

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 18-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ,
ALASKA AMENDING TITLE 6 ANIMALS OF THE VALDEZ MUNICIPAL
CODE

WHEREAS, the following amendments to Title 6 of the Valdez Municipal Code establish regulations related to animals within the City of Valdez.

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. Chapter 6.04 of the Valdez Municipal Code is hereby amended to read as follows:

Chapter 6.04
ADMINISTRATIVE PROVISIONS AND DEFINITIONS

Sections:

6.04.010 Definitions.

6.04.020 Powers and duties of officers.

6.04.025 Immunity.

6.04.030 Violation – Penalty. ~~Interference with, etc., enforcement officers prohibited.~~

6.04.040 Fine schedule. ~~Duty of motor vehicle operator to render assistance and give information.~~

~~6.04.050 Inspection.~~

~~6.04.060 Violation – Penalty.~~

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:

“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. ~~place where more than four cats that are four months of age or older are kept, whether by owners of the cats or by persons providing facilities and care, whether or not for compensation, but not including a pet shop.~~

“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.

~~“Dog fancier’s facility” means a location designated for the keeping or harboring of from three to five dogs, over the age of three months, for the hobby or pleasure of the operator or owner.~~

“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.

“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.

“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.

6.04.020 Powers and duties of officers.

- A. The animal control officer shall administer the animal shelter.
- B. The animal control officer and, under the supervision of the animal control officer, any police officer assigned animal control duties, or deputy animal control officers appointed by the chief have the power and duty to:
 1. Enforce the provisions of this title;
 2. Investigate and file complaints for violation of provisions of this title;
 3. Serve summonses or issue warnings for violation of provisions of this title;
 4. Humanely dispose of animals not adopted, reclaimed, or subject to retention pending court decision.
- C. The animal control officer shall maintain complete and detailed records of:
 1. Issuance and revocation of licenses under this title;
 2. All animals brought into the custody of the animal shelter;
 3. The disposition of all animals in the custody of the animal shelter;
 4. Investigations of violations of this title;
 5. Monies received for fees and charges imposed by this title, when collected at the animal shelter.
- D. The animal control officer shall not disclose the identity of animal adopters, unless released from this charge by the adopter, or in order to protect the public health, safety or welfare.
- E. The animal control officer may impound and destroy any vicious animal when ordered by a court of competent jurisdiction, when requested by the owner, or in order to protect persons, private property, or the public health, safety or welfare.
- F. The animal control officer may promulgate and update forms, licenses and other documents necessary for the administration of this title.

G. The animal control officer may declare exceptions to provisions of this title in order to allow animals to participate in races, shows, training activity or temporary sporting or festive events, not including animal fighting events, and to exclude nonparticipating animals from the vicinity of such events. (Ord. 09-07 § 1 (part): prior code § 4-2)

6.04.025 Immunity.

The provisions of this chapter involve discretionary functions, licensing, permits, approvals, inspection, discovery, abatement, health and safety and other matters governed by AS 09.65.070. Determining or failing to find or determine that an animal is dangerous, vicious or in need of protective custody, or the manner of enforcement or non-enforcement of the provisions of this chapter, shall not constitute an assumption by the city of Valdez, or by any of its officers, employees or agents, of any duty, or be deemed or construed to impose any duty, responsibility or liability on the city of Valdez or any of its officers, employees or agents regarding such actions or inaction. (Ord. 09-07 § 1 (part))

6.04.030 Violation – Penalty.

Except where otherwise provided, the violation of any part of this title is punishable, upon conviction, in accordance with the fine schedule set out in 6.04.040. Each day that any violation of this title shall continue shall constitute a separate offense.

~~6.04.030 Interference with, etc., enforcement officers prohibited.~~

~~No person shall interfere with, impede, prevent or attempt to interfere with, impede, prevent, obstruct or intimidate any officer in the discharge of his duties under this title, or in taking up or attempting to take up and impound any animals under the provisions of this title, or to rescue or attempt to rescue any animal so taken up by such officer or to release any animal so impounded or under protective custody. All animals impounded, under protective custody, up for adoption, or for any other reason harbored at the Valdez animal shelter are considered property of the city during the duration of their stay. (Ord. 09-07 § 1 (part): Ord. 00-09 § 2: prior code § 4-3)~~

6.04.040 Fine schedule.

MUNICIPAL CODE SECTION	OFFENSE DESCRIPTION	COURT APPEARANCE	PENALTY/FINE
6.08.010	Cleanup and disposal of animal litter or excrement required – First Offense	Optional	\$25.00
6.08.010	Cleanup and disposal of animal litter or excrement required – Second Offense	Optional	\$50.00
6.08.010	Cleanup and disposal of animal litter or excrement required – Third Offense	Optional	\$100.00
6.08.010	Cleanup and disposal of animal litter or excrement required – Fourth and subsequent	Optional	\$300.00
6.08.020	Animal running at large prohibited – First Offense	Optional	\$25.00
6.08.020	Animal running at large prohibited – Second Offense	Optional	\$50.00
6.08.020	Animal running at large prohibited – Third Offense	Optional	\$100.00
6.08.020	Animal running at large prohibited – Fourth and subsequent	Optional	\$300.00
6.08.030	Animal cruelty prohibited	Mandatory	
6.08.040(a)(1)	Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited – First Offense	Optional	\$25.00
6.08.040(a)(1)	Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited – Second Offense	Optional	\$50.00
6.08.040(a)(1)	Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited – Third Offense	Optional	\$100.00
6.08.040(a)(1)	Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited – Fourth and subsequent	Optional	\$300.00
6.08.040.(a)(2)	Intentional feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited – First offense	Optional	\$50.00
6.08.040.(a)(2)	Intentional feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited – Second offense	Optional	\$100.00
6.08.040.(a)(2)	Intentional feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited – Third offense	Optional	\$200.00
6.08.040.(a)(2)	Intentional feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited – Fourth and subsequent offense	Optional	\$400.00
6.08.050	Keeping of wild animals within the city prohibited – First offense	Optional	\$50.00

