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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2009-12(d)

An Ordinance Amending the Animal Control and Protection 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 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.
At large means any animal which is not under restraint.

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

Competent voice control means when all the following are met:

1. The person exhibiting the voice control is present with the animal and monitors all of its activities;

2. The person exhibiting the voice control is capable of directing all of the animal's movements and activities by voice commands; and

3. The animal under voice control follows all of the vocal commands quickly and accurately.

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

Dog means a member of the genus and species Canis familiaris, commonly known as a domestic dog, but does not include other members of the family Canidae such as a fox, coyote, wolf or other game species the taking of which is regulated by the state of Alaska. For purposes of this title, "dog" includes Canid hybrids unless otherwise specified.
Domestic animal means dog, cat, ferret, guinea pig, gerbil, snake, lizard, or bird; provided, however, that nothing in this title shall apply to raptorial birds kept under authority of state or federal falconry, rehabilitation, scientific, or educational permits.

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

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

Humane Society means the Gastineau Humane Society.

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

Keeper means any person, group of persons, partnership, firm, trust or corporation owning, having an interest in, or having control, custody or possession of any animal and includes any adult member of a family or group of persons sharing a residential unit where another member of the family or group has an interest in, has control, custody or possession of an animal which is kept in or on the premises of the shared residential unit. "Keeper" does not include a person who voluntarily undertakes the temporary care of an animal that is otherwise abandoned or a person who voluntarily undertakes the temporary care of a dog at large in violation of 08.40.010.
Livestock means cattle, swine, goats, sheep, horses, donkeys, mules, rabbits, llamas, and poultry.

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

Neglected means an animal that has not received 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 conformance with accepted veterinary practice.

Neutered animal means any animal which has been surgically or pharmacologically sterilized.

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

Physical injury means physical pain or an impairment of physical condition.

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

Provocation means the teasing, tormenting, abusing, or assault of a domestic animal or livestock inciting the animal to bite or attack.
Restraint means either:

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

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

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

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

Service dog animal means:

(1) A dog animal specifically trained and certified to assist in search and rescue operations and which is utilized to assist in search and rescue operations;

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

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

Stray means any animal whose owner is unknown or which no one seeks, follows or claims.
Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

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

08.05.020 Immunity.

The provisions of this title involve discretionary functions, licensing, permits, approvals, inspection, discovery, abatement, health and safety and other matters as referred to in AS 09.65.070, and determining, or failing to find or determine that a dog domestic animal is dangerous, or potentially dangerous, or the manner of enforcement or nonenforcement of the provisions of this title, and shall not constitute an assumption by the City and Borough, or by any of its officers, employees, and agents, of any duty, or be deemed or construed to impose any duty, responsibility or liability on the City and Borough or any of its officers, employees, or agents regarding such actions or nonaction.
Chapter 08.10
ANIMAL CONTROL AUTHORITIES

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:
(1) Dog licenses;

(2) Impoundments;

(3) Quarantines;

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

(5) Potentially dangerous 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
person in the performance of any duty of such officer, agent or person, or by threats
or otherwise to intimidate or attempt to intimidate any such officer, agent, or person
in the discharge of any official duty.

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

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

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

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

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

08.15.020 Exemptions.

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

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

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08.15.030 Tag and collar.

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

(b) Every keeper is required to ensure that the issued tag is securely fastened to the dog's choke chain, collar or harness, which must be worn by the dog at all times except when kenneled.
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 have been impounded for being found running at large.

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

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

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

08.20.020 Redemption of impounded animals.

(a) The keeper shall be entitled to resume possession of any impounded animal, except as provided in subsection (b) of this section, upon the keeper's compliance with the licensing provisions of chapter 08.15 and the payment of all impoundment and boarding fees.
(b) When, in the judgment of the director of animal control or a licensed veterinarian, an impounded animal should be destroyed *euthanized* for humane or health reasons, the animal may not be redeemed, but shall instead be immediately destroyed *euthanized*.

(c) The keeper of an impounded animal shall remain personally liable for all impoundment and boarding fees, notwithstanding the fact that the keeper abandons the animal to the animal shelter, or the animal is adopted, sold or destroyed.
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.
(c) Rabies vaccination requirements will not apply to wildlife, Canidae hybrids, and other animal hybrids unless and until a rabies vaccine is licensed for these animals. The City and Borough shall defer to the state and the Centers for Disease Control and Prevention, Compendium of Animal Rabies Prevention and Control, 2000, on rabies vaccination issues concerning animals other than dogs, cats, and ferrets.

