

Proposed by:	Civic Affairs Committee
Attorney Review:	07/13/2011
First Reading:	07/07/2011
Second Reading:	08/18/2011
Vote: 6 Aye	0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 11-15

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 6 ANIMALS BY AMENDING CHAPTERS 6.01 THROUGH 6.08.

WHEREAS, Amendments are required to address change in status from city to borough government; and

WHEREAS, the Civic Affairs Committee is conducting a review of the Municipal Code in conjunction with the code re-write to update the Municipal Code;

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend Title 6, Animals by amending Chapters 6.01 through 6.08.

Section 3. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Chapter 6.01 General Provisions, Chapter 6.02 Cruelty to Animals, Chapter 6.04 Animals Running At Large, Chapter 6.06 Licensing of Dogs, and Chapter 6.08 Dangerous Animals are hereby amended as follows.

Chapter 6.01
GENERAL PROVISIONS

Sections:

- 6.01.010 Definitions.
- 6.01.020 Penalties.

- 6.01.010 Definitions.
 - A. "Domestic animal" means every kind of animal that is domesticated (not wildlife), including (without limitation) livestock of all kinds, dogs, cats, monkeys, birds and reptiles.
 - B. "Livestock" means every kind of domestic animal that is four (4) footed and ordinarily larger than a dog; and includes (without limitation) cattle, horses, swine, goats, sheep and llamas.
 - C. "Dangerous animal" means any animal which has ever bitten or attacked a human being.
 - D. "Chronic animal noises" means repeated vocalization by an animal or animals in a 60-minute period from the time the noise begins for more than seven consecutive minutes during the daytime noise period from 7:00 a.m. to 10:00 p.m. and more than five consecutive minutes during the nighttime noise period from 10:00 p.m. to 7:00 a.m.

- 6.01.020 Penalties.

Except where a different penalty is specifically prescribed, a violation of any provision of this title shall be a noncriminal infraction, punishable by a civil penalty not to exceed three hundred dollars (\$300.00).

Chapter 6.02
~~CRUELTY TO ANIMALS~~ **ANIMAL WASTE REMOVAL**

Sections:

- 6.02.010 ~~Cruelty prohibited~~ **Animal Waste.**
6.02.020 ~~Penalty.~~

~~6.02.010 Cruelty prohibited.~~

- ~~A. It is unlawful for any person to beat, abuse, starve, torment or intentionally overwork a domestic animal of any kind.~~
~~B. It is unlawful for any person to intentionally abandon a domestic animal, whether or not it is sick, maimed, infirm or disabled, where there is not a caretaker to assume responsibility for proper food and water and other needs of the animal.~~
~~C. It is unlawful for any person to poison, shoot or otherwise kill any domestic animal except for reasons and in accordance with procedures specifically set forth elsewhere in this title or in state law at AS 03.55.010 through 03.55.030. In the event a person accidentally injures a domestic animal with a motor vehicle or by other accidental means, that person shall stop at the scene of the accident and render such assistance as he can, shall make reasonable effort to locate the owner and identify himself to the owner or to any person having custody of the animal, and shall report the accident immediately to the police department.~~

~~6.02.020 Penalty.~~

~~Any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment for not more than thirty (30) days, or both, in the discretion of the court.~~

6.02.010 Animal Waste.

- A. It is unlawful for any person recreating with a dog on municipal sidewalks, trails and in parks to not remove fecal matter left by the dog.**
B. Fines for failure to remove animal waste shall be established by resolution of the borough assembly.

Chapter 6.04
ANIMALS RUNNING AT LARGE

Sections:

- 6.04.010 Running at large prohibited.
6.04.020 Control of dogs.
6.04.030 Impoundment procedure.
6.04.040 Notice of violation.
6.04.050 Impound fees.
6.04.060 Disposal of impounded animals.

6.04.010 Running at large prohibited.

- A. It is unlawful for the owner of any domestic animal to allow the animal to run at large in the city **municipality**. The owner of an animal cited for running at large shall be charged a fee as established by resolution of the council **borough assembly**.

