

Title 12

ANIMALS

Chapters:

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12.04      Dog Control

Chapter 12.03

ANIMAL CONTROL BOARD

(repealed)

Chapter 12.04

DOG CONTROL

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12.04.010 Definitions. In this Chapter, unless the context otherwise requires:

A. "Animal Control Officer" means any person appointed by the Mayor to impound animals within the Borough. If no such person is appointed, the animal control officer shall be any police officer authorized by the Mayor to take up animals;

B. "Animal shelter" means any premises designated by the Mayor for the purpose of impounding and caring for animals found running at large;

C. "At large" means any dog when he is off the property of his owner and not under control of a competent person;

D. "Commercial kennel owner" means any person, group of persons, or corporation engaged in the commercial buying, selling, keeping or boarding of dogs;

E. "Owner" or "person" means any person, group of persons, partnership, firm, trust, corporation or other entity owning, having an interest in, or having control, custody or possession of any dog;

F. "Restraint" means that a dog is controlled by a leash;

G. "Spayed female" is any bitch which has been operated upon to prevent conception;

H. "Neutered male" is any male dog which has been operated upon to prevent conception;

I. "Stray" means any dog whose owner is unknown or which no one seeks or claims;

J. "Vicious dog" is any dog which when unprovoked has ever bitten or attacked a human being or other animal.

#### 12.04.020 Licensing of dogs.

A. No person shall own, keep or harbor any dog over three months old within the Borough Service Area, defined in Chapter 1.16 of this Code, unless such dog is licensed as herein provided. Application for such license shall be made to the Borough Clerk or such agents of the Borough Clerk as shall be designated, and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The license fee shall be paid at the time of making application, a numbered receipt given to the applicant and a numbered metallic tag for the dog shall be issued to the owner. No license or tag shall be issued unless evidence is given of a veterinarian's statement in writing to the effect that the dog for which the license is sought has received immunization for rabies within the past twelve months if phenolized vaccine is used, or the past twenty-four months if modified virus vaccine is used, or unless the owner is able to furnish other proof of immunization satisfactory to the agent from whom the license is purchased. Such proof may consist of, but shall not be limited to, a statement or receipt from a veterinarian showing such immunization.

B. The yearly license fee shall be five dollars per year for each neutered male or spayed female; and fifty dollars for each unspayed female or unneutered male dog over the age of six months.

C. If, during the year the license is issued, the owner provides a signed statement from a veterinarian showing that the dog has been spayed or neutered, forty-five dollars of the license fee shall be refunded.

D. A commercial kennel owner may obtain a kennel license for two hundred dollars yearly in lieu of individual licenses of the dogs, provided all dogs owned or kept by the kennel have been vaccinated for rabies as provided in Subsection (A) of this Section.

E. All licenses required by this Chapter shall be issued for a term of one year, beginning January first of each year. Applications for licenses may be made prior to the beginning of the year. If a dog has been licensed by the Borough for the year immediately previous, the dog need not be licensed before February first of the current calendar year.

F. If there is a change of ownership of a dog or kennel during the license year, the new owner may have the current license transferred.

G. No person shall use any dog license for another dog unless legal transfer has been made.

#### 12.04.030 Tag and collar.

A. Upon complying with the provisions of Section 12.04.020, there shall be issued to the owner a metallic tag stamped with the number and the year for which it is issued.

B. Every owner is required to see that the tag is securely fastened to the dog's choke chain, collar or harness which must be worn by the dog at all times, except when kenneled or fenced.

C. In the event that a metallic license tag issued for a dog is lost, the owner may obtain a duplicate tag at no cost.

#### 12.04.040 Control of dogs -- Impoundment.

A. The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large off the premises or property of the owner unless under the control of a competent person.

B. Unlicensed or licensed dogs found running at large shall be taken up by a law enforcement officer or animal control officer and impounded in a shelter designated as an area animal shelter, and therein confined in a humane manner for a period of not less than twenty-four hours, excluding Saturdays and Sundays. If not claimed by their owner in the above given time, and the condition and health of the animal is adjudged by the animal control officer to be sound enough to humanely permit additional grace, they may be held for adoption for an additional period of not less than twenty-four hours, excluding Saturdays and Sundays. Unclaimed and unadopted dogs may thereafter be disposed of in a humane manner.

