on breed classification alone without any aggressive acts, may request review by the Community Services Officer/Animal Control Officer to determine if that specific breed classified potentially dangerous dog will be considered a potentially dangerous dog for registration purposes in the City of Snohomish.
    - a. The owner of the potentially dangerous dog shall make their request in writing to the Community Services Officer/Animal Control Officer and will have the responsibility to provide written documentation that the animal was determined to be a potentially dangerous dog based solely on breed, without any aggressive acts.
    - b. The Community Services Officer/Animal Control Officer will make the determination of whether the dog will be considered a potentially dangerous dog for registration purposes there is no appeal of that decision.

- c. The Community Services Officer/Animal Control Officer will make her decision based upon contact with the jurisdiction declaring the potentially dangerous dog to determine whether the dog was declared a potentially dangerous dog solely based upon breed or whether there is record of any aggressive behavior or acts. If the record shows no aggressive behavior or acts and that the declaration was based solely upon breed, then the dog will not be required to be registered as a potentially dangerous dog in the City of Snohomish. If there is any record of aggressive behavior or acts then the dog will be required to be registered as a potentially dangerous dog in the City of Snohomish.
  - d. The Community Services Officer/Animal Control Officer will provide her decision in writing whether the potentially dangerous dog will be considered a potentially dangerous dog for registration purposes in the City of Snohomish. If the Community Services Officer/Animal Control Officer's decision is that the dog will not be considered a potentially dangerous dog for registration purposes in the City of Snohomish then the fees will be refunded and the dog shall have regular licensing requirements.
- B. The City of Snohomish shall issue a certificate of registration to the owner of a dangerous dog or potentially dangerous dog upon payment of a one hundred dollar (\$100.00) registration fee if the owner presents to the City of Snohomish sufficient evidence of:
1. A proper enclosure to confine a dangerous dog or potentially dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign 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 RCW 48.28 in a form acceptable to the City of Snohomish and the City Attorney in the sum of at least two hundred fifty thousand dollars, payable to any person injured or owner of an animal injured by the dangerous dog; or
    - b. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least two hundred and fifty thousand dollars, insuring the owner for any personal injuries inflicted or injuries to an animal inflicted by the 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 corporate limits of the City of Snohomish, whichever is less. 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

corporate limits of the City of Snohomish.

**Section 4.** 7.08.080 Dangerous Dogs – Confiscation – Offenses is amended to read as follows

7.08.080 Dangerous Dogs / Potentially dangerous dogs – Confiscation – Offenses

A. Grounds for confiscation: Any dangerous dog or potentially dangerous dog shall be immediately confiscated by the Animal Control Officer if:

1. The dog is not validly registered under this chapter or RCW 16.08.080;
2. The owner does not secure the liability insurance coverage required under this Chapter or RCW 16.08.080;
3. The dog is not maintained in the proper enclosure; or
4. The dog is outside of the dwelling of the owner, or outside of the proper enclosure, and not under physical restraint of a responsible person.

B. The owner of a dangerous dog or potentially dangerous dog shall be guilty of a gross misdemeanor in any of the following circumstances:

1. The owner does not validly register and/or maintain a valid registration for the dangerous dog or potentially dangerous dog;
2. The owner does not secure and/or maintain liability insurance required by this Chapter or RCW 16.08.080;
3. The owner does not maintain the dog in a proper enclosure; or
4. The owner or a responsible person does not physically restrain the dangerous dog or potentially dangerous dog while the dog is outside the dwelling of the owner, or the dog is outside the proper enclosure required by this Chapter or RCW 16.08.

C. If a dangerous dog of an owner with a prior conviction under this chapter or RCW 16.08.100, attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. The matter shall be referred to the County Prosecutor for prosecution. In addition, the dangerous dog shall be immediately confiscated by an Animal Control Authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

D. The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall be guilty of a class C felony punishable in accordance with RCW 9A.20.021. The matter shall be referred to the County Prosecutor for prosecution. In addition, the dog

shall be immediately confiscated by an Animal Control Authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

- E. The owner of any dog that has been confiscated, quarantined, and/or destroyed shall be responsible for all of the associated costs. The same may be assessed as restitution in any misdemeanor or felony prosecution. The city in addition shall have the right to pursue an action in a court with jurisdiction to collect the associated costs. In any such action the City shall be entitled to recover its costs and reasonable attorneys fees.

**Section 5.** Effective Date.

This ordinance shall go into effect 5 days following adoption and publication.

**PASSED** by the City Council and **APPROVED** by the Mayor this 6th day of December, 2005.

CITY OF SNOHOMISH

By \_\_\_\_\_  
Liz Loomis, Mayor

Attest:

By \_\_\_\_\_  
Torchie Corey, City Clerk

Approved as to form:

By \_\_\_\_\_  
Grant K. Weed, City Attorney