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- B. It is unlawful for the owner of any livestock to allow such animal to be pastured or herded, or staked or tied for the purpose of grazing, on any public property belonging to or under the control of the ~~city~~ **municipality** without the written consent of the ~~city~~ **borough** manager or his designee.
- C. It is unlawful for the owner of any livestock to allow such animal to be tied, staked, pastured, led, ridden or turned at large upon any private property within the ~~city~~ **municipality**, without the consent of the owner of said private property.
- D. It is unlawful for any person to ride, lead or otherwise permit any livestock to go upon any ~~city~~ **municipally**-owned property, including but not limited to Molly Walsh Park, Hanousek Park, the ~~City Baseball Park~~ **7-Pastures Recreation Area**, property belonging to the Skagway School District, or any pedestrian lane or sidewalk, without written permission of the ~~city~~ **borough** manager or his designee. This subsection does not prohibit the use of public streets, roads or alleys by horses under the control of competent persons or the use of said public streets, roads or alleys by animal-drawn vehicles.
- E. It is unlawful for any unauthorized person who is not the owner or person in charge of an animal to intentionally untie or otherwise release a tied or confined animal, without the permission of the animal's owner, so as to allow the animal to run at large. If an un-emancipated minor performs this prohibited act, the minor's parents or guardian shall be liable for payment of the civil penalties provided under Section 6.01.020. If any destruction to property results from the animal's running at large, the minor's parents or guardian may also be held liable to the property owner under state law (AS ~~34.50.020~~ **09.65.255**).
- F. Any person who keeps rabbits, chickens or other similar small domestic animals, not to include dogs and cats, in the ~~City~~ **municipality** shall keep such animals securely confined at all times in thoroughly enclosed hutches or coops upon the animal owner's premises. The ~~City~~ **municipality** may require that such animals be tagged so that their owner can be determined.

6.04.020 Control of dogs.

- A. It is unlawful for the owner or keeper of any dog:
 - 1. To permit a dog to run at large within the ~~city~~ **municipality** at any time;
 - 2. To permit a dog on public school grounds without permission from the superintendent;
 - 3. To permit a dog in public parks except on a leash and subject to all applicable rules and regulations pertaining to the use of parks;
 - 4. To permit a dog to enter a church, unless the dog is a Seeing-eye dog assisting a vision-impaired person;
 - 5. To permit a dog to enter a market or other place where food is stored, prepared, served or sold to the public, or any other public place or hall (except for animal shows or other exhibition purposes, veterinarians' offices, kennels, or places for which the licensing official has issued a permit); or
 - 6. It shall be unlawful for any owner or custodian of an animal to permit it to make chronic animal noise.
- B. Control of dogs is required by leash for all areas West of the railroad tracks and South of the bridge at 23rd Avenue and East of the Skagway River and the 7-Pastures.
- C. Control of dogs by voice command may be used for areas East of the railroad tracks and North of the bridge at 23rd Avenue and West of the Skagway River and the Yakutania Point Trail System except those areas noted in 6.04.020(B) above.

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6.04.030 Impoundment procedure.

- A. Any domestic animal found running at large or otherwise in violation of this chapter shall be subject to immediate impoundment by the ~~city manager's designated animal control officer~~ **police chief**. The ~~animal control officer~~ **police chief** shall, immediately upon impounding any domestic animal, make a record of the date and time of the impoundment and the identity of the animal and the animal's owner, to the extent they can be determined by reasonable effort.
- B. When the impounded animal is a dog:
 - 1. If the dog is licensed, the animal control officer or chief of police shall forthwith give notice by mail or telephone (if the owner is within the city borough limits) to the owner of such licensed dog, informing the owner of the impoundment and the reason ~~therefor~~.
 - 2. If the impounded animal is a dog not bearing a license tag, the animal control officer or chief of police shall give notice within twenty-four (24) hours of such impoundment by posting notice at police headquarters and such other public place as may be provided for such notices. Such notice shall give the breed, color, sex and other identifying characteristics of the impounded dog, together with the date and location the animal was apprehended, and the date the animal will be disposed of as provided in this chapter if not earlier redeemed.
- C. The same impoundment and notification process as used for dogs shall be used for livestock.

6.04.040 Notice of violation.

In lieu of impoundment, the ~~city~~ municipality may issue a notice of violation to the owner of the animal. A notice of violation shall carry the same impound fees as those established by Section 6.04.050.

6.04.050 Impound fees.

- A. For every animal taken up and impounded or for which a notice of violation has been issued as provided in this chapter, any person desiring to redeem such animal shall pay the ~~city~~ municipality the total of the fees, as established by resolution, for impoundment, care and feeding and veterinary care, if any.
- B. Payment of the fees provided in this section shall be exclusive of and in addition to any penalties imposed by reason of violation of any provision of this title.

