

Proposed by:	Public Safety Committee
Attorney Review:	01/25/2017
First Reading:	02/02/2017
Second Reading:	02/16/2017
Vote:	5 Aye      0 Nay      1 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA  
ORDINANCE NO. 17-01**

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 6, ANIMALS, OF THE SKAGWAY MUNICIPAL CODE TO MORE FULLY SET OUT AND ADDRESS THE PROVISIONS AND REQUIREMENTS REGARDING CONTROL AND WELFARE OF ANIMALS IN ORDER TO PROMOTE AND PROTECT THE HEALTH, SAFETY AND WELFARE OF CITIZENS, AND ANIMAL WELFARE.**

**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, to more fully set out and address the provisions and requirements regarding control and welfare of animals in the Municipality of Skagway in order to promote and protect the public health, safety and welfare of citizens, and animal welfare.

**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. Title 6 Animals is amended as follows:

Title 6  
ANIMALS

Chapters:

- 6.01 GENERAL PROVISIONS
- 6.02 ANIMAL WASTE REMOVAL
- 6.04 ANIMALS RUNNING AT LARGE
- 6.06 LICENSING OF DOGS
- 6.08 DANGEROUS ANIMALS
- 6.10 INJURY TO ANIMALS**
- 6.12 RABIES CONTROL AND PREVENTION**

Chapter 6.01  
GENERAL PROVISIONS

Sections:

- 6.01.010 Definitions.
- 6.01.020 Penalties.

6.01.010 Definitions.

- A. **“Bite” means an animal bite that breaks the skin of the human being, domestic animal or livestock, or results in significant evidence of biting which includes, but is not limited to, injuries to the clothing or accessories of the human, domestic animal or livestock caused by the teeth of the animal perpetrating the attack.**
- B. **“Chronic animal noises” means repeated vocalization by an animal or animals in a sixty (60) minute period from the time the noise begins for more than seven (7) consecutive minutes during the daytime noise period from 7:00 a.m. to 10:00 p.m. and more than five (5) consecutive minutes during the nighttime noise period from 10:00 p.m. to 7:00 a.m.**
- BC. **“Control of animals” means to simultaneously monitor, direct and immediately restrict an animal’s movements and activities, in a humane manner, so as to prevent violations of this chapter. Specific types of control are defined as follows:**
1. **“Control by command” means to control an animal by visual or audible commands, or a combination thereof, to which the animal immediately responds promptly and accurately;**
  2. **“Control by confinement” means to control an animal in a humane manner within any fully fenced pen, kennel, yard or structure, which prevents the exit of any animal confined therein solely on its own volition and the protrusion through the outer perimeter of the enclosure of the animal’s paws and/or teeth to the extent which would enable the animal to physically injure a person, another animal or livestock;**
  3. **“Control by leash” means to immediately control an animal by securely attaching a visible tether to the animal such as a leash, chain, or item which is physically capable of restraining the animal. The leash must be in the secure possession of a person physically and mentally capable of monitoring, directing, and immediately restricting the animal’s movements and activities; or**
  4. **“Control by attachment” means to control an animal by a harness or other similar device attached directly or indirectly to a person or immovable object by means of a chain, leash or similar device in such a manner that:**
    - a. **when the animal is on private property, it cannot travel off the private property on which the immovable object is located, or into any public vehicular or pedestrian way, or other public easement; or**
    - b. **when the animal is on public property, the animal is temporarily attached in such a manner that it cannot travel more than three (3) feet from the immovable object and is not unattended by the owner or his/her designated caretaker.**

**GD.** "Dangerous animal" means any animal which has ever bitten or attacked a human being **in the past or present when the bite that accompanied the attack included any of the following:**

- 1. snarling;**
- 2. baring and/or showing teeth;**
- 3. chasing;**
- 4. growling;**
- 5. snapping;**
- 6. pouncing;**
- 7. lunging; or**
- 8. similar aggressive behavior.**

