

Title 7

ANIMALS

Chapters:

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Chapter 7.04**GENERAL REGULATIONS***

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7.04.010 Cruelty – Abandonment – Domestic creature defined.

A. Any person who necessarily or without cause overworks, beats, abuses, starves, torments, kills or otherwise mistreats a domestic creature, or cause or procures any such acts to be done, shall be deemed guilty of a misdemeanor. For the purposes of this section, the term “domestic creature” means any tame animal or animal kept as a pet, including, but limited to, dogs, cats, rabbits, monkeys, birds or reptiles.

B. Any person who intentionally abandons a domestic creature, whether or not it is sick, maimed, infirm, or disabled, where there is not a caretaker to assume responsibility for proper food and water and other needs, shall be deemed guilty of a misdemeanor. [Ord. 234 § 5, 1969; prior code § 9.10.010.]

7.04.020 Animals at large prohibited.

It is unlawful for the owner or keeper to permit or allow any bull, ox, cow, sheep, goat, hog, dog, or other animal or any domestic fowl to run at large within the borough limits, or to be pastured or herded, or staked or tied for the purpose of grazing, in any of the streets, alleys, squares, or other grounds belonging to or under the control of the borough and within the borough limits of the borough; and it is unlawful for the owner or keeper of any of said animals, or stock of any kind or domestic fowl to tie, stake, pasture, or turn at large any of said animals upon any private property within the limits of the borough, without the consent of the owner of said property. [Ord. 400 § 4, 1980; Ord. 234 § 5, 1969; prior code § 9.10.020.]

7.04.030 Penalty for violation.

Any person convicted of violation of any of the provisions of this chapter shall be punished in the following manner: first violation, a \$15.00 fine/penalty; second violation, a \$50.00 fine/penalty; third violation, a \$100.00 fine/penalty; fourth violation, a \$125.00 fine/penalty; fifth violation, a \$150.00 fine/penalty; sixth and subsequent violations, a \$200.00 fine/penalty. The execution of any sentence imposed hereunder may not be suspended nor may imposition of sentence be suspended, except upon the condition that the defendant pay the minimum fine as provided in this section, nor may the punishment provided for in this section be reduced. [Ord. 833 § 61, 2009; Ord. 405 § 4, 1980; Ord. 264 § 5, 1971; prior code § 9.10.030.]

* For statutory provisions on cruelty to animals, see AS 11.61.140.

Chapter 7.08**DOGS/CATS**

Sections:

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7.08.010 Licensing.

A. Every person who owns or keeps a dog within the borough shall report to the borough clerk, not later than the first day of February of each year, his or her name and address, and shall give the name, breed, color, and sex of each dog owned or kept by such person and shall be required to pay to the clerk the fee of \$5.00 for each neutered male or spayed female dog and \$15.00 for each intact dog so owned or kept. Upon payment of the fee, the borough clerk shall furnish a receipt thereof, also a metal license tag carrying an identification number that shall be securely fastened to a collar made of leather, metal or other substantial material worn by the dog.

B. The borough clerk shall keep an accurate record of all licensed dogs. The borough clerk shall cause a notice of the necessity of paying such a license fee to be printed in a paper of general circulation within the borough one time before the tenth day of January in each year. [Ord. 544 § 4, 1988; Ord. 264 § 5, 1971; prior code § 9.20.020.]

7.08.020 Dog vaccination required.

No license shall be granted for a dog older than six months which does not have a current rabies vaccination. [Ord. 664 § 4, 1999; Ord. 457 § 4, 1984; Ord. 269 § 5, 1975; Ord. 234 § 5, 1969; prior code § 9.20.030.]

7.08.030 Running at large – Prohibited – Nuisance declared.

A. It is unlawful for any owner or keeper of a dog/cat to permit said animal to run at large on any street, sidewalk, wharf or public place or otherwise become a nuisance within the incorporated borough limits.

B. A dog will be deemed to be running at large unless confined upon private property with consent of the owner thereof, or led or securely tied upon a leash in hands of some responsible person.

C. All dogs/cats running at large within the borough limits are declared a public nuisance and are subject to immediate impoundment without prior notice. [Ord. 664 § 4, 1999; Ord. 552 § 4, 1990.]

7.08.040 Impoundment.

A. Any dog/cat found running at large shall be impounded by the chief of police or his designee or contractor.

B. The chief of police or his designee or contractor shall promptly prepare an impoundment report, which shall include a description of the dog/cat, the name, address and telephone number of the owner or keeper if known, the location where the dog/cat was found running at large and impounded, and the date after which the dog/cat will be disposed of pursuant to WMC 7.08.080, and the procedure (including any charges to be paid) for reclaiming the dog/cat.

