



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

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Memorandum

Agenda Changes/Supplemental Packet

TO: MAYOR WYTHER AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: AUGUST 8, 2016

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

PUBLIC HEARINGS

Ordinance 16-38(S), An Ordinance of the City Council of Homer, Alaska, Amending HCC 7.04.030, Traffic Fine Schedules, and Enacting Homer City Code Chapter 7.15, Animals in Vehicles, Regarding Animals in Vehicles; and Amending Homer City Code Title 20, Animals, Regarding the Regulation and Impoundment of Animals, and Penalties for Animal Violations. City Manager/Police Chief.

Written public testimony

Page 3

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A

From: [Dorothy Melambianakis](#)
To: [Jo Johnson](#)
Subject: Comment to City Council
Date: Thursday, August 04, 2016 10:37:10 AM
Attachments: [Homer City Council - Proposed Ordinance 16-38S.pdf](#)

Hi Jo,
Here is my letter regarding 16-38(S).
Thank you for getting it in front of the Council.
-Dorothy

--

Dorothy Melambianakis

907.299.2265 

PO Box 2253, Homer, AK 99603

645 G Street, Suite 100-862, Anchorage, AK 99501

[latitude.north](#)

[LinkedIn](#)

August 4, 2016

Homer City Council
491 E. Pioneer Avenue
Homer, AK 99603

Sent via email.

Dear Council Members,

It has come to my attention that the Council will meet on August 8, 2016 to hold a public hearing and vote on Ordinance 16-038(S). I have two issues to discuss, first, the deficiencies of a certain portion of the proposal, and second, the lack of notice given to the public.

Ordinance 16-038(S)

I have followed the progress of the Animal Shelter Review Committee, and appreciate the voluntary efforts of the members to try and improve this important function of our City. While I think there is still much to be improved at the shelter, which will hopefully be resolved when the new contract is issued this winter, I am limiting these comments to the proposal requiring that animals be restrained while in the back of a vehicle (7.15.010).

- 1) There is no justification for this, and the reasoning behind the proposal has not been discussed in front of the City Council.
 - Is this for the safety of the animal? How is being cross-tethered or in a cage more likely to protect the animal in case of a crash? Are there studies? Is this a problem in Homer on our 25, 35, and 45 mph roads? Have the implications of improper cross tethering or caging animals been discussed or considered?
 - Is this for the safety of drivers? How? A loose animal in the enclosed passenger compartment of the vehicle is OK, but your dog in the back of a pickup is dangerous? This lacks common sense.
 - Is this for the safety of people getting harassed by dogs jumping out of vehicles? Is there a problem in Homer of dogs jumping out in parking lots and roaming around when the owners are inside somewhere? If so, those situations are covered under Title 20 and this additional rule is unnecessary.
- 2) There are many unintended consequences of this proposal that do not appear to have been voiced or considered. What happens when a visitor to Homer crosses city-limit line with their dog, head looking out the side, feeling the breeze on their face, nose in the air sniffing, tongue out, as they come down Baycrest Hill? They get pulled over and ticketed? Welcome to Homer! This may also

infringe on the public's constitutional right preventing unreasonable searches since theoretically someone unaware of our tiny cosmic hamlet's law could be pulled over and searched based on having their dog in a pickup.

Public Notice

Despite not usually being able to attend City Council meetings in person, I do try to keep up to date with the goings-on of the City of Homer. I saw the memos (16-111 and 16-114) that addressed the Animal Control revisions, and did see that one of them mentioned the restraint issue. However, it looking at the Ordinance 16-38, I was glad to see that that provision had not made it into the actual proposed ordinance, and must have been dropped.

However, this was not the case, as evidenced by the action at the July 25, 2016 meeting, when a substitute ordinance was adopted with no discussion or notice to the public. Even today, August 4, 2016, Ordinance 16-38(S) is not available online for public review. Screenshots attached to this letter demonstrate that as of this morning, just four days before the public hearing and potential vote on this issue, the public still cannot find this proposed ordinance online.

My concern is that the substitution was adopted without any mention of how it was different. It was not a case of amending the properly noticed version, tweaking, or making sausage, as governing bodies are known to do. On the contrary, this action brought a wholly new proposal to the table, unrelated to the Animal Control ordinances in Title 20 that the public was made aware of. In fact, 16-38(S) adds entirely new sections to a completely different Title of the Homer City Code (Title 7).

Request to the Council

In conclusion, based on the comments I have provided above, I strongly urge the Council to amend proposed Ordinance 16-038(S) to delete section 7.15.010. At the very minimum, the Council should separate the proposed amendments to Title 7 into a new proposed ordinance, and follow the proper noticing procedure so that the public is informed had has the opportunity to provide additional comments for your consideration.

Thank you for considering my view.

Sincerely,

Dorothy Melambianakis

PO Box 2253, Homer, AK 99603

Dorothy.Melambianakis@gmail.com

(907) 299-2265

June 27 Meeting – no reference or link to Ordinance 16-38(S)

Ordinance 16-38 does not mention any changes to Title 7.

Screenshot – 9:00am 8/4/16

City Council

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Upcoming Events

City Council Worksession - Cancelled
08/08/2016 - 4:00pm

City Council Committee of the Whole
08/08/2016 - 5:00pm

City Council Regular Meeting
08/08/2016 - 6:00pm

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Contact Information

Mayor's Office
Located on the main entrance of Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603

Phone :
(907) 235-3130

Email:
clerk@cityofhomer-ak.gov

Office Hours:
By appointment
Please call or email to schedule an appointment or request a speaking engagement

[View Full Contact Details](#)

City Council Regular Meeting

Calendar Date:
Monday, June 27, 2016 - 6:00pm
Add to your calendar: [Outlook \(iCal\)](#) - [Google](#)
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Meeting Information

Agenda:

- [City Council Regular Meeting Agenda \(222 KB\)](#)
- [City Council Supplemental Agenda \(128 KB\)](#)
- [Action Agenda \(72 KB\)](#)

Minutes:

- [City Council Meeting Minutes \(92 KB\)](#)

Packets:

- [City Council Packet 062716 \(10 MB\)](#)
- [City Council Supplemental Packet 062716 \(640 KB\)](#)

Public Hearing:

- [PHN 062716 \(75 KB\)](#)

Supporting Documents

- [City Manager's Report 062716 \(720 KB\)](#)

Related Ordinances/Resolutions

Ordinance 16-30(S-2)(A-2) Use Bonds to Finance Police and Fire Stations With Voter Approval of Sales Tax
Ordinance 16-31(A) Accepting a Commercial Vessel Passenger Tax from the Kenai Peninsula Borough
Ordinance 16-32 Appropriating Funds from Fire Donations to Purchase an Advanced Patient Care Simulator
Ordinance 16-33 Amend HCC 21.41.040 Establishing Flood Hazard Areas and Adopting the Flood Insurance Study
Ordinance 16-34 Amending the City Zoning Map to Rezone Portions to Central Business (CB) Zoning District
Ordinance 16-35 Budget Amendment to Purchase of Two Used Police Vehicles From the Police Fleet Reserves
Ordinance 16-36 Removal of an Underground Fuel Storage Tank at the Sewer Treatment Plant
Ordinance 16-37 Donation From Paul M. Hertzmann, Inc., Vintage Photography for the Homer Public Library
Ordinance 16-38 Amending HCC Title 20 Animals Regulation and Impoundment and Penalties for Animal Violations
Resolution 16-063(S-2) Maintaining the Water and Sewer Fees at the 2016 Rate
Resolution 16-074 Moratorium on All New Water or Sewer Special Assessment Districts for HAWSP Funds
Resolution 16-075 Updating the Library Mission Statement
Resolution 16-076 Contract for General Counsel Legal Services to Birch Horton Bittner and Cherot

Related Memorandums

Memorandum 16-091 General Obligation Bonds for Police and Fire Station
Memorandum 16-092 Data to Accompany Ordinance 16-30
Memorandum 16-093 Water and Sewer Rates
Memorandum 16-096 Replacement of Patient Simulator
Memorandum 16-102 Flood Maps

July 25 Meeting – no reference or link to Ordinance 16-38(S)

Ordinance 16-38 does not mention any changes to Title 7.

Screenshot – 9:00am 8/4/16

HOMER

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Upcoming Events

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Email:
clerk@cityofhomer-ak.gov
Office Hours:
By appointment
Please call or email to schedule an appointment
or request a speaking engagement
[View Full Contact Details](#)

City Council Regular Meeting

Calendar Date:
Monday, July 25, 2016 - 6:00pm
Add to your calendar: Outlook (iCal) - Google
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Meeting Information

Agenda:

[City Council Regular Meeting Agenda \(113 KB\)](#)[City Council Supplemental Agenda \(125 KB\)](#)[City Council Action Agenda \(90 KB\)](#)

Minutes:

[City Council Meeting Minutes \(116 KB\)](#)

Packets:

[City Council Meeting Packet \(23 MB\)](#)[City Council Supplemental Packet \(853 KB\)](#)

Public Hearing:

[Public Hearing Notice \(24 KB\)](#)

Supporting Documents

[City Manager's Report \(182 KB\)](#)

Related Ordinances/Resolutions

Ordinance 16-36 Removal of an Underground Fuel Storage Tank at the Sewer Treatment Plant

Ordinance 16-37 Donation From Paul M. Hertzmann, Inc., Vintage Photography for the Homer Public Library

Ordinance 16-38 Amending HCC Title 20 Animals Regulation and Impoundment and Penalties for Animal Violations

Ordinance 16-39 Funding a Public Information Campaign Supporting a Proposition for the Public Safety Building

Ordinance 16-40 Transferring Limited Recreational Powers to KPB for Indoor Athletic Field Lease

Ordinance 16-41 2016 Mid-Year Budget Amendments

Ordinance 16-42 Enacting Appeal Process for Port and Harbor Citations Issued

Resolution 16-077 Deferred Water and SewerAssessment on Govt Lot 2 Split by Kachemak Drive

Resolution 16-078 Connections to Shellfish Ave/South Slope Drive Water Main

Resolution 16-079(S)(A) Policy for Waiving Penalties on Delinquent Special Assessment Payments

Related Memorandums

Public Hearing Notice

Screenshot – 9:00am 8/4/16

The link to the ordinances works, but it does not contain a copy of 16-38(S) as shown on next page.

**CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING**

**2017 Budget Priorities and
Ordinances 16-38(S), 16-39, 16-40, 16-41, and 16-42**

A **public hearing** is scheduled for **Monday, August 8, 2016** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinances 16-38(S), 16-39, 16-40, 16-41, and 16-42 internet address:
<http://www.cityofhomer-ak.gov/ordinances>


2017 BUDGET PRIORITIES

Ordinance 16-38(S), An Ordinance of the City Council of Homer, Alaska, Amending HCC 7.04.030, Traffic Fine Schedules, and Enacting Homer City Code Chapter 7.15, Animals in Vehicles, Regarding Animals in Vehicles; and Amending Homer City Code Title 20, Animals, Regarding the Regulation and Impoundment of Animals, and Penalties for Animal Violations. City Manager/Police Chief.

Ordinance Website

Screenshot – 9:00am 8/4/16

No mention or link of Ordinance 16-038(S)



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Ordinances

[View Resolutions](#)

[Click here for ordinances from 1979 to 2009.](#)

Search below for Ordinances from 2010 to present.

Search

Adopted Year

Format: 2016

Effective Date	Ordinance ID	Summary	Details
	16-42	An Ordinance of the City Council of Homer, Alaska Enacting Homer City Code 10.04.115, Appeal from Port and Harbor Citation Issued Pursuant to Homer City Code Title 7 and Homer City Code Title 10. City Manager/Port and Harbor Director	View Details
	16-41	An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget to Provide for Necessary Mid-Year Adjustments by Appropriating and Transferring Funds from the General, Water and Sewer and Port and Harbor Funds. City Manager/Finance Director.	View Details
	16-40	An Ordinance of the City Council of Homer, Alaska, Transferring Recreational Powers to the Kenai Peninsula Borough for the Leasing of Borough Property as a Site for an Indoor Athletic Field. City Manager.	View Details
	16-39	An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount Of \$5,000 from the Public Safety Building Fund for Public Information Campaign in Support of the Ballot Proposition to Issue General Obligation Bonds not to Exceed \$12 Million Dollars to Finance the Acquisition and Construction of a Police Station and Provide for an Increase in the Rate of City Sales Tax from 4.5% to 5.15% from April 1 through September 30 with the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds and Expiring on September 30 the Year when the City has Received Sufficient Funds from the Increase to Pay all of that Debt Service, Including Information that may Influence the Outcome of the Election on the Proposition. Mayor.	View Details
	16-38	An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 20, Animals, Regarding the Regulation and Impoundment of Animals, and Penalties for Animal Violations. City Manager/Police Chief.	View Details
Tue 7/26/16	16-37	An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Donation From Paul M. Hertzmann, Inc., Vintage Photography of San Francisco, California, in the Amount of \$1,000.00 for the Homer Public Library and Stipulating That the Funds be Segregated and Used by the Library in Support of Its Mission to Provide Library Services. City Manager/Library Director.	View Details
Tue 7/26/16	16-36	An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating \$9,970.00 From Sewer Reserves for the Removal of an Underground Fuel Storage Tank at the Sewer Treatment Plant. City Manager/Public Works Director.	View Details
Tue 6/28/16	16-35	An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Authorizing the Expenditure of \$65,000 for the Purchase of Two Used Police Vehicles From the Police Fleet Reserves and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.	View Details

From: [Melissa Jacobsen](mailto:Melissa.Jacobsen)
To: [Jo Johnson](mailto:Jo.Johnson)
Subject: FW: City Code revisions
Date: Monday, August 08, 2016 8:14:45 AM

From: Dots Sherwood [mailto:dotsvet@gmail.com]
Sent: Sunday, August 07, 2016 8:56 PM
To: Melissa Jacobsen
Subject: City Code revisions

Hi Melissa

Just returning your email regarding ongoing revisions of the City of Homer Animal Code and you had specific interest in my concerns regarding lack of tethering in back of trucks/other vehicles within Homer City limits. I apologize for the delayed response but just returning to work this coming week from vacation.

I read through the Municipality of Anchorage Animal Code Title 17 and can see where so much of our local code is lacking in definition and details in many areas.

However, specific to animals allowed to ride loose in the back of stationary/moving vehicles, I totally support a revision to include tethering in motor vehicles including ATVs/other on/off road vehicles. The health and safety risks posed to dogs in these situations is well documented and we unfortunately see the grave consequences of dogs falling out of trucks, been dragged behind trucks, creating additional danger to other traffic users and general public.

Clearly for an individual animal been transported in the back of an open truck may also be both very stressful, uncomfortable and physically harmful under various conditions such as speed of vehicle, ambient temperature and precipitation and basic condition of the individual dog,

I think that the council should look to the Anchorage Municipality Title 17.10.010 - Section 4 as a guide for wording our own local code in relation to Animals in Public Places and have attached a link below for reference.

[https://www.muni.org/Departments/health/Admin/animal_control/Documents/Codified Title 17 \(54 page PDF\).pdf](https://www.muni.org/Departments/health/Admin/animal_control/Documents/Codified%20Title%2017%20(54%20page%20PDF).pdf)

Many thanks for including me in this very important ongoing project and would like my comments to be included for the meeting on August 8th but I will be unable to attend the actual meeting myself this time.

Kindest regards always

Dots

Dr. Dots Sherwood MVB MSc MRCVS
Homer Veterinary Clinic PC
326 Woodside Avenue
Homer
AK 99603

907-235-8960
dotsvet@gmail.com

TITLE 17 ANIMALS*

***Cross references:** General penalties and enforcement, Ch. 1.45; animal control advisory board, § 4.60.180; carrying animals on outside of vehicles, § 9.36.150; public nuisances, Ch. 15.20; prohibited noise practices, § 15.70.060; ownership or breeding of rats prohibited, § 16.90.030.

