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Presented by: The Manager  
Introduced:  
Drafted by: J.W. Hartle

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2009-12(b)**

**An Ordinance Amending the Animal Control Code.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough Code.

**Section 2. Amendment to Title 08 Animal Control and Protection.** Title 08 Animal Control and Protection, is amended to read as follows:

**Chapters:**

- 08.05 General
- 08.10 Animal Control Authorities
- 08.15 Licenses and Permits
- 08.20 Impoundment
- 08.25 Rabies Control
- 08.30 Potentially Dangerous and Dangerous ~~Dogs~~ *Domestic Animals*
- 08.35 Animal Care
- 08.40 Restraint and Sanitary Disposal Requirements
- 08.45 Objectionable Animals and Other Requirements
- 08.50 Fees, Citations, and Penalties

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**Chapter 08.05**

**GENERALLY**

**08.05.010 Definitions.**

**08.05.020 Immunity.**

**08.05.010 Definitions.**

The following words, terms and phrases when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to leave an animal for a period in excess of 24 continuous hours without adequate provision for its physical needs.

*Altered animal means any animal which has been surgically or pharmacologically sterilized.*

Animal means all domesticated nonhuman members of the kingdom Animalia.

Animal control officer means the director of animal control and the employees of any entity to whom the function of animal control and protection has been contracted pursuant to section 08.10.010 who serve as enforcement agents.

Animal shelter means any premises designated by the manager or the manager's designee for the purpose of impounding and caring for animals pursuant to this title.

1 At large means any animal which is not under restraint.

2

3 Canidae hybrid means an owned and domesticated offspring of a wild member of the  
4 genus and the family Canidae bred to a member of the genus and species Canis  
5 familiaris.

6

7 Competent voice control means when all the following are met:

8 ~~(1) The person exhibiting the voice control is present with the animal and~~  
9 ~~monitors all of its activities;~~

10 (1) *The person exhibiting voice control has the dog under verbal control and*  
11 *within sight at all times regardless of distractions (such as wildlife, traffic, other*  
12 *animals, food, other people or noise).*

13

14 ~~(2) The person exhibiting the voice control is capable of directing all of the~~  
15 ~~animal's movements and activities by voice commands; and~~

16 (2) *The dog under voice control does not bark at, jump on, act aggressively*  
17 *toward, or advance on people or other domestic animals.*

18

19 ~~(3) The animal under voice control follows all of the vocal commands quickly~~  
20 ~~and accurately.~~

21 (3) *The dog under voice control will consistently come to its handler immediately*  
22 *upon command.*

23

24 Dangerous ~~dog~~ domestic animal means a ~~dog~~ domestic animal that is a dangerous  
25 ~~dog~~ domestic animal as defined in section 08.30.010.

26

1 Dog means a member of the genus and species *Canis familiaris*, commonly known as  
2 a domestic dog, but does not include other members of the family *Canidae* such as a  
3 fox, coyote, wolf or other game species the taking of which is regulated by the state  
4 of Alaska. For purposes of this title, "dog" includes *Canid* hybrids unless otherwise  
5 specified.

6

7 *Domestic animal means dog, cat, ferret, guinea pig, gerbil, snake, lizard, or bird;*  
8 *provided, however, that nothing in this title shall apply to raptorial birds kept under*  
9 *authority of state or federal falconry, rehabilitation, scientific, or educational permits.*

10

11

12 Enforcement agent means any peace officer, other law enforcement personnel, or an  
13 animal control officer or other person specifically authorized by the manager to  
14 enforce the provisions of this title pursuant to section 03.45.010.

15

16 *Euthanasia means the act of inducing humane death in an animal.*

17

18 ~~Humane Society means the Gastineau Humane Society.~~

19

20 Improperly confined means the confinement of an animal under conditions that  
21 endanger the animal's health or safety or the safety of the public.

22

23 Keeper means any person, group of persons, partnership, firm, trust or corporation  
24 owning, having an interest in, or having control, custody or possession of any animal  
25 and includes any adult member of a family or group of persons sharing a residential

26

1 unit where another member of the family or group has an interest in, has control,  
2 custody or possession of an animal which is kept in or on the premises of the shared  
3 residential unit. "Keeper" does not include a person who voluntarily undertakes the  
4 temporary care of an animal that is otherwise abandoned *or a person who*  
5 *voluntarily undertakes the temporary care of a dog at large in violation of 08.40.010.*  
6

7 Livestock means cattle, swine, goats, sheep, horses, donkeys, mules, rabbits, *llamas*,  
8 and poultry.  
9

10 Molest means to attack, bite, injure or chase when such conduct is unprovoked.  
11

12 Neglected means an animal that has not received that degree of care which a person  
13 of ordinary prudence would give under the same circumstances. The care must  
14 include sufficient food and clean water, adequate shelter and protection from the  
15 weather, health care, and clean living conditions ~~in conformance with accepted~~  
16 ~~veterinary practice.~~  
17

18 ~~Neutered animal means any animal which has been surgically or pharmacologically~~  
19 ~~sterilized.~~  
20

21 Objectionable animal means any animal which is doing any of the acts set forth in  
22 section 08.45.010.  
23

24 *Physical injury means physical pain or an impairment of physical condition.*  
25  
26

1 Potentially dangerous ~~dog~~ domestic animal means a ~~dog~~ domestic animal that is a  
2 potentially dangerous ~~dog~~ domestic animal as defined in section 08.30.010.

3

4 *Provocation means the teasing, tormenting, abusing, or assault of a domestic animal*  
5 *or livestock inciting the animal to bite or attack.*

6

7 Restraint means either:

8 (1) Actual physical control, such as on a leash held by a person capable of  
9 physically controlling the animal, on a chain, within fenced premises, in a building,  
10 *kennel, or in a cage; or*

11

12 (2) Under competent voice control of the keeper or other responsible person; or

13

14 (3) On the premises of the keeper or other property with the prior permission of  
15 the owner of the property; or

16

17 (4) Properly secured within a vehicle as provided in section 72.10.130.

18

19 Service ~~dog~~ animal means:

20 (1) An ~~dog~~ animal specifically trained and certified to assist in search and  
21 rescue operations and which is utilized to assist in search and rescue operations;

22

23 (2) A spayed or neutered ~~dog~~ animal specifically trained and certified to assist  
24 persons with disabilities and which is utilized to assist a person with disabilities; or

25

26

1 (3) ~~An dog~~ *animal* specifically trained and certified to assist in law enforcement  
2 activities and which is utilized to assist in law enforcement activities, also referred  
3 to in this title as a "police dog."

4  
5 Stray means any animal whose owner is unknown or which no one seeks, follows or  
6 claims.