C. When a dog is found running at large and its ownership is known to an officer, such dog need not be impounded but the officer may cite the owner of the dog for a violation of this Chapter.

D. Immediately upon impounding any animal, the officer shall make reasonable effort to notify the owner thereof and to inform such owner of the conditions under which he may regain custody of such animal. The officer shall file a complaint against the owner of any animal which has been impounded for being found running at large.

E. Any dog which is running at large, in violation of this section, and which is determined by the Village Public Safety Officer or a City and Borough of Yakutat Public Safety officer to constitute a health or safety hazard to any person or property, may be destroyed by any humane means, at the sole discretion of the VPSO or public safety officer.

F. Violation of any section of 12.04.040 shall be punishable, upon conviction thereof, as provided in Chapter 1.24.

12.04.050 Redemption of impounded dogs.

A. The owner shall be entitled to resume possession of any impounded dogs, except as may hereinafter be provided in this Chapter, upon the owner's compliance with the license provisions of Section 12.04.020 and the payment of impoundment fees set forth in Section 12.04.060.

B. When, in the judgment of the animal control officer, an animal should be destroyed for humane or health reasons, such animal may not be redeemed.

12.04.060 Impoundment fees.

A. Impoundment fees shall be twenty dollars per day board for each day or partial day a dog is kept.

B. A fee of thirty dollars shall also be imposed the first time a dog is picked up.

C. A fee of fifty dollars shall also be imposed the second time a dog is picked up.

D. A fee of one hundred dollars shall also be imposed the third time a dog is picked up.

12.04.065 Immediate disposal of dogs picked up for the fourth time. A dog picked up for the fourth time or any subsequent time shall not be kept and may be immediately disposed of in a humane manner. If the dog is claimed by the owner prior to disposal, a fee of two hundred dollars shall be paid by the owner before the dog is released.

12.04.070 Confinement of vicious dogs and female dogs in season.

A. The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

B. Every female dog in season shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog cannot come into contact with another dog except for planned breeding purposes.

12.04.080 Objectionable dogs.

A. The owner of any dog shall not suffer or permit the same repeatedly to disturb a neighborhood or any number of persons by frequent or prolonged barking, howling or other noises.

B. The owner of any dog shall not suffer or permit the same to defecate, dig upon or injure private or public property or a public thoroughfare.

C. The owner of any dog shall not permit the same to frequently or habitually growl, snap at, jump upon or otherwise menace, injure or frighten persons within the Borough. This provision does not apply to persons who are trespassing or otherwise in violation of law.

D. Any stray dog chasing, harassing or otherwise disturbing or injuring wild game shall be immediately impounded by any law enforcement officer or animal control officer and may be immediately impounded by a private citizen.

E. If, upon notification by the borough of a violation of Section 12.04.080, the owner or possessor of a dog fails to correct the situation, the borough shall have the right to impound and destroy the objectionable animal.

12.04.090 Biting dogs -- Rabies control.

A. Every dog which bites a person shall be promptly reported to the animal control officer and local health officer and shall, upon capture, be securely quarantined under the direction of the local health officer for a period of ten days. Such dog shall not be released from quarantine except by permission of the health officer. In the discretion of the health officer, the quarantine may be on the premises of the owner, at the shelter designated as the area animal shelter or, at the owner's option and expense, in a veterinary hospital of

his choice. In the case of stray dogs, such quarantine shall be at the shelter designated as the area animal shelter.

B. The owner, upon demand made by the animal control officer or health officer, shall forthwith surrender any dog which has bitten a human or which is suspected as having been exposed to rabies, for supervised quarantine. The expense of such quarantine shall be borne by the Borough. Such dog may be reclaimed by the owner if adjudged free of rabies and not vicious.

C. When a dog under quarantine has been diagnosed as being rabid, such dog may be humanely destroyed.

D. When the report of the health officer gives a positive diagnosis of rabies, the health department may recommend an areawide quarantine. After public notice of an areawide quarantine is given by the health department or the Mayor, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal may be taken or shipped from the Borough without written permission of the local health officer.