- 17.05 General Provisions
- 17.10 Standards for the Care and Control of Animals
- 17.15 Rabies Control and Municipal Licensing
- 17.25 Impoundment, Adoption, Redemption, and Euthanasia of Animals
- 17.30 Rabies Control, Immunization, and Quarantine Procedures.
- 17.35 Cruelty to Animals (Renumbered to 8.55).
- 17.40 Regulation of Animal Behavior.
- 17.60 Wolf Hybrids.
- 17.70 Animal Care and Control Fees, Fines, and Penalties.
- Appendix Chapter 8.55. Cruelty to Animals

Chapter 17.05 GENERAL PROVISIONS*

_____*Editor's note--AO No. 2001-158(S-4), § 1, effective Jan. 1, 2003, repealed former AMC Ch. 17.05 and enacted provisions designated as a new Ch. 17.05 to read as herein set out. Former AMC Ch. 17.05 pertained to similar subject matter. History of former AMC Ch. 17.05 is as set out below. The user is also directed to the Code Comparative Table.

17.05.010 Definitions.

(GAAB 17.05.010; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39, 7-15-86; AO No. 89-25(S); AO No. 90-27(S-1); AO No. 91-85(S-1); AO No. 92-75(S); AO No. 96-134(S-2), § 1, 7-1-97)

17.05.020 Animal control office.

(GAAB 17.05.010, 17.25.010; AO No. 78-65A; AO No. 96-134(S-2), § 2, 7-1-97)

17.05.030 Animal control officers; powers and duties.

(GAAB 17.25.010; AO No. 78-65A; AO No. 86-39; AO No. 96-134(S-2), § 3, 7-1-97)

17.05.040 Records.

(GAAB 17.25.030; AO No. 78-65A; AO No. 96-134(S-2), § 6, 7-1-97)

17.05.050 Authority to prescribe additional regulations and to issue orders.

(AO No. 78-65A; AO No. 83-2; AO No. 96-134(S-2), § 8, 7-1-97)

17.05.060 Inspections.

(GAAB 17.10.030; AO No. 78-65A; AO No. 96-134(S-2), § 9, 7-1-97)

17.05.070 Enforcement generally; service and civil actions.

(AO No. 92-75(S); AO No. 96-134(S-2), § 5, 7-1-97)

17.05.080 Civil notices of violation ("NOV").

(AO No. 41-75; GAAB 17.10.070; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 90-27(S-1); AO No. 92-75(S); AO No. 96-134(S-2), § 10, 7-1-97)

17.05.090 Citation procedure for criminal violations. (Repealed)

(AO No. 41-75; GAAB 17.25.040; AO No. 78-65A; AO No. 92-75(S); AO No. 96-134(S-2), § 7, 7-1-97)

17.05.100 Hearings on NOVs and administrative decisions.

(AO No. 96-134(S-2), § 12, 7-1-97)

17.05.105 Appeals of NOVs and administrative decisions.

(AO No. 96-134(S-2), § 12A, 7-1-97)

17.05.110 Law enforcement animals. (Repealed)

(AO No. 86-39, 7-15-86; AO No. 91-26; AO No. 96-134(S-2), § 13, 7-1-97)

17.05.005 Purpose.

17.05.010 Definitions, generally.

17.05.020 Animal care and control center.

17.05.030 Animal control officers; powers and duties.

17.05.040 Records.

17.05.050 Authority to prescribe additional regulations and to issue orders.

17.05.060 Inspections.

17.05.070 Enforcement generally.

17.05.080 Notices of violation ("NOV").

17.05.090 Citation procedure for criminal violations. (Repealed)

17.05.100 Hearings on NOVs and administrative decisions.

17.05.105 Appeals of NOVs and administrative decisions.

17.05.110 Law enforcement animals. (Repealed)

17.05.005 Purpose.

The purpose of this title is to promote public health and safety and to encourage responsible pet ownership and the humane care of animals.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.05.010 Definitions, generally.

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

Administrative decision is a decision of the chief animal control officer under chapters 17.10 (care and control of animals), 17.15 (rabies control and municipal licensing), 17.25 (redemption, disposition, protective custody or impoundment decisions or conditions), and 17.40 (classified animals).

Agent, see Custodian.

Aggressive bite means a bite that is accompanied by an attack in which the animal exhibits overt behavior that includes any of the following: snarling, baring teeth,

chasing, growling, snapping, pouncing, lunging or similar aggressive behavior.

Animal means all members of the Phylum Cordata, Subphylum Vertebrata, excluding nondomestic animals and humans, unless otherwise specifically stated.

At large means not controlled.

Bite means an animal bite that breaks the skin or results in significant evidence of biting.

Business day means any one of the days between Monday and Friday, 8:00 a.m.--5:00 p.m. which is a normal business day for the Municipality of Anchorage.

Breeder means any person who intentionally breeds an animal.

Cat means a member of the genus and species *Felis domestica*.

Chief animal control officer means the municipal department head responsible for animal control and administration of the municipal animal control contract or his or her designee.

Chronic animal noise means repeated vocalization by an animal or animals in a 60-minute period from the time the noise begins for more than seven consecutive minutes during the daytime noise period from 7:00 a.m. to 10:00 p.m. and more than five consecutive minutes during the nighttime noise period from 10:00 p.m. to 7:00 a.m. A licensed commercial or multi animal facility, as defined below, shall be excused from the seven consecutive minutes limit for daytime noise only, up to four times per day, for a maximum of 20 consecutive minutes each time provided that no 20-minute period shall occur within one hour of any other 20-minute period.

Commercial facility: means a person or facility that boards or grooms dogs, cats, rabbits, ferrets, and/or horses for fees or services, or any person or facility that reconveys four or more dogs or cats in a calendar year, or any person or facility that breeds more than three litters of dogs and/or cats in a calendar year.

Editor's note: In connection with adoption of AO 2001-158 (S-4) as amended, approved on June 25, 2002 and effective January 1, 2003, assembly expression of legislative intent on June 11, 2002, was that any reference to "business" or "commercial" in Title 17 does not mean conducting a business for the purposes of other titles.

Confine, see "control by confinement" below.

Control, in relation to an animal, means to simultaneously monitor, direct, and restrict an animal's movements and activities, in a humane manner, so as to prevent violations of this title. Specific types of control are defined as follows:

1. *Control by command* means to control an animal by visual or audible commands, or a combination thereof, to which the animal responds promptly and accurately; or
2. *Control by confinement* means to control an animal in a humane manner within any fully fenced pen, kennel, yard, or structure, which prevents the exit of any animal confined therein solely on its own volition and the protrusion through the outer perimeter of the enclosure of the animal's paws and/or teeth to an extent which would enable the animal to physically injure a person or another animal; or

3. *Control by leash* means to control an animal by securely attaching a leash, chain or an item which is physically capable of restraining the animal, including electronic collar, to the animal which is in the secure possession of a person physically and mentally capable of monitoring, directing and restricting the animals movements and activities; or
4. *Control by attachment* means to control an animal by a harness or other similar device attached directly or indirectly to a person or immovable object by means of a chain, leash or similar device in such a manner that:
 - a. When the animal is on private property, it cannot travel off the private property on which the immovable object is located, or into any public vehicular or pedestrian way, or other public easement; or
 - b. When the animal is on public property, the animal is temporarily attached in such a manner that it cannot travel more than three feet from the immovable object and is not unattended by the owner; or
5. *Control by harness* means to control an animal by a harness or other similar device attached directly or indirectly to a person or object during an event of competition, training, demonstration, or show.

Current rabies vaccination means a vaccination:

1. As specified in the current Compendium of Animal Rabies Vaccines prepared by the Rabies Subcommittee of the National Academy of Sciences and by the National Association of State Public Health Veterinarians, Inc.;
2. Administered in accordance with state law; and
3. Evidenced by a current rabies vaccination certificate in a form approved by the stat, division of public health and signed by a currently licensed veterinarian.

Custodian means a person entrusted by the owner with the full responsibility for an animal under this title.

Dog means a member of the genus and species *Canis familiaris*.

Euthanasia means a painless death or a method of causing death painlessly.

Ferret means a member of the genus and species *Mustela putorius furo*.

Humane care or treatment or humane manner means the care and treatment of an animal, including but not limited to providing the animal with:

1. Safe and necessary control, confinement and appropriate space;
2. Adequate veterinary treatment, wholesome food and water; and
3. Heat, ventilation, and sanitary shelter from wind, temperatures, precipitation and sun conditions detrimental to its health;

all of which are consistent with or dictated by the animal's normal requirements, veterinary needs, feeding habits, and its condition, size, species, age, and breed.

Municipality or municipal shall mean the Municipality of Anchorage.

Multi-animal facility: means a person or facility, including a dwelling unit, residence, or business premise that owns, houses, possesses, or is the custodian of four or more dogs, four or more cats, four or more rabbits, four or more ferrets, four or more horses, or any combination of seven or more of the above animals.

Notice of violation (herein "NOV") means a citation issued by the chief animal control officer or designee for civil violations of this title.

Notice to comply means a notice issued by the chief animal control officer or designee requiring compliance with this title.

Officer means a person charged by law with the duty to enforce provisions of this title.

Owner means any person or custodian, who owns, restrains, possesses or holds title to an animal or knowingly permits an animal to remain on premises occupied by such person.

Physical injury means an impairment of physical condition or pain either of which is accompanied by visible scrapes, cuts, punctures, bruising, or other evidence of similar injuries.

Protective custody means to protect and preserve the health, safety, humane care, or treatment of an animal.

Reconvey means to acquire and/or arrange for sale or transfer of an animal by a person acting as a broker or representative for another, with or without remuneration, whether or not such person has title to or possession of the animal.

Restrain or restraint means to confine or control an animal.

Secure enclosure means any fully enclosed fenced pen, kennel, yard, or structure, which must include a roof, walls and floor, subject to approval by the chief animal control officer. The secure enclosure shall:

1. Be located so as not to interfere with the public's access to the owner's or custodian's property;
2. Reasonably prevent:
 - a. The accidental release by any person of any animal confined in such enclosure;
 - b. The exit from such enclosure of any animal confined therein solely on its own volition;
 - c. The entry into such enclosure by any person except the owner and other persons authorized by this title or explicitly authorized by the owner, and who are also physically and mentally capable of monitoring, directing and restricting the confined animal's movements and activities;
 - d. The entry into such enclosure by any animal other than the animal confined therein; and
 - e. The protrusion through the outer perimeter of the enclosure of the

confined animal's paws and/or teeth to an extent which would enable it to physically injure a person or another animal.

Serious physical injury means any physical injury which creates a risk of death or causes protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or requires plastic surgery.

Sterile means rendered incapable of reproduction by surgical operation by a licensed veterinarian.

Unweaned animal means an animal too young to be weaned from the care of its parent(s).

Wolf dog means the offspring of a wolf or wolf hybrid. For the purposes of this title, wolf dogs and wolf hybrids shall be synonymous.

Wolf hybrid means a member of the genus and species *Canis lupis* x *Canis familiaris*.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2004-86, § 1, 5-18-04; AO No. 2009-88, § 1, 9-10-09)

17.05.020 Animal care and control center.

- A. Except as otherwise provided in this Code, the animal care and control center shall administer and enforce this title.
- B. The animal care and control center shall be responsible for keeping animals which the animal care and control center impounds or assumes custody of under this title.
- C. The municipality may contract with a private person or entity to perform the functions of the animal care and control center.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.05.030 Animal control officers; powers and duties.

- A. The chief animal control officer shall be appointed by the mayor. If the municipality contracts with a private person or entity to perform the functions of the animal care and control center, the chief animal control officer shall be the head of the department charged with administration of the contract.
- B. The chief animal control officer may appoint one or more deputy animal control officers.
- C. The chief animal control officer or designee and all deputy animal control officers shall be peace officers as defined in Anchorage Municipal Code 1.45.030.
- D. The chief animal control officer shall administer the animal care and control center. If the municipality contracts with a private person or entity to perform the functions of the animal care and control center, the chief animal control officer may delegate to the contractor those powers of the chief animal control officer which are necessary to the performance of the contract and which lawfully may be delegated to a private person or entity.

1. The chief animal control officer or designee shall take all actions reasonable and necessary to abate, prevent violations of, and enforce this title, to promote the humane care and treatment of animals, and protect the public health, safety and welfare.
- E. Interfering with, hindering, resisting, molesting, or providing false information, either written or oral, to an animal control officer or representative of the animal care and control center in the lawful enforcement or performance of a duty under this title, and/or releasing, or attempting to release, an animal from the custody of an animal control officer, are declared crimes by and punishable in accordance with Title 8 of this Code.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.05.040 Records.

- A. The chief animal control officer shall maintain complete and detailed records of the following in accordance with Chapter 3.90 and as required by municipal contract:
1. The issuance and revocation of licenses under this title;
 2. All animals brought into the custody of the animal care and control center by impoundment or otherwise;
 3. The disposition of all animals in the custody of the animal care and control center;
 4. Rabies immunizations reported to, ordered and administered under the direction of the animal care and control center;
 5. Reports required by or made pursuant to this title;
 6. Investigations of violations of this title;
 7. Monies received for fees and charges imposed by this title; and
 8. Notices of violation, including the disposition thereof.
- B. The animal control office shall not disclose the identity of a person who surrenders an animal, claims or adopts an animal from the animal care and control center unless the chief animal control officer determines that protection of the public health, safety or welfare requires such disclosure, or unless required under Chapter 3.90.
- C. At the request of the chief animal control officer, an animal owner shall authorize their veterinarian to release animal medical records related to a specific animal control investigation.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2009-88, § 2, 9-10-09)

17.05.050 Authority to prescribe additional regulations and to issue orders.

- A. The chief animal control officer may issue regulations in accordance with Chapter 3.40 necessary to the administration of this title, including, but not limited to:
1. Providing the forms and other documents used in the administration of

this title.

2. Providing citation books to be used under this title.
 3. Establishing fees, charges, and procedures for:
 - a. Licensing animals and facilities;
 - b. Adopting, boarding, and redeeming animals from the animal care and control center; and
 - c. Vaccination and other services rendered by the animal care and control center.
 4. Interpreting the provisions of this title.
- B. The chief animal control officer may issue orders to implement and carry out the intent, purpose and requirements of this title with respect to any specific event, condition or decision.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.05.060 Inspections.

- A. Except as to those inspections under Section 17.15.090B.2, during normal business hours, a peace officer or animal control officer, upon presentation of proper identification, is authorized to inspect premises where animals are or are intended to be confined to determine whether the animals are being or shall be confined in compliance with this title.
- B. If the premises where animals are kept have been vacated by such animals' owner or if a person lawfully entitled to possession of the premises refuses entry to a peace officer or animal control officer lawfully entitled to inspect such premises under this title, the officer shall obtain and serve an administrative search warrant to inspect the premises. The application to the trial courts of the state to obtain an administrative search warrant shall state the name and address of the premises to be inspected, the authority to conduct the inspection, the nature and extent of the inspection, and the facts and circumstances justifying the inspection. Warrants issued under this section shall be returned within ten days.
- C. The chief animal control officer is authorized to conduct an animal census of the municipality. The chief animal control officer may authorize those who take the census to accept applications for and issue dog licenses in the field.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.05.070 Enforcement generally.

- A. Anchorage police officers and animal control and other authorized peace officers shall have the authority to enforce and issue civil or criminal citations or complaints for violations of this title and Penal Code Chapter 8.55, Animal cruelty.
- B. In addition to all other enforcement provisions of this title, the chief animal control officer shall have the authority to commence civil actions to enjoin violations of

this title or to obtain other equitable or legal relief for violations of this title.

- C. Service in civil actions under this title shall be by personal delivery whenever reasonably possible or by posting at the owners address, if known. If the owner's address is unknown, notice shall be made by posting at the premises from which an animal is seized. Service may also be made by certified mail, return receipt requested, or by other method prescribed by the Alaska Court Rules of Civil Procedure.
- D. A violation of a provision of this title or of Penal Code Chapter 8.55 is hereby declared to create a public nuisance.
- E. Each day a violation of any provision of this title or Chapter 8.55 of the Penal Code continues shall constitute a separate offense.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.05.080 Notices of violation ("NOV").