7  
8 *Substantial evidence means such relevant evidence as a reasonable mind might*  
9 *accept as adequate to support a conclusion.*

10  
11 Traps means devices for catching and holding wild or domesticated animals,  
12 including snares, cages, nets, pitfalls, or clamp-like devices that spring shut  
13 suddenly, but not including a live-trapping device consisting of a cage apparatus  
14 *designed to ~~that~~ traps an animal without injuring ~~the animal~~ it.*

15  
16 **08.05.020 Immunity.**

17 The provisions of this title involve discretionary functions, licensing, permits,  
18 approvals, inspection, discovery, abatement, health and safety and other matters as  
19 referred to in AS 09.65.070, and determining, or failing to find or determine that a  
20 ~~dog~~ *domestic animal* is dangerous, or potentially dangerous, or the manner of  
21 enforcement or nonenforcement of the provisions of this title, *and* shall not  
22 constitute an assumption by the City and Borough, or by any of its officers,  
23 employees, ~~and~~ *or* agents, of any duty, or be deemed or construed to impose any  
24 duty, responsibility or liability on the City and Borough or any of its officers,  
25 employees, or agents regarding such actions or nonaction.

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**Chapter 08.10**

**ANIMAL CONTROL AUTHORITIES**

**08.10.010 Authority and purpose.**

**08.10.020 Animal control officers; scope of duties.**

**08.10.030 Interference with officers; investigations.**

**08.10.010 Authority and purpose.**

The manager shall appoint a director of animal control and such other animal control officers and other employees necessary to carry out the provisions of this title; or, in the alternative, the manager may contract for animal control and protection services to carry out the provisions of this title.

**08.10.020 Animal control officers; scope of duties.**

All animal control officers shall have the following duties:

(a) To investigate and discover violations of this title by all lawful means;

(b) To impound or quarantine an animal in accordance with the provisions of this title, or as otherwise provided by law;

(c) To issue or cause to be issued a citation or a warning to any person violating any provision of this title;

(d) To accurately keep and maintain public records pertaining to:

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(1) Dog licenses;

(2) Impoundments;

(3) Quarantines;

(4) Disposition of animals impounded, quarantined, or taken into custody under this title;

(5) ~~Potentially Ddangerous dogs~~ domestic animals and ~~potentially dangerous dogs~~ domestic animals;

(6) Objectionable animals;

(7) Revenues assessed or collected under this title whether by fines or fees; and

(8) Such other actions as may be taken pursuant to this title;

(e) To take such other action as may be necessary or appropriate to enforce the provisions of this title in the manner provided by law, or such other action as may be required by the lawful direction of the manager.

**08.10.030 Interference with officers; investigations.**

(a) It is unlawful for any person to resist, oppose, obstruct or interfere with any animal control officer, enforcement agent, employee of the animal shelter, or other

1 person in the performance of any duty of such officer, agent or person, or by threats  
2 or otherwise to intimidate or attempt to intimidate any such officer, agent, or person  
3 in the discharge of any official duty.

4

5 (b) For the purpose of discharging the duties imposed by this title and to  
6 enforce its provisions, any animal control officer or enforcement agent is empowered  
7 to go to the entrance of any structure in which the officer or agent believes is kept or  
8 harbored a dog believed by the officer or agent to be subject to the licensing  
9 requirements of this chapter and to demand the exhibition of the license of the dog  
10 by its keeper. Upon such demand, the keeper shall show to the animal control officer  
11 or enforcement agent the required license.

12

13 (c) For the purpose of discharging the duties imposed by this title and to  
14 enforce its provisions, any animal control officer or enforcement agent may enter  
15 upon any property, but may not enter into any structure *or yard* not open to the  
16 public *unless invited or allowed by law*.

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**Chapter 08.15**

**LICENSES AND PERMITS\***

**08.15.010 Licensing.**

**08.15.020 Exemptions.**

**08.15.030 Tag and collar.**

**08.15.010 Licensing.**

(a) No person shall own, keep or harbor any dog, including a Canid hybrid, over the age of six months within the City and Borough unless the dog is licensed as provided in this chapter. Applications for a dog license shall be made to the director of animal control, and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The license fee shall be paid at the time of making application. All licenses required by this chapter will be issued for a term of one *calendar* year beginning January 1 of the year for which the license is issued.

(b) No license or tag shall be issued for a dog unless it is shown by a licensed veterinarian's certificate in writing that the dog for which the license is sought has received immunization for rabies ~~within the past 36 months in accordance with established vaccine protocols., or unless the applicant is able to furnish other proof satisfactory to the director of animal control. The proof may consist of, but is not limited to, a statement or receipt from a licensed veterinarian or lay vaccinator verifying the rabies immunization.~~

(c) All potentially dangerous or dangerous dogs shall be licensed each year as provided in section 08.30.090 and this section.

1 (d) If there is a change of ownership of a dog during the license year, the new  
2 owner shall, within 15 days, have the current license transferred to the new owner's  
3 name.

4  
5 (e) No person shall use, or allow the use of, any dog license or tag for an animal  
6 other than the dog for which the license and tag was issued.

7  
8 (f) *No person shall own or harbor a canid hybrid without a valid permit issued*  
9 *by the Department of Fish and Game in accordance with 5 AAC 92.030. A copy of the*  
10 *permit shall be provided to animal control and a special license will be issued.*

11  
12 **08.15.020 Exemptions.**

13 (a) The licensing requirements of this chapter shall not apply to any dog  
14 belonging to a nonresident of the City and Borough and kept within the City and  
15 Borough for less than 30 days, *or 130 days if the dog is currently licensed in another*  
16 *municipality*, provided all such dogs shall, at all times while in the City and  
17 Borough, be under restraint.

18  
19 ~~(b) No license fee for service dogs is required. No impoundment fees will apply~~  
20 ~~to a dog being used as a service dog. A tag for identification purposes shall be~~  
21 ~~provided to the keeper of a service dog upon presentation of proof of immunization~~  
22 ~~for rabies as provided in section 08.15.010.~~

1 **08.15.030 Tag and collar.**

2 (a) Upon compliance with the provisions of section 08.15.010, there shall be  
3 issued to the keeper a metallic tag stamped with the number and the year for which  
4 issued.

5  
6 (b) Every keeper is required to ensure that the issued tag is securely fastened  
7 to the dog's ~~choke chain~~, collar or harness, which must be worn by the dog at all  
8 times except when kenneled.

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**Chapter 08.20**

**IMPOUNDMENT**

**08.20.010 Impoundment generally.**

**08.20.020 Redemption of impounded animals.**

**08.20.010 Impoundment generally.**

(a) All ~~animals and~~ *dogs or* livestock found running at large may be taken up by an animal control officer or enforcement agent and impounded in the animal shelter or in a livestock boarding facility, and there confined in a humane manner for a period of not less than five days, and may thereafter be disposed of pursuant to subsection (d) of this section.

(b) When the keeper of an animal taken up by an animal control officer or enforcement agent is known to the officer or agent, the officer or agent may, instead of impounding the animal in the animal shelter, return custody of the animal to the keeper or other responsible person but only after issuing to such person a citation or warning for violation of this title.

(c) Within 24 hours after impounding any animal, the animal control officer or enforcement agent must make a reasonable effort to notify the animal's keeper and to inform the keeper of the conditions under which the keeper may regain custody of the animal. The officer or agent shall issue a citation or give a warning to the keeper of any *dogs or livestock* which ~~has~~ *have* been impounded for being found running at large.

1 (d) After the expiration of the five-day impoundment period, impounded  
2 animals not claimed by their keeper may be disposed of by the Humane Society by  
3 adoption, sale or destruction by humane means.