C. During the period of impoundment until reclamation or disposal, the chief of police or his designee or contractor shall keep the dog/cat in a suitable kennel facility. [Ord. 664 § 4, 1999; Ord. 552 § 4, 1990.]

7.08.050 Notice of impoundment.

Within 24 hours after impoundment, the chief of police, his designee or contractor shall give notice of impoundment as follows:

A. In all cases, whether the owner is known or not known, a copy of the impoundment report shall be posted in conspicuous places at the post office and City Hall and, if possible, broadcast on radio and/or television.

B. If the legal owner of the dog/cat is known through licensing, the owner shall, in addition to the above, be given verbal notice or notice by certified mail, return receipt requested, to the owner or keeper of the dog at that person's last known address. [Ord. 664 § 4, 1999; Ord. 552 § 4, 1990.]

7.08.060 Hearing.

A. The owner or keeper of an impounded dog/cat may request a hearing within five days of mailing, verbal notice or first publication of the notice of impoundment, whichever occurs first. If there is no request for a hearing within the time specified, the right to a hearing will be waived.

B. A hearing, if requested, shall be conducted by the borough manager or his designee. The hearing shall be conducted informally.

C. At the conclusion of the hearing, the borough manager shall state his decision, the reasons therefor, and indicate what evidence was relied upon.

D. If the decision sustains the impoundment, or if no hearing is requested and the right is waived, then the borough manager or his designee shall order the chief of police, his designee or contractor to proceed with disposal pursuant to WMC 7.08.080.

E. If the decision overrules the impoundment, the dog/cat shall be promptly returned to its owner or keeper without charge, or if the dog/cat has previously been reclaimed, all charges paid shall be promptly refunded to the payor.

F. A person aggrieved by the decision of the borough manager may appeal his decision to the borough assembly.

G. No dog/cat shall be disposed of until the hearings, if any, are completed. [Ord. 664 § 4, 1999; Ord. 552 § 4, 1990.]

7.08.070 Reclamation – Impoundment costs.

A. A person who presents satisfactory proof of ownership or right to possession to the chief of police, his designee or contractor may reclaim an impounded dog/cat any time before the dog/cat has been finally disposed of pursuant to WMC 7.08.080, by payment of all costs specified in subsection (B) of this section, and payment of any current but unpaid license fee pursuant to WMC 7.08.010.

B. Impoundment costs are as follows:

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| 1. Impoundment fee | \$25.00 |
| 2. Kennel fee | \$15.00/day |
| 3. Actual cost of postage and publication of notice of impoundment | Variable |
| 4. Actual cost of any emergency veterinarian care, medication or extraordinary expense | Variable |

[Ord. 664 § 4, 1999; Ord. 552 § 4, 1990.]

7.08.080 Disposal.

A. Title to a dog/cat impounded and not reclaimed nor subject to a hearing shall finally vest in the borough of the sixth day following verbal notice, notice by mail or first publication of the notice of impoundment pursuant to WMC 7.08.050.

B. After title in the dog/cat has vested in the borough, the dog/cat may be disposed of in any economical and efficient manner the chief of police, his designee or contractor deems appropriate, including euthanasia. [Ord. 664 § 4, 1999; Ord. 552 § 4, 1990.]

7.08.090 Vicious dogs – Harboring – Muzzling.

A. All persons are prohibited from knowingly keeping for themselves or for another any dog known or reported to be a vicious animal dangerous to the public safety.

B. Upon written protest, signed by two or more residents of the borough and filed with the borough assembly, the owner or keeper of any such vicious dog shall be notified and required to have posted upon the premises where such dog is owned or kept a legible painted sign bearing the words “Beware of Dog” in letters not less than three inches high and placed in a conspicuous place upon the premises where it may be plainly seen by all persons entering upon the premises. The owner or keeper of any such dog shall also be required, when said dog is permitted outside the house on a leash, to have said dog adequately muzzled, or, if not muzzled, to be kept in an enclosure so constructed that any person entering upon the premises may not be subject to attack.

C. Upon a second complaint by one or more persons being filed or reported against any owner or keeper of any such vicious dog, it shall be the duty of the chief of police, or some person appointed by him, immediately to impound such dog for such period of time as necessary to conduct an investigation. Thereupon, the chief of police or the person duly appointed by him shall immediately conduct an investigation into the character and propensities of such dog and investigate the grounds of protest and complaint filed against said animal, and thereafter shall take whatever action is justified by the situation, and may decree compliance with the conditions provided in subsection (B) of this section or have the dog destroyed or removed from the borough. [Ord. 552 § 5, 1990; Ord. 264 § 5, 1971; prior code § 9.20.090.]

