

TITLE 09

ANIMALS

Chapters:

9.04 DOGS

Chapter 9.04

DOGS

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9.04.010 Purpose:

This chapter is enacted for the purpose of regulating the keeping of dogs within the City. The fees, charges and penalties collected hereunder shall be budgeted to defray, in whole or in part, the expense of such regulation.

9.04.120 Definitions:

As used in this chapter:

(A) "Animal control officer" means any person or persons designated by the responsible authority, or by ordinance of the City to issue licenses, pick up, detain, impound, sell, dispose of, give notice for any other acts, duties or functions prescribed by this chapter or other ordinances relating to dogs. The function is to be carried out by the Chief of Police if no "Animal Control Officer" is appointed individually.

(B) "At large" means a dog which is off of the premises or property of the owner or other authorized person having responsibility for the dog, and not under the physical control of such person whether by leash or other physical restraint. A dog within an automobile or other vehicle of its owner or other responsible person shall be deemed to be upon such person's premises or property. Verbal command does not constitute being under control or restraint.

(C) "Barking dog" means any dog which by frequent or habitual howling, yelping or barking, causes an audible annoyance or disturbs

persons other than the owner or other person having responsibility for the dog, while in the vicinity of the premises or property of such dog, or upon a public street or place.

(D) "Dog" includes all canines, both male and female, natural and sterilized.

(E) Dogs deemed vicious. Any dog which, unprovoked, has bitten or attacked a human being is considered vicious.

(F) Harboring. The occupant of any premises or property on which a dog customarily returns daily for food and care for a period of ten days is presumed to be harboring or keeping the dog within the meaning of this chapter.

(G) "Kennel" includes any place, other than a veterinary hospital, where three or more dogs are confined for breeding, the offspring thereof are sold for profit, or where dogs are received for care, boarding or training.

(H) "Leash" includes a cord, thong or chain not more than six feet in length and of sufficient strength so as it cannot separate, and by which a dog is controlled by the person accompanying it.

(I) "License" means a dog license issued by the City.

(J) "Nuisance" means any dog which causes an annoyance to a person or persons other than the owner or keeper of such dog, and whereby such annoyance is a violation of the provisions of this title.

(K) "Owner" or keeper" means any person, association or corporation owning, keeping or harboring a dog.

(L) "Pet shop" means any place duly and lawfully licensed where live dogs and other animals are confined and offered for sale.

(M) "Pound" means a place provided and operated by the City, or by an independent person, association, corporation or other agency under the authority of the City, acting alone or in concert with other municipalities for the restraint, confinement and care of dogs.

(N) "Public emergency" means any situation resulting from conditions of war, insurrection, contagious diseases or other circumstances, which in the opinion of the responsible authority for the City, warrants the restraint and confinement of dogs within the premises or property of the owner.

(O) "Responsible authority" means the Mayor or his designee and the Chief of Police or his designee. When exercising any power granted to them by this title, the responsible authority (Mayor and Chief of Police) shall be subject to any motion, resolution or ordinance relating thereto and passed by the City Council.

(P) "Restraint" means a dog shall be deemed to be under restraint if it is confined within the property limits of its owner or keeper by a suitable fence, or securely restrained within the property limits by a leash securely attached to a fixed object.

(Q) "Sterilized animal" means any male or female dog that has been properly neutered or spayed by a licensed veterinarian.

(R) "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for the diagnosis, treatment and care of diseased or injured animals.

9.04.030 Annual license required:

(A) The City Clerk or his designee shall be responsible for the registering of all dogs as to sex, breed, sterilization, name of the dog, name of the owner and the address of the owner, and for the issuance of dog licenses to all dogs in which application is made for registration and licensing.

(B) It is unlawful for any owner or other person to have under their control or care any dog within the City for a period of more than five days without having: (1) registered the aforesaid dog; (2) obtained a dog license from the City; and (3) having caused the dog license tag to be securely attached to a collar which is to be securely fitted to the dog's neck and retained thereto at all times. For the purpose of this chapter the age of six months shall be determined by either a veterinarian's certification stating the dog's age, or by the presence of the dog's permanent canine teeth.

9.04.040 Term of license:

(A) All registration and dog licenses issued shall be prorated by dividing the year into quarterly periods, and the cost of such registration and licensing will be in accordance with that quarterly period of the year in which the license was procured. The license shall be in effect for a period from the date of such registration and licensing to the end of the then current calendar year and for a period of twenty days after the end of such year.

(B) It is unlawful for any person to have under his care or control any licensed and registered dog within the City at the end of such license period unless said dog is again registered and licensed within the first twenty days of January of each year, the same being the last twenty days of the license period. No registration shall be accepted for any dog unless a license is issued at the same time and no dog will be licensed unless registered.