4  
5 (e) An animal that is abandoned, neglected, improperly confined or otherwise  
6 in need of safekeeping may be taken up by an animal control officer or enforcement  
7 agent and impounded in the animal shelter. Animals placed under safekeeping  
8 impoundment shall be held for a keeper and may thereafter be disposed of by  
9 adoption, sale, or destruction by humane means if not claimed by a keeper within  
10 ten days. An animal impounded under the circumstances set forth in subsection  
11 08.20.020(b) may not be redeemed, but shall instead be immediately ~~destroyed~~  
12  *euthanized*.

13  
14 (f) A ~~vicious~~  *dangerous domestic* animal that is found in violation of section  
15 ~~08.30.040 or section 08.30.050~~  *08.30 Potentially dangerous and dangerous domestic*  
16  *animals*, may be taken up by an animal control officer or enforcement agent and  
17 impounded in the animal shelter  *at the owners expense*. ~~Vicious Dangerous domestic~~  
18 animals impounded under this section may be held during the pendency of any  
19 hearing on the violation.

20  
21 **08.20.020 Redemption of impounded animals.**

22 (a) The keeper shall be entitled to resume possession of any impounded animal,  
23 except as provided in subsection (b) of this section, upon the keeper's compliance  
24 with the licensing provisions of chapter 08.15 and the payment of all impoundment  
25 and boarding fees.

26

1 (b) When, in the judgment of the director of animal control or a licensed  
2 veterinarian, an impounded animal should be ~~destroyed~~  *euthanized* for humane or  
3 health reasons, the animal may not be redeemed, but shall instead be immediately  
4 ~~destroyed~~  *euthanized*.

5

6 (c) The keeper of an impounded animal shall remain personally liable for all  
7 impoundment and boarding fees, notwithstanding the fact that the keeper abandons  
8 the animal to the animal shelter, or the animal is adopted, sold or destroyed.

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**Chapter 08.25**

**RABIES CONTROL**

**08.25.010 Immunization for rabies.**

**08.25.015 Impoundment or euthanasia of animals.**

**08.25.020 Rabies certificate; contents.**

**08.25.030 Reporting animal bites and surrender of animal.**

**08.25.040 Quarantine of animals.**

**08.25.050 Handling rabies cases.**

**08.25.060 Disposition of rabid animals.**

**08.25.070 Areawide quarantine.**

**08.25.010 Immunization for rabies.**

(a) No person shall own, keep or harbor a dog, cat, or ferret within the City and Borough unless the dog, cat, or ferret has received a rabies vaccination, administered by or under the direct supervision of a licensed veterinarian, in accordance with the Centers for Disease Control and Prevention, Compendium of Animal Rabies Prevention and Control, 2000, as amended from time to time.

(b) Any dog, cat, or ferret not vaccinated in compliance with this section may be confiscated and either vaccinated or euthanized. Owners of confiscated animals are subject to payment of costs of confiscation, boarding, and vaccination, as well as the pertinent fines set out at section 03.30.054.

1 (c) Rabies vaccination requirements will not apply to wildlife, Canidae hybrids,  
2 and other animal hybrids unless and until a rabies vaccine is licensed for these  
3 animals. The City and Borough shall defer to the state and the Centers for Disease  
4 Control and Prevention, Compendium of Animal Rabies Prevention and Control,  
5 2000, on rabies vaccination issues concerning animals other than dogs, cats, and  
6 ferrets.

7  
8 **08.25.015 Impoundment or euthanasia of animals.**

9 The following standards shall be used for impounding or euthanizing animals that  
10 may be rabid:

11  
12 (a) A dog, cat, or ferret vaccinated in accordance with section 08.25.010 that  
13 bites a person *or domestic animal* must be placed under observation for ten days,  
14 except that a clinically ill or stray animal that does so may be euthanized  
15 immediately and submitted to the ~~S~~state ~~D~~ivision of ~~P~~ublic ~~H~~health in the  
16 ~~D~~epartment of ~~H~~health and ~~S~~ocial ~~S~~ervices or to a laboratory designated by it for  
17 rabies testing.

18  
19 (b) A dog, cat, or ferret not vaccinated in accordance with section 08.25.010 that  
20 bites a person *or domestic animal* may be *quarantined immediately, and at the*  
21 *discretion of a licensed veterinarian, euthanized immediately* and submitted to the  
22 ~~state D~~ivision of ~~P~~ublic ~~H~~health in the ~~Alaska D~~epartment of ~~H~~health and  
23 ~~S~~ocial ~~S~~ervices, or to a laboratory designated by it, for rabies testing.

24  
25 (c) A bat or a free-ranging carnivorous wild animal that bites a person must be  
26

1 euthanized immediately and submitted to the ~~state D~~division of ~~P~~ublic ~~H~~health in  
2 the ~~Alaska D~~epartment of ~~H~~health and ~~S~~ocial ~~S~~ervices or to a laboratory  
3 designated by it for rabies testing.

4  
5 (d) An unvaccinated dog ~~or~~, cat, or *ferret*, bitten by a known or suspected rabid  
6 animal may be euthanized immediately. A "known rabid animal" means an animal  
7 ~~that has tested with a positive laboratory test for the~~ rabies virus. If the bitten  
8 animal has a current rabies vaccination, as defined in the Centers for Disease  
9 Control and Prevention, Compendium of Animal Rabies Prevention and Control,  
10 2000, as amended from time to time, the bitten animal must be revaccinated  
11 immediately and confined a minimum of 30 days *at a location to be determined by*  
12 *the director of animal control.*

13  
14 (e) A prior rabies vaccination of an animal does not preclude the necessity for  
15 euthanasia and testing if the period of virus shedding is unknown for that species.

16  
17 **08.25.020 Rabies certificate; contents.**

18 (a) The rabies vaccination certificate, form #51, developed by the National  
19 Association of State Public Health Veterinarians, Inc. (NASPHV) and available from  
20 the ~~state D~~division of ~~P~~ublic ~~H~~health in the ~~Alaska D~~epartment of ~~H~~health and  
21 ~~S~~ocial ~~S~~ervices is adopted as the only valid rabies vaccination certificate.

22  
23 (b) Each rabies vaccination certificate shall contain the following information:

24  
25 (1) Full name and address of the animal's keeper;

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(2) Age, sex, breed, color and name of the dog, cat or ferret;

(3) Date of immunization;

(4) Type and effective duration of the immunization;

(5) Full name and signature of the licensed veterinarian issuing the certificate;

and

(6) All other information required by NASPHV form #51.

(c) The owner or keeper of a dog, cat, or ferret receiving a rabies vaccination shall be provided an anodized aluminum rabies tag no less than 0.064 inches in thickness and distinguishable in shape and color from animal license tags in accordance with the provisions of the Center for Disease Control and Prevention, Compendium of Animal Rabies Prevention and Control, 2000. ~~The rabies tags must be affixed to a collar or harness and must be worn by the dog, cat, or ferret, except that a dog need not wear the tag while harnessed in a dog team or while participating in organized training or competition.~~

(d) No person shall use, attempt to use or allow the use of, a rabies certificate for dog, cat or ferret other than the dog, cat or ferret for which the certificate was issued.