- A. Upon verifying a violation of this title has occurred, an officer may issue a notice to comply or a notice of violation ("NOV") and serve it on the owner or custodian of the animal if that person can be identified at the time of the violation. If the owner cannot then be identified, the officer may impound the animal and serve the notice to comply or NOV at such time as the owner of the animal can be identified.
 - 1. A NOV shall have printed prominently on its face the following notice:

YOU MAY EITHER PAY THE CIVIL FINE NOTED HEREON OR DEMAND A HEARING ON THE CHARGES OF THIS NOTICE OF VIOLATION ("NOV") WITHIN 15 BUSINESS DAYS OF RECEIVING THIS NOV. DEMAND FOR HEARING OF THIS NOV MUST BE MADE BY FILING A WRITTEN REQUEST FOR HEARING TO THE ADDRESS ON THE FORMS PROVIDED BY THE ANIMAL CARE AND CONTROL CENTER.
 - 2. A notice to comply shall have written prominently on its face the following:
 - a. The nature, time, place, title section and penalties for the violation and/or continuance of the violation;
 - b. The specific number of days allowed for the abatement of the violation to ensure compliance with this title;
 - c. The action necessary to correct violation; and
 - d. The consequences of non-compliance.
- B. A person who violates a provision of this title shall be subject to a civil penalty as set forth in Chapter 17.70.
 - 1. If the civil penalty is not paid within 15 business days of service, and a written request for hearing has not been received, the chief animal control officer shall issue and serve a second notice with a late penalty.
 - 2. Each day during which a violation described in this title occurs shall constitute a separate offense.

- C. If the chief animal control officer determines that a NOV has been improperly issued, the officer may rescind it by writing the word "void" on its face. A record shall be maintained for all actions taken pursuant to this subsection. The chief animal control officer shall invoke this section upon a finding that one of the following conditions existed at the time the NOV was issued:
1. A mistake of fact occurred and no violation took place;
 2. The conduct complained of is not a violation;
 3. The NOV was improperly executed by the issuing officer; or
 4. Other good cause which may:
 - a. Constitute a defense to the violation; or
 - b. Reasonably serve the purpose and intent of this title, the protection of the public health, safety and welfare, the humane care and treatment of animals, and promotes fairness and justice to the alleged violator.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.05.090 Citation procedure for criminal violations. (Repealed)

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.05.100 Hearings on NOV's and administrative decisions.

- A. *Hearings.* A person served with a NOV or administrative decision has a right to a hearing on the NOV or administrative decision by filing a written demand for hearing on forms provided by the animal care and control center no later than 15 business days after service of the NOV or administrative decision.
- B. A person may waive the right to a hearing prior to the hearing date.
- C. *Procedure.* Hearings on NOV's and administrative decisions under this section shall be subject to and conducted in accordance with Sections 3.60.045 and 3.60.055 through 3.60.070.
1. The Municipality shall designate an administrative hearing officer who shall conduct a hearing on the NOV or administrative decision within 20 business days after the date on which the request for hearing was filed. A party may request an extension or continuance of the hearing date from the administrative hearing officer, which may be approved upon good cause shown.
 2. The hearing officer shall fully develop the record of the hearing by:
 - a. Requiring the animal care and control center to present relevant evidence; and
 - b. Requiring the alleged violator or person aggrieved by the administrative decision to present relevant evidence.
 3. Hearings relating to the impoundment of animals not redeemed or not conditionally released pending hearing shall be scheduled in the

chronological order in which impoundment occurs, but shall be heard within 10 business days. A party may request an extension or continuance of the hearing date from the administrative hearing officer, which may be approved upon good cause shown.

4. Upon request, the animal care and control center shall provide to the alleged violator or person aggrieved all information related to the incident within seven business days, upon payment of a minimum \$5.00 fee to obtain information in accordance with Title 3.90.
- D. *Decision and order of the hearing officer.* Within 20 business days after the conclusion of the hearing, the hearing officer shall prepare a statement of the case, a summary of the proceedings, findings of fact, conclusions of law, and decision and order.
1. The decision and order of the hearing officer on impoundments shall be prepared as soon as possible and prior to all other decisions under this title.
 2. A final decision, which is not appealed, is deemed permanent and binding. A subsequent complaint or violation may not be brought on the same facts.
- E. *Fees, charges and compensation.* Unless the animal is released to its owner, fees and charges levied in connection with or related to a NOV or administrative decision shall not be collectible or subject to penalties for non-payment pending a hearing officer's final decision and order or an appeal of a final administrative decision to the animal control appeals board.
1. If the initial administrative decision that an animal may not be redeemed is reversed by the final decision of the hearing officer, the hearing officer shall order that:
 - a. The animal be returned to the owner or, if it has been euthanized, the owner shall receive compensation in an amount equal to the fair market value of the animal at the time of impoundment; and/or
 - b. The owner shall receive reimbursement for or waiver of all boarding fees and charges and all applicable fines and penalties paid or charged respectively for the redeemed animal after the date of the initial decision of non-redemption.
- F. *Appeals.* Records and all relevant materials pertaining to appeals under this section shall be kept by the administrative hearing office in accordance with Title 3.95.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.05.105 Appeals of NOVs and administrative decisions.

- A. *Generally.* Appeals may be taken from the hearing officer's decision and order:
1. On a NOV directly to the Superior Court of the Third Judicial District by the person to whom the NOV was issued; and
 2. On a final administrative decision either:

- a. To the animal control appeals board by the person aggrieved by the final administrative decision; or
 - b. At the sole option of and by the person aggrieved, directly to the Superior Court of the Third Judicial District.
- B. *Procedures on appeal generally.* Procedures on appeals to the Superior Court under subsections A.1 and A.2.b of this section shall be governed by Alaska Statutes 22.10 and the Alaska Rules of Court, Rules of Appellate Procedure. Procedures on appeals to the animal control appeal board under subsection A.2.a of this section shall be governed by the procedures set forth in subsections C, D and E of this section.
- C. *Procedures on appeals to the animal control appeals board.* An appeal to the animal control appeals board may be taken by filing a written notice of appeal on forms provided by the animal care and control center within 15 business days after the date on which the final decision of the hearing officer is served on the person aggrieved.
 1. The municipal administrative hearing office shall make the record of all documents, evidence, and arguments presented to the hearing officer, together with the hearing officer's final decision and order, available to all parties to the appeal. The record shall be certified by the hearing officer as true, complete and correct.
 2. The parties to an appeal may each submit a memorandum arguing the hearing officer's decision.
 - a. The losing party shall file its memorandum at the time of filing the notice of appeal or within ten business days thereafter.
 - b. The prevailing party shall file and serve its memorandum within five business days after service of the losing party's memorandum.
- D. *Hearings on appeals to the animal control appeals board.* The animal control appeals board shall examine appeals under this section solely on the record of documents, evidence, and argument presented to the hearing officer, and the final decision of the officer, together with such appeal memoranda as the parties timely submit. There shall be no oral argument before the animal control appeals board.
 1. The animal control appeals board shall consider and render a decision within 60 business days from the date the appeal is filed.
 2. Appeals relating to the impoundment of animals not redeemed shall be scheduled in the chronological order in which impoundment occurs, but shall be heard within 15 business days. A party may request an extension or continuance from the animal control appeals board which may be approved upon good cause shown.
- E. *Decision of the animal control appeals board.* The animal control appeals board may either:
 1. Affirm the decision of the administrative hearing officer; or

2. Reverse the decision of the administrative hearing officer upon a written finding that:
 - a. The administrative decision is not supported by substantial evidence; and/or
 - b. The administrative decision is not in accord with the provisions of this title; or
 3. Vacate the administrative hearing officer's final decision or any portion thereof, and remand such decision to the hearing officer for an additional hearing and further consideration upon a written finding that:
 - a. The administrative hearing officer failed to conduct the hearing in accordance with Sections 3.60.045 and 3.60.055 through 3.60.070; or
 - b. The administrative hearing officer failed to comply with Section 17.05.100; or
 4. Vacate and set aside the decision of the administrative hearing officer or any portion thereof when the board reasonably determines in writing that, based on all the evidence in the record, vacating the decision of the hearing officer reasonably serves and promotes the purpose and intent of this title, the protection of the public health, safety and welfare, the humane care and treatment of animals, and promotes fairness and justice to the person aggrieved by the administrative decision.
- F. *Records pertaining to appeals.* All records and materials pertaining to appeals under this section shall be kept in accordance with Title 3.95 by the administrative hearing office.
- G. *Appeals to Superior Court.* Decisions of the animal control appeals board may be appealed to the Superior Court for the Third Judicial District in accordance with state statutes and the Alaska Rules of Appellate Procedure.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.05.110 Law enforcement animals. (Repealed)

(AO No. 2001-158(S-4), § 1, 1-1-03)

Chapter 17.10 STANDARDS FOR THE CARE AND CONTROL OF ANIMALS*

_____*Editor's note--AO No. 2001-158(S-4), § 1, effective Jan. 1, 2003, repealed former AMC Ch. 17.10 and enacted provisions designated as a new Ch. 17.10 to read as herein set out. Former AMC Ch. 17.05 pertained to standards for the care, control and sale of animals. History of former AMC Ch. 17.10 is as set out below. The user is also directed to the Code Comparative Table.

17.10.010 Animal creating disturbance or public nuisance.

(AO No. 50-76; AO No. 78-65A; AO No. 96-134(S-2), § 14, 7-1-97)

17.10.020 Control and confinement of animals.

(AO No. 50-76; GAAB 17.05.070, 17.15.040; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 96-134(S-2), § 15, 7-1-97)

17.10.030 Care and sanitation.

(AO No. 50-76; AO No. 78-65A; AO No. 96-134(S-2), § 16, 7-1-97)

17.10.040 Sale of diseased and immature animals.

(AO No. 50-76; AO No. 78-65A; AO No. 96-134(S-2), § 17, 7-1-97)

17.10.050 Animals in public places.

(AO No. 50-76; AO No. 78-65A; AO No. 86-39; AO No. 96-134(S-2), § 18, 7-1-97)

17.10.060 Cruelty to animals.

17.10.070 Standards for operating animal facilities.

(GAAB 17.10.010, 17.10.020; AO No. 78-65A; AO No. 83-97; AO No. 86-39; AO No. 96-134(S-2), § 20, 7-1-97)

17.10.080 Temporary quartering of dogs in competition.

(AO No. 84-35; AO No. 86-39; AO No. 96-134(S-2), § 21, 7-1-97)

17.10.010 Animals in public places.

17.10.012 Cat identification required.

17.10.015 Animal creating disturbance or nuisance.

17.10.020 Control and confinement of animals.

17.10.030 Care and sanitation.

17.10.040 Sale of diseased and unweaned animals.

17.10.050 Standards for operating animal facilities.

17.10.060 Cruelty to animals. (Renumbered to 17.35)

17.10.070 Standards for operating animal facilities. (Repealed)

17.10.080 Temporary quartering of dogs used in competition.

17.10.090 Off-leash dog park spaces.

17.10.010 Animals in public places.

A. It is unlawful for any animal to be in a public place unless it is controlled by a leash, and in the control of a person competent to restrain the animal except:

1. Control of an animal by command is allowed if the animal is engaged in an activity that precludes it from accomplishing that activity if restrained, and the animal is in an area normally associated with that activity, and the activity is conducted in a manner that minimizes impact with the general public;
2. A dog may be unconfined in areas sanctioned by the municipality as off leash dog areas. The owner or custodian of a dog, unconfined in an off leash dog area, must have a leash restraint immediately available for the physical control of the dog and be physically capable of controlling the dog;
3. An animal, at shows and events, may be unconfined during the time of the demonstration in a manner which does not pose a threat to public health and safety or the safety of other animals;

4. An animal may be humanely attached in or to a vehicle in a public place, provided the animal may not:
 - a. Be capable of removing or detaching itself from the vehicle;
 - b. Be attached so as to fall, jump, be thrown from or dragged by the vehicle;
 - c. Be exposed to prolonged inclement weather; or
 - d. Pose a threat to public health and safety or the safety of other animals.
5. An animal may be humanely contained inside an attended or locked, fully enclosed container.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.10.012 Cat identification required.

- A. The owner or custodian of a cat over the age of four months shall maintain an identification worn by the cat at all times except:
 1. When the cat is on the private property of the owner or custodian; or
 2. When the cat, under control by leash or control by confinement, is either in a public place or on the private property of another.
- B. Identification must be either a collar or tag which includes the current name, address and telephone number of the owner, or a microchip registering the owner.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.10.015 Animals creating disturbance or nuisance.

- A. It shall be unlawful for any owner or custodian of an animal to permit it to make chronic animal noise.
 1. The animal care and control center may, upon receiving a complaint alleging chronic animal noise, issue a written notice to comply to the animal owner or custodian. The notice shall contain:
 - a. The definition of chronic animal noise.
 - b. The nature and times of the complaint.
 - c. Penalties for violation.
 - d. Means and methods of curtailing chronic animal noise.
 - e. Time permitted to comply with the notice.
 2. If the violation continues after the time permitted by the notice to comply, a NOV may be issued in accordance with section 4 below.
 3. An animal owner issued three or more NOV's within one year period may be required to forfeit an animal to the municipality, except as provided

below. The chief animal control officer may elect to make the animal available for adoption to a person other than the owner, custodian, or person residing on the owner or custodian's premises.

- a. A forfeiture order shall not be sought against an owner who has taken verifiable steps to correct the problem prior to receipt of a third NOV within the one year period. Verifiable steps include, but are not limited to, debarking of the cited animal, acquisition and use of a barking control device, or structural modification of the property where the animal is kept so as to reduce noise. To the extent that such efforts are not successful, the owner may be subject to additional citations and fines as provided in Chapter 17.70.
4. NOV's for chronic animal noise shall only be issued after receipt of a. or b. below, and completion of an investigation by animal control:
 - a. A written statement to the animal care and control center, signed by two or more persons living at different addresses, both in the immediate neighborhood of the animal making the chronic animal noise, one of whom must be both the statement preparer and the original complainant; or
 - b. A written statement to the animal care and control center, signed by one person living in the immediate neighborhood of the chronic animal noise, where additional date and time specific evidence is provided.
- B. No owner or custodian of an animal shall permit the animal's feces to be left on public or other person's private property.
- C. No owner or custodian of an animal shall permit it to upset garbage on public or private property.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2004-86, § 2, 5-18-04; AO No. 2008-96, § 1, 9-16-08)

17.10.020 Control and confinement of animals.

- A. Except as otherwise required or permitted by this title, an owner of an unclassified animal, including a wolf hybrid, shall restrain it at all times. An owner of a classified animal shall confine and control such animal as required by Chapter 17.40.
- B. It is unlawful for the owner or custodian of a female animal in estrus to allow it to come in contact with an unsterilized male of its species, except for planned breeding purposes.
- C. It is unlawful to maintain an animal with a known infectious or contagious disease without proper and adequate veterinary care and confinement.
- D. It is unlawful for any person, other than a peace officer in the performance of duties, to release an animal from restraint without the consent of the animal's owner or custodian, except to preserve the animal's life or prevent injury.

- E. The municipality may establish designated areas, known as dog parks, for dogs off leash in areas which minimize impact with other uses.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2004-86, § 3, 5-18-04)

17.10.030 Care and sanitation.

- A. An animal owner or custodian shall provide an animal with adequate fresh food, water, shelter from inclement weather, and proper veterinary care, as required.
- B. An animal owner or custodian shall maintain all areas, where an animal is kept and to which it has access, in a clean and sanitary condition and free from objectionable odor.
- C. An animal owner or custodian shall maintain an animal in a manner that allows the animal freedom of movement to obtain adequate fresh food, water, and shelter from inclement weather. Shelter must include appropriate space, heat, ventilation, sanitary conditions, and shelter from wind, temperatures, precipitation and sun conditions, consistent with the animal's breed, size, age, and species.
- D. A notice to vacate the premises may be issued if the chief animal control officer determines any premises where animals are kept do not meet the criteria set forth in this section, or the owner or custodian has failed to comply with the lawful orders of the chief animal control officer.
 - 1. A notice to vacate shall specify the effective date, which shall be not less than 24 hours after it is issued.
 - 2. It shall be unlawful to maintain any animals required to be removed on the premises following the effective date of a notice to vacate.
 - 3. Any animal remaining on the premises is subject to impound and may become property of the Municipality of Anchorage.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.10.040 Sale of diseased and unweaned animals.

