



Police Department Staff Report

To: City Council

From: Chief Bob Huebler

Date: June 3, 2019

Subject: Pit Bull Dog Ordinance Update

Background: Earlier this year Washington State Legislature, during the 2019 session, passed House Bill 1026. This bill is an act relating to breed-based dog regulations; adding a new section to chapter 16.08 RCW; creating a new section; and providing an effective date of January 1, 2020. This bill impacts the current EMC Chapter 7.08 and would require an additional exception added to comply with State law.

Analysis: HB 1026 added new sections to chapter 16.08 RCW which impacts on any city or county by stating that a city or county may not prohibit the possession of a dog based upon its breed, impose requirements specific to possession of a dog based upon its breed, or declare a dog dangerous or potentially dangerous based on its breed unless all of the following conditions are met:

- (a) The city or county has established and maintains a reasonable process for exempting any dog from breed-based regulations or a breed ban if the dog passes the American kennel club canine good citizen test or a reasonably equivalent canine behavioral test as determined by the city or county;
 - (b) Dogs that pass the American kennel club canine good citizen test or a reasonably equivalent canine behavioral test are exempt from breed-based regulations for a period of at least two years;
 - (c) Dogs that pass the American kennel club canine good citizen test or a reasonably equivalent canine behavioral test are given the opportunity to retest to maintain their exemption from breed-based regulations; and
 - (d) Dogs that fail the American kennel club canine good citizen test or a reasonably equivalent canine behavioral test are given the opportunity to retest within a reasonable period of time, as determined by the city or county.
- (2) This section does not apply to the act of documenting either a dog's breed or its physical appearance, or both, solely for identification purposes when declaring a dog dangerous or potentially dangerous.
- (3) For the purpose of this section, "dog" means a domesticated member of the family canidae, specifically species *Canus lupus familiaris*, and excludes nondomesticated members of the

family canidae and any hybrids thereof, including but not limited to wolves, coyotes, wolf-dog hybrids, and coyote-dog hybrids.

The City Attorney has drafted Ordinance 2659 amending Enumclaw Municipal Code, Chapter 7.08, Pit Bull Dogs, to add an exemption if the specific dog has passed the AKC Kennel Good Citizen Test or a reasonably equivalent canine behavioral test.

Recommendation: Staff recommends approval of Ordinance No. 2659. This ordinance was reviewed by the Public Safety Committee on May 20, 2019 and approved 3/0 by the committee.

ORDINANCE NO. 2659

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING ENUMCLAW MUNICIPAL CODE, CHAPTER 7.08, PIT BULL DOGS, TO ADD AN EXEMPTION IF THE SPECIFIC DOG HAS PASSED THE AKC KENNEL GOOD CITIZEN TEST OR A REASONABLY EQUIVALENT CANINE BEHAVIORIAL TEST.

WHEREAS, Enumclaw Municipal Code, EMC, Chapter 7.08, prohibits the keeping of a pit bull dog within the City, and

WHEREAS, 7.08.020 sets forth exemptions to the prohibition,

WHEREAS, House Bill HB-1026 passing the House on 3/8/19 and the Senate on 4/17/19 provides and requires an additional exemption to the prohibition under a breed specific ordinance, and

WHEREAS, the City desires to comply with State law.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 7.08, Pit Bull Dogs, Ordinance #1658, part, Section 7.08.020 be amended to provide an additional exemption as follows:

D. A specific dog has passed the AKC Kennel Club Canine Good Citizen Test or reasonably equivalent canine behavioral test in which case the specific dog is exempt from the provisions of this Ordinance for a period of two (2) years. After each two (2) year period the dog may be retested and if successfully passed the Canine Good Citizen Test, the exemption shall continue for an additional two (2) year period. A dog that has failed the Canine Good Citizen Test, or equivalent test, may retest within a reasonable period of time.

Section 2: All other provisions of Chapter 7.08, Pit Bull Dog, shall remain in force and effect except as specifically amended above.

Section 3: If any provision of this ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance shall remain in force and effect.

Section 4: This ordinance shall take effect and be in force five days from and after its passage, approval and publication as required by law.

PASSED IN REGULAR AND OPEN SESSION this _____ day of _____, 2019.

Mayor Jan Molinaro
INTRODUCED _____
PASSED _____
APPROVED _____
PUBLISHED _____

Attested:

Approved as to Form:

Maureen Burwell, City Clerk

Michael J. Reynolds, City Attorney