**The animal is also a "dangerous animal" if it commits the above-described behavior and has in the past or present attacked another domestic animal or livestock without provocation from the same and/or continues to attack after being restrained and physically removed and/or confined by the owner of another person acting on behalf of the owner.**

**DE.** "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.

**F.** "Humane care and treatment of animals" means providing the animal with **care and treatment including but not limited to:**

- 1. safe and necessary control, confinement and appropriate space;**
- 2. adequate veterinary treatment and wholesome, fresh and adequate food and water; and**
- 3. heath, ventilation and sanitary shelter from wind, temperatures, precipitation and sun conditions detrimental to its health;**
- 4. all of which are consistent with or dictated by the animal's normal requirements, veterinary needs, feeding habits and its condition, size, species, age and breed.**

**G.** "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.

**H.** "Running at large" is an animal not under control of an owner and not on an **owner's premises.**

**I.** "Service animal" is a dog as defined in 28 C.F.R. 36.104, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of the definition of service dog per ADA Title III; 28 C.F.R. 36.104.

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For violations of this title, refer to Chapter 1.20, General Penalty. Violations of this title are subject to civil fines established by resolution.

Chapter 6.02  
ANIMAL WASTE REMOVAL

Sections:

6.02.010 Animal Waste.

6.02.010 Animal Waste.

- A. It is unlawful for any person recreating with a dog **or other domestic animal** on municipal sidewalks, **alleys, streets, private property,** trails and in parks to not remove fecal matter left by the dog **or other domestic animal.**
- ~~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 Administrative appeal.

6.04.070 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 municipality. The owner of an animal cited for running at large shall be subject to a civil fine established by resolution of the borough assembly.
- 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 municipality without the written consent of the 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 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 municipally-owned property, including but not limited to ~~Molly~~ **Mollie** Walsh Park, Hanousek Park, the 7-Pastures Recreation Area, property belonging to the Skagway School District, or any pedestrian lane or sidewalk, without written permission of the borough manager or his designee. This subsection does not

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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~~ **shall** be held liable to the property owner under state law (AS 09.65.255).
- F. Any person who keeps rabbits, chickens or other similar small domestic animals, not to include dogs and cats, in the municipality shall keep such animals securely confined at all times in thoroughly enclosed hutches or coops upon the animal owner's premises. The 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 municipality at any time;
  2. To permit a dog, **other than a service animal**, on public school grounds without **written** 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 **and, for service animals, those rules specified in the American Disabilities Act (ADA) Title III, including but not limited to 28 C.F.R. 36.302(c)(4) and 28 C.F.R. 35.136(d) regarding control of the service animal**;
  - ~~4. To permit a dog to enter a church, unless the dog is a Seeing-eye dog assisting a vision-impaired person;~~
  - 54. To permit a dog, other than a service animal, 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). Service animals are subject to the ADA rules specified in SMC 6.04.020(A)(3); and ADA Title III, 28 C.F.R. 36.302(c)(2) and 28 C.F.R. 35.136(b)(2), which provide that a public accommodation and a public entity may ask an individual with a disability to remove a service animal from the premises if the animal is out of control and the handler does not take effective action to control it, or the animal is not housebroken; or**
  - 65. To permit a dog 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.

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- C. Control of dogs by 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 **SMC 6.04.020(B)** above.

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 police chief **or his/her authorized designee**. The police chief **or his/her authorized designee** 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. **The animal shall be photographed and the same shall be recorded and attached to the police dispatch report and the animal's record of licensure for future identification purposes.**
- B. When the impounded animal is a dog:
1. If the dog is licensed, the ~~animal control officer or~~ chief of police **or his/her authorized designee** shall forthwith give notice by mail or telephone (if the owner is within the borough limits) to the owner of such licensed dog, informing the owner of the impoundment and the reason.
  2. If the impounded animal is a dog not bearing a license tag, the ~~animal control officer or~~ chief of police **or his/her authorized designee** 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. **No dog impounded without a license may be redeemed and released from impoundment until a license for the current calendar year has been procured for the dog as required by SMC 6.06.010.**
- 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 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 municipality the total of the fees, as established by resolution, for impoundment, care, and feeding, and veterinary care, ~~if any~~ **and, if not licensed, the license fee for the current calendar year.**

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- 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.
- C. Failure to contact the Skagway ~~p~~**P**olice ~~d~~**D**epartment within five (5) days of the date of the notice of violation and arrange a payment schedule for the fine acceptable to the police ~~department~~ **chief**, or to pay the fine for a violation within five (5) days of the date of the notice of violation, or to file an appeal of a notice of violation within ten (10) days of the date of the notice of violation, will result in an additional fee in the amount of the civil fine.