- A. It is unlawful to sell an animal that the seller knows, or has reason to know, is diseased, injured or otherwise physically defective without first disclosing to the buyer the nature of the disease, injury or defect.
- B. It is unlawful to sell an unweaned horse, dog, cat, ferret or bird.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.10.050 Standards for operating animal facilities.

- A. An owner or operator of a multi-animal facility, commercial facility, or any other facility associated with keeping of domestic animals for which a permit is required, as specified under Chapter 17.15 and any other municipal regulations, shall:
 - 1. Provide adequate and appropriate shelter to ensure animal health, safety, and welfare.

2. Maintain the facility in a sanitary condition.
3. Provide veterinary care as necessary.
4. Provide for adequate and appropriate care and feeding of animals and ensure the availability of adequate food and fresh water.
5. Ensure no animals prohibited by federal, state and municipal laws are kept.
6. Ensure all animals are confined or in control on any premises where the animals are kept.
7. Keep only the number of animals in the facility or on premises which allows for appropriate space, safe keeping, humane care and sanitary environment consistent with the animal's breed, size, age, and species for all animals kept.
8. Comply with the provisions of this title, municipal regulations, and the terms, conditions and limitations of any license issued under Chapter 17.15.
9. Comply with the provisions of Title 21 (Land Use Planning) of this Code.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.10.060 Cruelty to animals. (Renumbered to 17.35)

Editor's note: AO No. 96-134(S-2), § 19, effective July 1, 1997, renumbered subsections A.--G. of § 17.10.060 to a new Chapter 17.35.

17.10.070 Standards for operating animal facilities. (Repealed)

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.10.080 Temporary quartering of dogs used in competition.

- A. In order to quarter four or more dogs for a period of between 14 to 31 days for use in competition, both the dog owner or custodian and owner of the property upon which the dogs are quartered shall be responsible to:
 1. Comply with standards 1 through 7 in Section 17.10.050, except all dogs kept for competition must be confined;
 2. Maintain security measures to ensure the safety of the dogs, as well as other animals and persons that may come in contact with the dogs, including posting the premises to warn persons of the presence of dogs; and
 3. Comply with any other reasonable terms and conditions of the chief animal control officer or designee, to ensure the health, safety, and welfare of animals and the public.
 4. Provide written notice in advance to all neighbors within a 300 foot radius if the dogs are to be quartered outside (which does not include quartering within a dog truck).

5. The owner or custodian shall occupy the premises where the dogs are quartered.
- B. Wolf hybrids shall not be quartered under this section.
- (AO No. 2001-158(S-4), § 1, 1-1-03)

17.10.090 Off-leash dog park spaces

- A. Notwithstanding any other provision of this Code, legally licensed dogs with current rabies vaccinations may be allowed, unleashed, in areas recommended by the animal control advisory board with concurrence of the parks and recreation commission and the mayor, subject to approval by the assembly. Such areas shall include but are not limited to designated areas within the following locations:
- University Lake Park;
- Far North Bicentennial Park (North Gasoline Trail);
- Russian Jack Park;
- Connors Bog;
- South Anchorage Sports Park (Future American Legion Trails).
- See attached map of off-leash dog park spaces (following this section).
- B. Rules and regulations promulgated for the use of off-leash dog park spaces shall be posted and shall include the following:
1. Dogs must be leashed upon entering and leaving the off-leash dog park space.
 2. Classified dogs and female dogs in heat are prohibited.
 3. The owner or custodian of the dog must remain in the dog park space with the dog.
 4. Dogs must be under control as defined in this chapter.
 5. Dog feces must be cleaned up by the dog owner or custodian.
 6. Holes dug by dogs must be filled by the dog owner or custodian.
 7. Owners or custodians are responsible for all actions of their dogs.
- C. Additional rules and regulations for each off-leash dog park space may be needed and will be recommended by the animal control advisory board with concurrence of the parks and recreation commission and approval by the director of the parks and recreation department and the chief animal control officer. Additional approved rules and regulations shall be posted.
- D. It shall be unlawful for any owner or custodian of a dog to permit the dog to violate rules and regulations under Section 17.10.090.

(AO No. 2003-108(S), § 1, 7-22-03; AO No. 2003-127, § 1, 9-30-03; AO No. 2004-86, § 4, 5-18-04)

Editor's note: This section is automatically repealed on December 31, 2004 unless conditions in AO No. 2004-121 are met, whereby the section remains in the Code.

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Chapter 17.15 RABIES CONTROL AND MUNICIPAL LICENSING*

_____*Editor's note--AO No. 2001-158(S-4), § 1, effective Jan. 1, 2003, repealed former AMC Ch. 17.15 and enacted provisions designated as a new Ch. 17.15 to read as herein set out. Former AMC Ch. 17.15 pertained to animal, facility, and breeder licensing. History of former AMC Ch. 17.15 is as set out below. The user is also directed to the Code Comparative Table.

17.15.010 Dog licenses required.

(GAAB 17.10.010; AO No. 78-65A; AO No. 89-25(S); AO No. 92-75(S); AO No. 96-134(S-2), § 22, 7-1-97)

17.15.020 Nonresident dog license required.

(GAAB 17.10.040; AO No. 78-65A; AO No. 86-39; AO No. 92-75(S); AO No. 96-134(S-2), § 23, 7-1-97)

17.15.030 Dog license procedure.

(GAAB 17.10.030; AO No. 78-65A; AO No. 83-2; AO No. 89-25(S); AO No. 92-75(S); AO No. 93-66; AO No. 95-125, § 1, 6-6-95; AO No. 96-134(S-2), § 24, 7-1-97)

17.15.040 Authorized vendors of dog licenses.

(AO No. 78-65A; AO No. 92-75(S); AO No. 96-134(S-2), § 25, 7-1-97)

17.15.050 Dog license tags and receipts.

(GAAB 17.10.030, 17.10.050; AO No. 78-65A; AO No. 92-75(S); AO No. 96-134(S-2), § 26, 7-1-97)

17.15.060 Facility and breeder license required.

(GAAB 17.10.010; AO No. 78-65A; AO No. 83-97; AO No. 84-35; AO No. 86-39; AO No. 92-75(S); AO No. 96-134(S-2), § 27, 7-1-97)

17.15.070 Facility licensing procedure.

(GAAB 17.10.010, 17.10.030; AO No. 78-65A; AO No. 83-2; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 89-25(S); AO No. 92-75(S); AO No. 96-134(S-2), § 28, 7-1-97)

17.15.080 Facility license revocation.

(GAAB 17.10.020; AO No. 78-65A; AO No. 85-8; AO No. 96-134(S-2), § 29, 7-1-97)

17.15.090 Breeder licensing procedure.

(AO No. 96-134(S-2), § 30, 7-1-97)

17.15.100 Breeder license revocation.

(AO No. 96-134(S-2), § 31, 7-1-97)

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- 17.15.010 Municipality of Anchorage dog license required.
 - 17.15.020 Municipality of Anchorage non-resident dog license required.
 - 17.15.030 Municipality of Anchorage dog license procedure.
 - 17.15.040 Authorized vendors of municipal dog licenses.
 - 17.15.050 Municipal dog license tags and receipts.
 - 17.15.060 Special purpose license.
 - 17.15.070 Special purpose licensing procedures for multi-animal and commercial facility licenses.
 - 17.15.080 Revocation or denial of application for license.
 - 17.15.090 Inspections.
 - 17.15.100 Breeder license revocation. (Repealed)

17.15.010 Municipality of Anchorage dog license required.

- A. Any person who owns or has custody of a dog or wolf hybrid over the age of four months shall obtain a Municipality of Anchorage dog license for the dog or wolf hybrid except a dog brought into the municipality for less than 30 days.
- B. Any dog over the age of four months which is transferred, sold, or given away within the municipality shall be licensed by the new owner or custodian within fifteen days of the sale or acquisition.
- C. The following licenses, issued only by the animal care and control center, shall be at no cost:
 - 1. Dogs used for municipal police work;
 - 2. Dogs used for search and rescue or law enforcement by either the Anchorage police department or the Alaska State Troopers; and
 - 3. The first four dogs in a licensed multi-animal facility.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.15.020 Municipality of Anchorage nonresident dog license required.

Any person who is not a resident of the municipality but brings dogs into the municipality, for the purpose of competition for more than 30 but less than 90 days, shall obtain a nonresident Municipality of Anchorage dog license. This license shall be issued only by the animal care and control center, at no charge, upon proof that all dogs possess current rabies vaccinations. Persons who bring dogs into the municipality for more than 90 days shall obtain individual Municipality of Anchorage dog licenses for each dog and shall apply for a special purpose license, if applicable, in accordance with Section 17.15.060 below.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.15.030 Municipality of Anchorage dog license procedure.

- A. Application for a dog license shall be to the chief animal control officer or an authorized vendor. The application shall include:
 - 1. The name and residence address of the owner of the dog or wolf hybrid;

2. The name, breed, color, age, sex, and reproductive status of the dog or wolf hybrid;
 3. Proof that the dog or wolf hybrid has a current rabies vaccination and tag; and
 4. The license fee required by regulation.
- B. Dog licenses shall be valid for up to one, two, or three years from the date of issuance, at the option of the pet owner or custodian, and shall expire in conjunction with the expiration date of the rabies vaccination. Proof of a current rabies vaccination for the entire licensing period selected is required.
 - C. An application to renew a dog license shall be made in the same manner as an application for a new license.
 - D. The chief animal control officer may permit the application, purchase, and issuance of dog licenses by mail.
 - E. The chief animal control officer may authorize veterinarians or other persons as vendors to issue licenses.
 - F. Dog licenses issued under prior municipal ordinances shall remain valid until their expiration.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.15.040 Authorized vendors of municipal dog licenses.

The chief animal control officer may authorize veterinarians or other persons as vendors to issue Municipality of Anchorage dog licenses. If issued in this manner, the vendor may retain a portion of the license fee for new or renewed licenses issued as set by regulation. Vendors may use a computer generated application, approved by the chief animal control officer, if the form contains the same information set forth in Section 17.15.030A.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.15.050 Municipal dog license tags and receipts.

- A. A dog or wolf-hybrid shall bear a current Municipality of Anchorage dog license tag securely fastened to its collar, chain collar, or harness at all times except:
 1. Any licensed dog or wolf hybrid while confined on the owner's or custodian's premises; or
 2. While in competition, in training or while hunting.
- B. The animal care and control center or authorized vendor shall issue the dog or wolf hybrid owner a numbered receipt and a tag stamped with a number, authorized by the chief animal control officer, for each license purchased under Section 17.15.010.
- C. No person shall use a municipal dog license tag, microchip, or receipt for a dog or wolf hybrid other than the one for which it was issued.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2004-86, § 5, 5-18-04)

17.15.060 Special purpose license.

A. The following special purpose licenses shall be required for persons or facilities keeping animals in the municipality:

1. *Animal litter license.*: A person who sells or reconveys not more than three litters of dogs and/or cats in a calendar year shall be required to obtain an animal litter license:
 - a. Each litter shall be registered with the animal care and control center within seven weeks of birth for a fee set in accordance with Chapter 17.70. Advertisements of any kind must show the litter license number in the ad. Any person who sells more than three litters in a calendar year must apply for a commercial facility license.
 - b. This section does not apply to rescue groups approved by and registered with the animal care and control center.
2. *Multi-animal facility license.*: A person or facility, including a dwelling unit, residence, or business premise, that owns, possesses or is the custodian of four or more dogs, four or more cats, four or more rabbits, four or more ferrets, four or more horses or any combination of seven or more of the above animals, shall be required to obtain a multi-animal facility license:
 - a. This section shall not apply to a person who has a single litter of dogs and/or cats that are not for sale and under the age of four months.
 - b. This license shall be valid for two years from date of issuance.
3. *Commercial facility license.*: A person or facility that boards or grooms dogs, cats, rabbits, ferrets, and/or horses for fees or services, or any person or facility that reconveys four or more dogs or cats in a calendar year, or any person or facility that breeds more than three litters of dogs and/or cats in a calendar year shall be required to obtain a commercial facility license.
 - a. This license shall be valid for one year from date of issuance.
 - b. A pet store is a commercial facility for purposes of this section.
 - c. A veterinary clinic is not a commercial facility for purposes of this section.
 - d. This section does not apply to rescue groups approved by and registered with the animal care and control center.

B. Each animal in the facility, in addition to those covered under Section 17.15.010C.3, that is required to have a MOA dog license shall be provided that license at no additional cost to the holder of the multiple animal facility license.

C. Veterinary facilities are excluded from the requirements of Section 17.15.060.

(AO No. 2001-158(S-4), § 1, 1-1-03)

Editor's note: In connection with adoption of AO 2001-158 (S-4) As Amended, approved on June 25, 2002 and effective January 1, 2003, Assembly expression of

legislative intent on June 11, 2002, was that any reference to "business" or "commercial" in Title 17 does not mean conducting a business for the purposes of other Titles.

17.15.070 Special purpose licensing procedures for multi-animal and commercial facility licenses.

- A. Application for a special purpose license is made to the animal care and control center. The application shall include:
 - 1. The type of special purpose license;
 - 2. The name, address and telephone number of applicant, and the physical address and telephone number where animals are to be kept;
 - 3. The number, species and breeds of dogs, cats, rabbits, ferrets, or horses to be kept on the premises;
 - 4. A commercial facility license application shall include a copy of a current municipal and/or Alaska business license, if applicable;
 - 5. *Reserved.*
 - 6. The amount of the licensing fee;
 - 7. Proof of current rabies vaccination for each animal over the age of four months, where the species is required to have a rabies vaccination;
 - 8. A current diagram, to scale, of the premises, showing the peripheral boundaries, the location and dimensions of the premises where animals will be kept, and the location and use of any structures on adjacent lots; and
 - 9. A statement from the applicant verifying that they have read the existing subdivision covenants, if any, for the premises where the animals are to be kept and that, to the best of their knowledge, the facility is in compliance with the covenants.
- B. Renewal applications shall be made at least thirty days prior to the expiration of the current license and may rely upon materials submitted with a prior application provided it portrays the current condition of the facility or location, except current rabies vaccinations proof for each animal over the age of four months where the species is required to have a rabies vaccination by law; and upon certification that there have been no significant changes in the numbers, types and species of animals since the prior application.
- C. A special purpose license shall not be issued to or renewed where the applicant has been convicted of an offense under Title 8.55 or inhumane treatment of animals in another jurisdiction.
- D. Upon receipt of a complete and timely application for renewal of a special purpose license, such license shall be issued within 30 days unless the applicant has received notice the special purpose license has been revoked or there has been a structural change to the property. No new or previously revoked multi-animal or commercial facility license shall be issued until an inspection of the premises where the animals will be kept is made.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2007-79, § 2, 6-26-07)

17.15.080 Revocation or denial of application for license.

- A. The chief animal control officer may deny or revoke a special purpose license on the following grounds:
 - 1. The manner or method of keeping animals constitutes a health hazard to humans or animals;
 - 2. The manner or method of keeping the animals violates any ordinance or regulation under this title; or
 - 3. A present or prior violation of a term, condition or limitation of the license issued under this title.
- B. An animal control officer shall issue a notice to comply, as defined in Section 17.05.080, for any violation of this title or conditions for the issuance of a special purpose license. The notice shall state in writing the steps the applicant may take, with a set reasonable time period, to correct any violations stipulated. If the officer observes conditions that immediately threaten an animal's or the public's health, safety or welfare, an order to cease and desist operation may be issued in lieu of a notice to comply. Following the time period stipulated in the notice to comply, an inspection shall be made by the animal care and control center to determine if the violation is abated or corrected. If the violation remains or other violations have occurred, the chief animal control officer may deny or revoke the license.
- C. If a special purpose license is denied or revoked, the animal care and control center shall prepare a written report which includes:
 - 1. Reasons for denial or revocation; and
 - 2. Time periods the animal care and control center allowed the applicant to comply with any notices to correct conditions required to obtain or keep a license.
- D. The applicant shall receive a copy of the report within fourteen business days of the denial or revocation.
- E. If, upon complaint filed by a citizen of the municipality, a court of competent jurisdiction finds that recorded covenants relating to the requirements of this title have been violated and have not been waived for the premises where the animals are kept, the chief animal control officer shall revoke that license following receipt of a copy of the court's findings and order. The holder of the license shall be notified of the license revocation in writing.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.15.090 Inspections.