1 **08.25.030 Reporting animal bites and surrender of animal.**

2 The keeper of any animal which bites a human being *or any domestic animal or*  
3 *livestock* shall report such occurrence to an animal control officer or enforcement  
4 agent as soon as the occurrence becomes known to the keeper, and shall provide  
5 such further information as may be requested. The keeper may be required to  
6 surrender the animal to the animal control officer or enforcement agent.

7  
8 **08.25.040 Quarantine of animals.**

9 (a) Except as provided in subsection (b) of this section, any animal that bites a  
10 human being *or a domestic animal* and which does not have a valid rabies certificate  
11 shall be quarantined for a period of not less than ten days. At the discretion of the  
12 director of animal control, the quarantine location may be on the premises of the  
13 keeper, or at the animal shelter or a veterinary hospital at the expense of the  
14 keeper. The animal may be reclaimed by the keeper if determined to be free of rabies  
15 upon payment of any expenses incurred for the quarantine, unless the *domestic*  
16 ~~animal is a dog that~~ has been classified as potentially dangerous or dangerous and  
17 has been ordered quarantined pending a hearing on its classification as provided in  
18 section 08.30.020(d), or has been classified as dangerous and ordered destroyed as  
19 provided in section 08.30.110.

20  
21 (b) Any police dog which bites a human being shall be promptly reported to the  
22 chief of police or the chief's designee who shall investigate the incident, make a  
23 written report, and direct that the dog be referred for examination by a licensed  
24 veterinarian and remain in service under the observation of its handler or be  
25 quarantined pursuant to this section, as appropriate.

26

1 (c) Any animal under quarantine found to be at large or capable of coming into  
2 contact with other animals, shall be surrendered to and ~~may~~ *shall* be impounded by  
3 an animal control officer or enforcement agent.

4  
5 **08.25.050 Handling rabies cases.**

6 (a) All persons shall report to an animal control officer or enforcement agent  
7 any suspected or positively diagnosed occurrence of rabies as soon as such  
8 occurrence becomes known to the person.

9  
10 (b) No person shall kill any suspected or confirmed rabid animal except with  
11 the prior written consent of the director of animal control or in defense of a human  
12 being or other animal, or to prevent the escape of the suspected or confirmed rabid  
13 animal.

14  
15 (c) Only an animal control officer or person authorized by an animal control  
16 officer may remove the carcass of any suspected or confirmed rabid animal from the  
17 location where the animal was killed or found.

18  
19 **08.25.060 Disposition of rabid animals.**

20 (a) Any animal under quarantine which is ~~confirmed as~~ *suspected of* being  
21 rabid by a licensed veterinarian shall be immediately destroyed and disposed of in  
22 accordance with state law.

23  
24 (b) Any animal under quarantine ~~which has been confirmed~~ *suspected as*  
25 ~~having rabies, or suspected~~ by a licensed veterinarian as being rabid, which dies

1 while under quarantine, or the carcass of any dead animal exposed or suspected as  
2 having been exposed to rabies, shall be disposed of in accordance with state law.

3

4 **08.25.070 Areawide quarantine.**

5 When there has been a positive diagnosis of rabies within the City and Borough, the  
6 manager or the manager's designee may declare an areawide quarantine for such  
7 period of time as determined necessary. During the period of areawide quarantine,  
8 every keeper shall confine his or her animal within the premises of the keeper and  
9 shall not transport, take, or remove his or her animal from the City and Borough  
10 without the prior written consent of the director of animal control.

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1 Chapter 08.30

2 POTENTIALLY DANGEROUS AND DANGEROUS ~~DOGS~~ DOMESTIC

3 ANIMALS

4 08.30.010 *Potentially dangerous and dangerous domestic animals;*

5 Definitions.

6 08.30.020 Classification of ~~dogs~~ *domestic animals*; notice; restrictions

7 pending appeals.

8 08.30.030 Animal hearing board.

9 08.30.040 On-premises confinement.

10 08.30.050 Off-premises restraint.

11 08.30.060 Notification of change of status.

12 08.30.070 Signs.

13 08.30.080 Liability insurance.

14 08.30.090 Special license and tag.

15 08.30.100 Spay or neuter requirement.

16 08.30.110 Destruction of dangerous ~~dogs~~ *domestic animals*.

17 08.30.120 Reclassification of ~~dogs~~ *domestic animals*.

18  
19 08.30.010 Definitions.

20 (a) Except as provided in subsection (e) of this section, a "potentially dangerous  
21 ~~dog~~ *domestic animal and dangerous domestic animal*" is any ~~dog~~ *domestic animal*  
22 that:

23  
24 (1) Without provocation, chases or approaches a person, *domestic animal, or*  
25 *livestock*, in a threatening manner or in an apparent attitude of attack; or

26

1           (2) Has a known propensity, tendency, or disposition to attack without  
2 provocation, or otherwise threaten the safety of human beings or domestic animals.

3  
4           (b) Except as provided in subsection (c) of this section, a "dangerous ~~dog~~  
5 *domestic animal*" is any ~~dog~~ *domestic animal* that:

6  
7           (1) Has bitten or otherwise inflicted physical injury on a human being without  
8 provocation on public or private property;

9  
10          (2) Has, while off the premises of its keeper, killed a domestic animal without  
11 provocation; or

12  
13          (3) Has been previously classified as potentially dangerous and is found in  
14 violation of the provisions of this chapter, or whose keeper has, in relation to that  
15 ~~dog~~ *domestic animal*, violated any of the provisions of this chapter.

16  
17          ~~(c) "Provocation" means the teasing, tormenting, abusing, or assault of a dog~~  
18 ~~*domestic animal* to incite the dog to bite or attack.~~

19  
20          ~~(d) "Physical injury" means physical pain or an impairment of physical~~  
21 ~~condition.~~

22  
23          ~~(e c)~~       Exceptions to potentially dangerous and dangerous ~~dog~~ *domestic*  
24 *animal* classifications are as follows:

1 (1) No ~~dog~~ *domestic animal* may be classified potentially dangerous or  
2 dangerous if:

3  
4 (A) Acting against a trespasser who had illegally entered premises occupied by  
5 the keeper of the ~~dog~~ *domestic animal*; or

6  
7 (B) The ~~dog~~ *domestic animal* was being tormented abused or assaulted.

8  
9 (2) No ~~dog~~ *domestic animal* may be classified potentially dangerous or  
10 dangerous if the ~~dog~~ *domestic animal* was protecting or defending a person within  
11 the immediate vicinity of the ~~dog~~ *domestic animal* from an attack by a person or  
12 other animal, or if the ~~dog~~ *domestic animal* was acting to defend itself from attack  
13 by another animal *or person*.

14  
15 (3) No ~~dog~~ *domestic animal* may be classified potentially dangerous or  
16 dangerous if the injury or damage to an animal was sustained while the ~~dog~~  
17 *domestic animal* was working as a hunting dog, herding ~~dog~~ *animal*, or predator  
18 control ~~dog~~ *animal* on the property of or under the control of its keeper and the  
19 damage or injury was to a species or type of animal appropriate to the work of the  
20 ~~dog~~ *domestic animal*.