6.04.060 Administrative appeal.

- A. Right to Appeal and Time for Appeal. Any persons who have been issued a notice of violation may appeal the notice of violation by filing an appeal with the borough manager within ten (10) days of the date of the notice of violation. The borough manager shall prepare appeal forms which the appellant may use.
- B. Hearing Officer. The borough manager or such person(s) as the borough manager may designate shall serve as hearing officer for notice of violation appeals and shall have authority to decide such appeals.
- C. Contents of Appeal. An appeal must be in writing and contain the following information:
  - 1. Name and mailing address of the appellant;
  - 2. Number or other sufficient identification of the notice of violation;
  - 3. Statement of the reasons for the appeal;
  - 4. Any facts, documents, photographs, witness statements, or other evidence supporting the appeal; and
  - 5. Statement as to whether the appellant requests a hearing before a hearing officer, or whether the appeal can be decided without a hearing. If the appellant waives hearing, the hearing officer may decide the appeal based on the written statements of the appellant, the issuing officers and any witnesses as contained in the notice or other written reports.
- D. Administrative Hearing Procedures.
  - 1. Date of Hearing. Unless otherwise agreed to by the appellant and the hearing officer, a hearing requested under this section shall be held no later than fifteen (15) business days from the date the written notice of appeal is filed with the borough manager.
  - 2. Procedure. The hearing shall be conducted informally and may be governed by such rules as the hearing officer may choose to establish, except that:
    - a. Parties may appear in person or through counsel;
    - b. Parties may present witnesses and evidence on their own behalf and witnesses may be cross-examined;
    - c. The hearing is not governed by the formal rules of evidence. The hearing officer may consider evidence that the officer reasonably deems to be both relevant and material to the contested issues;
    - d. All hearings shall be open to the public;
    - e. The hearing shall be memorialized by electronic recording or stenographic record;

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- f. Failure of the appellant to appear at a hearing requested by the appellant shall waive all right to a hearing and shall render the amount of the fine due and owing.
3. Scope of Review. The hearing officer's decision shall be based on the law and facts applicable to the case. The hearing officer may exercise independent judgment and reasonable discretion, applied in a consistent manner, in deciding appeals and may affirm, modify, or dismiss the notice of violation.
4. Decision. No later than ten (10) business days following the hearing, the hearing officer shall issue a written decision setting out the hearing officer's findings and conclusions. The decision should also include the following statement: "This is the final decision of the Municipality of Skagway and a party disputing this decision has thirty (30) days from the date this decision was mailed or distributed to file an appeal with the Superior Court for the State of Alaska, First Judicial District at Juneau, Alaska, in accordance with the Alaska Rules of Appellate Procedure." The decision shall be mailed or otherwise distributed to all parties to the appeal.
5. Judicial Appeal. The decision of the hearing officer may be appealed to the Superior Court for the State of Alaska, First Judicial District at Juneau, Alaska, in accordance with the Alaska Rules of Appellate Procedure.

6.04.070 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 (3) days, if the animal has not been redeemed as above for another two (2) 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 municipality by any of the following means:

- A. The animal may be offered for sale at a price fixed by the ~~animal control officer~~ **chief of police or his/her authorized designee**; or
- B. The animal may be released by the ~~animal control officer~~ **chief of police or his/her authorized designee** to any person who pays the fees required by Section 6.04.050 or such portion thereof as the ~~animal control officer~~ **chief of police or his/her authorized designee** may require; or
- C. The police chief may release the animal to any other organization for such disposition as he may see fit; provided, however, that no animal shall be given or sold to any person or association for vivisection purposes; or
- D. The animal may be killed by any humane method.