- A. The animal care and control center may inspect the premises and/or animals of all special purpose licensees annually or upon a public complaint. The animal care and control center may inspect prior to the issuance or renewal of a multi-animal or commercial facility license.

- B. Special purpose license inspections:
1. A commercial facility, open to the public, may be inspected without notice during the times of normal business operations; or
 2. A private residence may be inspected within 72 hours of notification to the resident of the intent to inspect. Such inspection shall be conducted between the hours of 8:00 a.m. and 8:00 p.m.
 3. Inspections shall be conducted by animal control officers and/or a licensed veterinarian trainee to examine all animals in the facility.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.15.100 Breeder license revocation. (Repealed)

(AO No. 2001-158(S-4), § 1, 1-1-03)

Chapter 17.25 IMPOUNDMENT, ADOPTION, REDEMPTION, AND EUTHANASIA OF ANIMALS*

_____*Editor's note--AO No. 2001-158(S-4), § 1, effective Jan. 1, 2003, repealed former AMC Ch. 17.25 and enacted provisions designated as a new Ch. 17.25 to read as herein set out. Former AMC Ch. 17.25 pertained to impoundment. History of former AMC Ch. 17.25 is as set out below. The user is also directed to the Code Comparative Table.

17.25.010 Impoundment and animals subject to impoundment.

(GAAB 17.15.010; AO No. 78-65A; AO No. 86-39; AO No. 92-75(S); AO No. 96-134(S-2), § 32, 7-1-97)

17.25.020 Impoundment procedure.

(GAAB 17.15.010; AO No. 78-65A; AO No. 96-134(S-2), § 33, 7-1-97)

17.25.030 Terms of impoundment.

(GAAB 17.15.010; AO No. 78-65A; AO No. 86-39; AO No. 96-134(S-2), § 34, 7-1-97)

17.25.040 Redemption of impounded animal.

(GAAB 17.15.020; AO No. 78-65A; AO No. 83-2; AO No. 86-39; AO No. 89-25(S); AO No. 92-75(S); AO No. 96-134(S-2), § 35, 7-1-97)

17.25.050 Availability for adoption.

(GAAB 17.15.050; AO No. 78-65A; AO No. 78-188; AO No. 86-39; AO No. 91-85(S-1); AO No. 96-134(S-2), § 36, 7-1-97)

17.25.060 Adoption exceptions and requirements.

(GAAB 17.15.050; AO No. 78-65A; AO No. 83-2; AO No. 83-97, 11-21-83; AO No. 96-134(S-2), § 37, 7-1-97; AO No. 97-97(S), § 4, 7-22-97)

17.25.070 Disposition of animals not made available for adoption or redemption.

(AO No. 78-65(S); AO No. 78-188; AO No. 86-39, 7-14-86; AO No. 96-134(S-2), § 38, 7-

1-97)

17.25.075 Impoundment at business facility or at owner's home.

(AO No. 86-39, 7-14-86; AO No. 92-75(S); AO No. 96-134(S-2), § 39, 7-1-97)

17.25.080 Reserved.

17.25.090 Protective custody.

(AO No. 78-65A; AO No. 83-2; AO No. 83-97, 11-21-83; AO No. 96-134(S-2), § 41, 7-1-97)

17.25.100 Reserved.

17.25.010 Impoundment and animals subject to impoundment.

17.25.020 Impoundment procedures.

17.25.030 Terms of impoundment.

17.25.035 Impoundment pending investigation.

17.25.040 Redemption of impounded animal.

17.25.050 Availability for adoption.

17.25.060 Adoption exceptions and requirements.

17.25.070 Euthanasia.

17.25.073 Impounding of animals held pending a decision.

17.25.075 Impoundment at business facility or owner's home.

17.25.080 Reserved.

17.25.090 Protective custody.

17.25.100 Reserved.

17.25.110 Hearings affecting impounded animals.

17.25.010 Impoundment and animals subject to impoundment.

A. An animal control officer shall check an animal subject to impoundment for identification. If the animal is wearing a current municipal dog license, the owner or custodian is known, and the animal poses no threat to another animal or the public health, welfare and safety, the officer may take reasonable measures to return the animal to its owner or custodian with the issuance of a notice to comply or NOV, provided there are no outstanding verifiable fees or fines due to the animal care and control center. The following animals are subject to impoundment:

1. An uncontrolled animal in the presence of the officer, where the owner or custodian is not present. At the time of impoundment, the officer shall post a written notice describing the animal, giving the date, time and reason for impoundment, and where the animal may be recovered either:
 - a. In a prominent place on the owner's premises, if known; or
 - b. In a prominent place at the location of impoundment, if possible;
2. An animal that poses a threat to itself, another animal, or the public health, welfare or safety;
3. An animal exhibiting behavior described in Section 17.40.020;
4. An animal which is found to be in violation of a classification requirement or condition of quarantine imposed pursuant to Section 17.25.040D., 17.30.080, or 17.40.040;

5. An animal required to be forfeited to the municipality pursuant to Section 17.10.015A.3., 17.25.040D., or 17.40.040D.; or
 6. An animal where ownership is prohibited by federal, state, or municipal law.
- B. An animal control officer is authorized to obtain a warrant to seize an animal in violation of subsections A.2. through A.6. above.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2009-88, § 3, 9-10-09)

17.25.020 Impoundment procedures.

- A. If the animal is impounded on public property or on the private property of another not its owner or custodian, the officer shall first check the animal for an identification tag or microchip. If the officer can identify the owner or custodian, he or she may take reasonable measures to return it, unless an animal has previously been in violation of the same impoundable condition. Then the officer shall impound it at the animal care and control center.
- B. After taking an animal into custody, the officer shall take the animal to the animal care and control center where it shall be checked again for identification including a tag or microchip, checked for its health, and then housed humanely.
- C. If an animal's owner or custodian can be identified, the animal care and control center shall attempt to notify the animal's owner or custodian of the impoundment and the conditions under which the animal may be redeemed.
- D. If the animal is impounded from private property, the officer shall, after securing custody of animal, post a notice, in a conspicuous place, on the nearest residence or structure from where the animal was seized.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.25.030 Terms of impoundment.

- A. An animal without identification, whose owner or custodian is not known, shall be kept three full animal care and control center business days, unless redeemed earlier by the owner.
- B. An animal with identification shall be held for a period of not less than five full animal care and control center business days, unless redeemed earlier by its owner. The animal control officer shall make every reasonable attempt to discover the identity of and make contact with the owner or custodian of an animal with identification to include, but not be limited to, contact by telephone or notice posted on the property. Maintaining the animal for longer periods may be approved by the chief animal control officer when the owner or custodian is known and upon showing good cause why redemption of the animal within the normal impound period is not possible.
- C. The animal care and control center shall maintain records of impounded animals for at least two years. The records shall be public information and available upon reasonable request of the public in accordance with Chapter 3.90, with the exception of privacy information protected under law. The information shall

include, but not be limited to:

1. The species, breed, color and sex of the animal;
2. The location where the animal was impounded or found;
3. Any form of identification found on the animal, such as collar, identification, license or rabies tag, tattoo or microchip identification number; and
4. The disposition of the animal.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.25.035 Impoundment pending investigation.

- A. If, during the investigation of an incident, an animal control officer determines that an animal may safely be kept on the property of an owner or custodian pending an administrative hearing, the animal control officer may set conditions for the keeping of the animal.
- B. If, during the investigation of an incident, the animal control officer determines the animal poses an immediate or potential threat to another animal or the public health, safety, or welfare, the animal may be seized and impounded. The owner or custodian of the animal shall be responsible for all costs and expenses of keeping the animal at the animal care and control center.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.25.040 Redemption of impounded animal.

- A. An animal may be redeemed by the owner from the animal care and control center upon proof the animal has a current rabies vaccination, is currently licensed under this title, if required, and if the animal is kept in the municipality. The owner shall pay all impound, licensing, rabies vaccination, daily board, medical treatment, previously unpaid/outstanding animal control fees and fines owed by the owner, and any other fees required.
- B. An animal may be redeemed by the custodian for the owner, with written proof of the owner's intention to allow redemption, proof the animal has a current rabies vaccination, a current license, if required, and if the animal is kept in the municipality. The custodian shall pay all impound, licensing, rabies vaccination, daily board, medical treatment, all previously unpaid/outstanding animal control fees and fines owed by the owner, and any other fees required.
- C. An animal that has been classified at level five behavior, or a wolf hybrid that has been classified at level 3 or level 4.a, is not redeemable.
- D. Within seven days from the date of impoundment, any animal classified as level 1, 2, 3 or 4 under Section 17.40.020, except a wolf hybrid that has been classified at level 3 or level 4.a., shall be released to the owner upon payment of all fees required and upon verification of compliance with Sections 17.30.080 and 17.40.040, including any classification requirements set by the chief animal control officer. Upon failure of the owner to comply with Section 17.40.040, the chief animal control officer may impound or re-impound the animal and require

the owner to forfeit the animal to the municipality. An animal shall not be allowed to reside with or be redeemed by anyone who has been convicted, nor to a person residing in the same household with a person convicted, of a crime under Title 8.55 or inhumane treatment of an animal in another jurisdiction.

- E. An animal shall not be redeemed by anyone who has a pending case, nor to a person residing in the same household with a person who has a pending case, under Title 8.55 or inhumane treatment of an animal in another jurisdiction.
- F. An animal shall not be redeemed by an owner or person where such ownership is prohibited by federal, state or municipal law.
- G. The chief animal control officer or designee shall make a written record of each decision made pursuant to this section to clearly and precisely explain the reason for the decision. A copy of the written decision shall be served upon the owner or person who attempts to redeem the animal.
- H. It is unlawful to fail to comply with any condition of redemption imposed by the chief animal control officer under this title.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2009-88, § 4, 9-10-09)

17.25.050 Availability for adoption.

- A. The animal care and control center shall take affirmative action to make available for adoption all unclaimed animals except for those in paragraph C of this section.
- B. After the minimum term of impoundment, or additional time as required by law or the animal's well being, the animal care and control center shall determine, with consultation available by a licensed veterinarian, those animals to be made available for adoption.
- C. None of the following animals shall be made available for adoption:
 - 1. An animal exhibiting symptoms of a major infectious or contagious disease, as determined by a licensed veterinarian;
 - 2. An animal that in the judgment of a licensed veterinarian should be euthanized for humane reasons. If the animal has traceable identification or the animal owner or custodian is known, every effort shall be made to contact the owner or custodian prior to euthanasia; provided the animal is not in a suffering or dying condition;
 - 3. An animal determined by a court of competent jurisdiction to be unadoptable;
 - 4. An animal subject to a pending administrative or judicial hearing, or an appeal;
 - 5. An animal that is the subject of a quarantine or protective custody imposed under this title, except when the term of quarantine or protective custody and all appeals have expired and the owner has not, or cannot, redeem the animal;
 - 6. An animal prohibited from being owned by federal, state or municipal law;

7. An animal determined by the chief animal control officer, in consultation with a licensed veterinarian, exhibiting behavior described under Section 17.40.020A as level 3, 4, or 5 that could pose a threat to another animal or the public health, safety and welfare.
- D. The chief animal control officer or designee may approve the rescue of animals referenced in 17.25.050C.1. or unclaimed animals that would otherwise be euthanized if the rescue group agrees to provide necessary medical care for the animal.
- E. An animal determined to be adoptable shall be held available for adoption for a minimum period of five days, unless the chief animal control officer or designee determines the animal care and control center is at full capacity. In such case, the chief animal control officer may shorten the availability period for an animal.
- F. Animals surrendered to the animal care and control center by owners releasing entitlement to them shall be available for adoption under the terms of this section.
- G. Animals under protective custody by the animal care and control center, not redeemed by owners, and whose appeal time has expired, shall be available for adoption under the terms of this section.
- H. At the end of the period allowed for redemption, ownership of the animal shall be relinquished to the municipality. The animal may become available for adoption and shall no longer be available for redemption by the animal owner or custodian.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.25.060 Adoption exceptions and requirements.

- A. The animal care and control center shall not release an animal for adoption under any of the following circumstances:
 1. The prospective owner has inadequate or inappropriate facilities for confining an animal or for providing humane care and control of an animal. If the prospective owner does not own his/her place of residence, the consent of the landlord to the adoption is required.
 2. The prospective owner has been convicted of a crime under Title 8.55 (cruelty to animals) or inhumane treatment of an animal in another jurisdiction; or has outstanding unpaid fees or fines; or has two or more violations of this title within the past 12 months.
 3. Any circumstance which, in the opinion of the chief animal control officer, endangers the welfare of the animal or the public health, safety and welfare.
- B. No person under eighteen years of age shall adopt an animal from the animal care and control center.
- C. No animal shall be released or adopted for the purpose of scientific research, medical purposes, blood donation, consumption, fighting, gaming, auction or illegal purposes.
- D. A person adopting an animal shall pay Municipality of Anchorage adoption,

rabies vaccination, license, microchipping, and any other fees that apply to the adoptive animal.

1. Rescue groups approved and registered with the animal care and control center are exempt from the following fees when the animal care and control center makes a request to the rescue group to adopt an animal:
 - a. Dog license fees pursuant to 17.70.010A.2. when the group is a license vendor in good standing;
 - b. Rabies and other vaccinations pursuant to 17.70.010A.3.;
 - c. Microchip fee pursuant to 17.70.010A.5.c.; and
 - d. Adoption fees pursuant to 17.70.010A.5.e.
- E. Any dog or cat over the age of four months adopted from the animal care and control center shall be spayed or neutered except if, in the determination of a licensed veterinarian, a medical delay is required due to the health or age of the animal. The chief animal control officer shall establish procedures to accomplish spay/neuter, either at the animal care and control center, or through arrangements with the local veterinary community and establish an appropriate fee structure, using customary market prices for such medical services in order to implement this section.
 1. Any person who adopts a dog or cat that is not spayed or neutered at the time of adoption, shall agree in writing to have the animal spayed or neutered by a date specified. The date specified for sterilization may be altered upon the written recommendation of a licensed veterinarian. Proof of sterilization shall be submitted to the animal care and control center upon completion. The person adopting the animal shall provide for the expense of the required sterilization.
 2. The chief animal control officer shall have authority to implement an early spay/neuter program and establish an earlier age for the animal care and control center spay/neuter requirement, after making a determination that it is an appropriate and reasonably safe medical practice.
- F. All dogs and cats adopted from the animal care and control center shall be implanted with a microchip for purposes of identification.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2008-129, § 1, 12-17-08; AO No. 2009-29, § 1, 3-3-09)

17.25.070 Euthanasia.

- A. The following animals may be euthanized at any time:
 1. An animal described in Section 17.25.050C.1, .2, or .3; or
 2. An unowned animal, not pending a hearing or court decision, posing an unreasonable risk of physical injury; or
 3. An adoption eligible animal, remaining unadopted following expiration of the minimum term of availability specified in Section 17.25.050E.
- B. An animal which is not eligible for redemption or adoption may be euthanized

after the right to appeal expires without being invoked or after all appeals under this title are completed.

- C. Euthanasia of an animal shall be accomplished humanely by a licensed veterinarian or a technician trained by a licensed veterinarian.
- D. The animal care and control center shall maintain a list of animals euthanized within the past 30 days, including a description of the animal and the condition for euthanasia, available for review by the general public.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.25.073 Impounding of animals held pending a decision.