21  
22 (4) No dog may be classified potentially dangerous or dangerous if the dog has  
23 been trained to attack persons independently or upon oral command while under the  
24 control and supervision of an authorized government or law enforcement unit and  
25 the act is directly associated with the proper execution of its duties.

26

1 **08.30.020 Classification of ~~dogs~~ *domestic animals*; notice; restrictions**  
2 **pending appeals.**

3 (a) The director of animal control shall have the authority to determine, based  
4 on probable cause, that a ~~dog~~ *domestic animal* is potentially dangerous or  
5 dangerous. The determination and classification of the ~~dog~~ *domestic animal* shall be  
6 completed by the director within ~~ten~~ 15 days of the bite or attack report. In making  
7 the classification, the director will consider all of the facts and circumstances of the  
8 incident, including the following factors:

9  
10 (1) The observed and reported past and present behavior of the ~~dog~~ *domestic*  
11 *animal*;

12  
13 (2) Whether the incident was accidental in nature;

14  
15 (3) The extent of the injury to the person or animal attacked;

16  
17 (4) The keeper's ~~past~~ history of compliance with the City and Borough animal  
18 control code provisions pertaining to the ~~dog~~ *domestic animal* involved in the  
19 incident; and

20  
21 (5) The keeper's ~~past~~ history of animal control code violations pertaining to the  
22 ~~dog~~ *domestic animal* involved in the incident.

23  
24 (b) Written notice of a ~~dog's~~ *domestic animal's* classification under subsection  
25 (a) of this section shall be served on the keeper of the ~~dog~~ *domestic animal* at the

26

1 keeper's last known address. The notice shall describe the ~~dog~~ *domestic animal*,  
2 state the grounds for its classification, and state the restrictions and other  
3 requirements, including a spay or neuter requirement as the director determines  
4 appropriate, applicable to the ~~dog~~ *domestic animal* by reason of its classification.  
5 The notice shall also state that if a written request for a hearing is filed with the  
6 director of animal control within ~~ten~~ 15 days after completion of service of the notice,  
7 a hearing will be conducted by the animal hearing board under section 08.30.030 to  
8 review the classification of the ~~dog~~ *domestic animal* or any related written  
9 administrative orders issued by the director. The right to a hearing shall be deemed  
10 waived if not timely requested as set forth on this subsection.

11  
12 (c) The notice referred to in subsection (b) of this section shall be given either  
13 by personal delivery to the person to be notified or by certified mail, return receipt  
14 requested, addressed to the person at the person's last known address. Notice by  
15 personal delivery shall be complete upon delivery and notice by mail shall be  
16 deemed complete upon return of the receipt or upon return of the notice as  
17 undeliverable, refused, or unclaimed.

18  
19 (d) During the pendency of any hearing on the classification of a potentially  
20 dangerous or dangerous ~~dog~~ *domestic animal*, the director of animal control may  
21 require that the ~~dog~~ *domestic animal* be kept securely confined on the premises of  
22 the keeper or other location acceptable to the director which may include quarantine  
23 time at the animal shelter at the keeper's expense.

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1 **08.30.030 Animal hearing board.**

2 (a) The animal hearing board shall be composed of five members and one  
3 alternate member appointed by the manager for staggered three-year terms  
4 *provided the initial terms shall be staggered as follows: One for a one-year term, two*  
5 *for two-year terms; two for three-year terms; and the alternate's initial term shall be*  
6 *for three years. There shall be one Preference shall be given to members selected*  
7 *from each of the following groups: licensed veterinarians; organized animal interest*  
8 *groups; animal trainers, preferably experienced in handling problem animals;*  
9 *animal owners from the general public; and non-animal owners from the general*  
10 *public. The alternate shall also be selected from one of these groups. No member of*  
11 *the animal hearing board who has served for three consecutive terms or nine years*  
12 *shall again be eligible for appointment until one full year has intervened, provided,*  
13 *however, that this restriction shall not apply:*

14  
15 (1) If there are no other qualified applicants at the time reappointment is  
16 considered by the assembly human resources committee, or

17  
18 (2) To qualified board members serving in board seats for which a specific  
19 occupation or expertise is set forth by ordinance.

20  
21 (b) The animal hearing board shall hear appeals regarding the classification of  
22 ~~dogs~~ *domestic animals* as potentially dangerous or dangerous, related written  
23 administrative orders issued by the director of animal control, and decisions on  
24 applications for reclassification of ~~dogs~~ *domestic animals* under section 08.30.120.

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1 (c) The hearing before the animal hearing board shall be held within ~~14~~ 15  
2 days of receipt of the request for a hearing. The hearing shall be informal, and  
3 technical rules of evidence shall not apply. In the animal hearing board's review of  
4 the classification of the ~~dog~~ *domestic animal*, the animal hearing board shall  
5 determine whether the director's classification of the animal is supported by  
6 substantial evidence in the record. ~~"Substantial evidence" means such relevant~~  
7 ~~evidence as a reasonable mind might accept as adequate to support a conclusion.~~  
8

9 (d) The animal hearing board shall enter written findings ~~of fact and~~  
10 ~~conclusions of law~~, stating the reasons for the determination and indicating the  
11 evidence relied upon. The written decision shall be filed with the director of animal  
12 control and the municipal clerk no later than 48 hours after the close of the hearing.  
13 The proceedings at the hearing shall be recorded.  
14

15 (e) When a ~~dog~~ *domestic animal* has been classified as dangerous, the animal  
16 hearing board shall first determine if that classification is proper. If the animal  
17 hearing board determines that the ~~dog~~ *domestic animal* was improperly classified as  
18 dangerous, the animal hearing board shall then determine if the ~~dog~~ *domestic*  
19 *animal* is potentially dangerous. If the animal hearing board determines that the  
20 ~~dog~~ *domestic animal* is potentially dangerous or dangerous, the keeper shall comply  
21 with the requirements of this chapter applicable to potentially dangerous or  
22 dangerous ~~dogs~~ *domestic animals*, and any associated written administrative orders.  
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1 (f) The animal hearing board's decision shall include an order stating the  
2 amount of fees and costs associated with the quarantine of the ~~dog~~ *domestic animal*  
3 at the animal shelter while the appeal was pending. In the event the animal hearing  
4 board determines that the ~~dog~~ *domestic animal* is neither potentially dangerous nor  
5 dangerous, no costs shall be charged for quarantine of the ~~dog~~ *domestic animal* at  
6 the animal shelter during pendency of the hearing.  
7

8 **08.30.040 On-premises confinement.**

9 While on the keeper's property, a potentially dangerous or dangerous ~~dog~~ *domestic*  
10 *animal* must be securely confined indoors or in a securely enclosed and locked pen or  
11 structure suitable to prevent the entry of children and designed to prevent the ~~dog~~  
12 *domestic animal* from escaping by climbing, burrowing, or otherwise. The potentially  
13 dangerous or dangerous ~~dog~~ *domestic animal* must be securely confined indoors at  
14 all times until the enclosure is available. The enclosure must have minimum  
15 dimensions of five feet by ten feet and must have secure sides and a secure top. If  
16 the enclosure has no bottom secured to the sides, the sides must be embedded into  
17 the ground to a depth of not less than one foot. The enclosure must also provide  
18 adequate protection from the elements and be kept in a clean and sanitary condition.  
19

20 **08.30.050 Off-premises restraint.**

21 A potentially dangerous or dangerous ~~dog~~ *domestic animal* may be off the keeper's  
22 premises only if it is humanely muzzled and restrained by a substantial leash not  
23 exceeding four feet in length. The leash and ~~dog~~ *domestic animal* shall be under the  
24 actual physical control of a person suitable to control the ~~dog~~ *domestic animal* at all  
25 times. Such ~~dogs~~ *domestic animals* shall be not leashed to inanimate objects such as  
26

1 trees, posts or buildings. The muzzle must be made in a manner that will not cause  
2 injury to the ~~dog~~ *domestic animal* or interfere with the ~~dog's~~ *domestic animals* vision  
3 or respiration, but must prevent the ~~dog~~ *domestic animal* from biting any person or  
4 *domestic* animal.