08.25.015 Impoundment or euthanasia of animals.

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

(a) A dog, cat, or ferret vaccinated in accordance with section 08.25.010 that bites a person or domestic animal must be placed under observation for ten days, except that a clinically ill or stray animal that does so may be euthanized immediately and submitted to the State Division of Public Health in the Department of Health and Social Services or to a laboratory designated by it for rabies testing.

(b) A dog, cat, or ferret not vaccinated in accordance with section 08.25.010 that bites a person or domestic animal may be quarantined immediately, and at the discretion of a licensed veterinarian, euthanized immediately and submitted to the state Division of Public Health in the Alaska Department of Health and Social Services, or to a laboratory designated by it, for rabies testing.
(c) A bat or a free-ranging carnivorous wild animal that bites a person must be euthanized immediately and submitted to the state Division of Public Health in the Alaska Department of Health and Social Services or to a laboratory designated by it for rabies testing.

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

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

08.25.020 Rabies certificate; contents.

(a) The rabies vaccination certificate, form #51, developed by the National Association of State Public Health Veterinarians, Inc. (NASPHV) and available from the state Division of Public Health in the Alaska Department of Health and Social Services is adopted as the only valid rabies vaccination certificate.

(b) Each rabies vaccination certificate shall contain the following information:
(1) Full name and address of the animal's keeper;

(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.
08.25.030 Reporting animal bites and surrender of animal.

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

08.25.040 Quarantine of animals.

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

(b) Any police dog which bites a human being shall be promptly reported to the chief of police or the chief's designee who shall investigate the incident, make a written report, and direct that the dog be referred for examination by a licensed veterinarian and remain in service under the observation of its handler or be quarantined pursuant to this section, as appropriate.
(c) Any animal under quarantine found to be at large or capable of coming into contact with other animals, shall be surrendered to and may be impounded by an animal control officer or enforcement agent.

**08.25.050 Handling rabies cases.**

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

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

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

**08.25.060 Disposition of rabid animals.**

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

(b) Any animal under quarantine which has been confirmed suspected as having rabies, or suspected by a licensed veterinarian as being rabid, which dies
while under quarantine, or the carcass of any dead animal exposed or suspected as
having been exposed to rabies, shall be disposed of in accordance with state law.

08.25.070 Areawide quarantine.
When there has been a positive diagnosis of rabies within the City and Borough, the
manager or the manager's designee may declare an areawide quarantine for such
period of time as determined necessary. During the period of areawide quarantine,
every keeper shall confine his or her animal within the premises of the keeper and
shall not transport, take, or remove his or her animal from the City and Borough
without the prior written consent of the director of animal control.
Chapter 08.30
POTENTIALLY DANGEROUS AND DANGEROUS DOGS DOMESTIC ANIMALS

08.30.010 Potentially dangerous and dangerous domestic animals;
Definitions.

08.30.020 Classification of dogs domestic animals; notice; restrictions
pending appeals.

08.30.030 Animal hearing board.

08.30.040 On-premises confinement.

08.30.050 Off-premises restraint.

08.30.060 Notification of change of status.

08.30.070 Signs.

08.30.080 Liability insurance.

08.30.090 Special license and tag.

08.30.100 Spay or neuter requirement.

08.30.110 Destruction of dangerous dogs domestic animals.

08.30.120 Reclassification of dogs domestic animals.

08.30.010 Definitions.

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

(1) Without provocation, chases or approaches a person, domestic animal, or
livestock, in a threatening manner or in an apparent attitude of attack; or
(2) Has a known propensity, tendency, or disposition to attack without
provocation, or otherwise threaten the safety of human beings or domestic animals.

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

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

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

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

(c) "Provocation" means the teasing, tormenting, abusing, or assault of a dog
domestic animal to incite the dog to bite or attack:

(d) "Physical injury" means physical pain or an impairment of physical
condition:

(e) Exceptions to potentially dangerous and dangerous dog domestic
animal classifications are as follows:
(1) No **dog domestic animal** may be classified potentially dangerous or
dangerous if:

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

(B) The **dog domestic animal** was being tormented, abused or assaulted.

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

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

(4) No dog may be classified potentially dangerous or dangerous if the dog has
been trained to attack persons independently or upon oral command while under the
control and supervision of an authorized government or law enforcement unit and
the act is directly associated with the proper execution of its duties.
08.30.020 Classification of dogs domestic animals; notice; restrictions pending appeals.