Pending a final decision in any legal or administrative proceeding, an impounded animal may be held at the animal care and control center or other commercial facility approved by the chief animal control officer or designee. The owner shall have the right to reasonable daily visitation for a minimum of ten minutes per day as staffing allows.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.25.075 Impoundment at business facility or owner's home.

- A. The chief animal control officer or designee may permit an impounded animal to be held in a business facility provided:
 - 1. The animal is maintained at the sole expense of the owner, including the cost of all normal veterinary care;
 - 2. The facility owner and the chief animal control officer, or designee, agree to this type of impoundment in a written document signed by all parties;
 - 3. The facility demonstrates and maintains an ability to keep the animal in a manner no less secure than offered at the animal care and control center;
 - 4. The facility shall release the animal only to the chief animal control officer or designee or upon receipt of a signed release agreement and compliance with all written conditions of the release;
 - 5. The facility and the animal owner hold the municipality harmless and indemnify it against any liability arising from the actions or condition of the animal while it is impounded and kept under this subsection;
 - 6. The chief animal control officer or designee shall have the authority to inspect the premises where the animal is kept at any time during normal business hours without prior notice;
 - 7. The owner timely pays all fees established by the municipality for this service prior to transport of the animal(s); and
 - 8. The facility has in force and maintains, during the period the animal is in the ownership, possession or restraint of the business facility, a liability insurance policy in the amount of \$1,000,000.00.
- B. The chief animal control officer or designee may permit an impounded animal which is the subject of a hearing or appeal to be held in the owner's home so

long as the owner and the chief animal control officer or designee agree in writing that the owner shall abide by all the conditions as stated in subsections A.1. through A.7. above.

- C. Upon finding by the chief animal control officer or designee that any of the conditions stated in subsection A of this section have not been met by either the commercial facility or by the owner the owner shall have the animal care and control center transfer the animal to another facility or return the animal to the animal care and control center. In addition, the person responsible for the violation may be subject to a penalty as prescribed under this title.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.25.080 Reserved.

17.25.090 Protective custody.

- A. An officer shall take an animal not subject to impoundment into protective custody when necessary to preserve the animal's health or safety and humane care and treatment.
- B. If an animal has been placed in protective custody due to charges of cruelty against the owner, the animal shall not be released to its owner until a final determination is made pursuant to Chapter 8.55 (Cruelty to Animals).
- C. The animal care and control center shall maintain an animal in protective custody which is subject to redemption until the animal is redeemed by its owner or for a minimum of five days, after which time the animal may be disposed of as an impounded animal except:
 - 1. Where an animal was placed in protective custody because the owner or custodian is arrested and charged with a crime and is unable to redeem the animal in person in which case the minimum period shall be ten days.
- D. An animal that is in protective custody and which is subject to redemption may be redeemed by the owner or the owner's designee upon demand and payment of fees and costs. The owner shall not be charged an impoundment fee, but shall be charged boarding fees as set by regulation.
- E. A person who owns an animal taken into protective custody and disposed of as an impounded animal may obtain a review of that disposition as provided in Section 17.05.100.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2004-86, § 6, 5-18-04)

17.25.100 Reserved.

17.25.110 Hearings affecting impounded animals.

An owner or custodian may request a hearing for an animal impounded pursuant to Section 17.25.010 of this title within 15 business days of the impoundment of the animal on forms provided by the animal care and control center. The hearing shall be conducted by the administrative hearing officer under the provisions of Section

17.05.100 of this title.

(AO No. 2001-158(S-4), § 1, 1-1-03)

Chapter 17.30 RABIES CONTROL, IMMUNIZATION, AND QUARANTINE PROCEDURES*

_____*Editor's note--AO No. 2001-158(S-4), § 1, effective Jan. 1, 2003, repealed former AMC Ch. 17.30 and enacted provisions designated as a new Ch. 17.30 to read as herein set out. Former AMC Ch. 17.30 pertained to rabies control. History of former AMC Ch. 17.30 is as set out below. The user is also directed to the Code Comparative Table.

17.30.010 Reporting required.

(GAAB 17.20.010, 17.20.050, 17.20.060; AO No. 78-65A; AO No. 92-75(S); AO No. 96-134(S-2), § 43, 7-1-97)

17.30.020 Disposition of animals biting a person or suspected of having rabies.

(GAAB 17.20.010; AO No. 78-65A; AO No. 83-97; AO No. 85-8; AO No. 86-39; AO No. 92-75(S); AO No. 96-134(S-2), § 44, 7-1-97)

17.30.030 Quarantine of individual animals.

(GAAB 17.20.010; AO No. 78-65A; AO No. 83-2; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 96-134(S-2), § 45, 7-1-97)

17.30.040 Areawide quarantine.

(GAAB 17.20.010; AO No. 78-65A; AO No. 85-8; AO No. 96-134(S-2), § 46, 7-1-97)

17.30.050 Rabies immunization required.

(GAAB 17.20.020; AO No. 78-65A; AO No. 92-75(S); AO No. 96-134(S-2), § 47, 7-1-97)

17.30.060 Immunization records.

(GAAB 17.20.030; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 96-134(S-2), § 48, 7-1-97)

17.30.070 Use of false immunization certificate prohibited.

(GAAB 17.20.040; AO No. 78-65A; AO No. 96-134(S-2), § 49, 7-1-97)

17.30.080 Annual rabies vaccination clinic.

(GAAB 17.10.030; AO No. 78-65A; AO No. 96-134(S-2), § 50, 7-1-97)

17.30.010 Purpose.

17.30.020 Rabies immunization required.

17.30.030 Immunization records.

17.30.040 Use of false immunization certificate prohibited.

17.30.050 Annual rabies vaccination clinic.

17.30.060 Human victim, reporting required.

17.30.070 Disposition of animals.

17.30.080 Animal quarantine.

17.30.010 Purpose.

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

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.30.020 Rabies immunization required.

It is unlawful to own or have custody of a dog, wolf hybrid, cat, ferret, or any other animal required by state law, over the age of four months, that does not have a current rabies vaccination administered in accordance with state law.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.30.030 Immunization records.

- A. A licensed veterinarian shall record rabies vaccinations he or she gives on a certificate form approved by the state division of public health and available from the municipality. The municipality shall maintain a completed copy of the form for animal recording, identification, rabies abatement, and prevention purposes. The valid and completed form shall have:
 - 1. The name and residence address of the animal's owner;
 - 2. The name, age, sex, breed, species and color of the animal;
 - 3. The date of the immunization;
 - 4. The type of vaccine used and the vaccine's expiration date;
 - 5. The name and signature of the veterinarian performing the immunization; and
 - 6. The name of the veterinary clinic.
- B. The veterinarian shall give the original copy of the form to the animal's owner, the second copy shall be forwarded to the animal care and control center, and the third copy shall remain with the veterinarian or clinic.
- C. Following vaccination, the veterinarian shall issue a rabies tag and may issue a Municipality of Anchorage dog license tag to the owner. Current rabies and municipal dog license tags must be affixed to the animal's collar or harness and worn by the animal at all times, unless the animal is on the property of the owner or custodian, in competition, in training or hunting. Cats and ferrets are not required to wear a rabies tag if they are microchipped and registered.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2004-86, § 7, 5-18-04)

17.30.040 Use of false immunization certificate prohibited.

- A. It is unlawful for a person to issue or transfer a certificate or receipt for a rabies immunization or rabies tag where the person knows no immunization has been

administered.

- B. No person shall procure, receive, use or attempt to use a certificate, receipt or tag for a rabies immunization as proof of the immunization for any animal other than the animal for which it was issued.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.30.050 Annual rabies vaccination clinic.

At least annually, the animal care and control center shall hold a rabies vaccination clinic where vaccination shall be available at cost plus ten percent, but not less than \$2.00 per animal.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.30.060 Human victim, reporting required.

- A. For purposes of rabies abatement, control and prevention, any owner or custodian of an animal that bites a human shall promptly notify the animal care and control center of the incident. Any person bitten by an animal shall promptly notify the animal care and control center.
- B. A medical practitioner who treats a human for an animal bite shall promptly report to the animal care and control center the name and residence address of the victim, and such other information as may aid the chief animal control officer or designee in the control of rabies.
- C. A licensed veterinarian shall report to the animal care and control center any animal suspected of being infected with rabies.
- D. Paragraphs A, B, and C above reference animals capable of being infected with rabies.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.30.070 Disposition of animals.

- A. If an animal control officer or peace officer reasonably suspects an animal to have rabies, the officer shall cause the animal to be impounded and quarantined immediately.
- B. Any animal capable of being infected with rabies that has bitten a human shall be quarantined. Other animals capable of being infected with rabies, exposed to this animal, may also be quarantined. An Anchorage police department dog, which inflicts a bite in the line of duty shall not be quarantined when proof of current rabies is shown, but such dog must be observed for the following fourteen days.
- C. When a licensed veterinarian diagnoses or reasonably suspects an animal of being rabid, notification shall be made to the animal care and control center and the department of health and human services.
 - 1. The department of health and human services, in consultation with a licensed veterinarian, may take any action reasonably necessary to determine whether an animal is infected with rabies including, but not

limited, to the removal and inspection of an animal's head.

- D. The department of health and human services directs the disposition of an animal which is found to be rabid and all aspects of the quarantine procedures under this title. The carcass of an animal suspected of being rabid shall, upon demand, be surrendered to the animal care and control center.
- E. An unvaccinated animal capable of being infected with rabies, that is bitten by an animal diagnosed as rabid, shall be euthanized immediately. If a bitten animal has a current rabies vaccination, it shall be re-vaccinated immediately and quarantined under Section 17.30.080 for 30 days.
- F. No person shall kill a rabid animal or an animal subject to quarantine except to defend a human from death or bodily injury, unless otherwise provided by this title.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.30.080 Animal quarantine.

- A. *Required; duration.* An animal capable of being infected with rabies that bites a human shall be quarantined immediately. The department of health and human services shall determine the duration of the quarantine, which shall not be less than 10 nor more than 14 days. Police dogs employed by the Anchorage police department which inflict a bite in the line of duty, and have a current rabies vaccination, are exempt from this requirement.
- B. *Conditions of quarantine.*
 - 1. Subject to subsections 2 and 4 below, the owner or custodian of a quarantined animal shall confine it to prevent contact with other persons or animals. The animal shall only be taken outdoors under control by leash and muzzled or to a confined area if muzzled for brief periods to relieve itself. In the alternative, the animal shall be kept under equally secure conditions at a veterinary hospital of the owner's or custodian's choice. The owner shall inform the animal care and control center where the animal is being kept.
 - 2. An animal shall remain quarantined until written release by a licensed veterinarian or the chief animal control officer. The chief animal control officer may require an animal be inspected before release.
 - 3. No person shall remove a quarantined animal from the municipality without notifying the chief animal control officer in writing at least two business days before the removal and obtaining written consent from the chief animal control officer or designee.
 - 4. An animal capable of being infected with rabies, with no proof of current rabies vaccination, that bites a human shall be quarantined for not less than 10 nor more than 14 days at the animal care and control center or at a licensed veterinary facility, with the approval of the chief animal control officer.
- C. *Payment of costs.* The owner of a quarantined animal shall pay all costs related to quarantine including boarding and transport fees required by the animal care

and control center or licensed veterinary facility, whether the location of its quarantine is selected by its owner or the chief animal control officer.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.30.090 Area-wide quarantine.

- A. When the director of the department of health and human services or designee finds an animal in the municipality positively diagnosed as rabid, an area-wide rabies quarantine may be declared for a period of 30 days. If additional animals are diagnosed as rabid during this period, the director or designee may extend the duration of the area-wide quarantine for up to an additional six months.
- B. During an area-wide quarantine, every animal capable of being infected with rabies shall be confined. No animal subject to the area-wide quarantine may be removed from the municipality without prior written consent of the director of department of health and human services or designee.

(AO No. 2001-158(S-4), § 1, 1-1-03)

Chapter 17.35 CRUELTY TO ANIMALS*

_____*Editor's note--AO No. 98-59(S), § 2, effective May 19, 1998, reorganized, renumbered and amended §§ 17.35.010--17.35.040 as new §§ 8.55.010--8.55.050. See the analysis of Ch. 8.55 below for location of current provisions pertaining to cruelty to animals. Section 2 of AO No. 2001-158(S-4) as amended, effective January 1, 2003, required a section by section listing of the cruelty to animals provisions in Anchorage Municipal Code Chapter 8.55. The user's attention is also directed to the Code Comparative Table for a more detailed analysis of inclusion of said AO No. 98-59(S).

Chapter 8.55 Cruelty to Animals

8.55.010 Cruelty to animals.

8.55.020 Animal fighting.

8.55.030 Accidents involving injury to animals.

8.55.040 Trapping of animals.

8.55.050 Penalties.

8.55.060 Classified animals.

8.55.070 Wolf hybrids.

17.35.010 Cruelty to animals. (Renumbered)

17.35.020 Automobile and animal accidents.(Renumbered)

17.35.030 Crimes and penalties. (Renumbered)

17.35.035 Animals forfeited due to cruelty conviction. (Renumbered)

17.35.040 Exceptions. (Renumbered)

Chapter 17.40 REGULATION OF ANIMAL BEHAVIOR*

_____*Editor's note--AO No. 96-134(S-2), § 56, effective July 1, 1997, repealed chapters 17.40 and 17.50 and in their stead a new Chapter 17.40 is hereby enacted to read as herein set out. Formerly, such chapters pertained to dealing with dangerous dog and vicious dog prohibited and derived from AO No. 91-85(S-1); AO No. 92-75(S). Subsequently, AO No. 2001-158(S-4), § 1, effective Jan. 1, 2003, repealed AMC Ch. 17.40 and enacted provisions designated as a new Ch. 17.40 to read as herein set out. Former AMC Ch. 17.40 pertained to similar subject matter. History of former AMC Ch. 17.40 is as set out below. The user is also directed to the Code Comparative Table.

17.40.010 Purpose.

(AO No. 96-134(S-2), § 56, 7-1-97)

17.40.020 Classification and exceptions to classification of animals.

(AO No. 96-134(S-2), § 56, 7-1-97)

17.40.030 Determination, notice and appeal of classification.

(AO No. 96-134(S-2), § 56, 7-1-97)

17.40.040 Regulation of classified animals.

(AO No. 96-134(S-2), § 56, 7-1-97)

17.40.050 Removal, reduction or modification of classification.

(AO No. 96-134(S-2), § 56, 7-1-97)

17.40.060 Additional licensing fees.

(AO No. 96-134(S-2), § 56, 7-1-97)

17.40.070 Crimes and penalties. (Renumbered)

(AO No. 96-134(S-2), § 56, 7-1-97)

17.40.010 Purpose.

17.40.020 Classifications and exceptions to classification of animals.

17.40.030 Determination, notice, and appeal of classification.

17.40.040 Regulation of classified animals.

17.40.050 Removal, reduction or modification of classification. (Repealed)

17.40.060 Additional licensing fees. (Repealed)

17.40.070 Crimes and penalties. (Renumbered to 8.55)

17.40.080 Compliance inspections.

17.40.085 Removal, reduction or modification of classification.

17.40.090 Additional licensing fees.

17.40.095 Dangerous animals from other jurisdictions.

17.40.100 Keeping by minors prohibited.

17.40.010 Purpose.

The purpose of this chapter is to provide for the public's health and safety, and the safety of animals by identifying and establishing procedures for dealing with animals in the municipality which have demonstrated, by specific behavior, the potential threat of causing physical injury to humans or other animals.