5  
6 **08.30.060 Notification of change of status.**

7 (a) The keeper shall immediately notify the director of animal control if a  
8 potentially dangerous or dangerous ~~dog~~ *domestic animal* is at large, unconfined, has  
9 attacked another animal or a human being, or has died, been sold, been given away,  
10 or is otherwise no longer in the possession of the keeper. ~~If the dog has been sold or~~  
11 ~~given away, the keeper shall provide the director with the name, address, and~~  
12 ~~telephone number of the new keeper, who, if located in the City and Borough, shall~~  
13 ~~comply with the requirements previously applied to the dog and the requirements of~~  
14 ~~this chapter.~~

15  
16 (b) *If the potentially dangerous or dangerous domestic animal is given away,*  
17 *sold, moved to another location, or is otherwise no longer in the possession of the*  
18 *original keeper, the original keeper shall, prior to giving away, selling, or moving the*  
19 *domestic animal to another location, provide the director of animal control with the*  
20 *name, address and telephone number of the new keeper. The new keeper, if located in*  
21 *the City and Borough, shall comply with all of the requirements for owning or*  
22 *harboring a potentially dangerous or dangerous domestic animal prior to possessing*  
23 *the potentially dangerous or dangerous domestic animal.*

1     **08.30.070 Signs.**

2     The keeper shall display signs in such form as required by the City and Borough on  
3     the keeper's premises warning that there is a potentially dangerous or dangerous  
4     ~~dog~~ *domestic animal* on the premises. One sign must be visible from any public  
5     right-of-way abutting the premises. A sign must also be posted on the enclosure for  
6     the ~~dog~~ *domestic animal*.

7  
8     **08.30.080 Liability insurance.**

9     The keeper of a potentially dangerous or dangerous ~~dog~~ *domestic animal* shall  
10    maintain a liability insurance policy, *if reasonably available*, in an amount of not  
11    less than \$100,000.00 covering any damage or injury that may be caused by the ~~dog~~  
12    *domestic animal*. The policy shall contain a provision requiring that the director of  
13    animal control be notified by the insurance company of any cancellation, termination  
14    or expiration of the policy.

15  
16    **08.30.090 Special license and tag.**

17       (a) The keeper of any potentially dangerous or dangerous ~~dog~~ *domestic animal*  
18    shall obtain from animal control a special license and collar for the ~~dog~~ *domestic*  
19    *animal*. The special license will be issued for a term of one year beginning January 1  
20    of the year for which the license was issued.

21  
22       (b) An application for a special license shall be made to the director of animal  
23    control and shall include the information required by section 08.15.010, proof of the  
24    insurance required in section 08.30.080, a picture of the ~~dog~~ *domestic animal*, and  
25    any other information requested by the director of animal control.

26

1 (c) Upon completion of all application requirements a special license  
2 identification tag will be issued to the keeper of a potentially dangerous or  
3 dangerous ~~dog~~ *domestic animal*. The keeper shall ensure that the issued tag is  
4 securely fastened to the required collar and the tag and collar must be worn by the  
5 ~~dog~~ *domestic animal* at all times.

6  
7 ~~(d) If there is a change of ownership of the dog during the license year, the new~~  
8 ~~owner shall, within 15 days, have the current license transferred to the new owner's~~  
9 ~~name.~~

10  
11 **08.30.100 Spay or neuter requirement.**

12 The director of animal control or the animal hearing board may order that within ~~14~~  
13 ~~15 calendar~~ days after the classification as a potentially dangerous or dangerous ~~dog~~  
14 *domestic animal*, the keeper of the ~~dog~~ *domestic animal* shall have the animal  
15 spayed or neutered and present proof of that fact to the director of animal control.  
16 The alteration of the ~~dog~~ *domestic animal* shall be at the keeper's expense.

17  
18 **08.30.110 Destruction of dangerous ~~dogs~~ *domestic animals*.**

19 (a) The animal hearing board may order any ~~dog~~ *domestic animal* that is  
20 classified as dangerous to be humanely ~~destroyed~~  *euthanized* after being  
21 quarantined for such period as provided by law.

22  
23 (b) Any potentially dangerous or dangerous ~~dog~~ *domestic animal* involved in a  
24 violation of this chapter may be ordered ~~destroyed~~  *euthanized* by the court *at the*  
25 *expense of the keeper.*

26

1 **08.30.120 Reclassification of ~~dogs~~ domestic animals.**

2 (a) The keeper of any ~~dog~~ domestic animal classified as potentially dangerous  
3 or dangerous may apply for reclassification of the ~~dog~~ domestic animal to non-  
4 dangerous. Applications with respect to ~~dogs~~ domestic animals classified as  
5 potentially dangerous will be reviewed and acted upon by the director of animal  
6 control. Applications with respect to ~~dogs~~ domestic animals classified as dangerous  
7 will be reviewed and acted upon by the animal hearing board. A request for a  
8 hearing to review a decision of the director on an application for reclassification  
9 must be filed within ~~ten~~ 15 days after completion of service of the notice. Notice shall  
10 be served in the manner set forth in section 08.30.020.

11  
12 (b) In order to be eligible for reclassification, ~~the dog~~ a canine must have  
13 obtained a certificate of ~~Canine~~ *Good* ~~Citizenship~~ or its equivalent since its  
14 classification as potentially dangerous or dangerous. *Other domestic animals will be*  
15 *considered on a case by case basis at the discretion of the animal hearing board.* In  
16 addition, in deciding whether to approve the reclassification of a dog, the following  
17 criteria shall be considered:

18  
19 (1) The nature and circumstances of prior occurrences with the dog that  
20 resulted in its classification as potentially dangerous or dangerous; and

21  
22 (2) Whether the keeper has been in compliance with all requirements  
23 concerning the dog since its classification as potentially dangerous or dangerous.

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1 (c) A second classification of a ~~dog~~ *domestic animal* as potentially dangerous or  
2 dangerous after removal of the classification pursuant to subsection (a) of this  
3 section, shall result in the ~~dog~~ *domestic animal* being permanently ineligible for  
4 removal of the classification under this section.