6.08.050	Keeping of wild animals within the city prohibited – Second offense	Optional	\$100.00
6.08.050	Keeping of wild animals within the city prohibited – Third offense	Optional	\$200.00
6.08.050	Keeping of wild animals within the city prohibited – Fourth and subsequent offense	Optional	\$400.00
6.08.060	Injury to persons and animals prohibited	Mandatory	
6.08.070	Vicious animals to be properly restrained, etc. - First offense	Mandatory	
6.08.080	Dangerous animals to be properly restrained, etc. – First offense	Mandatory	
6.08.090	Continuous noise by animal prohibited – First offense	Optional	\$25.00
6.08.090	Continuous noise by animal prohibited – Second offense	Optional	\$50.00
6.08.090	Continuous noise by animal prohibited – Third offense	Optional	\$100.00
6.08.090	Continuous noise by animal prohibited – Fourth and subsequent offense	Optional	\$300.00
6.08.100	Failure to confine female dog or cat in heat – First offense	Optional	\$25.00
6.08.100	Failure to confine female dog or cat in heat – Second offense	Optional	\$50.00
6.08.100	Failure to confine female dog or cat in heat –Third offense	Optional	\$100.00
6.08.100	Failure to confine female dog or cat in heat – Fourth and subsequent offense	Optional	\$300.00
6.08.110	Tethering/chaining/crating of animals restricted – First offense	Optional	\$50.00
6.08.110	Tethering/chaining/crating of animals restricted – Second and subsequent offense	Mandatory	
6.08.120	Interference with animal control enforcement officers prohibited	Mandatory	
6.08.130	Duty to render assistance and give information regarding vehicle strike	Mandatory	
6.12.010	Dog license required – First offense	Optional	\$25.00
6.12.010	Dog license required – Second offense	Optional	\$50.00
6.12.010	Dog license required – Third offense	Optional	\$100.00
6.12.010	Dog license required – Fourth and subsequent offense	Optional	\$300.00
6.12.020	Display of license tag on dog required	Optional	\$25.00
6.12.030	Vaccination of dogs required – First offense	Optional	\$25.00
6.12.030	Vaccination of dogs required – Second offense	Optional	\$50.00

6.12.030	Vaccination of dogs required – Third offense	Optional	\$100.00
6.12.030	Vaccination of dogs required – Fourth and subsequent offense	Optional	\$300.00
6.12.040	Kennel licenses required – First offense	Optional	\$50.00
6.12.040	Kennel licenses required – Second offense	Optional	\$100.00
6.12.040	Kennel licenses required – Third offense	Optional	\$200.00
6.12.040	Kennel licenses required – Fourth and subsequent offense	Optional	\$400.00
6.13.010	Excessive number of cats prohibited – First offense	Optional	\$25.00
6.13.010	Excessive number of cats prohibited – Second offense	Optional	\$50.00
6.13.010	Excessive number of cats prohibited – Third offense	Optional	\$100.00
6.13.010	Excessive number of cats prohibited – Fourth and subsequent offense	Optional	\$300.00
6.13.020	Cattery license required – First offense	Optional	\$50.00
6.13.020	Cattery license required – Second offense	Optional	\$100.00
6.13.020	Cattery license required – Third offense	Optional	\$200.00
6.13.020	Cattery license required – Fourth and subsequent offense	Optional	\$400.00

6.04.040 Duty of motor vehicle operator to render assistance and give information.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such reasonable assistance as may be possible and shall immediately report such injury or death and the operator's name, address and vehicle license number to the animal's owner. In the event the owner cannot reasonably be ascertained and located, such operator shall at once report the accident to the department. (Ord. 09-07 § 1 (part); prior code § 4-4)

6.04.050 Inspection.

A. During normal business hours, the animal control officer or the designated representative, upon presentation of proper identification, is authorized to inspect premises where animals are kept to determine if they are being kept in compliance with this title. A copy of the inspection report shall be furnished to the owner of the premises.

~~B.—If the premises where animals are kept has been vacated by such animals' owner or if a person lawfully entitled to possession of the premises refuses entry to the animal control officer or the designated representative, the officer shall obtain an administrative search warrant to inspect the premises. The officer may apply to the trial courts of the state of Alaska to obtain an inspection warrant, stating in the application 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. (Ord. 09-07 § 1 (part); Ord. 93-20 § 2; prior code § 4-6)~~

~~6.04.060 Violation—Penalty.~~

~~The violation of any part of this title is punishable, upon conviction, by a fine of up to three hundred dollars or other appropriate penalties as directed by the court in lieu of a monetary penalty. Each day that any violation of this title shall continue shall constitute a separate offense. (Ord. 09-07 § 1 (part); Ord. 00-09 § 3; prior code § 4-7)~~

Section 2. Chapter 6.08 of the Valdez Municipal Code is hereby amended to read as follows:

**Chapter 6.08
ANIMAL CONTROL REGULATIONS GENERALLY**

Sections:

