

ORDINANCE NO. 2002-03-021

**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTION 7.08.130 TO CORRECT A TYPOGRAPHICAL ERROR CONCERNING REGULATION OF DANGEROUS DOGS.**

**WHEREAS**, Bellingham Municipal Code Section 7.08.130(A)(1) erroneously refers to the definitions of potentially dangerous dogs and dangerous dogs as being found in "7.08.030(G) or (R)", and

**WHEREAS**, the City would like to correct this apparent typographical error to accurately reference the correct section of the Bellingham Municipal Code defining such dogs, 7.04.030(G) and (R),

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1.** Section 7.08.130 of the Bellingham Municipal Code shall be amended as follows:

**7.08.130 - Potentially Dangerous Or Dangerous Dog - Declaration**

**A.** The animal control officer may find and declare a dog potentially dangerous or dangerous if the officer has probable cause to believe that the dog falls within the definition set forth in BMC 7.04.030(G) or (R). The finding must be based upon:

- (1) The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of 7.04.030(G) or (R); or
- (2) Dog bite reports filed with the animal control officer as required by City ordinance or state law; or
- (3) Actions of the dog witnessed by any animal control officer or law enforcement officer; or
- (4) Other substantial evidence admissible in the Municipal Court.

**B.** The declaration shall be in writing, and shall be served by the animal control officer on the owner or keeper in one of the following methods:

- (1) Certified mail to the owner or keeper's last known address; or
- (2) Personally; or
- (3) If the owner or keeper cannot be located by one of the first two methods, by publication in a newspaper of general circulation.

**C.** The declaration shall contain the following information:

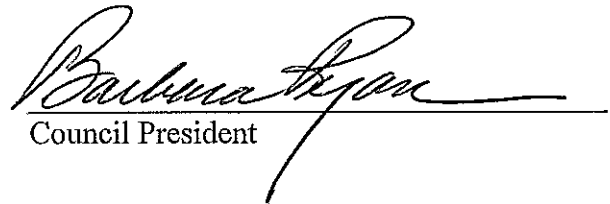
- (1) Name and address of the owner or keeper of the dog.

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- (2) A description of the dog.
- (3) Whereabouts of the dog.
- (4) Facts upon which the declaration is based.
- (5) Restrictions placed upon the dog.
- (6) Penalties for violation of the restrictions, including possibility of destruction of the animal and fine and/or imprisonment of owner or keeper pursuant to BMC 7.08.150(B).
- (7) Availability of a hearing to contest the declaration by submitting a written request to the Municipal Court Clerk within 5 business days of receipt of the declaration.

D. Dogs shall not be declared dangerous 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.

PASSED by Council this 18<sup>TH</sup> day of MARCH, 2002.

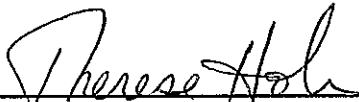
  
Council President

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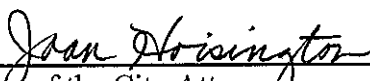
APPROVED by me this 22nd day of March, 2002.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Office of the City Attorney

Published: 3/22/02

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