

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 24-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, AMENDING TITLE 6 OF THE VALDEZ MUNICIPAL CODE BY AMENDING SECTION 6.04.010 TITLED DEFINITIONS AND SECTION 6.08.020 TITLED RUNNING AT LARGE

WHEREAS, there is a need to define “under control” and “off-leash area” in Title 6 of the Valdez Municipal code to promote safety of dogs and their owners; and

WHEREAS, off-leash areas can promote good canine physical health and positive socialization among dogs and their owners; and

WHEREAS, there is a desire to have off-leash areas established by the city council and maps of the areas easily accessible to the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that the following amendments are made to Title 6 of the Valdez Municipal Code:

Section 1. Section 6.04.010 of the Valdez Municipal Code is amended as follows:

6.04.010 Definitions.

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Abandon” means intentionally, knowingly, recklessly or with criminal negligence leaving an animal at a location where it will not be provided proper food, water, shelter and care in a manner which might cause harm to the animal.

“Animal” means a vertebrate, living creature, not a human being, not including fish but including fowl.

“Animal control officer” means the individual designated “animal control officer” by the chief of police, or if none has been designated, the chief of police.

“Animal shelter” means the city facility for the keeping of animals impounded or otherwise taken into custody under this chapter.

“At large” means an animal that is not under restraint.

“Birds of prey” means eagles, hawks, owls, falcons, and other.

“Cattery” means a location designated for the keeping or harboring of more than four but not to exceed ten cats that are four months of age or older.

“Chief” means the chief of the Valdez police department.

“Dangerous animal” means an animal which without provocation has inflicted injury on a person or another animal on public or private property. The following exceptions, however, shall apply:

1. No animal may be declared dangerous if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing an unlawful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was testing, tormenting, abusing or assaulting the animal, or was committing or attempting to commit a crime.
2. No dog may be declared dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
3. No dog may be declared dangerous if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog 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 dog.
4. No dog shall be declared dangerous if the dog has been trained to attack persons independently or upon oral command while under the control and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of its duties.

“Deleterious exotic wildlife” means any starling, English sparrow, or raccoon; any Muridae rodent (to include true mice and rats, gerbils, and their relatives), rockdove or Belgian hare that is unconfined or unconstrained; and any feral ferret or feral swine, or feral domestic rabbit.

“Department” means the Valdez police department.

“Dog” means both male and female dogs, including both domestic and wild canines.

“Fowl” means any bird, including the larger domestic birds such as chicken, duck, goose, turkey, etc.

“Hybrid animal” means an animal that is an offspring of a domesticated animal and a wild animal.

“Injury” means to damage, harm or cause pain and suffering.

“Kennel” means a facility operated by a person engaged in the commercial buying, selling, training, keeping or boarding of dogs for profit, or a facility designed for the keeping or harboring of six or more dogs that are over three months old.

“Livestock” means generally accepted outdoor farm animals such as goats, horses, pigs, barnyard fowl, etc., not to include cats, dogs and other house pets.

“Off Leash Area” means an area established, by resolution of the city council, as being an area where dogs are permitted to be off leash, provided that they are under control.

“Officer” means the animal control officer, any deputy animal control officer, or any police officer.

“Owner” means any person owning, keeping, harboring, caretaking or having custody or control of an animal.

“Pet shop” means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.

“Provocation” means conduct which is directed by a person or an animal towards an animal that may reasonably be expected to arouse fear, rage, protective instinct or fury in the animal. Any animal which is at large cannot be considered to be provoked by an animal under restraint.

“Restraint” means and includes physical confinement, as by leash, chain, fence or building.

“Sanitary living conditions” means the animal’s living area is reasonably clear of excrement and standing water. The area is clear of broken glass, trash, nails and other items that may cause injury or death to the animal.

"Under control" means competent voice, signal or physical control that restrains an animal from approaching a bystander, from entering private property, and from causing damage to property. An animal is presumed not to have been under control if injury, damage or trespass has occurred.

“Vicious animal” means and includes:

1. An animal which when unprovoked has ever bitten or attacked a human being, serious enough to require treatment by a medical professional, without provocation on public or private property; or
2. An animal in violation of Section 6.08.060 which has been previously adjudged by a court to be dangerous.

“Wild animals” means moose, bear, coyote, wolverine, fox, or other wild mammals. (Ord. 19-04 § 1 (part): Ord. 18-01 § 1 (part): Ord. 09-07 § 1 (part): Ord. 07-07 § 1: Ord. 00-09 § 1; Ord. 93-20 § 1: prior code § 4-1)

Section 2. Section 6.08.020 of the Valdez Municipal Code is amended as follows:

6.08.020 Running at large prohibited.

A. No owner or caretaker shall fail to properly restrain his/her animal to prevent it from running at large. When an animal is found running at large, an officer under this title is authorized to impound the animal and/or give its owner or caretaker a written warning or an animal at large citation.

B. If any dangerous or vicious animal cannot be safely impounded or if any animal attacks an officer attempting to impound it, any officer may take whatever action is necessary to safeguard life and property endangered by the animal.

C. Notwithstanding the foregoing provisions of this section, dogs may run freely under control by the owner or caretaker in any area of the city designated as an off-leash area. Off-leash areas shall be established by resolution of the city council. ~~in which both hunting and the discharge of firearms is permitted.~~

D. No person other than an officer performing his/her duty may release an animal from restraint without the owner’s permission, except to preserve the animal’s life. (Ord. 19-04 § 1

(part): Ord. 18-01 § 2 (part): Ord. 09-07 § 2 (part): Ord. 00-09 § 5: Ord. 93-20 § 3: prior code § 4-11).

Section 3. This ordinance shall take effect immediately upon adoption by the Valdez City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF VALDEZ, ALASKA

\_\_\_\_\_  
Sharon Scheidt, Mayor

ATTEST:

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Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jake Staser, City Attorney  
Brena, Bell, & Clarkson, P.C

First Reading:  
Second Reading:  
Adoption:  
Ayes:  
Noes:  
Absent:  
Abstain: