

## **RESOLUTION 2019-14**

### **A Resolution Declaring a Dog Potentially Dangerous**

WHEREAS, the City of Electric City has adopted Chapter 6.10 of the Electric City Municipal Code (ECMC) providing for the declaration and regulation of potentially dangerous dogs: and

WHEREAS, ECMC 6.10.010(1) defines the animal control authority for the City of Electric City to be the City Council of Electric City; and

WHEREAS, ECMC 6.10.010((9) defines “potentially dangerous dog” to 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 approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
- (c) Any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

WHEREAS, ECMC 6.10.200 provides for the declaration of potentially dangerous dogs by the animal control authority; and

WHEREAS, reports filed with the City Council, as animal control authority, indicate that the substantial admissible evidence is as follows:

1. A Grand Coulee Police Report and sworn affidavit provided by an officer of the Grand Coulee Police Department: On or about June 20, 2019 the report describes an instance of a dog owned by Larry Branchley, a resident of Electric City, that without provocation aggressively approached a pedestrian walking a dog and attempted to bite. Said events taking place within the public right of way alley between city hall and the back of 16 Coulee Blvd. W. All locations are within the corporate boundaries of Electric City, WA.
2. Said Dog is described as a small brown dachshund mix. Said dog being owned by Larry Branchley, a resident of Electric City, and located at 16 Coulee Blvd. W. Electric City, Washington 99123.

WHEREAS, a hearing was held on July 9<sup>th</sup>, 2019, before the City Council of the City of Electric City acting as the animal control authority and the following person testified under oath:

1. Larry Branchley, animal owner.

Now, therefore, BE IT RESOLVED BY THE City Council of the City of Electric City, acting as the animal control authority for the City of Electric City:


1. Based upon the evidence recited above, the above-described dog belonging to Larry Branchley is hereby declared to be a potentially dangerous dog according to ECMC 6.10.010(9)(a)-(c).
2. Larry Branchley must register said animal within five (5) days of the date of service of this Resolution in accordance with the requirements of ECMC 6.10.190, .260, and .270. The initial fee for registration of a potentially dangerous dog is two hundred fifty dollars (\$250). Registration must be renewed annually for a fee of two hundred dollars (\$200). To receive a certificate of registration you must present the City with sufficient evidence of compliance with the following requirements:
  - a. Proof of payment of the annual registration fee; and
  - b. A proper enclosure to confine the dog and the posting of the premises with clearly visible warning signs that there is a potentially dangerous or dangerous dog on the property. "Proper enclosure" means confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide adequate exercise space and protection from the elements for the dog. Proper enclosure will include "Beware of Dog" signs and signs with a warning symbol that informs children of the presence of a potentially dangerous dog, attached to the pen or structure housing the dangerous dog, that are readable from a minimum of 50 feet, or readable from any public access, street, road or alley. Proper enclosure shall be structured as to protect any child from injury and from releasing the dangerous dog; and
  - c. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog; or
  - d. 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 \$50,000, insuring the owner for any personal injuries inflicted by the potentially dangerous dog.
  - e. Written acknowledgment of receipt of a copy of this chapter that includes a statement that the person acknowledging has read and understood what is

required to keep a potentially dangerous dog within the City and what actions may lead to a dangerous dog declaration.


3. It is unlawful for an owner of a potentially dangerous dog or dangerous dog to permit the dog to be outdoors or outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash 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.
4. Larry Brenchley is advised that any person who fails to comply with the provisions of the municipal code shall be subject to the penalties and enforcement pursuant to Chapters 6.10 ECMC, including but not limited to the possibility of destruction of the dog, civil damages assessed against the owner, imprisonment, and fines incurred by the owner through criminal prosecution. This section shall not preclude immediate criminal prosecution under RCW 16.08.100 in a first bite situation causing severe injury or death of any human.
5. This Resolution may be appealed to the Electric City Municipal Court by submitting a request for a hearing within five (5) days of service of the Resolution to the Clerk of the Electric City Municipal Court.
6. A copy of Chapter 6.10 of the Electric City Municipal Code is attached hereto and incorporated by reference herein.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ELECTRIC CITY, at a regular meeting thereof this 9<sup>th</sup> day of July, 2019.

APPROVED:

  
John T. Nordine II, Mayor

ATTEST:

  
Russell D. Powers,  
City Administrator-Clerk/Treasurer