

CITY OF PALMER, ALASKA

ORDINANCE NO. 538

AN ORDINANCE PERTAINING TO ANIMAL REGULATIONS: ADDING PMC 6.04.075 (DEFINING HUMANE ANIMAL CARE) AND PMC 6.04.080 (DEFINING EXOTIC ANIMAL); AMENDING PMC 6.08.010 (CRUELTY PROHIBITED), PMC 6.08.020 (REGARDING ANIMAL RESTRICTIONS), PMC 6.08.050 (REGARDING NOISE FROM ANIMALS), PMC 6.08.060 (REGARDING ODORS FROM PREMISES CONTAINING ANIMALS), AND PMC 6.08.065 (ANIMALS AT LARGE); AND ADDING PMC 6.08.100 (REGARDING RESTRICTIONS ON CARRYING DOGS ON OUTSIDE OF VEHICLES).

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

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

Section 3. PMC 6.04.075 is enacted to read as follows:

6.04.075 Humane animal care. A. Humane animal care includes, but is not limited to, providing:

1. sufficient wholesome and nutritious food at least once daily which will keep the animal in healthy physical condition;

2. sufficient daily quantities of fresh water which meet the hydration requirements for the animal;

3. 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

4. veterinary care when needed to treat the animal for sickness or disease, or to prevent suffering of the animal.

Section 4. PMC 6.04.080 is enacted to read as follows:

6.04.080 Exotic animal. "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 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.

Section 5. PMC 6.08.010 is amended to read as follows:

6.08.010 Cruelty to animals prohibited. A. No person shall intentionally injure or kill an animal unless:

(1) the act committed is done humanely in conformity with applicable federal or state law; or

(2) the act is necessary to defend a human being or an animal from attack.

B. No person shall intentionally or recklessly wound, injure, torment, poison, provoke, otherwise abuse or unnecessarily overwork an animal, or procure, or attempt any of such acts.

C. No person who owns, keeps or harbors an animal shall fail to provide humane animal care or abandon the animal by failing to provide humane animal care.

D. No person shall throw or deposit any poisonous substance on any exposed public or private place where it may endanger any animal.

E. No person shall intentionally abandon, harass, torture or kill an animal, or encourage an animal to fight with another animal for sport, training or entertainment.

F. A person shall not intentionally capture a domestic or domesticated animal with any type of trap that physically harms the animal, including but not limited to, steel jaw traps, snares and spring traps, except an authorized city, state, or federal employee or agent.

Section 6. PMC 6.08.020 is amended to read as follows:

6.08.020 Animal restrictions. A. A person shall not, in the city, keep or harbor any live pig, swine, cattle, horse, mule, sheep, goat, llama, alpaca, or any other animal weighing over 250 pounds.

B. No more than a total of three live large domestic birds, made up of but not limited to the following--chickens, turkeys, ducks, geese, and swans--may be kept or harbored on any lot, tract, or parcel of land in the city. In addition, no more than a total of three live adult rabbits may be kept or harbored on any lot, tract, or parcel of land in the city. An adult who has the right to possession of such lot, tract, or parcel of land will be responsible for the failure to comply with this subsection.

C. A person shall not, in the city, keep or harbor more than a total of six live animals consisting of the types described in subsection B, dogs over six months of age, and cats over six months of age.

D. No more than a total of six live animals consisting of the types described in subsection B, dogs over six months of age, and cats over six months of age may be kept or harbored on any lot, tract, or parcel of land in the city. An adult who has the right to possession of such lot, tract, or parcel of land will be responsible for the failure to comply with this subsection.

E. The restrictions set out in subsections A, B, C, and D do not apply if such are animals kept or harbored in an area:

1. zoned Agricultural District,
2. constituting the fair grounds for a fair with annual attendance over 50,000 people,
3. constituting a circus duly 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 such animal is never closer than 25 feet from an exterior lot line, or
5. (for a period not to exceed 72 hours) on the premises of a duly permitted slaughter house.

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

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

G. 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 fair grounds for a fair with annual attendance over 50,000 people or at a circus duly permitted by the city.

Section 7. PMC 6.08.050 is amended to read as follows:

6.08.050 Noise from animals. A. It is unlawful for any person to permit any animal which he owns, keeps or harbors, or of which he is the custodian, to cause annoyance to any person by barking, howling or making other sounds common to its species. For the purpose of this subsection, annoyance shall be defined as an actual interference with the sleep, work, or reasonable right to peace or privacy of one or more persons resulting from the animal's repeated or continued noise.

B. In addition to the prohibitions set out in subsection A above, it is unlawful for any person to permit any animal which he owns, keeps or harbors, or of which he is the custodian, to repeatedly or continuously bark, howl or make other sounds common to its species that can be heard from off his premises between the hours of ten p.m. to seven a.m.

Section 8. PMC 6.08.060 is amended to read as follows:

6.08.060 Odors originating from animals. No person shall allow the premises on which he keeps, harbors, owns, or is the custodian of an animal to be the source of offensive or objectionable odors originating from the animal which odors are not confined to the premises. The prohibited odors include, but are not limited to, odors originating directly from the animal as well as odors originating from animal urine or excrement.

Section 9. PMC 6.08.065 is amended to read as follows:

6.08.065 Animals at large. It is unlawful for an animal to be at large. It is unlawful for a person who owns, keeps, or harbors an animal to fail to keep the animal under restraint at all times.

Section 10. PMC 6.08.100 is enacted to read as follows:

6.08.100 Restrictions on carrying dogs on outside of vehicles. It is unlawful for any person to carry or transport any living dog on the running board, fenders, hood, cargo bed, or other outside part of any vehicle, unless the dog is restrained or confined by a leash, harness, cage, enclosure, or other restrictive device designed, installed, maintained and employed in a manner adequate:

- A. To protect the dog from falling or being thrown from the vehicle;
- B. To permit the safe operation of the vehicle; and
- C. When the vehicle is in a parking lot open to the public or is parked on a street or road, to prevent the dog's head from approaching within one foot of the tailgate, side rail, or other outside part of the vehicle.

Section 11. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption; provided, however, amended PMC Section 6.08.020 will not be enforced until June 30, 2000, in respect of animals that are currently lawfully in the City. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading: June 22, 1999

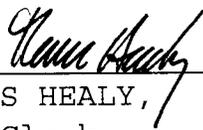
Public Hearing &

Second Reading: July 13, 1999, November 23, 1999,
December 14, 1999

Adopted by the City Council of the City of Palmer, Alaska, this 14th day of December, 1999.



 HENRY P. GUINOTTE, Mayor



 THOMAS HEALY,
 City Clerk