6.04.060 Disposal of impounded animals.

Any animal which has been impounded may be redeemed during the first three (3) days thereafter by any person claiming to own or act for the owner of the animal, upon payment of the fees and costs as set forth in Section 6.04.050. At the expiration of the first three days, if the animal has not been redeemed as above for another two days, the animal may be redeemed by any person upon payment of the fees and costs as set forth in Section 6.04.050 minus impoundment fees, or such animal shall be subject to disposal by the ~~city~~ municipality by any of the following means:

- 1. The animal may be offered for sale at a price fixed by the animal control officer; or
- 2. The animal may be released by the animal control officer to any person who pays the fees required by Section 6.04.050 or such portion thereof as the animal control officer may require; or
- 3. The ~~animal control officer~~ **police chief** may release the animal to any other organization for such disposition as he may see fit; provided,

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- however that no animal shall be given or sold to any person or association for vivisection purposes; or
4. The animal may be killed by any humane method ~~approved by a veterinarian.~~

Chapter 6.06
LICENSING OF DOGS

Sections:

- 6.06.010 Annual license required.
- 6.06.020 Application for license.
- 6.06.030 Term of license.
- 6.06.040 License fee.
- 6.06.050 Dog collar and license tag.
- 6.06.060 Change in ownership.
- 6.06.070 Lost tag replacement fee.

6.06.010 Annual license required.

It is unlawful to keep or harbor a dog over six (6) months of age within the ~~city~~ **borough** limits unless a dog license has been procured for the dog from the ~~city~~ **municipality**.

6.06.020 Application for license.

Application for a dog license shall be made annually in January, upon forms provided by the ~~city clerk or her designee~~ **police department**. The application shall list the name, address and phone number of the owner; the name, breed, color, age and sex of each dog owned or harbored by him, and shall be accompanied by proof of a current rabies shot and such other medical and vaccination information and data as may be required. Such information shall be kept, conveniently indexed, by the ~~city clerk~~ **police department** together with the number of the license issued.)

6.06.030 Term of license.

The license shall expire each year on December 31st following the date of issuance.

6.06.040 License fee.

The annual license fee for each dog shall be as established by resolution.

6.06.050 Dog collar and license tag.

Every licensed dog shall be provided by the owner or keeper with a collar or harness, which shall be worn by the dog at all times. To such collar or harness shall be affixed a license tag provided by the ~~city~~ **municipal** official for each year for which a license has been procured. The license tag shall be stamped with the number and year for which it is issued. The shape or design of such tag shall be changed from year to year. It is unlawful for any person other than the owner, his agent, a veterinarian while treating the dog, or a ~~city~~ **municipal** official to remove the license tag from the dog.

6.06.060 Change in ownership.

Whenever the ownership of a dog changes, the new owner shall notify the licensing official and pay the official a sum equal to fifty percent (50%) of the annual fee, whereupon the licensing official shall change the record accordingly for such dog, and the previously issued license for the dog shall remain valid for the remainder of the year.

6.06.070 Lost tag replacement fee.

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Any owner or keeper of a licensed dog whose current license tag has been lost may obtain a replacement tag, prior to impounding of such dog, by payment of a fee, as established by resolution, to the licensing official. No dog impounded without a license may be released from impoundment until license fees for the current calendar year have been paid.

Chapter 6.08
DANGEROUS ANIMALS

Sections:

- 6.08.010 Restraint of dangerous animal.
- 6.08.020 Impoundment of dangerous animals.
- 6.08.030 Capture methods.
- 6.08.040 Emergency situations.
- 6.08.050 Biting dogs.

6.08.010 Restraint of dangerous animal.

No dangerous domestic animal shall be permitted within the city **borough** limits unless kept securely confined at all times within the owner's premises, so that the animal is unable to leave the premises, and so that the animal cannot reach postmen, delivery boys and others who may have occasion for lawful entry upon the owner's premises in the course of their work.