17.40.020 Classifications and exceptions to classification of animals.

- A. *Classifications.* Subject to the authority of the chief animal control officer under subsection B below, an animal may be classified based on one of the following levels:
1. *Level one behavior* is established if an unrestrained animal is found to menace or chase, and display threatening or aggressive behavior, or otherwise threaten or endanger the safety of any person or domestic animal.
 2. *Level two behavior* is established if an animal bites or causes physical injury to any domestic animal, or if an unrestrained animal kills any unrestrained domestic animal.
 3. *Level three behavior* is established if an animal, while under restraint, inflicts an aggressive bite or causes any physical injury to any human.
 4. *Level four behavior* is established if any of the following occur:
 - a. An unrestrained animal inflicts an aggressive bite or causes physical injury to any human; or
 - b. An unrestrained animal kills a domestic animal that is restrained; or
 - c. An animal, regardless of whether it is restrained, for the second time injures or kills a domestic animal.
 5. *Level five behavior* is established if any of the following occur:
 - a. An animal, regardless of whether it is restrained, causes serious physical injury or the death of any human; or
 - b. An animal is used as a weapon in the commission of a crime; or
 - c. An animal previously classified as a level three or four, or as a potentially dangerous animal under a prior enactment of this Code, commits a level three or four behavior described in subsection A.3. or A.4. above after the owner receives notice of the prior level three or four classification.
- B. *Exceptions to classifications.* Notwithstanding subsection A above, the chief animal control officer shall have discretionary authority to refrain from classifying an animal even if the animal has engaged in the behaviors specified in subsection A, if the chief animal control officer determines that one of the following is true:
1. At the time of injury or damage, the victim was committing trespass or other tort on premises occupied by the owner or custodian of the animal, the victim was teasing, tormenting, abusing, or assaulting the animal, its offspring, or the owner or custodian, or the victim was committing or attempting to commit a crime;
 2. The animal was protecting or defending itself, its offspring, or a human

within the immediate vicinity of the animal from an attack or assault while under control or confined;

3. The injury or damage to a domestic animal occurred while the animal was working or in training as a hunting animal, herding animal, or predator abatement animal on the property of or under the control of its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the animal;
4. The animal is trained to attack persons independently or upon oral command while under the restraint and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of the animal's duties;
5. The animal was responding to pain or injury;
6. The animal was protecting its offspring from attack by another animal;
7. The animal is trained or is being trained for the sport of Schutzhund competition or personal protection and the victim was a willing participant and did not file a complaint;
8. The animal, with a current rabies vaccination, causes injury to the owner, owner's family, trainer or person caring for the animal, unless:
 - a. A complaint is received from the injured party;
 - b. The victim is a minor who is not involved in training or competing with the animal; or
 - c. The animal is unredeemable; or
9. The decision not to classify reasonably serves and promotes justice, fairness, and the purposes and intent of this title, the protection of public health, safety and welfare, and the humane care and treatment of animals.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2009-88, § 5, 9-10-09)

17.40.030 Determination, notice and appeal of classification.

- A. *Authority to classify.* The chief animal control officer has the authority to determine whether any animal has engaged in the behaviors specified by Section 17.40.020.
- B. *Notice and appeal of classification.* The chief animal control officer shall serve the animal's owner with written notice of the animal's specified behavior, the animal's classification and the level of the fine imposed, and the classification requirements applicable to the animal. Notice of classification and classification requirements shall be provided in accordance with Section 17.05.070C.
 1. The owner may appeal the chief animal control officer's decision to a hearing officer under Section 17.05.100.
 2. The owner shall comply with the classification requirements as specified in the notice unless modified or reversed on appeal. Failure to comply with the specified requirements shall be a violation of this chapter for

which a fine may be imposed.

3. The chief animal control officer shall have authority to impound the animal pending completion of all appeals.
4. If the chief animal control officer's decision or the hearing officer's decision finds that an animal has engaged in level five behavior, the animal shall be impounded pending the completion of any appeals.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2009-88, § 6, 9-10-09)

17.40.040 Regulation of classified animals.

- A. The chief animal control officer shall have the discretion to increase or decrease a classified animal's restrictions based upon relevant circumstances.
- B. In addition to other requirements of this chapter, the owner of a classified animal shall comply with the following classification requirements:
 1. *Level one.* Animals classified as level one shall be restrained so the animal cannot reach any public sidewalk or adjoining property and located so as not to interfere with the public's access to the owner's property whenever that animal is outside the owner's home, provided, however, such animal shall not be under control by command.
 2. *Level two.* Animals classified as level two shall be confined in a location which may include a secure enclosure or under control by leash only.
 3. *Levels three and four.* Animals classified as level three or four shall at all times be confined in a locked secure enclosure or under control by a substantial leash or chain not to exceed six feet in length, and under the control of a competent adult who is familiar with and in control of the animal. The requirement of control is not satisfied by an electronic collar or electronic fence. Animals classified as level three or four shall also be muzzled when not on the owner's property. Wolf hybrids classified as level 3 or 4.a shall be euthanized. It is a violation of this subsection to breed, sell, exchange or abandon an animal classified as level three or four, except as specifically provided in this chapter.
 4. *Level five.* Animals classified as level five shall be euthanized. In addition, the chief animal control officer may suspend for a period the animal owner's right to be the owner of any animal in the municipality, including animals currently owned by that person.
 - a. All animals classified as level five shall be euthanized at any time with the owner's consent or on a date not sooner than 30 days after a final decision by the hearing officer or final judgment by the court. Notification to the municipality of an appeal of a final decision of the hearing officer to the animal control appeals board or a court shall delay euthanization of the animal as set forth in Section 17.25.070B.
 - b. During any appeal process, it is a violation of this section to breed, sell, exchange or abandon an animal classified as level five or allow it to reside in any household containing animals.

- C. *Microchip.* To insure correct identification, all classified animals shall be implanted with a permanent microchip to identify the animal and its owner.
- D. *Insurance.* The chief animal control officer may require that the owner of an animal classified as level three or four furnish proof of liability insurance in the amount of at least \$100,000.00 for bodily injury to or the death of any person or domestic animal. If required, the policy shall be on file in the animal control office and shall be required to be kept current throughout the ownership of the animal. Failure to maintain the insurance is just cause for the animal to be immediately impounded by the chief animal control officer and, if the insurance is not reinstated and proof filed with the animal care and control center within seven days, the animal shall be forfeited to the municipality.
- E. *Warning sign.* The owner or custodian of a level three or four classified animal shall display a sign at all fence entrances and secure enclosures on the property where the animal is kept, containing a visual and written warning that there is a potentially dangerous animal on the property. The owner or custodian shall not permit the warning sign to be removed from the secure enclosure.
- F. *Written verification of spay or neuter.* The chief animal control officer may require the animal owner to provide written verification that the classified animal has been spayed or neutered.
- G. *Control by leash.* A classified animal shall only be off the property of the owner or custodian when leashed with a substantial leash or chain not to exceed six feet in length and under the control of a competent adult who is familiar with and in control of the animal.
- H. *Notice of disposal or escape.* The owner or custodian of an animal classified as level 3, 4, or 5 pursuant to this chapter shall:
 - 1. Notify the animal care and control center immediately if the animal escapes, is unconfined without control of a competent person, attacks another human being or animal, or dies.
 - 2. Obtain written consent from the chief animal control officer or designee at least 48 hours in advance of the intention to sell, transfer or permanently remove the animal from the residence or place where the animal is kept. The new location of the animal shall be given to the animal care and control center, along with the name, address and telephone number of the new owner. The owner must inform the new owner of the classification requirements and the new owner must consent to and comply with said requirements.
- I. All classified animals shall be licensed in accordance with Section 17.15.010.
- J. All classified animals shall have a current rabies vaccination in accordance with Section 17.30.020.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2009-88, § 7, 9-10-09)

17.40.050 Removal, reduction or modification of classification. (Repealed)

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.40.060 Additional licensing fees. (Repealed)

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.40.070 Crimes and penalties. (Renumbered to 8.55)

(AO No. 2001-158(S-4), § 1, 1-1-03)

Editor's note: AO No. 98-59(S), § 3, effective May 19, 1998, renumbered § 17.40.070 as a new § 8.55.060.

17.40.080 Compliance inspections.

The owner or custodian of any animal classified as level two, three, or four shall consent to inspection of the property where the animal is kept with 24 hours written notice by the animal care and control center. The inspection shall be set at a reasonable time and in a reasonable manner to verify compliance with the requirements of this chapter.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.40.085 Removal, reduction or modification of classification.

- A. An owner of a classified animal may apply to the chief animal control officer, in writing, to have the classification reduced, modified or removed in accordance with this section upon payment of outstanding fees, including review fee, a showing that the owner has attended and presents evidence of the owner's and animal's satisfactory completion of an obedience training course or other appropriate program approved by the chief animal control officer, and:
 - 1. A level one or level two animal has been classified for one year without any further incident, including any violation of this title; or
 - 2. If a level three or four animal, the animal has been classified for two years without any further incident, including any violation of this title.
- B. Restrictions for level three and level four animals, except wolf hybrids, may be reduced, modified or removed, except the requirement for the use of a secure enclosure.
- C. Requests for termination, modification or reduction of a classification may be submitted to the chief animal control officer, upon proof of compliance with requirements in Section 17.40.085A., but not more often than once each year. All requests for reclassification shall be accompanied by a review fee established by regulation.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2009-88, § 8, 9-10-09)

17.40.090 Additional licensing fees.

In addition to the normal licensing fees established, there shall be an annual fee, set by regulation, for animals classified as level two, three or four. This additional fee shall be imposed at the time of classification and shall be payable within 30 days of notification by the chief animal control officer. Annual payment of this additional fee shall

be payable within 30 days of notification by the chief animal control officer.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2009-88, § 9, 9-10-09)

17.40.095 Dangerous animals from other jurisdictions.

No animals found to have exhibited behavior equal to level 4 classification as defined in this Code in another jurisdiction shall be kept, owned or harbored in the municipality without prior written approval by the chief animal control officer.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.40.100 Keeping by minors prohibited.

No animal classified as level 4 shall be kept or owned by a person who is a minor.

(AO No. 2001-158(S-4), § 1, 1-1-03)

Chapter 17.60 WOLF HYBRIDS*

_____*Editor's note--AO No. 2001-158(S-4), § 1, effective Jan. 1, 2003, repealed former AMC Ch. 17.60 and enacted provisions designated as a new Ch. 17.60 to read as herein set out. Former AMC Ch. 17.60 pertained to similar subject matter. History of former AMC Ch. 17.60 is as set out below. The user is also directed to the Code Comparative Table.

17.60.010 Possession of wolf hybrids.

(AO No. 92-75(S); AO No. 96-134(S-2), § 57, 7-1-97)

17.60.020 Reserved.

17.60.030 Reserved.

17.60.040 Vaccination of wolf hybrids.

(AO No. 92-75(S); AO No. 96-134(S-2), § 59, 7-1-97)

17.60.050 Crimes and penalties. (Renumbered)

(AO No. 92-75(S); AO No. 96-134(S-2), § 60, 7-1-97)

17.60.010 Possession of wolf hybrids.

17.60.020 Reserved.

17.60.030 Reserved.

17.60.040 Vaccination of wolf hybrid.

17.60.050 Crimes and penalties. (Renumbered to 8.55)

17.60.010 Possession of wolf hybrids.

No person shall own, possess, keep, maintain, harbor, transport, sell or advertise for sale any wolf hybrid within municipal boundaries except as provided under state law.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.60.020 Reserved.

17.60.030 Reserved.

17.60.040 Vaccination of wolf hybrids.

Until an approved USDA rabies vaccination is available for wolf hybrids, any wolf hybrid that bites a human shall be immediately euthanized by the animal care and control center and its head submitted for rabies testing.

(AO No. 2001-158(S-4), § 1, 1-1-03)

17.60.050 Crimes and penalties. (Renumbered to 8.55)

(AO No. 2001-158(S-4), § 1, 1-1-03)

Chapter 17.70 ANIMAL CARE AND CONTROL FEES, FINES, AND CIVIL PENALTIES*

_____*Editor's note--AO No. 2001-158(S-4), § 1, effective Jan. 1, 2003, repealed former AMC Ch. 17.70 and enacted provisions designated as a new Ch. 17.70 to read as herein set out. Former AMC Ch. 17.70 pertained to animal control fees, fines and penalties. History of former AMC Ch. 17.70 is as set out below. The user is also directed to the Code Comparative Table.

17.70.010 Animal control fee schedule.

(AR No. 83-19; AR No. 86-33; AO No. 89-25(S); AO No. 90-27(S-1); AR No. 92-145; AO No. 92-75(S); AO No. 92-158; AO No. 93-66; AO No. 97-97(S), § 1, 7-22-97)

17.70.020 Civil penalties for animal control violations.

(AO No. 92-158; AO No. 97-97(S), § 2, 7-22-97)

17.70.010 Animal care and control fee schedule.

17.70.020 Civil penalties for animal care and control violations.

17.70.010 Animal care and control fee schedule.

- A. The chief animal control officer shall provide for collection and disbursement of the following fees and refunds in the administration of Title 17:

TABLE INSET:

Type	Fee	Refund
1. Special purpose license fees:		
a. Animal litter license:	\$25.00 per litter; each litter registered with the animal care and control center.	
b. Multi-Animal Facility License:		
1. Four to ten animals:	\$100.00 bi-annually	
2. Eleven or more animals:	\$150.00 bi-annually	
c. Commercial Facility License:	\$100.00 annually.	

Type	Fee			Refund
2. MOA dog license:				
	Up to One Year	Up to Two Years	Up to Three Years	
a. 1. Unsterilized Dog	\$23.00	\$43.00	\$63.00	None
2. Sterilized Dog	\$15.00	\$27.00	\$39.00	None
b. Replacement tag	\$5.00			None
c. A vendor authorized to issue a municipal dog license pursuant to Section 17.15.040 may retain \$3.00 for each license fee collected.				

3. Vaccinations:		
a. Rabies vaccination	Cost rounded to nearest dollar plus 10%.	See subsection A.4.c. of this section.
b. Other vaccinations	Cost rounded to nearest dollar plus 10%.	None
c. Rabies vaccinations, for animals capable of being infected with rabies, are not required for animals under four months of age, but a deposit for such vaccination is required upon the adoption or redemption of animals under four months of age from the animal care and control center.		
4. Redeemed Animals:		
a. Sterilized dogs and cats	\$45.00	None
b. Unsterilized dogs and cats	\$80.00	\$25.00 upon proof of sterilization within 30 days from release.
c. Sterilized Classified Dogs and Cats	\$45.00 first redemption; \$80.00 second redemption; \$150.00 third and subsequent redemptions	
d. Unsterilized Classified Dogs and Cats	\$80.00 first redemption; \$150.00 second redemption; \$200.00 third and subsequent redemptions	
e. All animals without proof of required rabies vaccination.	Cost rounded to nearest dollar plus 10%.	Cost rounded to nearest dollar plus 10% for animals vaccinated within 30 days after attaining four months of age.
f. The owner or custodian shall pay all impound, licensing, rabies vaccination, daily board, medical treatment, previously unpaid/outstanding animal care and control fees and fines owed by the owner, and any other fees required prior to redemption of the animal.		
g. An impound fee shall be charged whether the animal was brought into the shelter by a member of the public or impounded in the field by an animal control officer, with the exception of stolen animals.		
h. All species other than dogs and cats shall be charged a fee in accordance with a fee schedule established by the chief animal control officer, but which shall not exceed \$100.00.		
i. An animal impounded and transported which, by reason of species, size and strength, cannot be kept in the animal care and control center may be redeemed upon payment of a fee established by this section plus actual costs reasonably incurred.		
5. Adoption:		
a. Sterilization fee (dogs and cats):of Sterilization plus license fees as applicable.	Cost of Sterilization plus license fees as applicable.	None
b. If the animal is not spayed or neutered at the time of adoption, the chief animal control officer may require a deposit equal to the cost of the sterilization to be made at the time of the adoption, to be refunded within 30 days following presentation of proof of sterilization to the animal care and control center. Proof of sterilization must be in the form of a signed document from a licensed veterinarian.		
c. Microchip and registration fees (dogs and cats)	Cost plus \$10.00.	None
d. Vaccination fees as applicable	Cost rounded to the nearest dollar plus 10%	None
e. For all animals, there shall also be an adoption fee, in addition to the fees described in subsections A.5.a.--d. above.		
i. The separate adoption fee shall be in accordance with a fee schedule established by the chief animal control officer, and shall not exceed \$150.		
6. Boarding fees:		
a. Dog	\$12.00 per day	None
b. Cat	\$10.00 per day	None
c. Boarding fees for animals other than dogs and cats shall be assessed in accordance with a schedule established by the chief animal control officer not to exceed \$100.00 each day for any animal.		
7. Special service fees for the public:		
a. Microchip and registration fees	Cost plus \$10.00.	None
b. Cremation fee:		

