



**CITY OF MERCER ISLAND
NOTICE OF DECLARATION OF POTENTIALLY DANGEROUS DOG**

Date of Notice: July 3, 2023

Case Number: RASKC #A23-003981

Description of Dog

Breed: Australian Shepherd

Color: Tricolor

Gender: Neutered male

Name of Dog: "Austin"

Owners: Brent R. Irvin & Ying (Molly) Quan

Address: 7510 SE 71st St Mercer Island WA 98040

Phone Number: (650) 289-8303

Whereabouts of dog (if not in custody of owner): Currently in Tucson, AZ for training and boarding

Pursuant to this notice, the dog listed above will be considered a "Potentially Dangerous Dog" under MICC 7.04.020 and RCW 16.08.070 twenty (20) days after service of this notice on July 3, 2023. This notice places immediate restrictions upon the dog listed above and requires your immediate action. Contact Regional Animal Services of King County at (206) 296-7387 if you have any questions.

Declaration of Potentially Dangerous Dog

Regional Animal Services of King County has probable cause to believe that the dog listed above falls within the definition of potentially dangerous dog as set forth in MICC 7.04.020 and RCW 16.08.070 for the following reason(s):

- The dog listed above has inflicted a bite or bites on a human, domestic animal, or livestock on public or private property
- The dog listed above chased or approached a person or person upon the streets, sidewalks, or any public ground or private property in a menacing fashion or apparent attitude of attack
- The dog listed above has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

During the 20 days before this declaration is effective, on or before July 3, 2023, you may appeal this notice. Information on how to appeal this notice follows.

The facts which support this declaration are as follows:

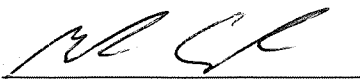
On June 19, 2023 at approx. 0920 hours "Austin" ran off of its owners property and entered public space, where it charged and inflicted a bite wound to a passerby without provocation. This is the second report of this nature against this same victim, first with wound inflicted.

The statutory and municipal code basis for the proposed action are as follows:

Mercer Island Code 7.04.120 – Potentially dangerous dogs

Mercer Island Code 7.04.110 (D) – Unlawful conduct

NAME OF ANIMAL CONTROL OFFICER

OFFICER'S SIGNATURE 

DATE July 3, 2023

Potentially Dangerous Dog Owner Responsibilities

Pursuant to MICC 7.04.120(E), it is unlawful for an owner of a potentially dangerous dog to permit the dog to be allowed or permitted to run free and physically unrestrained or off leash or not otherwise under physical restraint, unless within a fenced yard or similar restraint reasonably designed to prevent the dog from running free and physically unrestrained. The top of such fence must be **at least** six feet in height as measured from the ground level, unless there is a secured top—full enclosure—to the fenced-in area. Further, such fence or enclosure area must comply with all applicable city codes. Please note that a dog solely under voice and/or signal control shall be considered to be “physically unrestrained.” Any person who violates MICC 7.04.120(E) shall be guilty of a misdemeanor.

Pursuant to MICC 7.04.120(F), the owner of a potentially dangerous dog is responsible for taking measures to ensure that the dog does not escape the above restraints.

Appeal Procedures

MICC 7.04.235 governs appeals of potentially dangerous dog declarations or dangerous dog declarations.

A notice of appeal must be filed with the Mercer Island City Clerk within 20 days of receiving a potentially dangerous dog declaration or final dangerous dog determination (notices that are mailed will be presumed to have been delivered three days after placing the notice in the mail for delivery). No fee is required to file a notice of appeal. If the owner does not file a timely written request for hearing, the restrictions imposed in connection with the potentially dangerous dog declaration or final dangerous dog determination shall remain in effect for the life of the animal, unless sooner lifted by action of the animal control authority or a court of competent jurisdiction.

Form of Appeal. An appeal shall be written and shall conform substantially to the following requirements:

1. A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal;
2. A brief statement setting forth the legal interest of each of the appellants;
3. A brief statement of the specific action appealed, together with any material facts claimed to support the contentions of the appellant(s);
4. A brief statement of the relief sought, and the reasons why the potentially dangerous dog declaration or final dangerous dog determination should be reversed, modified, or otherwise set aside;
5. Signatures of all parties named as appellants, and their official mailing addresses; and
6. Certification (by signature of the appellant(s)) that to the best of the appellant(s)' knowledge, information, and belief, the appeal is well grounded in fact.

For more information on appeal procedures, please consult MICC 7.04.235.