- 6.08.010 Cleanup required.**
- 6.08.020 Running at large prohibited.**
- 6.08.030 Cruelty prohibited.**
- 6.08.040 Feeding of wild animals and birds of prey prohibited.**
- 6.08.050 Keeping of wild animals.**
- 6.08.060 Injury to persons and animals prohibited.**
- 6.08.070 Vicious animals.**
- 6.08.080 Dangerous animal.**
- 6.08.090 Continuous noise by animal.**

6.08.100 Female in heat—Confinement.

6.08.110 Tethering/chaining/crating of animals restricted.

6.08.120 Interference with, etc., enforcement officers prohibited.

6.08.130 Duty of motor vehicle operator to render assistance and give Information.

6.08.140 Inspection.

6.08.010 Cleanup required.

The owner or caretaker of any animal shall remove and dispose of, in a sanitary manner, any and all excrement and other animal litter deposited on any public or private property not possessed by the owner or custodian of the animal which caused or produced the excrement or litter. (Ord. 09-07 § 2 (part); Ord. 00-09 § 4; prior code § 4-5)

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 in any area of the city 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. 09-07 § 2 (part); Ord. 00-09 § 5; Ord. 93-20 § 3; prior code § 4-11)

6.08.030 Cruelty prohibited.

A. No person may:

1. Maintain an animal without providing:

a. Sufficient, good and wholesome food and water;

b. Veterinary care adequate to prevent animal suffering;

- c. Shelter adequate to provide protection from the weather and preserve the animal's health;
- d. Sanitary living conditions;
- 2. Abandon an animal where it will not be provided proper food, water, shelter and care;
- 3. Cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate or permit any animal to fight with another of its own species or with another of a different species, whether for amusement of himself or others or for financial gain. Ownership of such animal shall not be justification for such acts or for a violation of this section;
- 4. Intentionally kill, injure or disfigure an animal, unless it is necessary to protect a human being or animal from death or bodily injury, except in a humane manner as authorized by law;
- 5. No person shall poison or injure or disfigure any animal or distribute poison in any manner whatsoever; except, that any officer or agent of the United States or of this state or of the city who exposes poison to be taken by predatory animals shall be exempt from the provisions of this section.
- B. It is a defense to a prosecution under this section that the conduct of the person:
 - 1. Conformed to accepted veterinary practice;
 - 2. Was part of a scientific research project governed by accepted standards; or
 - 3. Was necessarily incident to lawful hunting or trapping activities.
- C. No vehicle operator shall fail to sufficiently restrain an animal within the confines of an open motor vehicle or pickup truck so as to prevent the animal from jumping, falling or reaching out.
- D. Upon violation of this section court appearance is mandatory. The penalty for violation of the section shall include but not be limited to:
 - 1. A fine not to exceed five ~~three~~ hundred dollars.
 - 2. Forfeiture of ownership of the animal which was the victim of cruelty to the city, to be placed for adoption or otherwise disposed of as seen fit by the animal control officer. Financial restitution shall be paid by the offender for the daily maintenance of the seized animal to include veterinarian bills while the animal is in the custody of the animal shelter.

3. Attendance of an anger management counseling program in Valdez as ordered by the court. (Ord. 09-07 § 2 (part): Ord. 05-03 § 1: Ord. 00-09 § 6: prior code § 4-12)

6.08.040 Feeding of wild animals and birds of prey prohibited.

A. Except as provided in this section or under terms of a permit issued by the city of Valdez, the state of Alaska or the United States federal government, a person may not:

1. Negligently feed a moose, bear, coyote, wolverine, fox or birds of prey (including eagles, hawks, owls, falcons) or deleterious exotic wildlife, or negligently leave human food, animal food, or garbage in a manner that attracts these animals; or
2. Intentionally feed a moose, bear, coyote, wolverine, fox or birds of prey (including eagles, hawks, owls, falcons) or deleterious exotic wildlife, or intentionally leave human food, animal food, or garbage in a manner that attracts these animals.

B. These prohibitions do not apply to the use of bait for trapping furbearers or deleterious exotic wildlife. (Ord. 09-07 § 2 (part))

6.08.050 Keeping of wild animals.

No wild animal may be kept within the city, except under such regulations and conditions as shall be fixed by the chief; provided, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be fixed by the chief, and raptor and rehabilitation permits granted by the state of Alaska or the United States will be honored upon approval of the chief. (Ord. 09-07 § 2 (part): prior code § 4-14)

6.08.060 Injury to persons and animals prohibited.

No animal shall inflict injury on a person or animal. Such conduct shall subject the animal to proceedings seeking to have the animal adjudged dangerous and/or vicious as defined in Section 6.04.010 and/or cause the owner to receive a citation. Upon citation under this section court appearance is mandatory. (Ord. 09-07 § 2 (part): Ord. 00-09 § 8: Ord. 93-20 § 4: prior code § 4-15)

6.08.070 Vicious animals.

A. While on the owner's property, a vicious animal shall at all times be kept indoors or in a six-sided enclosure with secure sides and a secure top, with a sign posted in a conspicuous place written in bold letters not less than three inches tall reading: "BEWARE! VICIOUS ANIMAL ON PREMISES."

B. A vicious animal may be off the owner's premises only if it is restrained in a locked cage or similar six-sided enclosure or restrained by a substantial leash not to exceed five feet, muzzled and under the direct control of a responsible adult.