Chapter 6.06  
LICENSING OF DOGS

Sections:

6.06.010 Annual license required.



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- 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.
- 6.06.080 **Additional fee may be imposed.**
- 6.06.090 Administrative appeal.

6.06.010 Annual license required.

It is unlawful to keep or harbor a dog over six (6) months of age within the borough limits unless a dog license has been procured for the dog from the municipality. Any owner who fails to ~~will be~~ **license their dog as required by this chapter is** subject to a civil penalty established by resolution **and subjects his/her dog to the impoundment provisions specified in SMC 6.04.030, 6.04.040 and 6.04.050. No dog impounded without a license may be redeemed and released from impoundment until a license for the current calendar year has been procured for the dog.**

6.06.020 Application for license.

Application for a dog license shall be made annually in January **by residents of the Municipality of Skagway and/or within fourteen (14) days of completing a thirty (30) day residency period in the Municipality of Skagway,** upon forms provided by the ~~Skagway~~ **Police Department.** The application shall:

1. list the name of the owner;
2. list the residential mailing address and phone number of the owner;
3. specify the name, breed, color, age, sex, **and altered status** of each dog owned or harbored by him/her; ~~and~~
4. be accompanied by proof of a current rabies vaccination;
5. ~~and such~~ **any** other medical and vaccination information and data as may be required. Such information shall be kept, conveniently indexed, by the ~~Skagway~~ **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 ~~municipal official~~ **Skagway Police Department** for each year for which a license has been procured. The license tag shall be stamped with

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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/her agent, a veterinarian while treating the dog, or a ~~municipal official~~ the chief of police or his/her authorized designee 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 Skagway Police Department and pay the department a sum equal to fifty percent (50%) of the annual fee, whereupon the department 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.

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 Skagway Police Department.

6.06.080 Additional fee may be imposed.

Failure to contact the Skagway ~~P~~Police ~~d~~DePARTMENT within five (5) days of the date of a notice of violation issued under this chapter and arrange a payment schedule for the fine acceptable to the chief of police or his/her authorized designee ~~department~~, or to pay the fine for a violation within five (5) days of the date of the notice of violation, or to file an appeal of a notice of violation within ten (10) days of the date of the notice of violation, will result in imposition of an additional fee in the amount of the civil fine.

6.06.090 Administrative appeal.

- A. Right to Appeal and Time for Appeal. Any persons who have been issued a notice of violation may appeal the notice of violation by filing an appeal with the borough manager within ten (10) days of the date of the notice of violation. The borough manager shall prepare appeal forms which the appellant may use.
- B. Hearing Officer. The borough manager or such person(s) as the borough manager may designate shall serve as hearing officer for notice of violation appeals and shall have authority to decide such appeals.
- C. Contents of Appeal. An appeal must be in writing and contain the following information:
  - 1. Name and mailing address of the appellant;
  - 2. Number or other sufficient identification of the notice of violation;
  - 3. Statement of the reasons for the appeal;
  - 4. Any facts, documents, photographs, witness statements, or other evidence supporting the appeal; and
  - 5. Statement as to whether the appellant requests a hearing before a hearing officer, or whether the appeal can be decided without a hearing. If the appellant waives hearing, the hearing officer may decide the appeal based on the written statements of the appellant, the issuing officers and any witnesses as contained in the notice or other written reports.

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D. Administrative Hearing Procedures.