E. In the event there are additional positive cases of rabies occurring during the period of the quarantine, the period of areawide quarantine may be extended for whatever additional period, in the judgment of the health officer, such quarantine is needed.

F. No persons shall kill or caused to be killed any rabid animal or any animal suspected of having been exposed to rabies, except as herein provided, nor shall any person remove such animal from the Borough without the permission of the local health officer.

G. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the health department.

H. The health department shall direct the disposition of any animal found to be infected with rabies.

I. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the animal control officer or health department.

12.04.095 Penalties. Fines for violation of any Section of Chapter 12 shall not exceed five hundred dollars per violation..

12.04.100 Immunization for rabies. No person shall own, keep or harbor a dog over six months of age within the Borough limits unless the dog has received an immunization for rabies

within the past twelve months if phenolized vaccine was used, or twenty-four months if modified virus vaccine was used.

12.04.110 Dead dogs.

A. No person shall deposit any dead or fatally sick or injured animal upon any public or private place or into any body of water except as provided in this Chapter.

B. No person shall fail to immediately dispose of any dead dog, whether his own or found upon his property, either by proper burial or by depositing the covered animal in a sanitary fill.

12.04.120 Exemptions.

A. Humane Society shelters, animal shelters, clinics and premises operated by licensed veterinarians for the care and treatment of dogs are exempt from the provisions of this Chapter except where duties are expressly imposed.

B. The licensing requirements of this Chapter do not apply to any dog belonging to nonresidents of the Borough which is kept within the Borough for not longer than ninety days. However, all such dogs shall at all times while in the Borough be kept within a building enclosure or vehicle or be under restraint or control of the owner.

C. No license fee for seeing-eye dogs, regardless of sex, is required. No impoundment fees or other penalties mentioned in this Chapter apply to a blind person so long as the dog is being used as a seeing-eye dog. A tag for identification purposes shall be provided seeing-eye dogs upon presentation of proof of immunization to the Borough Clerk as provided in Section 12.04.030.

12.04.130 Interference with officials -- Investigations.

A. No person shall interfere with, hinder or molest any law enforcement officer, health officer or animal control officer in the performance of any duty required by this Chapter. No person shall seek to release any animal in the custody of the animal control officer or health department or their agents except as provided in this Chapter.

B. For the purpose of discharging duties imposed by this Chapter and to enforce its provisions, the animal control officer or any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog license for such dog, provided that a proper warrant is first obtained.

12.04.140 Records. Accurate and detailed records shall be kept by the Borough Clerk as to:

- A. Licenses issued;
  - B. Dogs impounded;
  - C. Disposition of all animals coming into the custody of the animal control officer;
  - D. All bite cases reported to the animal control officer;
- and
- E. All moneys received.

12.04.150 Entry into business establishments. No owner of any animal or person having control of any animal shall allow such animal to enter upon any public premises where food for human consumption is sold, processed, stored or consumed or to enter into any barbershops or establishments for the practice of hairdressing or beauty culture.

12.04.160 Responsibilities of operators of businesses. No owner or operator of public premises where food for human consumption is sold, processed, stored or consumed, barbershop or establishment for the practice of hairdressing or beauty culture shall allow any domestic animal to enter upon such public premises or to remain thereon.

12.04.170 Seeing-eye dog exempt. The provisions of Sections 12.04.150 and 12.04.160 do not apply to seeing-eye dogs.

12.04.180 Enforcement. Nothing contained in this Chapter shall be construed to prevent the Borough from entering into a contract with a person or agency for the purpose of enforcing the provisions of this Chapter.

12.04.190 Disposal of dogs at owner's request. Upon payment of a fee and execution of a consent including a promise to hold the Borough harmless from any liability, an owner may request the animal control officer to dispose of any animal. The fee shall be established by the Mayor in an amount sufficient to compensate the Borough for its cost and shall be paid to the Finance Director.

12.04.200 Service Area Only. The provisions of this Chapter are applicable only in the Service Area defined in Chapter 1.16 of this Code.