C. A vicious animal may not be kept or transported in an open pickup or other vehicle without the animal being properly muzzled and restrained by a substantial chain of not more than three feet or restrained in a locked cage or similar six-sided enclosure. A sign must be secured in a conspicuous place written in bold letters not less than three inches tall reading: "BEWARE OF VICIOUS ANIMAL."

D. The owner or keeper of a vicious animal must notify the city animal control officer or his designee when the animal is moved to a new location. Notification is required when a vicious animal is sold or given away. The previous owner or keeper shall inform the new owner or keeper that the vicious animal has been adjudged "dangerous" and/or "vicious," and also inform the city animal control officer or his designee of the change of ownership and the identity and location of the new owner or keeper.

E. An animal adjudged a vicious animal may be destroyed by the city animal control department or the city police department upon court order or through the consent of the animal's owner.

F. Upon citation under this section court appearance is mandatory.

6.08.080 Dangerous animal.

A. A dangerous animal must be restrained by a fence or other barrier, in a house or garage on the owner's property.

B. A sign shall be posted in a conspicuous place written in bold letters not less than three inches tall reading: "BEWARE! DANGEROUS ANIMAL ON PREMISES."

C. When off the owner's property, a dangerous animal must be under direct control of a responsible adult, and properly leashed and muzzled.

D. The owner or keeper of a dangerous animal must notify the city animal control officer when the animal is moved to a new location. Notification is required when a dangerous animal is sold or given away. The previous owner or keeper shall inform the new owner or keeper that the dangerous animal has been adjudged "dangerous" and also inform the city animal control officer of the change of ownership and the identity and location of the new owner or keeper.

E. Upon citation under this section court appearance is mandatory.

6.08.090 Continuous noise by animal.

No owner's animal shall cause annoyance, alarm or noise disturbance for more than fifteen minutes during any one hour during the day or night by repeated barking, whining, screeching, howling, braying, or other like sounds which can be heard beyond the boundary of the owner's property or residence. (Ord. 09-07 § 2 (part): Ord. 05-03 § 3: Ord. 00-09 § 9: Ord. 93-20 § 7: prior code § 4-18)

6.08.100 Female in heat—Confinement.

Every female dog or cat in heat shall be kept confined in such a manner that such female animal cannot come in contact with a male animal except for planned breeding purposes. (Ord. 09-07 § 2 (part): Ord. 00-09 § 10)

6.08.110 Tethering/chaining/crating of animals restricted.

A. No animal shall be continuously confined in a crate or area smaller than 10 feet by 10 feet, chained, tied, fastened or otherwise tethered to doghouses, trees, stakes, poles, fences, walls, or any other stationary objects outdoors or indoors as a means of confinement outdoors or indoors for a time period that exceeds thirteen hours within a twenty-four-hour period.

B. Tethers must be at least ten feet in length and weigh no more than one-eighth of the animal's body weight. Tethers must attach directly to a proper collar or harness, allow the dog's free movement, and cannot cause the dog to be injured, strangled, or become tangled.

C. Crates must be of a size sufficient to allow animals to stand their full height, stretch out, turn around, lie down, and make normal postural movements comfortably.

D. Dogs utilized to transport a sled that reside strictly within a regulated and licensed kennel facility shall be exempt from this section. (Ord. 09-07 § 2 (part): Ord. 05-03 § 4)

6.08.120 Interference with, etc. enforcement officers prohibited.

No person shall interfere with, impede, prevent or attempt to interfere with, impede, prevent, obstruct or intimidate any officer in the discharge of his duties under this title, or in taking up or attempting to take up and impound any animals under the provisions of this title, or to rescue or attempt to rescue any animal so taken up by such officer or to release any animal so impounded or under protective custody. All animals impounded,

under protective custody, up for adoption, or for any other reason harbored at the Valdez animal shelter are considered property of the city during the duration of their stay. Upon citation under this section court appearance is mandatory.

6.08.130 Duty of motor vehicle operator to render assistance and give information.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such reasonable assistance as may be possible and shall immediately report such injury or death and the operator's name, address and vehicle license number to the animal's owner. In the event the owner cannot reasonably be ascertained and located, such operator shall at once report the accident to the department. Upon citation under this section court appearance is mandatory.

6.08.140 Inspection.

A. Animal control may inspect the premises and/or animals of all licensees annually or upon a public complaint. Animal control may inspect a premises prior to the issuance or renewal of a cattery license or kennel license.

B. Inspections shall be conducted by the animal control officer and/or a licensed veterinarian trained to examine all animals in the facility.

C. A commercial facility, open to the public, may be inspected without notice during the times of normal business operations.

1. 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.

D. A private residence may be inspected within 72 hours of notification to the resident of the intent to inspect. This notice requirement applies to annual license issuance or renewal inspections for cattery licenses or kennel licenses. It does not apply to inspections conducted upon commercial facilities open to the public.

E. If the premises where animals are kept has 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.

Section 3. Chapter 6.12 of the Valdez Municipal Code is hereby amended to read as follows:

Chapter 6.12 DOGS

Sections:

6.12.010 Licenses—Required—Fees.

6.12.020 Licenses—Certificates and tags.

6.12.030 Vaccination required. Licenses—Delinquent payment.

6.12.040 Kennel license. ~~Vaccination required.~~

6.12.050 Revocation of kennel license. ~~Kennel or fancier's facility licenses required.~~

6.12.060 Animal census. ~~Revocation of license.~~

6.12.070 ~~Animal census.~~

6.12.010 Licenses—Required—Fees.

A. All dogs kept, harbored or maintained in the city shall be licensed and registered if over three months of age. The applicant shall state at the time application is made for each license his name and address, and the name, breed, color and sex of each dog owned or kept by him and shall provide proof of vaccination required by Section 6.12.~~030~~040. Dog licenses shall be issued for a period of one year and shall run from the first of January in each calendar year to the thirty-first of December next following. For dogs requiring licensing later in the year, the license tax shall be the same as for a full year. The foregoing notwithstanding, upon proper application and presentation of proof of age, dog owners sixty years of age or older shall be exempt from payment of all license taxes. License fees shall be established by resolution of the city council.