6.08.020 Impoundment of dangerous animals.

- A. The city **municipality**, by its properly constituted officers, shall impound any dangerous animal when the animal is:
 - 1. Found to be at large or harbored under circumstances constituting a violation of this chapter;
 - 2. Damaging property of a person other than the owner of the animal, except in defense of the property of its owner or members of its owner's household;
 - 3. Causing bodily harm to any person; or
 - 4. Acting in such manner as to cause reasonable apprehension of bodily harm by persons or animals not within or upon the premises of the dangerous animal's owner.
- B. When an animal believed to be dangerous has been impounded, the chief of police shall give written notice to the animal's owner; informing him of his opportunity for a hearing before the police chief within five (5) days of receipt of the notice. The police chief shall, if timely requested by the owner, hold a hearing. The police chief shall determine whether the animal is dangerous, as defined by Section 6.01.010(C) of this title or (in case of dogs) AS 03.55.020 and 03.55.030. If the animal is determined not to be dangerous, it shall be released to its owners. If the animal is determined to be dangerous, it may be killed by any humane method ~~approved by a veterinarian.~~

6.08.030 Capture methods.

The use of tranquilizer guns and serum is an approved, humane method for the capture of dangerous animals.

6.08.040 Emergency situations.

- A. If any city **municipal** police officer has probable cause to believe that any person is in imminent danger of bodily harm because of a dangerous animal, such animal may be slain by the police officer in accordance with AS 03.55.010 and 03.55.020.

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- B. If any person is confronted with a situation where a dangerous animal is about to attack him, a member of his family or any other person, that person may take such protective measures as may be reasonably necessary to prevent bodily harm to any person, including slaying the animal pursuant to AS 03.55.010 and 03.55.020. Such events shall immediately be reported to the police department.
- C. An officer in hot pursuit of an animal known or reasonably suspected of being dangerous to persons other than wrongful trespassers upon his owner's premises, may enter the owner's premises and demand possession of such animal. If after such request the owner or keeper of the animal refuses to deliver the animal to the officer, and the officer cannot with reasonable safety catch the animal, he may cause the animal to be killed pursuant to AS 03.55.010 and 03.55.020; provided, however, such officer shall not enter the owner's premises without a valid warrant.

6.08.050 Biting dogs.

- A. Any dog which has twice engaged in biting a person is hereby declared to be a nuisance, and shall not be kept within the borough. If any such dog is found within the borough, it shall be impounded and disposed of as an unredeemed dog, and the owner/keeper shall have no right to redeem such dog. The method of disposal shall be the same as that in Section 6.04.060(B).
- B. Any animal that bites a human being and which does not have a valid rabies certificate shall be quarantined for a period of not less than ten (10) days. At the discretion of the chief of police, or his designee, the quarantine location may be on the premises of the owner/keeper, or at the animal shelter at the expense of the owner/keeper. The animal may be reclaimed by the owner/keeper if determined to be free of rabies upon payment of any expenses incurred for the quarantine, unless the animal is a dog that has been classified as potentially dangerous. The dog will then be sent to the closest veterinarian for further evaluation at the expense of the owner/keeper. When the dog is delivered to a veterinarian, the borough shall give notice to the dog's owner/keeper concerning the dog's confinement, including the name and location of the veterinarian. Upon receipt of such dog, the veterinarian shall submit to the chief of police a certificate stating that such dog either shows no symptoms of rabies or does show symptoms of rabies. At the expiration of ten (10) days of confinement and upon release of such dog, the veterinarian shall submit to the chief of police a second certificate stating that the dog does not have rabies and has been released. The cost of maintaining the dog in the veterinarian's care shall be borne by the dog's owner/keeper, except where the owner cannot be ascertained, and then the borough shall pay for such observation and care.
- C. It is unlawful for the owner/keeper of any dog, when notified that such dog has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such dog or permit such dog to be taken beyond the limits of the borough except to a veterinarian, and it shall be the duty of the dog's owner/keeper, upon receiving notice of such biting event, to immediately place such dog in quarantine where such animal shall be confined for a period of at least ten (10) days. At the discretion of the chief of police, or his designee, the quarantine location may be on the premises of the owner/keeper, or at the animal shelter at the expense of the owner/keeper. It shall be the owner/keeper's responsibility to keep the same securely chained and confined to the owner's premises and segregated from any other animals during such observation period. The cost of transporting and maintaining the dog in the veterinarian's care shall be borne by the dog's owner/keeper.

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- D. Any dog which has been determined by a veterinarian to have rabies shall be destroyed, by any humane method ~~approved by a veterinarian~~.
- E. The fine for violations of Chapter 6.08, Dangerous Animals shall be \$100 per citation. The violation will be cited each day and continues until the violation is remedied.

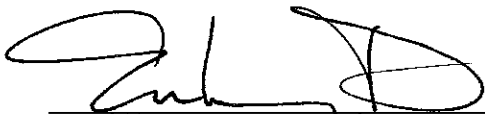
Section 4. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 18th day of August, 2011.


Thomas D. Cochran, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

