

Introduced by: Council Members Brown & Vanover
 Date: September 13, 2011
 Public Hearing: September 27, 2011
 Action: Postponed to a Date When the Issue
 Involving Noise Could be Resolved
 Date: March 27, 2012
 Action: Adopted
 Vote: Unanimous

Yes:	No:
Best	
Erbey	
Combs	
DeVries	
Hanson	
Johnson	

CITY OF PALMER, ALASKA

Ordinance No. 11-020

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Section 6.08.020 Animal Restrictions, to Increase the Amount of Domestic Birds Allowed in the City Limits from Three to Five and to Provide for a Definition of Domestic Bird

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Section 6.08.020 is hereby adopted to read as follows:

6.08.020 Animal restrictions.

- A. The following animals shall be permitted to be kept, owned, harbored or be in the custody of a person ~~(i)~~
1. in a zoned agricultural district, ~~(ii)~~
 2. at a fairgrounds for a fair with an annual attendance of over 50,000 people, ~~(iii)~~
 3. at a circus permitted by the city, ~~(iv)~~
 4. on a lot exceeding one acre in size, provided the animal is never closer than 25 feet from an exterior lot line, and ~~(v)~~
 5. for a period not to exceed 72 hours, on the premises of a permitted slaughterhouse:
 - a. Pigs;
 - b. Cattle;
 - c. Horses;
 - d. Mules;
 - e. Sheep;

- f. Goats;
- g. Llamas;
- h. Alpacas;
- i. Any other animal weighing over 250 pounds.

In addition, the animals may be ridden or tended during a parade permitted by the city and in immediate preparation for the parade and immediately after the parade.

B. No more than a total of three of each type of the following animals, up to a cumulative total of six animals, may be kept, owned, or harbored or be in the custody of a person on any lot, tract, or parcel of land in the city. An adult who has the right to possession of the lot, tract, or parcel of land will be responsible for the failure to comply with this subsection.

- 1. Dogs over six months of age;
- 2. Cats over six months of age;
- ~~3. Domestic birds, including chickens, turkeys, ducks, geese and swans;~~
- 3. ~~4-~~Adult rabbits;
- 4. ~~5-~~Rodents;
- 5. ~~6-~~ Any type of nonaggressive, nonpoisonous reptile.

C. No more than a total of five domestic birds as defined in PMC 6.04.010, may be kept, owned, or harbored or be in the custody of a person on any lot, tract, or parcel of land in the city. An adult who has the right to possession of the lot, tract, or parcel of land will be responsible for the failure to comply with this subsection.

D. The restrictions set out in subsections (B and C) of this section do not apply if the animals are kept or harbored in an area:

- 1. Zoned agricultural district;
- 2. Fairgrounds for a fair with an annual attendance over 50,000 people;
- 3. A circus permitted by the city;
- 4. On a lot exceeding one acre in size or on contiguous lots owned by the same person, the total area of which exceeds one acre in size, provided the animal is never closer than 25 feet from an exterior lot line;
- 5. For a period not to exceed 72 hours on the premises of a permitted slaughterhouse.

In addition, the animals may be carefully ridden or carefully tended during a parade permitted by the city and in immediate preparation for the parade and immediately after the parade.

D. No person shall tie, stake or fasten any animal within the traveled portion of any street, alley or public place, or in a manner that the animal has access to the traveled portion of any street, alley or public place.

E. No person shall keep or harbor any exotic animal in the city, except that such animal may be kept or harbored in an area constituting the fairgrounds for a fair with annual attendance over 50,000 people or at a circus duly permitted by the city.

Section 4. Palmer Municipal Code Section 6.04.010 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

6.04.010 Definitions.

In this title, the following terms have the following meanings:

"Animal" means all domestic or domesticated members of the Animalia kingdom.

"Animal shelter" means any premises designated by the city manager for the purpose of impounding or caring for animals found at large or otherwise existing in violation of this chapter.

"Appeal record" consists of all pertinent records including:

A. Copies of all documentary evidence, memoranda and exhibits, correspondence and other written material submitted to the administrative body prior to the decision from which the appeal is taken.

B. A copy of the written decision of the chief of police or police department designee, including findings and conclusions.

"Appellee" means the city of Palmer.

"At large" means not under restraint.

"Borough" means the Matanuska-Susitna Borough.

"Cat" means a domestic or domesticated member of the family Felidae.

"Chief of police" or "chief" means the chief of the Palmer police department or designee.

"Clerk" means the Palmer city clerk.

"Dog" means any domestic or domesticated member of the family Canidae commonly known as dogs, but not a fox, coyote, wolf or any other game species the taking of which is regulated by the state, save only that any fox, coyote or wolf which is kept like a pet under a valid state permit shall be treated in like fashion as a common dog.

"Domestic bird" means birds which are commonly raised for consumption, egg production, or personal enjoyment including female domesticated chickens, ducks, turkeys, geese, and swans. Domestic bird shall not include peacocks, ostriches, emus and similar birds.

"Exotic animal" means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline family other than domestic cat (*Felis domesticus*), member of the canine family, including a wolf/dog hybrid, other than domestic dog (*Canis familiaris*) or any other animal that would require a standard of care or control greater than that required for customary household pets or common domestic farm animals.

"Humane animal care" includes, but is not limited to, providing:

- A. Sufficient wholesome and nutritious food at least once daily which will keep the animal in healthy physical condition; and
- B. Sufficient daily quantities of fresh water which meet the hydration requirements for the animal; and
- C. Adequate shelter which provides adequate air and ventilation and which prevents the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions and dirty, wet and uncomfortable conditions which may endanger the health or welfare of the animal; and
- D. Veterinary care when needed to treat the animal for sickness or disease, or to prevent suffering of the animal.

"Own" means to own, possess, keep or harbor.

"Owner" means any person, group of persons or corporation owning, possessing, keeping or harboring an animal or animals. In the event that the owner of any animal is a minor, each parent or guardian of the minor shall be responsible to ensure that all provisions of this title are complied with.

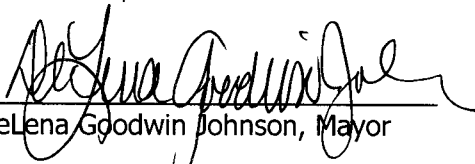
"Restraint" means:

- A. Physical confinement, as by a secure leash, chain, cable, fence or building; provided, if the confinement is by leash, chain or cable held by a person, the person must be physically able to control the animal by such means;
- B. Under voice control by a competent person when the animal is engaged in a recognized activity, e.g., dog show, or form of training put on by an organized group where the training requires that the animal not be physically confined;
- C. Under competent voice control of a person who is physically present with an animal when that animal is on the property of the owner;

D. A police animal under the competent voice control of a law enforcement officer, while the police animal is engaged in the performance of law enforcement activity.

Section 5. Effective Date. Ordinance No. 11-020 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this twenty-seventh day of March, 2012.


DeLena Goodwin Johnson, Mayor


Janelle M. Bower, MMC, City Clerk

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