B. Persons who have been granted either a kennel license ~~or a dog fancier's facility license~~ or conditional use license, which has not been canceled, suspended or revoked, need not pay the individual dog license tax; however, a license tag must be obtained for each dog described on the kennel ~~or fancier's~~ license. The tags will be provided at no extra charge. This provision shall not allow operators of a kennel to license customers' dogs in or passing through the kennel.

C. If the license required for a dog under this chapter is not obtained by the owner during the month of January of each year, or within thirty days of the first possession of any dog or of its becoming three months old, or within thirty days from the arrival of the dog in the city, the license payment shall be deemed delinquent and shall constitute a violation of the provisions of this chapter.

6.12.020 Licenses—Certificates and tags.

Upon payment of the license fee therefore, there shall be issued to the owner of a dog a receipt of payment for such license and a tag for each dog so licensed. The tag shall have thereon the year for which it was issued. Every owner shall provide each dog with a collar or a harness to which the license tag shall be affixed and shall see that the collar or harness and tag are constantly worn. In case a dog tag is lost or destroyed another will be issued upon payment of one dollar. Dog tags are not transferable from one dog to another. It is unlawful for a person to counterfeit or attempt to counterfeit a dog tag, receipt of payment for license or certificate of vaccination, or to take from a dog a tag legally placed upon it, or place a dog tag upon a dog unless the tag was specifically issued for that particular dog. (Prior code § 4-22)

6.12.030 Vaccination required. Licenses—~~Delinquent payment.~~

Every owner of a dog within the city shall have such dog vaccinated against rabies, hepatitis, distemper and parvo virus. Upon making an application for a license for any dog, the owner shall furnish a certificate from a licensed veterinarian as proof of rabies vaccination. Notwithstanding the above, if the animal control officer ~~city clerk~~ shall determine that vaccine and veterinary services are not reasonably available, the animal control officer ~~city clerk~~ may issue any dog license without the furnishing of such certificate. Provided further, that the owner of any dog so licensed shall furnish proof of such vaccination to the issuing authority, within thirty ~~sixty~~ days after the date of

issuance of such license, or such license shall be deemed void and the owner in violation of this chapter.

~~If the license required for a dog under this chapter is not obtained by the owner during the month of January of each year, or within thirty days of the first possession of any dog or of its becoming three months old, or within thirty days from the arrival of the dog in the city, the license payment shall be deemed delinquent and shall constitute a violation of the provisions of this chapter. (Prior code § 4-23)~~

6.12.040 Kennel license. ~~Vaccination required.~~

A. No person shall own, operate or have a kennel ~~or fancier's facility~~ without first obtaining a license as provided in this chapter. No license shall be issued for a kennel ~~or fancier's facility~~ until an inspection has been made, zoning approval has been obtained, and the chief has approved the license.

1. Kennel. A kennel license is required for a facility operated by a person engaged in the commercial buying, selling, training, keeping, boarding, or grooming of dogs for profit, or a facility or mobile unit designed for the keeping or harboring of six or more dogs that are over three months old. ~~handling dogs for profit or for persons to keep or harbor six or more dogs over three months old.~~

~~2. Fancier's Facility. A fancier's facility license is required for persons who keep or harbor four or five dogs over three months old. This license is optional for persons keeping three dogs over three months old.~~

~~23.~~ Inspection. The animal control officer or his designee shall inspect the proposed kennel ~~or fancier's facility~~, if in existence. If the proposed kennel ~~or fancier's facility~~ is not in existence, the animal control officer shall review the construction plans and make a site evaluation. In either event, the animal control officer shall report on compliance with each of the following:

- a. That a health hazard does not exist nor will be created by the proposed kennel ~~or fancier's facility~~;
- b. That a nuisance does not exist nor will be created for the occupants of land in the vicinity;
- c. That all dogs have been or shall be properly vaccinated and licensed;
- d. That adequate provisions have been made or shall be made to shelter the animals from the elements;