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

1. The observed and reported past and present behavior of the dog domestic animal;

2. Whether the incident was accidental in nature;

3. The extent of the injury to the person or animal attacked;

4. The keeper's past history of compliance with the City and Borough animal control code provisions pertaining to the dog domestic animal involved in the incident; and

5. The keeper's past history of animal control code violations pertaining to the dog domestic animal involved in the incident.

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

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

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

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

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

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

(b) The animal hearing board shall hear appeals regarding the classification of dogs domestic animals as potentially dangerous or dangerous, related written administrative orders issued by the director of animal control, and decisions on applications for reclassification of dogs domestic animals under section 08.30.120.
(c) The hearing before the animal hearing board shall be held within 14 days of receipt of the request for a hearing. The hearing shall be informal, and technical rules of evidence shall not apply. In the animal hearing board's review of the classification of the dog domestic animal, the animal hearing board shall determine whether the director's classification of the animal is supported by substantial evidence in the record. “Substantial evidence” means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

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

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

08.30.040 On-premises confinement.

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

08.30.050 Off-premises restraint.

A potentially dangerous or dangerous *dog domestic animal* may be off the keeper's premises only if it is humanely muzzled and restrained by a substantial leash not exceeding four feet in length. The leash and *dog domestic animal* shall be under the actual physical control of a person suitable to control the *dog domestic animal* at all times. Such *dogs domestic animals* shall be not leashed to inanimate objects such as
trees, posts or buildings. The muzzle must be made in a manner that will not cause
injury to the dog domestic animal or interfere with the dog’s domestic animals vision
or respiration, but must prevent the dog domestic animal from biting any person or
domestic animal.

08.30.060 Notification of change of status.

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

(b) If the potentially dangerous or dangerous domestic animal is given away,
sold, moved to another location, or is otherwise no longer in the possession of the
original keeper, the original keeper shall, prior to giving away, selling, or moving the
domestic animal to another location, provide the director of animal control with the
name, address and telephone number of the new keeper. The new keeper, if located in
the City and Borough, shall comply with all of the requirements for owning or
harboring a potentially dangerous or dangerous domestic animal prior to possessing
the potentially dangerous or dangerous domestic animal.
08.30.070 Signs.
The keeper shall display signs in such form as required by the City and Borough on
the keeper's premises warning that there is a potentially dangerous or dangerous
dog domestic animal on the premises. One sign must be visible from any public
right-of-way abutting the premises. A sign must also be posted on the enclosure for
the dog domestic animal.

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

08.30.090 Special license and tag.
    (a) The keeper of any potentially dangerous or dangerous dog domestic animal
shall obtain from animal control a special license and collar for the dog domestic
animal. The special license will be issued for a term of one year beginning January 1
of the year for which the license was issued.

    (b) An application for a special license shall be made to the director of animal
control and shall include the information required by section 08.15.010, proof of the
insurance required in section 08.30.080, a picture of the dog domestic animal, and
any other information requested by the director of animal control.
(c) Upon completion of all application requirements a special license identification tag will be issued to the keeper of a potentially dangerous or dangerous dog domestic animal. The keeper shall ensure that the issued tag is securely fastened to the required collar and the tag and collar must be worn by the dog domestic animal at all times.

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

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

08.30.110 Destruction of dangerous dogs domestic animals.
   (a) The animal hearing board may order any dog domestic animal that is classified as dangerous to be humanely destroyed euthanized after being quarantined for such period as provided by law.

   (b) Any potentially dangerous or dangerous dog domestic animal involved in a violation of this chapter may be ordered destroyed euthanized by the court at the expense of the keeper.
08.30.120 Reclassification of dogs domestic animals.

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

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

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

(2) Whether the keeper has been in compliance with all requirements concerning the dog since its classification as potentially dangerous or dangerous.
(c) A second classification of a **dog domestic animal** as potentially dangerous or
dangerous after removal of the classification pursuant to subsection (a) of this
section, shall result in the **dog domestic animal** being permanently ineligible for
removal of the classification under this section.
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;
(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.
08.35.020 Protective custody.