1. Date of Hearing. Unless otherwise agreed to by the appellant and the hearing officer, a hearing requested under this section shall be held no later than fifteen (15) days from the date the written notice of appeal is filed with the borough manager.
2. Procedure. The hearing shall be conducted informally and may be governed by such rules as the hearing officer may choose to establish, except that:
  - a. Parties may appear in person or through counsel;
  - b. Parties may present witnesses and evidence on their own behalf and witnesses may be cross-examined;
  - c. The hearing is not governed by the formal rules of evidence. The hearing officer may consider evidence that the officer reasonably deems to be both relevant and material to the contested issues;
  - d. All hearings shall be open to the public;
  - e. The hearing shall be memorialized by electronic recording or stenographic record;
  - f. Failure of the appellant to appear at a hearing requested by the appellant shall waive all right to a hearing and shall render the amount of the fine due and owing.
3. Scope of Review. The hearing officer's decision shall be based on the law and facts applicable to the case. The hearing officer may exercise independent judgment and reasonable discretion, applied in a consistent manner, in deciding appeals and may affirm, modify, or dismiss the notice of violation.
4. Decision. No later than ten (10) days following the hearing, the hearing officer shall issue a written decision setting out the hearing officer's findings and conclusions so as to provide a clear understanding of the reasons for the decision entered. The decision should also include the following statement: "This is the final decision of the Municipality of Skagway and a party disputing this decision has thirty (30) days from the date this decision was mailed or distributed to file an appeal with the Superior Court for the State of Alaska, First Judicial District at Juneau, Alaska, in accordance with the Alaska Rules of Appellate Procedure." The decision shall be mailed or otherwise distributed to all parties to the appeal.
5. Judicial Appeal. The decision of the hearing officer may be appealed to the Superior Court for the State of Alaska, First Judicial District at Juneau, Alaska, in accordance with the Alaska Rules of Appellate Procedure.

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.

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6.08.040 Emergency situations.

6.08.050 Biting dogs animals.

6.08.010 Restraint of dangerous animal.

No dangerous domestic animal shall be permitted within the 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~~ federal, state, municipal, and/or private employees 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 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~~ Damaging property that does not belong to the animal's owner unless the damage to another's property resulted from the animal's defense of its owner or household members of their property;
3. Causing bodily harm to any person, domestic animal or livestock; or
4. Acting in such manner as to cause reasonable apprehension of bodily harm ~~by to persons, or~~ domestic animals or livestock 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 the owner of their 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 SMC 6.01.010(D) or and (in case of dogs also see) 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.

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

B. If any person is confronted with a situation where a dangerous animal running at large is about to attack him/her, a member of his/her 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 Skagway Police Department.

- C. A police officer in hot pursuit of an animal running at large and known or reasonably suspected of being dangerous to persons other than wrongful trespassers upon the 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, the officer 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 ~~dogs~~ animals.

- A. Any ~~dog~~ animal 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~~ animal is found within the borough, it shall be impounded and disposed of as an unredeemed ~~dog~~ animal, and the owner/keeper shall have no right to redeem such ~~dog~~ animal. The method of disposal shall be the same as that in ~~6.04.020(B)~~ SMC 6.08.020(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/her authorized designee, the quarantine location may be on the premises of the owner/keeper, or at the ~~animal shelter~~ police department animal impound facility at the expense of the owner/keeper.

1. The animal may be reclaimed by the owner/keeper if:
  - a. the animal has a certificate evidencing a current valid rabies vaccination within the past three (3) years; and
  - b. determined to be free of rabies and all expenses incurred for the capture, transportation, housing, maintenance and quarantine of such animal have been paid; and
  - c. the animal does not exhibit any of the behaviors or signs described in subsection B.2. of this section, unless the animal is a dog that has been classified as potentially dangerous.
2. If the animal exhibits behavior consistent with the definition of a dangerous animal in SMC 6.01.010(D) or exhibits signs of being rabid, then it shall not be eligible to be reclaimed until:
  - a. the dog will then be animal has been sent to the closest veterinarian for further evaluation to determine whether or not it demonstrates symptoms consistent with being infected with rabies; and
  - b. the veterinarian submits to the chief of police a certificate stating that the animal either shows or does not show symptoms of rabies at the expense of the owner/keeper. When the dog is delivered to a veterinarian, the borough

