

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 19-04

AN ORDINANCE OF THE CITY OF VALDEZ, ALASKA AMENDING
CHAPTERS 6.04 and 6.08 OF THE VALDEZ MUNICIPAL CODE
RELATING TO ANIMAL CONTROL

WHEREAS, the following amendments to Chapters 6.04 and 6.08 of the Valdez Municipal Code establish regulations related to animal control 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 Chapter 6.04 and 6.08 of the Valdez Municipal Code:

Section 1. Chapters 6.04 and 6.08 of the Valdez Municipal Code are 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.
- 6.04.040 Fine schedule.

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.

“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.
(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)

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. 18-01 § 1 (part): 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 nonenforcement 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. 18-01 § 1 (part): 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 Section 6.04.040. Each day that any violation of this title shall continue shall constitute a separate offense. (Ord. 18-01 § 1 (part): Ord. 09-07 § 1 (part): Ord. 00-09 § 3: prior code § 4-7. Formerly 6.04.060)

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

MUNICIPAL CODE SECTION	OFFENSE DESCRIPTION	COURT APPEARANCE	PENALTY/FINE
6.08.020	Animal running at large prohibited—fourth and subsequent	Optional	\$300.00
<u>6.08.025</u>	<u>Endangerment prohibited</u>	<u>Mandatory</u>	
6.08.030	Animal cruelty prohibited	Mandatory	
<u>6.08.035</u>	<u>Animal neglect prohibited</u>	<u>Mandatory</u>	
6.08.040(A)(1)	Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—first offense	Optional	\$ 100.00 25.00
6.08.040(A)(1)	Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—second offense	Optional	\$ 300.00 50.00
6.08.040(A)(1)	Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—third <u>and subsequent</u> offense	Optional	\$ 500.00 100.00
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	\$ 250.00 50.00
6.08.040(A)(2)	Intentional feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—second <u>and subsequent</u> offense	Optional	\$ 500.00 100.00
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

MUNICIPAL CODE SECTION	OFFENSE DESCRIPTION	COURT APPEARANCE	PENALTY/FINE
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

MUNICIPAL CODE SECTION	OFFENSE DESCRIPTION	COURT APPEARANCE	PENALTY/FINE
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

(Ord. 18-01 § 1 (part))

Chapter 6.08

ANIMAL CONTROL REGULATIONS GENERALLY

Sections:

6.08.010	Cleanup required.
6.08.020	Running at large prohibited.
<u>6.08.025</u>	<u>Endangerment prohibited.</u>
6.08.030	Cruelty prohibited.
<u>6.08.035</u>	<u>Neglect prohibited.</u>
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.
<u>6.08.150</u>	<u>Destruction of suffering animals.</u>

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. 18-01 § 2 (part); 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.

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

6.08.025 Endangerment prohibited.

A. No person may:

1. 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 of the vehicle.

2. Operate a vehicle while under the influence with an animal on board.

B. The penalty for violation of this section shall include a fine not to exceed five hundred dollars. In addition, forfeiture of ownership of the animal which was the victim of endangerment may be ordered by the court. 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.

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;~~

1. Abandon an animal where it will not be provided proper food, water, shelter and care for a period of more than 72 hours;

2. 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;

3. 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;

4. 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.~~

C.D Upon violation of this section court appearance is mandatory. The penalty for violation of this section shall include but not be limited to:

1. A fine not to exceed five 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. 18-01 § 2 (part): Ord. 09-07 § 2 (part): Ord. 05-03 § 1: Ord. 00-09 § 6: prior code § 4-12)

6.08.035 Neglect prohibited.

A. No person may maintain an animal without providing:

1. Sufficient, good and wholesome food and water;
2. Veterinary care adequate to prevent animal suffering;
3. Shelter adequate to provide protection from the weather and preserve the animal's health; and
4. Sanitary living conditions.

B. The penalty for violation of this section shall include a fine not to exceed five hundred dollars. In addition, forfeiture of ownership of the animal which was the victim of neglect may be ordered by the court. 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.

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. 18-01 § 2 (part): 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. 18-01 § 2 (part): 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. 18-01 § 2 (part): 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. (Ord. 18-01 § 2 (part): Ord. 09-07 § 2 (part): Ord. 07-07 § 2: Ord. 93-20 § 5: prior code § 4-16)

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. (Ord. 18-01 § 2 (part): Ord. 09-07 § 2 (part): Ord. 07-07 § 3: Ord. 93-20 § 6: prior code § 4-17)

6.08.090 Continuous noise by animal.

No owner’s animal shall cause annoyance, alarm or noise disturbance for more than fifteen minutes continuously ~~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. 18-01 § 2 (part): 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. 18-01 § 2 (part): 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 ten feet by ten 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. 18-01 § 2 (part): 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. (Ord. 18-01 § 2 (part): Ord. 09-07 § 1 (part): Ord. 00-09 § 2: prior code § 4-3. Formerly 6.04.030)

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. (Ord. 18-01 § 2 (part): Ord. 09-07 § 1 (part): prior code § 4-4. Formerly 6.04.040)

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 seventy-two 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. (Ord. 18-01 § 2 (part): Ord. 09-07 § 1 (part): Ord. 93-20 § 2: prior code § 4-6. Formerly 6.04.050)

6.08.150 Destruction of suffering animals.

If a determination is made by a veterinarian licensed under AS 08.98, by a peace officer or animal control officer in consultation with a veterinarian licensed under AS 08.98, or by a peace officer or animal control officer who is unable to locate or communicate with a veterinarian licensed under AS 08.98 that an animal is injured or diseased to such an extent that it is probable the animal cannot recover, the veterinarian, peace officer, or animal control officer may humanely destroy the animal or arrange for the animal's humane destruction.

Section 2. 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 _____, 2019.

CITY OF VALDEZ, ALASKA

Jeremy O'Neil, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

Jon Wakeland, City Attorney
Brena, Bell, & Clarkson, P.C

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