Date of Notice:

Name of Owner:

Address: Bothell, WA

Case Number:

Animal Name:

Animal Breed:

Animal Sex:

Animal Color:

Animal License #:

Microchip #:

**NOTICE AND DECLARATION OF POTENTIALLY DANGEROUS DOG**

Pursuant to Bothell Municipal Code, Chapter 6.04, notice is hereby given that your dog, NAMED a BREED AND SEX AND COLOR, has been determined to be a Potentially Dangerous Dog, by reason that the Dog;

Has previously been found through notice of violation or similar enforcement action to have violated the provisions of subsection BB of this section, “Under Control” means the animal is under competent control so as to be thereby restrained from approaching, intimidating or injuring any bystander or other animal and from causing or being the cause of physical property damage when off the premises of the owner. Police dogs, search and rescue dogs and other such working dogs shall be presumed to be under control while such dogs are training or working under the control of their handler even though no leash or direct restraint is utilized.

Any dog that, after formal complaint has been filed, has been found by written notice of the owner to be menacing or intimidating by the animal control authority due to ongoing nuisance behavior, physical and/or behavioral characteristics which may include factors from the applicable nuisance provisions found under Chapter 6.16 BMC and BMC 6.24.135 (A), Vicious Animals;

When unprovoked inflicts bites on a human or domestic animal either on public or private property; or

Chases or approaches a person upon the street, 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 to otherwise threaten the safety of humans or domestic animals.

Brief Statement of the facts:

Owners of a Potentially Dangerous Dog must present to the City’s animal control officer sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. While on the owner’s property, a dangerous or potentially dangerous dog shall be securely 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 animal from escaping. Such pen or structure shall have secure sides and a secure top and any other devices determined necessary for security by the animal control authority and shall also provide protection from the elements for the dog. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and

2. 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 potentially dangerous dog, or such surety bond that otherwise meets the requirements of RCW 16.08.080; or

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, or such liability insurance that otherwise meets the requirements of RCW 16.08.080.

While on the owner’s property, a Dangerous Dog shall be **securely confined indoors** or, if outdoors, 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. Such pen or structure shall have secure sides and a secure top and any other devices determined necessary for security by the animal control authority and shall also provide protection from the elements for the Animal. Potentially Dangerous Dogs shall not be outside of the home or secure pen unless on leash and **under control**. BMC 6.24.141(A)(1)

1. **Securely confined indoors** means all entry/exit ways to the residence are secured to prevent any and all exit whatsoever of the Animal when the Animal is in the house and out of kennel.
2. **Under control** means the animal is under competent control so as to be thereby restrained from approaching, intimidating or injuring any bystander or other animal and from causing or being the cause of physical property damage when off the premises of the owner.

The owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a Dangerous Animal. The clearly visible warning sign should be no smaller than 9” x 12”. The Animal Control Officer has the right to designate how many and locations of appropriate signage. BMC 6.24.140(A) (2)

It is unlawful for an owner of a Dangerous or Potentially Dangerous Dog to permit the Animal to be outside the property enclosure unless restrained by a substantial chain or leash and under physical restraint of a responsible person. A dangerous dog outside a proper enclosure shall also be muzzled and the muzzle shall be made in a manner that will not cause injury to the dog nor interfere with its vision or respiration but shall prevent it from biting any person or animal. The owner of a dangerous dog must post the premises with a visible warning sign as indicated above in subsection [(B)(1)](https://bothell.municipal.codes/BMC/6.24.140(B)(1)) of this section.

# D. Any dog shall be immediately confiscated by the animal control authority if:

1. The dog is not validly registered by the city;

2. The owner does not secure and maintain liability insurance coverage or surety bonds as required above;

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 and/or muzzled as indicated above.

Any dangerous dog confiscated under this section will be disposed of as an unredeemed animal and the owner shall have no right to redeem such dog. Any owner of a dangerous or potentially dangerous dog in violation of this section shall be guilty of a gross misdemeanor punishable in accordance with BMC [1.24.010](https://bothell.municipal.codes/BMC/1.24.010); provided, however, that if a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the owner shall be guilty of a Class C felony pursuant to RCW [16.08.100(2)](https://bothell.municipal.codes/WA/RCW/16.08.100(2)), the dog shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time and thereafter destroyed in an expeditious and humane manner. In addition, the owner of any dog that aggressively attacks and causes severe injury or death to any human, whether the dog has previously been declared potentially dangerous or dangerous, shall be guilty of a Class C felony pursuant to RCW [16.08.100](https://bothell.municipal.codes/WA/RCW/16.08.100) and the dog shall be confiscated, placed in quarantine and thereafter destroyed in an expeditious and humane manner.

Pursuant to Bothell Municipal Code Section 6.24.160 the owner of the Potentially Dangerous Dog is entitled to an appeal. Upon receiving a notice of appeal, the board of appeals shall set a time and place, not more than 30 days from such notice for hearing thereon. Written notice of the time and place of hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the manager-clerk of the board.

At the hearing, the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence pertinent and material to the action of the director. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered.

Any civil penalty and the cost of abatement are personal obligations of the animal owner.

Issued By:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Bothell Animal Control Authority

Received By:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Primary Animal Owner

**BMC 6.04.020**

# G. “Dangerous dog” means any dog that according to the records of the appropriate authority:

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

2. Has killed or inflicted severe injury on a domestic animal without provocation while off the owner’s property; or

3. Has 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;

4. Any potentially dangerous dog that has been permitted or allowed to run free and unrestrained off of the property of its owner;

5. Any dog that, after formal complaint has been filed, has been found by written notice to the owner to be menacing or intimidating by the animal control authority due to ongoing nuisance behavior, physical and/or behavioral characteristics which may include factors from the applicable nuisance provisions found under Chapter [6.16](https://bothell.municipal.codes/BMC/6.16) BMC and BMC [6.24.135(A)](https://bothell.municipal.codes/BMC/6.24.135(A)), Vicious Animals, such dog having previously been found to be menacing or intimidating pursuant to subsection [(V)(2)](https://bothell.municipal.codes/BMC/6.04.020(V)(2)) of this section;

6. Any potentially dangerous dog that has harassed, tormented or caused concern for the safety of persons or domestic animals;

7. Any dog that has demonstrated a propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals and which has previously been determined to be a potentially dangerous dog;

provided, however, that an animal shall not be considered a dangerous dog if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other 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.