3. The chief of police or his/her authorized designee shall give notice to the dog's owner/keeper upon delivery of the animal to the veterinarian of the:
    - a. date of the animal's ~~concerning the dog's confinement;~~
    - b. reason for the continued quarantine;
    - c. name, address and location of the veterinarian evaluating the animal; and
    - d. expected expiration date of the ten (10) days of quarantine/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
  4. Upon the expiration of ten (10) days of ~~confinement~~ quarantine and upon release of such dog animal, the veterinarian shall submit to the chief of police a second certificate stating that the dog animal does not have rabies and that it has been released. A copy of both certificates and any documentation of medical treatment and/or vaccines provided by the veterinarian shall be provided to the owner/keeper of such animal, by the chief of police or his/her authorized designee within ten (10) days of their receipt at the Skagway Police Department.
  5. The cost of transporting the animal to and from the veterinarian and maintaining the dog animal in the veterinarian's care shall be borne by the dog's animal's owner/keeper, except where the owner cannot be ascertained, and then the borough shall pay for such transportation, housing, maintenance, observation, and care, medical treatment and/or vaccines.
- C. It is unlawful for the owner/keeper of any dog animal, when notified that such dog animal has bitten any person or has so injured any person as to cause by causing an abrasion ~~of the~~ to their skin, to sell or give away such dog animal or permit such dog animal to be taken beyond the limits of the borough except to a veterinarian, and it shall be the duty of the dog's animal's owner/keeper, upon receiving notice of such biting event, to immediately place such dog animal 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/her authorized designee, the quarantine location may be on the premises of the owner/keeper, or at the ~~animal shelter~~ police department animal impound facility at the expense of the owner/keeper. If the owner/keeper is authorized to quarantine such animal on their premises, ~~it~~ 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, housing, and maintaining, observing, care, medical treatment, and/or vaccines for the dog animal in the veterinarian's care shall be borne by the dog's animal's owner/keeper.
- D. Any dog animal which has been determined by a veterinarian to have rabies shall be destroyed, by any humane method.

~~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.~~

**Chapter 6.10**  
**INJURY TO ANIMALS**

**Sections:**

**6.10.010 Cruelty to animals.**

**6.10.020 Animal fighting.**

**6.10.030 Accidents involving injury to animals.**

**6.10.040 Costs and expenses for injured animal.**

**6.10.010 Cruelty to animals.**

**A. Prohibited acts. It is unlawful to any person to:**

- 1. Maim, mutilate, torture, kill or abandon an animal;**
- 2. Injure, torment, poison, provoke or otherwise abuse an animal;**
- 3. Maintain an animal in an inhumane manner, including failure to provide adequate food, water, housing and care;**
- 4. Keep an animal on vacant property or in an unoccupied structure, unless the animal is cared for in a humane manner;**
- 5. Have an animal within, on or attached to a motor vehicle under conditions that may endanger the health, safety or welfare of the animal, including but not limited to insufficient control or extreme temperature.**
  - a. The chief of police or his/her authorized designee and any officer or his/her designee is authorized to remove an animal from a motor vehicle at any location when they reasonably believe there is a violation of this section. Any animal so removed shall be delivered to the police department animal impound facility after the removing officer leaves written notice of the removal and delivery, including the officer's name and call number, in a conspicuous, secure location on or within the vehicle.**
  - b. No person, authorized and acting pursuant to the authority granted in SMC 6.10.010(A)(5)(a) shall be held criminally or civilly liable for action taken under this subsection.**

**6.10.020 Animal fighting.**

**A. It is unlawful for any person to:**

- 1. Cause or allow an animal to fight another animal or a human being, unless the animal is:**
  - a. acting in defense of: itself, its owner or custodian; or the property of its owner or custodian against trespass or other crime, in or on the premises of the owner or custodian, and the**

- injury or damage sustained by the victim was incurred at that time; or
- b. acting in defense of an owner, custodian or third person from an attack or assault perpetrated against them, within the immediate vicinity of the animal; or
- c. acting in defense of physical abuse, assault or attack to itself or its offspring, by another animal or a person or persons; or
- d. responding to pain or injury; or
- e. trained and used by an authorized law enforcement unit to act in a manner directly associated with the proper execution of its duties;
- 2. Own, possess, keep or train any animal with the intent that the animal shall be engaged in an exhibition of fighting with another animal or human being;
- 3. Manufacture, buy, sell, barter, exchange or possess any of the implements commonly known as gaffs or slashers or any other sharp or pointed implement designed to be attached in place of the natural spur of a gamecock or fighting rooster or bird;
- 4. Train any animal for the purpose of fighting, or allow an exhibition of fighting on his or her premises, or to be a spectator at such training or exhibition of fighting.