9.04.050 License fee:

The fee payable for the registration and licensing of any sterilized male or female dog shall be ten dollars. The fee payable for the registration and licensing of any unsterilized male or female dog shall be twenty-five dollars. No dog shall be licensed as sterilized unless a certificate is exhibited to the City Clerk or her designee which is signed by a licensed veterinarian and certified that such dog has been sterilized. Such fee shall be payable annually.

9.04.0060 Dog collar--Size and shape of license:

(A) The owner or keeper of each licensed dog shall provide the dog with a collar or harness which shall be worn by the dog at all times. To such a collar or harness shall be securely affixed a license tag provided by the City for the current year in which a license has been procured.

(B) It is unlawful for any person other than the owner, his agent or responsible authority for the City to remove the license tag from the dog.

9.04.070 Change of ownership fee:

Whenever the ownership of a currently licensed dog shall change, the new owner shall notify the City Clerk or his designee responsible for registration and licensing and pay to such person the sum equal to that of a replacement tag, whereupon such dog's registration record shall be changed accordingly and the previously issued license for such dog shall remain valid for the remainder of the current year.

9.04.080 Vaccination:

No license shall be granted for a dog six months of age or older which has not been vaccinated against rabies. As a public health service, the Animal Control Officer, after approval by the Alaska Board of Veterinarian Medical Examiners, and providing that rabies serum is available, may provide rabies vaccinations on a scheduled basis until such time as a resident veterinarian does become available. Fees charged for such vaccinations shall be in accordance with the fee schedules and standards as set forth by the Alaska Board of Veterinarian Medical Examiners; and any revenue derived therefrom shall go directly to defray the costs of enforcement of this chapter.

9.04.090 Control of dogs:

It is unlawful for the owner or keeper:

(A) To permit a dog to run at large upon any public street, sidewalk, other public place or private property within the City, other than the premises or property of the owner or keeper unless such dog is leashed and in the physical custody and control of a person physically able to restrain and control such dog.

(B) To affix a dog by a leash, or any other restraining device, to any fixed object upon any public street, sidewalk or other public place within the City, other than the premises or property of the owner or keeper, and leave such dog unattended.

(C) To permit a dog to be upon public school grounds during school hours, unless permission is given by a responsible authority for the school.

(D) To permit a dog in public parks except on a leash, and such dog shall be subject to all applicable rules and regulations or ordinances regulating the use of parks.

(E) To permit a dog to enter any food store, restaurant, or 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, veterinary hospitals, kennels or places for which a responsible authority has issued a permit).

(F) To permit a vicious dog off of the owner's or keeper's property unless it is securely muzzled and leashed and in the physical custody and control of a person physically able to restrain and control such dog.

(G) To harbor or permit a dog to howl, yelp or bark which is audible to other persons on adjacent property, or who are near the vicinity or the premises or property of the owner or keeper of such dog.

9.04.100 Impoundment:

(A) It shall be the duty of the Animal Control Officer to apprehend, detain and impound any dog or dogs which are in violation of any of the provisions of this chapter. It shall be the duty of the Animal Control Officer to maintain the dog pound in a clean and orderly condition at all times so as to protect the impounded dogs from the elements, and the dogs shall be regularly fed and watered.

(B) Immediately after impounding any dog, the Animal Control Officer shall enter upon a formal record, the date of impoundment, a description of the dog impounded, its license number, if any, and record of whether such dog has been registered and licensed when possible.

(C) The Animal Control Officer shall post a public notice of the impounding of such dog which shall contain a description of the dog and the date and time of such impounding. One copy of such notice shall be posted on the bulletin board in the office of the City Clerk, and a duplicate copy shall be posted on the bulletin board in the Police Department.

(D) Any dog which is unlicensed and not redeemed by the owner or keeper within twelve hours after the posting of such impound notice shall be deemed a public nuisance. The Animal Control Officer shall immediately thereafter offer said dog for adoption to a new owner, or cause such dog to be destroyed.

(E) Any dog which has been impounded and is currently registered and wearing license tags shall cause the Animal Control Officer to immediately execute a reasonable attempt to notify the registered owner or keeper of such dog and the Animal Control Officer shall post a public notice disclosing the description of the dog and the date and time of such impounding which shall be posted on the bulletin board in the office of the City Clerk, and a duplicate copy shall be posted on the bulletin board in the Police Department. Any dog which is licensed and not redeemed by the owner or keeper within twenty-four hours after the posting of such impound notice shall be deemed a public nuisance. The Animal Control Officer shall immediately thereafter offer said dog for adoption to a new owner, or cause such dog to be destroyed.