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**Chapter 08.35**  
**ANIMAL CARE**

- 08.35.010 ~~Neglect and Cruelty~~ to animals.**
- 08.35.020 Protective custody.**
- 08.35.030 Motor vehicle accidents involving animals.**

**08.35.010 Cruelty to animals.**

(a) It shall be unlawful for a person to:

(1) Neglect an animal by failing to give the animal that degree of care which a person of ordinary prudence would give under the same circumstances. The care must include sufficient food and clean water, adequate shelter and protection from the weather, health care, and clean living conditions ~~in accordance with accepted veterinary practice;~~

(2) Wound, injure, torment, poison, provoke or otherwise physically abuse an animal;

(3) ~~Intentionally~~ *Knowingly* kill or injure any animal, unless such act is necessary to defend a human being or other animal from immediate attack, provided this subsection does not prohibit humane euthanasia of animals; the harvest of livestock; hunting of certain animals permitted by state law; ~~killing of a vicious or mad dog; or, with required notice, killing a dog annoying or evincing a tendency to bite animals or fowl;~~

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(4) Abandon an animal which is owned by or in the custody of such person;

(5) Own, possess, keep, or train an animal with the intent that it be engaged in an exhibition of fighting; or

(6) Instigate, promote, attend, or have a pecuniary interest in an exhibition of fighting animals; or

(7) *Engage in sexual contact with an animal.*

(b) It is a defense to a prosecution under this section that the conduct of the defendant

(1) Conformed to accepted veterinary or animal husbandry practice;

(2) Was part of scientific research governed by accepted standards;

(3) Was necessarily incident to lawful hunting or trapping activities; or

(4) Conformed to professionally accepted training and disciplinary methods.

(c) *Violation of this section (.010) is a Class B misdemeanor.*

1 **08.35.020 Protective custody.**

2 (a) Any animal subjected to cruelty as described in section 08.35.010, may be  
3 impounded and taken into protective custody by an animal control officer or  
4 enforcement agent.

5  
6 (b) Immediately upon impounding the animal the enforcement agent shall  
7 make a reasonable effort to notify the animal's keeper. Custody of the animal may  
8 not be regained by the keeper while a prosecution for cruelty is pending. When in  
9 the judgment of the director of animal control or a licensed veterinarian, an animal  
10 impounded should be ~~destroyed~~  *euthanized* for humane or health reasons, the  
11 animal shall be immediately destroyed.

12  
13 (c) Upon a defendant's conviction for cruelty, the court may order that the  
14 defendant forfeit ownership, custody, and control of the animal which was the  
15 subject of the cruelty.

16  
17 (d) Unless otherwise ordered by the court, the keeper of an animal impounded  
18 pursuant to this section may redeem the animal as provided in section 08.20.020  
19 after completion of the prosecution.

20  
21 **08.35.030 Motor vehicle accidents involving animals.**

22 Any person who strikes or injures any domestic animal while operating a motor  
23 vehicle shall report the accident to an animal control officer or to the police  
24 department.

25

26

1 **Chapter 08.40**

2 **RESTRAINT AND SANITARY DISPOSAL REQUIREMENTS**

3 **08.40.010 Dogs at large.**

4 **08.40.020 Leash law areas.**

5 **08.40.030 Dog prohibition areas.**

6 **08.40.040 Sanitary disposal requirements.**

7 **08.40.050 Confinement and restraint of potentially dangerous dogs and**  
8 **dangerous dogs.**

9 **08.40.060 Female dogs in season.**

10 **08.40.070 Release from restraint.**

11 **08.40.080 Improper restraint.**

12 *08.40.090 Sports field use.*

13  
14 **08.40.010 Dogs at large.**

15 (a) The keeper of any dog shall keep the dog under restraint at all times and  
16 shall not permit the dog to be at large.

17  
18 **08.40.020 Leash law areas.**

19 Except as provided in section 08.30.050, *or unless the animal is participating in an*  
20 *officially organized training or activity which requires it to be unleashed, in the*  
21 ~~following areas,~~ the keeper of a dog must keep the dog restrained on a leash no  
22 longer than ten feet, held by a person capable of controlling the animal, *in the*  
23 *following areas:-*

1 (a) ~~Reserved.~~ *Those locations set forth in regulations issued by the CBJ Parks*  
2 *and Recreation Department pursuant to CBJ 01.60.*

3  
4 (b) All City and Borough floats and docks as provided in section 85.25.090;

5  
6 (c) All public school grounds;

7  
8 (d) All streets, sidewalks, other public property or private property open to the  
9 public within the Juneau central business district. For purposes of this subsection,  
10 "the Juneau central business district" means the grounds of Centennial Hall, the  
11 grounds of the Alaska State Historical Museum, the grounds of the Alaska  
12 Governor's Mansion, the grounds of the State Office Building, and the entire area  
13 bounded by and including Franklin Street from Mill Way to Fifth Street, Fifth  
14 Street from Franklin Street to Main Street, Main Street from Fifth Street to the  
15 mean high water line, the mean high water line from Main Street to a point  
16 immediately opposite Mill Way and from such point to Mill Way, all as shown on  
17 Exhibit A attached to the ordinance codified in this section on file in the municipal  
18 clerk's office;

19  
20 (e) The premises of the Juneau International Airport as provided in section  
21 ~~05.05.090~~ *05.05.100*;

22  
23 (f) That portion of the Gold Creek Watershed shown on Exhibit B, on file for  
24 reference in the city clerk's office, and described as the area bounded on the north by  
25 Basin Road, on the east by Snowslide Gulch, on the south by an imaginary line 500

1 feet south of Gold Creek, and on the west by the gate to the Last Chance Basin  
2 wellfield.

3  
4 **08.40.030 Dog prohibition areas.**

5 Dogs are prohibited in the following areas:

6  
7 (a) ~~Reserved.~~ *Those locations set forth in regulations issued by the CBJ Parks  
8 and Recreation Department pursuant to CBJ 01.60.*

9  
10 (b) The grounds of the municipal cemeteries as provided in section 62.20.070;

11  
12 (c) The area of the Salmon Creek Watershed, described as the area which  
13 drains into the Salmon Creek reservoir, as shown on Exhibit C, on file for reference  
14 in the municipal clerk's office.

15  
16 **08.40.040 Sanitary disposal requirements.**

17 (a) No keeper may permit a dog to be in any of the leash law areas described in  
18 section 08.40.020, unless the keeper has immediately available an instrument which  
19 is intended to be used to remove any fecal matter left by the dog and a suitable  
20 container in which the fecal matter is to be stored until properly disposed of.

21  
22 (b) A keeper who permits a ~~dog~~ *domestic animal or livestock* to be in any of the  
23 leash law areas described in section 08.40.020 must immediately remove all fecal  
24 matter left on such property by the ~~dog~~ *domestic animal or livestock*.

1 (c) A keeper required to carry an instrument and container under subsection  
2 (a) of this section shall show these items to any animal control officer or enforcement  
3 agent upon demand.

4  
5 **08.40.050 Confinement and restraint of potentially dangerous ~~dogs~~ domestic**  
6 ***animals* and dangerous ~~dogs~~ domestic animals.**

7 The keeper of a potentially dangerous or dangerous ~~dog~~ domestic animal shall  
8 confine and restrain the ~~dog~~ domestic animal as provided in sections 08.30.030  
9 through 08.30.040.