**6.10.030 Accidents involving injury to animals.**

**A. It is unlawful for the driver of a vehicle involved in an accident that injures an animal to:**

- 1. Not stop the vehicle as close to the scene of the accident as possible; and
- 2. Inform the animal's owner of the injury, if ownership is readily ascertainable; or
- 3. Inform the chief of police or the Skagway Police Department of the following: the injury; the time and location of the accident; the description of the injured animal; the identification the animal may possess, if the information can be safely and reasonably attained; and the apparent nature of the injury.

**6.10.040 Costs and expenses for injured animal.**

**In addition to the civil fine imposed in accordance with SMC 1.20 General Penalty, any person found in violation of SMC 6.10.010(A)(1), 6.10.010(A)(2), 6.10.010(A)(3), and/or SMC 6.10.020(A)(1) shall also be responsible for the costs and expenses incurred by the owner for the transportation, housing, maintenance, care, observation, and/or medical treatment and vaccines for the animal provided by veterinarian care or otherwise.**

**Chapter 6.12**

**RABIES CONTROL AND PREVENTION**



**Sections:**

**6.12.010 Purpose.**

**6.12.020 Rabies immunization required.**

**6.12.030 Human victim reporting required.**

**6.12.010 Purpose.**

**The purpose and intent of this chapter is to ensure the control and prevention of rabies within the municipality.**

**6.12.020 Rabies immunization required.**

- A. No person shall own, keep, or have custody of a dog, cat, ferret or any other animal over the age of four months required by state law to have a rabies vaccination unless the animal has received a current rabies vaccination administered in accordance with state law.**
- B. Every owner or custodian of a dog, cat, ferret or any other animal, required by state law to have a rabies vaccination, who has received a current rabies vaccination, shall affix to the collar or harness of the animal the metal tag bearing the number and year the vaccination was given.**

**6.12.030 Human victim reporting required.**

- A. For the purposes of rabies abatement, control and prevention, any owner or custodian of an animal that bites a human shall promptly notify the chief of police or his/her authorized designee, a police officer or the Skagway Police Department of the incident. Any person bitten by an animal shall also promptly notify one of the three specified above and report the incident.**
- B. A medical practitioner who treats a human for an animal bite shall promptly report to the chief of police or his/her authorized designee, a police officer or the Skagway Police Department the name and residential address of the victim, and such other information as may be necessary to aid the above persons in the control of rabies.**
- C. A licensed veterinarian shall report to the chief of police or his/her authorized designee the identity of any animal suspected of being infected with rabies.**
- D. SMC 6.12.030(A-C) above imposes a duty to report when the animals are of a class capable of being infected with rabies.**

**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.

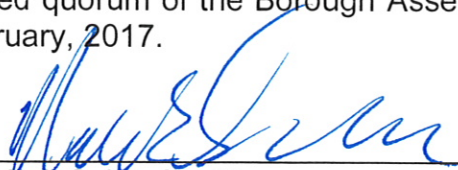
**Section 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

MUNICIPALITY OF SKAGWAY, ALASKA

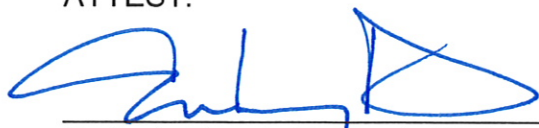
ORDINANCE NO. 17-01

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**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 16<sup>th</sup> day of February, 2017.

  
\_\_\_\_\_  
Mark Schaefer, Mayor

ATTEST:

  
\_\_\_\_\_  
Emily A. Deach, Borough Clerk

(SEAL)