(F) To discourage the abandonment of dogs so as to avoid payment for impound fees, licensing fees and fines for violations of the provisions of this chapter, any owner or keeper of a dog which has been impounded may be held responsible for payment of the aforesaid fees and fines, even after such dog is destroyed or adopted by a new owner.

9.04.110 Impounding fees:

An impounding fee of ten dollars will be charged for impounding each licensed dog upon the first offense; twenty dollars for the second offense; thirty dollars for the third; fifty dollars for the fourth and any subsequent pickups will result in a fine of two hundred fifty dollars. A fee of twenty-five dollars will be charged for the impounding of a dog not possessing a current license. Additionally, a fee of two dollars and fifty cents per day, or fraction of any day, will be charged for housing, feeding, and caring for each dog impounded.

9.04.120 Redeeming impounded dogs:

Any dog impounded under the provisions of this title which has not been destroyed or adopted by a new owner may be redeemed and released upon the payment of all impounding, boarding, registration and license fees and fine levied against the owner or keeper of such dog or charged by reason of the impoundment thereof. All such payment sums shall be paid to the office of the City Clerk, and thereupon the Animal Control Officer shall release such dog and thereby issue a receipt disclosing payment of all such fees and fines. It shall be the duty of the Animal Control Officer to furnish the office of the City Clerk with the information as to the date of impoundment of each dog, and when possible provide the fees necessary to be paid for the dog's release.

9.04.130 Reporting, examination and care of biting and diseased dogs:

(A) It is unlawful for the owners or keepers to own or have under their control or care any dog within the City which is known to have bitten any other person. The condition and identity of any dog with a contagious or infectious disease which has bitten any person must be reported to the Police Department. Such dog shall be immediately placed into confinement within a building in quarantine for a period of fourteen days until released by responsible authority of the Police Department, or unless said dog is immediately examined after such dog bite or sickness develops and is placed under the continuous care of a veterinarian or other person trained in the care of sick dogs until released by the same.

(B) It is unlawful for the owners or keepers to own or have under their care or control any dog within the City which has bitten any person or appears to have any infectious or contagious disease without having such dog examined by a veterinarian or other person trained in the care of sick dogs within forty-eight hours after such dog bite or sickness develops. Such dog shall be placed into quarantine and reexamined fourteen days after the first examination; and it is unlawful for any person to release such dog from the quarantine until such examinations are made. In the event of the death of such dog, its cadaver shall be immediately brought to the Police Department, and thereupon such cadaver shall be sent to the State of Alaska for examination.

9.04.140 Destroying vicious or rabid dogs:

(A) Any person may lawfully kill any dog which is acting in a vicious manner while running at large; providing that the dog's vicious actions were not brought about by deliberate harassment or provocation, and all other reasonable means to avoid injury to the person or persons being attacked by such dog were exhausted. Any person killing such dog shall do so in a reasonable and prudent manner so as not to endanger or injure other persons or property of another or cause undue suffering for the dog.

(B) Any person may immediately kill any dog which he has a reasonable basis to believe is rabid and running at large. Immediately

thereafter, or as soon as reasonably possible, the killing of such dog must be reported to the Police Department and its cadaver turned over thereto.

9.04.150 Dogs disturbing peace and quiet:

(A) It is unlawful for the owners or keepers to own or keep under their control or care any dog within the City which disturbs the peace and quiet of any neighborhood by howling, yelping or barking. A dog which howls, yelps or barks in a manner which causes an audible annoyance to a person or persons other than the owner shall be deemed a public nuisance upon the filing of a formal complaint with the Police Department.

(B) In the event that a formal complaint is filed with the Police Department charging that a dog is habitually disturbing the peace and quiet of another person or persons while within the confines of the private property of such dog's owner or keeper, then the Animal Control Officer or a police officer shall, for a first offense, issue a formal warning, which may be either in written or verbal form, directing the owner or keeper of such dog to abate the nuisance immediately. Should such dog continue to be a nuisance and a formal complaint is again filed with the Police Department, then the owner or keeper of such dog shall be issued a citation and summoned to appear in court.

9.04.160 Dogs running in packs: In the event the City is endangered by packs of wild or semi-wild dogs, then the Mayor is authorized to engage a hunter to exterminate the packs of wild or semi-wild dogs. The dogs will be dispatched by rifle fire. Poisons, snares, or traps will not be used. The killing will be as merciful as possible.

9.04.170 Violation--Penalty:

(A) Violations of the Kake Animal Code shall constitute a lesser offense and any person who is convicted of any section of this title shall be sentenced to pay a fine not to exceed five hundred dollars.

(B) In addition to a fine, the court may also order that a dog or dogs be forfeit and destroyed when the owner or keeper has been convicted of a second or subsequent offenses in which such dog was in violation of Section 9.04.090 and 9.04.150.