7.08.100 Biting dog – Confinement.

A. Whenever any person owning, possessing, or harboring any dog within the borough limits learns that such dog has bitten any human being, such person shall immediately impound the dog in a place of confinement to be designated by the borough. The place of confinement must prevent escape and include facilities placing the dog in total isolation from any human being or other animal. A report of the actions taken shall immediately be reported to the borough clerk who shall notify all responsible officials.

B. Whenever responsible officials of the borough learn that any human being has been bitten by any dog within the borough, the identity of such dog shall be ascertained and the person owning, possessing, or harboring it shall immediately deliver the dog for impounding as required in subsection (A) of this section.

C. Any dog so impounded shall be kept continuously confined for a period of 14 days from the day the dog bit the human being, and the owner, possessor, or person harboring the dog shall be responsible for such charges as may be required for impounding, including but not limited to a fee for isolation of the dog, food for the dog, and special charges required for rabies prevention. [Ord. 552 § 5, 1990; Ord. 234 § 5, 1969; prior code § 9.20.110(a).]

7.08.110 Biting dog – Notification of state – Observation.

A. Upon learning that a dog has bitten a human being, the police shall immediately notify the Department of Health and Social Services and inform the state agency of the place where the dog is impounded.

B. The borough shall contract with persons knowledgeable with care and handling of well and sick dogs for inspection of the dog for the 14 days of confinement to determine whether such dog is infected with rabies. For this purpose, persons so designated by the borough shall have access to the premises where the dog is kept at all reasonable hours, and may take possession of the dog and confine it in the designated dog pound of the borough or other suitable place at the expense of the owner.

C. The owner or person in possession or harboring such dog under observation shall immediately notify the Department of Health and Social Services of the state of any evidence of sickness or disease in the dog during its period of confinement and shall promptly deliver its carcass to the appropriate agency in the event of the animal's death during the period.

D. During the period of confinement, the owner, person in possession, or person harboring such dog shall be liable for all expenses of confining such dog in isolation. [Ord. 552 § 5, 1990; Ord. 234 § 5, 1969; prior code § 9.20.110(b).]

7.08.120 Proclamation to confine all dogs during epidemic.

Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the borough manager shall issue a proclamation ordering every person owning or keeping a dog to confine him securely on his premises unless he is muzzled so that he cannot bite. No person shall violate such proclamation, and any unmuzzled dog running at large during the time affixed by the proclamation shall be killed by the police without notice to the owner. [Ord. 552 § 5, 1990; Ord. 234 § 5, 1969; prior code § 9.20.110(c).]

7.08.130 Interference with officers.

It is unlawful for any unauthorized person to break open the pound or to attempt to do so, or to take or let out any dog/cat therefrom, or to take or attempt to take from any officer any dog/cat taken up by him in compliance with this chapter, or in any manner to interfere with or hinder such officer in the dis-

charge of his duties under this chapter. [Ord. 664 § 4, 1999; Ord. 552 § 5, 1990; Ord. 234 § 5, 1969; prior code § 9.20.120.]

7.08.140 Penalty for violation.

A. Except as set forth in subsection (B) of this section, any violation of the provisions of this title shall be punishable as provided for in WMC 1.20.010.

B. A violation of WMC 7.08.010 and 7.08.030 shall be a regulatory offense for which a maximum fine of \$25.00 shall be imposed. The execution of any sentence imposed hereunder may not be suspended nor may imposition of sentence be suspended, except under the condition that the defendant pay the fine as provided in this section, nor may the punishment provided in this section be reduced. [Ord. 833 § 61, 2009; Ord. 264, 1971; prior code § 9.20.130.]

7.08.150 Mail-in bail.

Commission of the offenses described in WMC 7.08.010 or 7.08.030 may be satisfied by payment of the prescribed fine without a court appearance. The person to whom such citation is issued may plead guilty to the offense by signing the appropriate blank and paying either in person or by mail the fine specified on the citation to the Wrangell police department, said payment to be made prior to the court appearance date indicated on the citation. Acceptance and payment of the prescribed fine is complete satisfaction for the offense. [Ord. 552 § 5, 1990; Ord. 536 § 4, 1988; Ord. 532 § 6, 1988.]