- e. That adequate provisions have been made or shall be made for keeping the animals confined on the kennel ~~or fancier's facility~~ premises;
 - f. That adequate provisions have been made or shall be made to keep the premises in a sanitary condition;
 - g. That each animal can be allotted a minimum of one hundred twenty-five square feet of living space, provided that the total living space shall not exceed ten percent of the maximum lot coverage. In cases where applicant owns two or more adjoining residential lots, the ten percent limit can only be applied to one lot for the purpose of determining the number of dogs allowed;
 - h. That the kennel will be fenced and screened from public view by buildings, natural cover or artificial barriers (e.g., curtains, fences, walls, etc.); ~~and that the fancier's facility will be screened from public view by buildings, natural cover or artificial barriers (e.g., curtains, fences, walls, etc.).~~
- B. Upon an inspection or plan review and site evaluation required pursuant to this section, the animal control officer or his designee shall submit a copy of his report and a recommendation to the planning and zoning commission. The planning and zoning commission shall then hold a public hearing to receive input regarding land use and zoning matters relating to the issuance of a license under this chapter, and shall issue a report with recommendations to the chief.
- C. The chief shall make the final determination as to whether the license will be granted or denied after full and complete consideration of the contents of the animal control officer's report and the report and recommendations from the planning and zoning commission. No license shall be granted absent an express finding by the planning and zoning commission that all code requirements for the particular type of kennel ~~or fancier's facility~~ license sought have been complied with or, based on the construction plans, will be complied with upon completion of the project. A conditional license may be granted to a proposed kennel ~~or fancier's facility~~ prior to its construction but such conditional license and occupancy of the kennel ~~or fancier's facility~~ shall be conditioned on the animal control officer's post-construction inspection and report of compliance. If, after the animal control officer's inspection, the chief determines that the kennel ~~or fancier's facility~~, as constructed, is in full compliance with these code requirements, a license shall be issued. In the event the kennel ~~or fancier's facility~~ is not

found to be in compliance, the chief may suspend or revoke the license or conditional license pursuant to Section 6.12.0560.

D. A kennel ~~or fancier's facility~~ license granted under this section shall indicate on the license the maximum number of dogs that shall be legally permitted. The boarding and keeping of more dogs than permitted by the license shall be in violation of this code.

E. License fees shall be established by resolution of the city council. The license will be valid for one year from date of issue. (Ord. 07-07 § 5; prior code § 4-25)

6.12.050 Revocation of kennel license. ~~Kennel or fancier's facility licenses required.~~

The animal control officer or his designee, on his own initiative may, or after receiving a complaint that a kennel ~~or fancier's facility~~ is in violation of this code, shall inspect or cause to have inspected the premises of the kennel ~~or fancier's facility~~ to ensure compliance with the code requirements. If the kennel ~~or fancier's facility~~ is found to be in violation of this chapter or conditions of the license, the animal control officer shall submit a report, in writing, to the chief. The chief shall give the owner, operator or keeper of the kennel ~~or facility~~ an opportunity to be heard within five days of receipt of the animal control officer's report. If after the hearing the chief finds a violation of this chapter or conditions of the license, the chief may suspend the license for not more than thirty days, and if the violation has not been remedied within that time period, the license shall be revoked. Actions of the chief in revoking a license may be appealed to the city manager by written notice within ten days of the chief's actions. In the event of an adverse decision by the city manager, appeal may be taken to the city council by written notice submitted within ten days following action by the city manager. The city council may thereafter require the personal appearance of the appellant for the purposes of hearing and examining into the cause, and taking appropriate action thereon. The decision of the city council shall be final. (Prior code § 4-26)

6.12.060 Animal census. ~~Revocation of license.~~

The animal control officer or his designee may conduct an animal census at such intervals as he deems appropriate. The chief ~~city clerk~~ may authorize those who take the census to accept applications for, and to issue, licenses under Section 6.12.010 of this chapter. (Prior code § 4-27)

Section 4. Chapter 6.13 of the Valdez Municipal Code is hereby amended to read as follows:

Chapter 6.13 CATS

Sections:

6.13.010 Excessive number prohibited.

6.13.020 Cattery license ~~required.~~

6.13.010 Excessive number prohibited.

A. It shall be unlawful to own, keep or harbor more than four cats that are four months of age or older on any premises within the Valdez city limits. Only one litter of offspring may be kept on the premises until the age of four months. Exceptions are as follows:

B.~~A.~~ Individuals in possession of a valid city of Valdez cattery license, city animal shelters and pet shops.

~~B. Individuals exceeding the allowable number of cats at the time of the enactment of Ordinance No. 07-07 from which this section derives, may be permitted excess allowable number of cats if the specific existing cats are documented by the animal control officer. (Ord. 07-07 § 6 (part))~~

6.13.020 Cattery license required.

A. A cattery license shall be required to own, keep or harbor more than four but not to exceed ten cats that are four months of age or older. In no event shall the cattery facility allow more than ten cats four months of age or older on the premises for any duration.

B.~~A.~~ License. It is unlawful for any person to keep and maintain a cattery without annually obtaining a license. No person shall own, operate or have a cattery facility without first obtaining a license as provided in this chapter. The fee for such annual license shall be assessed upon the owner or keeper of cats. The license fee shall be as established by resolution of the city council. The license will be valid for one year from date of issue. No license shall be issued or renewed for a cattery facility until an inspection has been made and the animal control officer has approved the license.

C.~~B.~~ Inspection. The animal control officer or his designee shall inspect the proposed cattery and the animal control officer shall submit a report to the chief of police on the following:

1. That a health hazard does not exist nor will be created by the proposed cattery.
2. That a nuisance does not exist nor will be created for the occupants of land in the vicinity of the cattery.
3. That all cats have been or shall be properly vaccinated.
4. That adequate provisions have been made for keeping all cats confined indoors on the premises.
5. That adequate provisions have been made to keep the premises in a sanitary condition.

