
MUNICIPAL ORDINANCE - WASHINGTON

Morawek v. City of Bonney Lake

Court of Appeals of Washington, Division 2 - November 13, 2014 - P.3d - 2014 WL 6061489

Dog owner appealed hearing examiner's dangerous dog designation. The Superior Court upheld the dangerous dog designation, and dog owner appealed.

The Court of Appeals held that hearing examiner's finding that owner's dog killed neighbor's cat without provocation was not supported by substantial evidence, as required to uphold dangerous dog designation.

Hearing examiner's finding that owner's dog killed neighbor's cat without provocation was not supported by substantial evidence, as required to uphold dangerous dog designation, even though the killing occurred on neighbor's property, as required to satisfy the "location" element of the dangerous dog definition. Nobody saw how the fight between dog and cat began, the cat roamed freely and passed through dog owner's front yard regularly, dog had been trained to stay on owner's property, and it was possible cat had provoked the attack by scratching dog's nose when dog stuck it under a bush on owner's property.

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