1. Dogs and cats over 12 weeks of age received directly from owner.	\$15.00 each.	None
2. All kittens and puppies under 12 weeks of age received directly from owner.	\$1.00 each, not to exceed, \$15.00/litter.	None
3. Deceased dogs and cats from veterinarian clinics and animal businesses when private crematoria are not available.	Current fee average for private or mass cremation, private sector.	None
c. Owner surrender fee:		
1. Dogs and cats over 12 weeks of age received directly from owner.	\$20.00 each.	
2. All kittens and puppies under 12 weeks of age received directly from owner.	\$1.00 each, not to exceed, \$20.00 litter.	
d. Animal Transport fee. Transport to alternate facility under Sections 17.25.075 (impound) or 17.30.080 (quarantine).	\$30.00 one way.	None
8. Classified Animals:		
a. Annual fee for level 2, 3 or 4 classified animals under Section 17.40.090.	\$100.00	None
b. Classification review fee under Section 17.40.085.	\$35.00	None

- B. In addition to all other applicable fees, the cost to the animal care and control center for veterinary services reasonably determined by the chief animal control officer to be necessary to maintain the health of the animal while in the custody of the animal care and control center shall be assessed in accordance with a schedule established by the chief animal control officer.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2003-152S, § 11, 1-1-04; AO No. 2004-86, § 8, 5-18-04; AO No. 2008-129, § 2, 12-17-08; AO No. 2009-29, § 2, 3-3-09; AO No. 2009-88, § 10, 9-10-09)

17.70.020 Civil penalties for animal care and control violations.

- A. In addition to any other penalties provided by law, a person who violates any of the following provisions shall be subject to the applicable civil penalties stated below:

TABLE INSET:

Anchorage Municipal Code Provision	Civil Penalty
17.10.010 Animals in public places	\$75 first violation; \$100 second violation and \$150 for third and subsequent violations.
17.10.012 Unidentified cats	\$50 first violation; \$75 second violation and \$100 for third and subsequent violations.
17.10.015A. Animal disturbance	\$50 first violation; \$100 second violation; and \$400 for third and subsequent violations within one year with a \$200 refund on voluntary debarking of the animal(s).
17.10.015B. Animal nuisance	\$100 each violation.
17.10.015C. Animal nuisance	\$50 first violation; \$75 second violation and \$100 for third and subsequent violations.
17.10.020 Control and confinement	\$75 first violation; \$100 second violation and \$150 for third and subsequent violations.
17.10.030 Care and sanitation	\$250 first violation per premise; \$500 each subsequent violation per premise.
17.10.050 Facility standards	\$100 first violation; \$150 second violation.
17.10.090 Off-leash dog areas	\$75 first violation; \$100 second violation; \$150 for third and subsequent violations.
17.15.010 Dog license required	\$75 first violation; \$100 second violation; \$150 for third and each subsequent violation.

17.15.060 Special purpose license	\$150 first violation; \$300 second and each subsequent violation.
17.25.060E. Mandatory sterilization	\$125 first violation; \$150 each subsequent violation.
17.30.020 Rabies vaccination	\$75 first violation; \$100 second violation; \$150 third and each subsequent violation.
17.30.060 Report bite	\$100 first violation; \$250 each subsequent violation.
17.30.080 Quarantine	\$100 first violation; \$250 each subsequent violation.
17.40.040 Regulation of classified animals	\$250.00 first violation; \$500.00 second violation; \$1,000.00 third and subsequent violations.
17.40.090 Additional licensing fee	\$100.00 first violation; \$150.00 second violation; \$300.00 third and subsequent violations.
Violations of all other provisions of Title 17	\$25 first violation, \$50 second violation, \$100 each subsequent violation.

- B. A person who fails to resolve a notice of violation (NOV) issued for a violation of any provision of this title within the time stated on the NOV shall be subject to a civil penalty in the amount of \$25.00, in addition to any other penalty provided by law.
- C. If an agency is required to collect any outstanding money due the municipality, a collection fee shall be added, in addition to any other fees and penalties, in an amount not to exceed 40 percent of the debt.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2003-152S, § 11, 1-1-04; AO No. 2009-88, § 11, 9-10-09)

Appendix Chapter 8.55. CRUELTY TO ANIMALS*

***Editor's note:** AO No. 98-59(S), § 2, effective May 19, 1998, renumbered, reorganized and amended §§ 17.35.010--17.35.040 as new §§ 8.55.010--8.55.050. Subsequently, AO No. 2003-77, § 1, effective May 20, 2003, amended Ch. 8.55, in its entirety, to read as herein set out. At the request of the city, the provisions of AO No. 2003-77 are included as an appendix to Title 17 as well as Ch. 8.55. See also the Code Comparative Table.

- 8.55.005 Animal defined.
- 8.55.010 Cruelty to animals.
- 8.55.020 Animal fighting.
- 8.55.030 Accidents involving injury to animals.
- 8.55.040 Trapping of animals.
- 8.55.050 Penalties.
- 8.55.060 Classified animals.
- 8.55.070 Wolf hybrids.
- 8.55.085 Exceptions.

8.55.005 Animal defined.

For purposes of this chapter only, *animal* means all members of the Phylum Cordata, Subphylum Vertebrata, excluding non-domestic animals and humans, unless otherwise specifically stated.

(AO No. 2003-77, § 1, 5-20-03)

8.55.010 Cruelty to animals.

- A. *Prohibited acts.* It is unlawful for any person, with criminal negligence, to:
1. Maim, mutilate, torture, kill or abandon an animal; or
 2. Injure, torment, poison, provoke or otherwise abuse an animal; or
 3. Maintain an animal in an inhumane manner, including failure to provide adequate food, water, housing and care; or
 4. Keep an animal on vacant property or in an unoccupied structure, unless the animal is cared for in a humane manner; or
 5. Have an animal within, on or attached to a motor vehicle under conditions that may endanger the health, safety or welfare of the animal, including but not limited to insufficient control or extreme temperature.
 - a. A peace officer is authorized to remove an animal from a motor vehicle at any location when the officer reasonably believes there is a violation of this section. Any animal so removed shall be delivered to the animal care and control center after the removing officer leaves written notice of the removal and delivery, including the officer's name, in a conspicuous, secure location on or within the vehicle.
 - b. No peace officer shall be held criminally or civilly liable for action taken under this subsection.
- B. *Use of tranquilizer guns.* It is unlawful for any person to use a tranquilizer gun or blowpipe to capture or immobilize an animal unless authorized by the chief animal control officer or designee.

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-77, § 1, 5-20-03)

Editor's note: AO No. 96-134(S-2), §§ 19, 52, renumbered § 17.10.060.A., C., D., F. as a new § 17.35.010. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

8.55.020 Animal fighting.

- A. It is unlawful for any person, with criminal negligence, to:
1. Cause or allow an animal to fight another animal or a human being, unless the animal is:
 - a. Acting in defense of itself, its owner or custodian, or the property of its owner or custodian against trespass, tort or other crime in or on the premises of the owner or custodian at the time the injury or damage was sustained by the victim; or
 - b. Acting in defense of an owner, custodian or third person, within the immediate vicinity of the animal, from attack or assault; or
 - c. Acting in defense of physical abuse, assault or attack to itself or its offspring, by another animal or a person or persons; or
 - d. Responding to pain or injury; or

- e. Trained and used by an authorized law enforcement unit to act in a manner directly associated with the proper execution of its duties; or
 - f. Trained or is being trained for the sport of Schutzhund competition; or
 - g. Hunting, animal herding, or abating predators, or in training for hunting, animal herding or predator abatement, on the property of, or under the control of, its owner or custodian, and the injury or damage was to a species appropriate to the work of the animal.
- 2. Own, possess, keep or train any animal with the intent that the animal shall be engaged in an exhibition of fighting with another animal or human being; or
 - 3. Manufacture, buy, sell, barter, exchange, or possess any of the implements commonly known as gaffs or slashers, or any other sharp or pointed implement designed to be attached in place of the natural spur of a gamecock or fighting bird; or
 - 4. Train any animal for the purpose of fighting, or allow an exhibition of fighting on his or her premises, or to be a spectator at such training or exhibition of fighting.

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-77, § 1, 5-20-03)

Editor's note: AO No. 96-134(S-2), §§ 19, 52, renumbered § 17.10.060.A., C., D., F. as a new § 17.35.010. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

8.55.030 Accidents involving injury to animals.

- A. It is unlawful for the driver of a vehicle involved in an accident that injures an animal to fail, with criminal negligence, to stop the vehicle as close to the scene of the accident as possible and:
 - 1. Inform the animal's owner of the injury, if ownership is readily ascertainable; or
 - 2. Inform a peace officer or the animal care and control office of the injury, the time and location of the accident, the description of the injured animal, identification the animal may possess, if the information can be safely and reasonably attained, and the apparent nature of the injury.

(AO No. 96-134(S-2), §§ 19, 53, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-77, § 1, 5-20-03)

Editor's note: AO No. 96-134(S-2), §§ 19, 53, renumbered § 17.10.060.E. as a new § 17.35.020. Formerly, § 17.10.060 derived from GAAB 17.050.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

8.55.040 Trapping of animals.

- A. It is unlawful for any person, with criminal negligence, to use any type of trap, such as steel jaw traps, snares or spring traps that might physically harm an animal, to capture animals for noncommercial reasons.
1. Any humane-type trap used for the purposes of capture of animals shall be monitored by the person using it at least once every 12 hours. Any animal captured shall be cared for in a humane manner and returned to the animal's owner, an animal control officer, or the animal care and control center.
 2. No person may use any trap for capture of domestic animals and noncommercial purposes of a type not approved by the chief animal control officer or designee.
 3. No person may offer false information to any peace officer or animal control authority concerning the identity or ownership of a trapped animal he or she has trapped.

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-77, § 1, 5-20-03)

Editor's note: AO No. 96-134(S-2), §§ 19, 52, renumbered § 17.10.060.A., C., D., F. as a new § 17.35.010. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

8.55.050 Penalties.

- A. A person who with criminal negligence violates this chapter shall, upon conviction, be subject to a fine of not more than \$10,000.00, imprisonment for not more than one-year, or both and be prohibited from owning or maintaining another animal for as long as the court determines.
- B. In addition to any fine or imprisonment, the court may also require the defendant to receive mandatory counseling and/or complete community work service as provided for in AS 12.55.055.
- C. A person convicted of violating this chapter, and who owns the animal, shall relinquish all rights of ownership of the animal, and/or any other animals owned by that individual, to the municipality. The rights of persons not convicted under this chapter to an animal forfeited under this chapter shall be determined under Title 17 and its regulations.
- D. A person convicted of violating this chapter shall pay any and all costs incurred by the animal care and control center for animals involved, including but not limited to, housing, feed and veterinary care.

(AO No. 96-134(S-2), §§ 19, 54, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2003-77, § 1, 5-20-03)

Editor's note: AO No. 96-134(S-2), §§ 19, 54, renumbered § 17.10.060.G. as a new § 17.35.030. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

8.55.060 Classified animals.

A person who with criminal negligence violates any provision of Chapter 17.40 "Regulation of Animal Behavior," pertaining to animals classified as level three, four or five shall, upon conviction, be subject to a fine up to \$2,000.00 or imprisonment of not more than six months, or both.

(AO No. 96-134(S-2), § 56, 7-1-97; AO No. 98-59(S), 2, 5-19-98; AO No. 2003-77, § 1, 5-20-03)

Editor's note: Ordinance No. 98-59(S), § 3, effective May 19, 1998, renumbered § 17.40.070 as a new § 8.55.060.

8.55.070 Wolf hybrids.

Any person convicted of violating any provision of Chapter 17.60, "Wolf Hybrids" with criminal negligence is guilty of a misdemeanor and may be punished by imprisonment for up to six months in jail or a fine of not more than \$2,000.00 or both.

(AO No. 92-75(S); AO No. 96-134(S-2), § 60, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2003-77, § 1, 5-20-03)

Editor's note: Ordinance No. 98-59(S), § 3, effective May 19, 1998, renumbered § 17.60.050 as a new § 8.55.070.

8.55.085 Exceptions.

A. This chapter does not apply to:

1. Impounding, euthanizing or other disposition of an animal in a humane manner as authorized by law; or
2. Killing or injuring an animal where necessary to protect a human being or domesticated animal from death or bodily injury; or
3. Euthanasia of an animal by request of its owner or the owner's authorized agent.

(AO No. 2003-77, § 1, 5-20-03)

From: [Melissa Jacobsen](#)
To: [Jo Johnson](#)
Subject: FW: Dogs Traveling in Truck Beds
Date: Monday, August 08, 2016 8:52:50 AM
Attachments: [dogs_trucks_bgnd.pdf](#)

Jo,

Attached is the pdf of the information in the link below.

Thanks! Melissa

From: Dots Sherwood [mailto:dotsvet@gmail.com]
Sent: Monday, August 08, 2016 8:50 AM
To: Melissa Jacobsen
Subject: Dogs Traveling in Truck Beds

Hi Melissa

I would like to add this additional information on a literature review on dogs in truck beds and risk of injury.

<https://www.avma.org/KB/Resources/LiteratureReviews/Pages/Dogs-Traveling-in-Truck-Beds-Backgrounder.aspx>

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Literature Review on the Welfare Implications of Dogs Traveling in Truck Beds

(July 24, 2007)

THE ISSUE

Dogs transported unsecured in the cargo area (truck bed) of vehicles such as pick up trucks are at risk of injury if they jump or are thrown from the vehicle.

WELFARE CONCERNS

Injuries incurred by dogs falling or jumping from truck beds or falling within truck beds are less common than injuries incurred by free-roaming dogs struck by vehicles. However, like injuries resulting from vehicular strikes, truck bed injuries tend to be severe and multiple and include fractures and abrasions.^{1,a} A survey^a of veterinarians in Massachusetts found 141 practitioners (71% of those surveyed) had treated a total of 592 dogs that year that were injured as a result of riding in a truck bed. Data relating to dogs are limited, but data collected regarding human truck bed passengers indicate they are at significantly greater risk of injury² and death³ than passengers riding in the cab. Riding in a truck bed may place dogs in contact with shifting loads sufficient to cause injuries and, if the truck bed is uncovered, expose them to road dust, debris, and heated metal surfaces.

ALTERNATIVES

Ejection from a truck bed may be prevented by use of a tether, however this introduces risks of tangling, choking, or dragging behind the vehicle. Any tether used should be short enough to retain the dog's front and hind legs within the truck and should be combined with a tractable surface to allow the dog to remain easily within the range of the tether while the truck is in motion.

Dogs may be confined to a truck bed in a secure cage or kennel, but attention must be paid to ensuring appropriate space (sufficient to stand up and lie down, but not enough that the dog may be thrown from one side of the crate/kennel to the other), ventilation, and protection from the elements. Enclosures on a truck bed may accumulate toxic carbon monoxide⁴ and provide only limited protection in the event of an accident.³

Within the truck cab a dog is subject to the same risks as a human passenger, and a safety harness can limit the dog's ability to distract or interfere with the driver and may minimize injuries to both in the event of an accident.

LEGISLATION

Many states have banned traveling with dogs in the truck bed or require they be secured, others have legislation pending.

SUMMARY

Dogs transported in open truck beds are at risk of severe injury.

This peer-reviewed summary has been prepared by the American Veterinary Medical Association Animal Welfare Division. While principally a review of the scientific literature, it may also include information gleaned from proprietary data, legislative and regulatory review, market conditions, and scholarly ethical assessments. It is provided as information and its contents should not be construed as official AVMA policy. Mention of trade names, products, commercial practices or organizations does not imply endorsement by the American Veterinary Medical Association.

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FOOTNOTES

a. Massachusetts Society for the Prevention of Cruelty to Animals, untitled 1997 document obtained via personal communication Jul 3 2007

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