~~D.G.~~ Revocation, Suspension or Refusal to Renew. The animal control officer may, in addition to other penalties provided in this title, revoke, suspend or refuse to renew any cattery license based upon the criteria set forth in subsection (B) of this section. Actions by the animal control officer in revoking a license may be appealed to the city manager by written notice within ten days of the animal control officer's actions. In the event of an adverse decision by the city manager, appeal may be taken to the city council by written notice submitted within ten days following action by the city manager. The city council may thereafter require the personal appearance of the appellant for the purpose of hearing and examining into the cause and taking appropriate action thereon. The decision of the city council shall be final. (Ord. 07-07 § 6 (part))

Section 5. Chapter 6.16 of the Valdez Municipal Code is hereby amended to read as follows:

Chapter 6.16 IMPOUNDMENT

Sections:

- 6.16.010 Impoundment and protective custody.**
- 6.16.020 Impounding and redemption procedures—Fee schedules.**
- 6.16.030 Liability for injury or disease of impounded animals.**
- 6.16.040 Impounding procedure.**
- 6.16.050 Protective custody.**

6.16.010 Impoundment and protective custody.

A. An officer may impound any animal if it is necessary to protect a person's health, peace or quiet, or if the animal or its owner is in violation of any of the following:

1. Section 6.08.020, Running at large prohibited;
2. Section 6.08.060, Injury to persons and animals prohibited;
3. Section 6.08.070, Vicious animals;
4. Section 6.08.080, Dangerous animal;
5. Section 6.08.090, Continuous noise by animal;
6. Section 6.08.110, Tethering/chaining/crating of animals restricted;
7. Sections 6.12.040 and 6.12.060, Kennel and facility licenses; or as elsewhere provided in this title;
7. Section 6.13.020, Cattery license required;
8. Section 6.20.010 through 6.20.040, Rabies.
- ~~7. Section 6.20.010, emergency confinement;~~
- ~~8. Sections 6.20.020 through 6.20.040, quarantine.~~

B. An officer may take any animal into protective custody if it is necessary to preserve the animal's health or safety; until permit or license disputes are resolved; (~~Sections 6.08.050, 6.12.010, 6.12.020 and 6.12.040 through 6.12.060~~) to protect an animal from cruel or improper treatment (~~Sections 6.08.030 and 6.08.110~~); to provide emergency medical care; and in those instances, usually involving a second party or "pet sitter," when some dispute arises about an animal's care or habits which cannot be expeditiously resolved with the pet owner. (Ord. 09-07 § 3 (part); Ord. 05-03 § 5; Ord. 93-20 § 8; prior code 4-31)

6.16.020 Impounding and redemption procedures—Fee schedules.

A. Dogs and other animals found running at large off the owner's premises anywhere in the city shall be taken up by an officer and impounded. If not claimed by the owner within five days during which the animal shelter is open for regular business ~~one hundred twenty hours~~, it shall be thereafter available for adoption.

B. If an impounded animal is deemed to be vicious ~~aggressive~~ by the animal control officer and the animal control officer's supervisor, and said animal is determined to be a danger to animal shelter personnel, the animal may be disposed of in a humane manner after a period of seventy-two hours.

C. Dogs and other animals not reclaimed or adopted within ten~~eight~~ days of impoundment during which the animal shelter is open for regular business and not subject to retention pending court decision, may be disposed of in a humane manner by the animal control officer.

D. Immediately upon impounding any animal, the animal control officer shall make reasonable effort to notify the owner, if known, and to inform the owner of the conditions under which he may regain custody of such animal.

E. The owner of an impounded animal may reclaim it upon securing a license, if required, and payment of an impoundment fee and a daily maintenance fee for the period the animal was impounded. Impound and daily maintenance fees under this chapter shall be established by resolution of the city council.

F. Any animal previously impounded, or whose owner has had animals previously impounded, shall be charged an additional impoundment fee of ten dollars for each previous impoundment.

G. Persons other than the owner desiring to adopt an animal may do so after the owner's period for reclaiming the animal has expired and upon payment of adoption, license and other fees, if any.

H. None of the following animals may be made available for adoption:

1. An animal that shows symptoms of a major infectious or contagious disease, as determined by the animal control officer;
2. An animal that, in the judgment of a licensed veterinarian, ought to be destroyed for humane reasons;
3. An animal determined by a court of competent jurisdiction to be vicious;
4. An animal that is the subject of a hearing or appeal.

I. All fees shall be paid to the city, and the receipt of payment shall be presented to the animal control officer prior to obtaining possession of the animal.

J. Impound fees will not be charged for animals placed in protective custody; however, daily maintenance fees shall be charged unless such fees are waived by the chief. A petition to waive daily maintenance fees must be approved by the chief, before an animal can be released without payment. (Ord. 09-07 § 3 (part); Ord. 00-09 § 11: prior code § 4-32)

6.16.030 Liability for injury or disease of impounded animals.

Neither the city nor any of its officers, employees or agents shall be liable for any injuries suffered, or disease incurred, by any animal while being taken up and impounded or in protective custody or up for adoption. (Ord. 09-07 § 3 (part): Ord. 00-09 § 12: prior code § 4-33)

6.16.040 Impounding procedure.

- A. When an officer finds an animal subject to impoundment that officer may impound the animal, cite the owner for any violations of this chapter, or both.
- B. An officer may proceed as reasonably necessary onto private property in the course of effecting impoundment, unless restricted by law.
- C. Method of impoundment:
 - 1. An officer may capture an animal by calling the animal at large to him. A citizen may also capture an animal at large by this method for delivery to an officer.
 - 2. When deemed necessary, the animal control officer or his designee may capture an animal at large by the use of a baited live capture cage trap.
 - 3. When deemed necessary, the animal control officer or his designee may capture any animal at large by any other humane means not involving unreasonable risk of harm to the animal.
 - 4. When the public safety is in jeopardy, any officer may capture or destroy an animal by any means. (Ord. 09-07 § 3 (part): prior code § 4-34)

6.16.050 Protective custody.

- A. An officer shall place an animal into protective custody when it is necessary to preserve the animal's health or safety and to ensure humane care and treatment. An animal placed in protective custody due to suspicion of cruelty or neglect of such animal shall be held as evidence pending charges for cruelty or neglect and will only be released upon approval of the animal control officer, the chief of police, or upon order by the district court, state of Alaska.
- B. The department shall maintain an animal in protective custody until the animal is redeemed by its owner, or for a minimum of ten business days, after which time the animal may be adopted or disposed of as an impounded animal.
- C.B. The owner of an animal in protective custody may redeem the animal upon demand, without paying an impoundment fee, upon payment of a daily maintenance fee as provided in Section 6.16.020.

