



# City of Tukwila

Washington

Ordinance No. 2197

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2011, AS CODIFIED AT SECTIONS 7.04.090 AND 7.04.100 OF THE TUKWILA MUNICIPAL CODE, REGARDING THE APPEAL OF A DANGEROUS OR POTENTIALLY DANGEROUS DOG DESIGNATION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the appeal procedure set forth under Tukwila Municipal Code Section 7.04.090, "Declaration of Dangerous and Potentially Dangerous Dog," provides that an owner or keeper of a dog deemed dangerous or potentially dangerous may contest such designation before the King County Animal Control Authority Board of Appeals; and

**WHEREAS**, because Tukwila's dangerous dog provisions differ from those of King County, the City Council desires to amend the appeal procedure so that appeals of dangerous dog and potentially dangerous dog designations go before the Tukwila Hearing Examiner;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

**Section 1. TMC 7.04.090, "Declaration of Dangerous and Potentially-Dangerous Dogs," Amended.** Ordinance No. 2011, as codified at TMC 7.04.090E, is hereby amended to read as follows:

E. *DECLARATION APPEAL PROCEDURE.* If the owner or keeper of the animal wishes to contest the declaration, the following procedures shall apply:

1. The owner or keeper shall, within 14 days of receipt of the declaration, or within 14 days of the publication of the declaration, or within 14 days of the publication of the declaration pursuant to 7.04.090C, request a hearing from the Tukwila Hearing Examiner. Failing to exhaust this administrative appeal process shall be a bar to action in a court of law. Any appeal decision issued by the Tukwila Hearing Examiner can be appealed in Superior Court.

2. If the Tukwila Hearing Examiner finds there is insufficient evidence to support the declaration, it shall be rescinded and the restrictions imposed thereby vacated.

3. If the Tukwila Hearing Examiner finds sufficient evidence to support the declaration, then it shall be affirmed.

4. If the Tukwila Hearing Examiner finds that the animal is not a potentially dangerous or dangerous dog, no costs shall be assessed against the City or the Animal Control Authority or officer.

**Section 2. TMC 7.04.100, "Declaration -- Impoundment and Abatement," Amended.** Ordinance No. 2011, as codified at TMC 7.04.100A, is hereby amended to read as follows:

A. *IMPOUNDMENT.* Following service of a declaration of potentially dangerous or dangerous dog, and pending appeal under TMC 7.04.090E, the Animal Control Authority may, if circumstances require, impound the animal at the owner's or keeper's

expense, until the appeal to the Tukwila Hearing Examiner or a court of competent jurisdiction orders either its redemption or destruction.

**Section 3. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 4. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 4<sup>TH</sup> day of February, 2008.

ATTEST / AUTHENTICATED:

Jane E. Cantu  
Jane E. Cantu, CMC, City Clerk

Jim Haggerton  
Jim Haggerton, Mayor

APPROVED AS TO FORM BY:

Shelley M. Kerslake  
Shelley M. Kerslake, City Attorney

Filed with the City Clerk: 1-30-08  
Passed by the City Council: 2-4-08  
Published: 2-7-08  
Effective Date: 2-12-08  
Ordinance Number: 2197

SUMMARY OF ORDINANCE  
No. 2197


City of Tukwila, Washington

On February 4, 2008 the City Council of the City of Tukwila, Washington, adopted Ordinance No. 2197, the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2011, AS CODIFIED AT SECTIONS 7.04.090 AND 7.04.100 OF THE TUKWILA MUNICIPAL CODE, REGARDING THE APPEAL OF A DANGEROUS OR POTENTIALLY DANGEROUS DOG DESIGNATION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Approved by the City Council at a Regular Meeting on February 4, 2008.

  
Jane E. Cantu, CMC, City Clerk

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