

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2007-58

SUBJECT: Revise Process for Appealing Potentially Dangerous Dog Designation

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 12/6/2007
- (X) Passed by the City Council: 12/12/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 12/19/2007
- (X) Effective: 12/24/2007

DISTRIBUTED COPIES AS FOLLOWS: email all departments

- (J) NK Herald: Published
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- () City Council
- () Finance:
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- (1) Municipal Court
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- () Public Works/Engr Section:
- () Bookshelf Contracts Copy
- (1) Kitsap Humane Society Animal Control Officer 12/27/2007

City Clerk

12-27-2007
Date

ORDINANCE NO. 2007-58

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SUBSECTIONS 6.50.020(F), (G), AND (H) OF THE POULSBO MUNICIPAL CODE IN ORDER TO REVISE THE PROCESS FOR APPEALING THE ANIMAL CONTROL AUTHORITY'S DECLARATION OF A POTENTIALLY DANGEROUS DOG TO MAKE THE SAME APPEALABLE TO THE POULSBO MUNICIPAL COURT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Subsections 6.50.020(F), (G), and (H) of the Poulsbo Municipal Code provide that the owner of a dog declared potentially dangerous by the animal control authority may appeal the declaration to the Kitsap County Hearing Examiner and from there to the Kitsap County District Court, and

WHEREAS, at the time the code sections were enacted, the City believed that its current animal control contract with Kitsap County would allow for appeals to be processed as provided, and

WHEREAS, the City has now determined that it must rely upon its own personnel for processing such appeals and that the Poulsbo Municipal Court should hear the appeals, and

WHEREAS, the code sections in question must therefore be amended, now, therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. Appeal Process for Potentially Dangerous Dog

Declaration. Subsections 6.50.020(F), (G), and (H), of the Poulsbo Municipal Code are hereby amended to read as follows:

(F) Appeal to Poulsbo Municipal Court. The owner of a dog declared Potentially Dangerous shall have fourteen (14) calendar days from receipt of the written declaration to file a written appeal with the Poulsbo Municipal Court and pay a filing fee equal to that established by RCW 3.62.060 for civil actions commenced in the district courts, as the statute now exists or as it may hereafter be amended or superseded. Within fourteen calendar days of receiving the written notice of appeal, the Municipal Court Clerk shall schedule an appeal hearing before the Poulsbo Municipal Court and provide written notice of the hearing to the owner of the Potentially Dangerous Dog and the animal control authority.

(G) Hearing before Municipal Court. At the appeal hearing before the Poulsbo Municipal Court, the appellant shall have the burden of proving that the determination by the animal control authority was arbitrary and capricious. The owner of the dog may present evidence in defense of the dog and against the declaration. The Court shall weigh the evidence presented by both the animal control authority and the owner (if applicable), and shall issue a written decision to the appealing dog owner and animal control authority that either sustains or reverses the animal control authority's declaration. If the declaration is reversed and an appeal is not timely filed by the animal control authority, any restrictions on the dog previously imposed shall be annulled. No court costs or attorney fees shall be assessed against the City of Poulsbo, Kitsap County, or the animal control authority in such an instance. If the Court finds that the decision by the animal control authority was not arbitrary and capricious, the court may impose court costs, but not attorney fees, against the appellant, and may impose additional restrictions on the Potentially Dangerous dog.

H) Appeal of Municipal Court's Decision. Either the owner of a dog declared Potentially Dangerous by the authority or the animal control authority itself may appeal the decision of the Poulsbo Municipal Court to the Kitsap County Superior Court. Any such appeal shall be filed

within thirty days as provided in the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) and shall be governed by and subject to such rules.

Section 2. **Severability.** If any section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby.

Section 3. **Effective Date.** This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

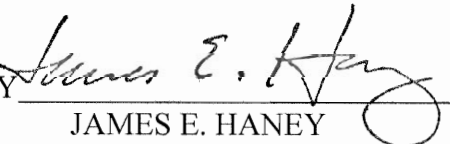


MAYOR KATHRYN H. QUADE

ATTEST/AUTHENTICATED:


CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: December 6, 2007
PASSED BY THE CITY COUNCIL: December 12, 2007
PUBLISHED: December 19, 2007
EFFECTIVE DATE: December 24, 2007
ORDINANCE NO. 2007-58

SUMMARY OF ORDINANCE NO. 2007-58

of the City of Poulsbo, Washington

On the 12th day of December, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-58. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SUBSECTIONS 6.50.020(F), (G), AND (H) OF THE POULSBO MUNICIPAL CODE IN ORDER TO REVISE THE PROCESS FOR APPEALING THE ANIMAL CONTROL AUTHORITY'S DECLARATION OF A POTENTIALLY DANGEROUS DOG TO MAKE THE SAME APPEALABLE TO THE CITY HEARING EXAMINER; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 14th day of December, 2007.



CITY CLERK KAROL JONES, CMC