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

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

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

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

08.35.030 Motor vehicle accidents involving animals.

Any person who strikes or injures any domestic animal while operating a motor vehicle shall report the accident to an animal control officer or to the police department.
Chapter 08.40

RERAINT AND SANITARY DISPOSAL REQUIREMENTS

08.40.010 Dogs at large.

08.40.020 Leash law areas.

08.40.030 Dog prohibition areas.

08.40.040 Sanitary disposal requirements.

08.40.050 Confinement and restraint of potentially dangerous dogs and dangerous dogs.

08.40.060 Female dogs in season.

08.40.070 Release from restraint.

08.40.080 Improper restraint.

08.40.090 Sports field use.

08.40.010 Dogs at large.

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

08.40.020 Leash law areas.

Except as provided in section 08.30.050, or unless the animal is participating in an officially organized training or activity which requires it to be unleashed, in the following areas, the keeper of a dog must keep the dog restrained on a leash no longer than ten feet, held by a person capable of controlling the animal, in the following areas:
(a) **Reserved:** Those locations and in the manner set forth in regulations issued by the CBJ Parks and Recreation Department pursuant to CBJ 01.60;

(b) All City and Borough floats, and docks, and municipal wharfs as provided in section 85.25.090;

(c) All public school grounds except those locations and in the manner set forth in regulations issued by the CBJ Parks and Recreation Department pursuant to CBJ 01.60;

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

(e) The premises of the Juneau International Airport as provided in section 05.05.090 05.05.100(o); and
(f) That portion of the Gold Creek Watershed shown on Exhibit B, on file for
reference in the city clerk's office, and described as the area bounded on the north by
Basin Road, on the east by Snowslide Gulch, on the south by an imaginary line 500
feet south of Gold Creek, and on the west by the gate to the Last Chance Basin
wellfield.

08.40.030 Dog prohibition areas.

Dogs are prohibited in the following areas:

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

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

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

08.40.040 Sanitary disposal requirements.

(a) No keeper may permit a dog to be in any of the leash law areas described in
section 08.40.020, unless the keeper has immediately available an instrument which
is intended to be used to remove any fecal matter left by the dog and a suitable
container in which the fecal matter is to be stored until properly disposed of.
(b) A keeper who permits a dog domestic animal or livestock to be in any of the leash law areas described in section 08.40.020 must immediately remove all fecal matter left on such property by the dog domestic animal or livestock.

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

08.40.050 Confinement and restraint of potentially dangerous dogs domestic animals and dangerous dogs domestic animals.

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

08.40.060 Female dogs domestic animals in season.

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

08.40.070 Release from restraint.

(a) No person shall, without the consent of the keeper, release any dog domestic animal/livestock from restraint except when necessary to preserve the life of the dog domestic animal or of a human being.
(b) Any person releasing any dog domestic animal from restraint pursuant to subsection (a) of this section shall immediately inform an animal control officer that he or she has done so; or in the alternative, such person shall immediately return the dog to the custody of its keeper.

08.40.080 Improper restraint.

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

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

08.40.090 Sports field use.

(a) All fenced park sports fields are off-leash areas for exercise and dog training purposes with the exception of all artificial turf fields, as set forth in regulations issued by the CBJ Parks and Recreation Department pursuant to CBJ 01.60.
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
(5) Prevent the animal from snapping, harassing or otherwise disturbing or injuring any wildlife.

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

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

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

(2) File a written statement at the animal shelter describing the incident. The animal control officer or enforcement agent shall take custody of the animal and shall take the written statement of the person holding the animal. The officer or agent shall issue to the keeper of the animal a citation or warning and may impound the animal if the keeper cannot be found immediately.
(d) It is an affirmative defense to a charge under subsection (a)(1) of this section that the noise is a normal result of a kennel authorized in an industrial zone or as permitted by the City and Borough of Juneau under title 49 of this Code.

**08.45.020 Dead animals.**

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

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

**08.45.030 Trapping prohibited.**

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

08.50.010 Fee schedule.

08.50.020 Citations.

08.50.030 Criminal liability.

08.50.010 Fee schedule.

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

08.50.020 Citations.

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

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

(c) If the form of citation issued includes information and is sworn to as required for a complaint charging commission of the offense alleged in the citation,
then such citation when filed in the court shall be deemed a lawful complaint for the purpose of prosecution under this title. When an animal control officer or enforcement agent does not know the name of the alleged violator whose animal has been impounded, the officer or agent may issue and sign a "John Doe" citation which may be left at the animal shelter. When the animal is claimed the person authorized to release the animal shall fill in on the citation the name and address of the person claiming the animal and shall serve the citation on such person before releasing the animal.

**08.50.030 Criminal liability.**

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

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

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

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

Adopted this day of 2009.

____________________________
Bruce Botelho, Mayor

Attest:

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Laurie J. Sica, Clerk