10  
11 **08.40.060 Female ~~dogs~~ domestic animals in season.**

12 The keeper of a female ~~dog~~ domestic animal in season shall keep the ~~dog~~ domestic  
13 animal confined in a building or secure enclosure or on a leash, or in a veterinary  
14 hospital or boarding kennel, in such manner that the ~~dog~~ domestic animal cannot  
15 come in contact with a male ~~dog~~ domestic animal except for planned breeding  
16 purposes.

17  
18 **08.40.070 Release from restraint.**

19 (a) No person shall, without the consent of the keeper, release any ~~dog~~ domestic  
20 animal/livestock from restraint except when necessary to preserve the life of the ~~dog~~  
21 domestic animal or of a human being.

22  
23 (b) Any person releasing any ~~dog~~ domestic animal from restraint pursuant to  
24 subsection (a) of this section shall immediately inform an animal control officer that  
25 he or she has done so; or in the alternative, such person shall immediately return

26

1 the dog to the custody of its keeper.

2

3 **08.40.080 Improper restraint.**

4 (a) The keeper of an *domestic* animal/*livestock* shall not tie or otherwise  
5 physically fasten the animal to any object on a sidewalk, street or public  
6 thoroughfare, *public building, public parking lot or vehicles*, unless the animal is  
7 participating in an officially organized activity which requires it to be fastened in  
8 this manner.

9

10 (b) The keeper of an *domestic* animal shall not tie or otherwise physically  
11 fasten the animal in such a manner as to create immediate danger to the physical  
12 well-being of the *domestic* animal.

13

14 ***08.40.090 Sports field use.***

15 (a) *All fenced park sports fields are off-leash areas for exercise and dog training*  
16 *purposes with the exception of all artificial turf fields, as set forth in regulations*  
17 *issued by the CBJ Parks and Recreation Department pursuant to CBJ 01.60.*

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**Chapter 08.45**

**OBJECTIONABLE ANIMALS AND OTHER REQUIREMENTS**

**08.45.010 Objectionable animals.**

**08.45.020 Dead animals.**

**08.45.030 Trapping prohibited.**

**08.45.010 Objectionable animals.**

(a) The keeper of an animal shall:

(1) Prevent the animal from disturbing a neighborhood or any number of persons by frequent or prolonged noise, barking, howling or other noises;

(2) Prevent the animal from defecating upon, digging upon or injuring public property or a public thoroughfare or private property without the permission of the property owner;

(3) Prevent the animal from snapping, running after or jumping at vehicles or persons using the public thoroughfares within the City and Borough;

(4) Prevent the animal from ~~growling~~, snapping at, jumping upon or otherwise menacing, injuring or frightening persons, *domestic animals, or livestock*; provided, that this subsection shall not apply if the person is trespassing or otherwise acting in violation of the law; and

1 (5) Prevent the animal from snapping, harassing or otherwise disturbing or  
2 injuring any ~~wild game~~ *wildlife*.

3  
4 (b) Any animal found in violation of subsection (a) of this section may be  
5 immediately impounded by an animal control officer or enforcement agent.

6  
7 (c) A person who owns or is in lawful possession of property upon which there  
8 is an objectionable animal or who observes an objectionable animal on public  
9 property or a public thoroughfare may take the animal into custody and hold the  
10 animal in a humane manner pending transfer to an animal control officer or  
11 enforcement agent; provided, no animal may be held in such private custody for  
12 more than 24 hours. A person who takes an objectionable animal into custody under  
13 this subsection shall:

14  
15 (1) Immediately call the animal shelter and request that an animal control  
16 officer or enforcement agent take custody of the animal; and

17  
18 (2) File a written statement at the animal shelter describing the incident. The  
19 animal control officer or enforcement agent shall take custody of the animal and  
20 shall take the written statement of the person holding the animal. The officer or  
21 agent shall issue to the keeper of the animal a citation or warning and may impound  
22 the animal if the keeper cannot be found immediately.

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1 (d) It is an affirmative defense to a charge under subsection (a)(1) of this  
2 section that the noise is a normal result of a kennel authorized in an industrial zone  
3 *or as permitted by the City and Borough of Juneau* under title 49 of this Code.  
4

5 **08.45.020 Dead animals.**

6 (a) No person shall deposit any dead or fatally sick or injured animal upon any  
7 public or private place except as provided in this section, or into any body of water.  
8

9 (b) All persons shall immediately dispose of any dead animal, whether their  
10 own or found upon their property, either by proper burial or by incineration at an  
11 appropriate facility *or properly disposed of at the landfill*. If there is a tag or other  
12 form of identification on the animal, the property owner ~~shall~~ *may contact the owner*  
13 *or contact animal control who shall* make a reasonable effort to locate the keeper of  
14 the animal and notify him or her of the animal's death.  
15

16 **08.45.030 Trapping prohibited.**

17 Except if done by an agent or employee of the federal, state, or municipal  
18 government on official business, it is unlawful for any person to set traps within  
19 one-half mile of any public or private street, road, right-of-way, or highway within  
20 the City and Borough.  
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1 **Chapter 08.50**

2 **FEES, CITATIONS, AND PENALTIES\***

3 **08.50.010 Fee schedule.**

4 **08.50.020 Citations.**

5 **08.50.030 Criminal liability.**

6  
7 **08.50.010 Fee schedule.**

8 The assembly shall, by resolution, establish a fee and charge schedule for all  
9 licenses, special licenses, permits, duplicate tags, license transfers, impoundments,  
10 quarantines, and other services performed pursuant to this title.

11  
12 **08.50.020 Citations.**

13 (a) Any animal control officer or enforcement agent shall, when a person is in  
14 violation of this title or when *a domestic animal or livestock* ~~an animal~~ is found  
15 ~~running at large or otherwise~~ in violation of any provision of this title and when the  
16 keeper of the animal is known to the officer or agent, issue a citation or warning to  
17 the keeper.

18  
19 (b) An animal control officer or enforcement agent who cites a person for  
20 violation of any provision of this title shall take the name and address of the person  
21 together with such pertinent information as may be necessary.

22  
23 (c) If the form of citation issued includes information and is sworn to as  
24 required for a complaint charging commission of the offense alleged in the citation,  
25 then such citation when filed in the court shall be deemed a lawful complaint for the

26

1 purpose of prosecution under this title. When an animal control officer or  
2 enforcement agent does not know the name of the alleged violator whose animal has  
3 been impounded, the officer or agent may issue and sign a "John Doe" citation which  
4 may be left at the animal shelter. When the animal is claimed the person authorized  
5 to release the animal shall fill in on the citation the name and address of the person  
6 claiming the animal and shall serve the citation on such person before releasing the  
7 animal.

8  
9 **08.50.030 Criminal liability.**

10 (a) Except as otherwise specifically provided in this section, violations of the  
11 animal control and protection code are infractions.

12  
13 (b) Cruelty to animals is a Class B misdemeanor.

14  
15 (c) Interference with an enforcement agent is a Class B misdemeanor.

16  
17 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its  
18 adoption.

19 Adopted this day of 2009.

20  
21 \_\_\_\_\_  
Bruce Botelho, Mayor

22 Attest:

23  
24 \_\_\_\_\_  
Laurie J. Sica, Clerk