~~C. An officer shall place an animal into protective custody when it is necessary to preserve the animal's health or safety and to ensure humane care and treatment. An animal placed in protective custody due to suspicion of cruelty or neglect of such animal shall be held as evidence pending charges for cruelty or neglect and will only be released upon approval of the animal control officer, the chief of police, or upon order by the district court, state of Alaska.~~

D. The owner of an animal in protective custody is responsible for any veterinarian bills accrued while that animal is in protective custody, where medical treatment was found to be necessary for the health and welfare of that animal. Arrangements of payment of veterinarian services must be made with the veterinarian prior to releasing the animal from protective custody.

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 by written request to the chief of police. (Ord. 09-07 § 3 (part); Ord. 00-09 § 13: prior code § 4-35)

Section 6. Chapter 6.20 of the Valdez Municipal Code is hereby amended to read as follows:

Chapter 6.20 RABIES

Sections:

6.20.010 Proclamation of emergency requiring confinement of animals.

6.20.020 Quarantine measures—Animals suspected of having rabies.

6.20.030 Quarantine measures—Animals biting persons.

6.20.040 Quarantine measures—Removal of animals with rabies prohibited—Disposition of animals with rabies.

6.20.010 Proclamation of emergency requiring confinement of animals.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia or other disease, the city council, if they deem it necessary, shall issue a proclamation ordering every person owning or keeping an animal to confine it securely indoors unless such animal shall have a muzzle of sufficient strength to prevent it from biting any person or thing. Any unmuzzled animal running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All

animals noticeably infected with rabies and all unlicensed dogs at large during the period of such proclamation shall be immediately killed upon being apprehended. (Prior code § 4-41)

6.20.020 Quarantine measures—Animals suspected of having rabies.

If an animal is believed to have rabies, or has been bitten by an animal suspected of having rabies, such animal shall be confined indoors or muzzled and confined by a leash or chain on the owner's premises and shall be placed under the observation of a duly licensed physician or veterinarian for two weeks at the expense of the owner. The owner shall notify the department of the fact that his animal has been exposed to rabies and, at his discretion, the animal control officer is empowered to have such animal removed from the owner's premises and placed under observation for two weeks at the expense of the owner. (Prior code § 4-42)

6.20.030 Quarantine measures—Animals biting persons.

A. No animal shall bite persons or other animals. Whenever any animal bites a person, the person so bitten and the owner of the animal shall immediately notify the police department which shall order the animal held on the owner's premises, or shall have it impounded as long as necessary for a complete examination at the Valdez animal shelter for not less than ten days. The animal's owner or caretaker shall be responsible for the daily maintenance fee. A physician or other practitioner of medicine who treats a person for an animal bite shall report the incident to the Valdez animal control or the Valdez police department and must release the name and address of the person being treated and any other information that may aid in the control of rabies. A physical examination of the quarantined animal is to be made by a duly licensed veterinarian or the department's animal control officer at the end of the quarantine period to check the animal for any signs of disease. If it is determined by a duly licensed veterinarian that the animal is infected with rabies or other dangerous, contagious, and infectious disease, it shall be the duty of the animal control officer to destroy such animal in as humane a manner as is reasonably possible. An animal shall be released from quarantine only when it is determined by the animal control officer or a duly licensed veterinarian that the animal is free from such a disease. The owner or persons harboring an animal under quarantine shall immediately notify animal control if such an animal becomes sick or dies during its period of confinement. If the animal dies during

the period of quarantine or impoundment, its head shall be sent to the State Department of Health and Social Services laboratory for examination.

B. As a result of the ineffectiveness of the rabies vaccine on hybrids, any animal that is purported to be hybrid shall not be placed into quarantine. Such animals shall be immediately and humanely euthanized and submitted to the Department of Health and Social Services or a laboratory designated by the department for rabies testing. This practice is in accordance with the policy of the State of Alaska Department of Health and Social Services, Section of Epidemiology and Alaska Administrative Code Section 7 AAC 27.020. (Ord. 00-09 § 14: prior code § 4-43)

6.20.040 Quarantine measures—Removal of animals with rabies prohibited—Disposition of animals with rabies.

No person, knowing or suspecting that an animal has rabies, shall allow such animal to be taken off his premises or beyond the city without the written permission of the animal control officer. Every owner or other person upon ascertaining an animal is rabid shall immediately notify the department and such animal shall be either immediately killed or removed to the animal shelter. (Prior code § 4-44)

Section 7. This ordinance shall take effect immediately upon passage and approval by the Valdez City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this _____ day of _____, 2018.

CITY OF VALDEZ, ALASKA

Ruth E. Knight, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

Anthony S. Guerriero, City Attorney

First Reading:

Second Reading:

Adoption:

Yeas:

Noes:

Absent:

Abstaining: