

Introduced by: City Manager Healy
Date: June 8, 2004
Public Hearing: June 22, 2004
Action: Postponed to July 13, 2004
Action: Postponed to July 27, 2004
Action: Adopted
Vote: Unanimous

CITY OF PALMER, ALASKA

ORDINANCE NO. 631

AN ORDINANCE AMENDING TITLE 6 (ANIMALS)

The City of Palmer 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 provision 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. Chapter 6.04 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 6.04

DEFINITIONS

Sections:

6.04.010 ~~Generally.~~ Definitions.

6.04.020 ~~Animal.~~

6.04.030 ~~Animal shelter.~~

6.04.040 ~~At large.~~

6.04.050 ~~Board.~~

6.04.055 ~~Cat.~~

6.04.060 ~~Chief of police.~~

6.04.070 ~~Dog.~~

6.04.075 ~~Humane animal care.~~

6.04.080 ~~Exotic animal.~~

6.04.090 ~~Own.~~

6.04.100 ~~Owner.~~

6.04.110 ~~Restraint.~~

6.04.010 Generally. Definitions.

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

6.04.020 ~~Animal.~~

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

6.04.030 ~~Animal shelter.~~

"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.

6.04.040 At large.

"At large" means not under restraint.

6.04.050 Board.

"Borough" means the Matanuska-Susitna Borough.

"Board" means the City of Palmer Animal Control Board.

6.04.055 Cat.

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

6.04.060 Chief of police.

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

"Clerk" means City of Palmer city clerk.

6.04.070 Dog.

"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.

6.04.075 Humane animal care.

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.

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.

6.04.090 Own.

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

6.04.100 Owner.

"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 ~~such~~ the minor shall be responsible to ensure that all provisions of this title are complied with.

6.04.110 Restraint.

"Restraint" means:

- A. Physical confinement, as by 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 ~~dog~~ animal by such means;
- B. Under voice control by a competent person when the ~~dog~~ animal is engaged in a recognized ~~dog~~ activity, e.g., dog show, or form of training put on by an organized group where the training requires that the ~~dog~~ 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 dog under the competent voice control of a law enforcement officer, while the police dog is engaged in the performance of law enforcement activity.

Section 4. Chapter 6.06 is adopted to read as follows (new language is underlined and deleted language is stricken out):

Chapter 6.06

ANIMAL CONTROL BOARD

Sections:

6.06.010 Composition.

6.06.020 Terms.

6.06.030 Meetings.

6.06.040 Agenda, Notice of meeting.

6.06.050 Quorum.

6.06.010 Composition.

A. The animal control board shall be composed of three principal members and one alternate, all appointed by the mayor and subject to the confirmation of the council. To the extent practical, one principal member shall be selected from each of the following groups:

1. The general public, provided the person is not an employee or contractor of the city;
2. Organized animal interest groups; and
3. Animal care professionals. Animal care professionals including veterinarians, kennel operators and dog trainers and must be either licensed by the state of Alaska to provide the specific services (not a mere business license) or who hold membership in good standing in a recognized association that provides for standards of performance and ethical rules of conduct. This professional position may be shared cooperatively by one principal member and other professionals, provided that there shall be a method for determining which person shall serve at any particular meeting or for any particular case. New members may be added to this position from time to time, provided all persons serving in such position may serve until the end of the term for that position.

B. The principal members shall appoint annually a chair-person and vice chair-person.

C. If a member has a personal bias, a significant pecuniary interest, or other good cause not to hear a case, the member shall declare the interest to the board and be excused from the case. Examples of a significant pecuniary interest include cases where the animal's owner is a customer or client of a veterinarian or a kennel operator, provided in either case that the veterinarian or kennel operator reasonably expects at least two hundred fifty dollars per year income from the owner. If the member excused from hearing the case is an animal-care professional, then another member may hear the case. If the excused member is from another category or if another animal-care professional is unavailable, then the alternate member may hear the case.

6.06.020 Terms.

The terms shall be for three years with one member's term to expire each year.

6.06.030 Meetings.

- A. Regular meetings shall be held on the second Thursday of every month in the council chambers located at 231 W. Evergreen Palmer, Alaska, unless otherwise designated by the board. The agenda shall be posted in city hall five days prior to a regularly scheduled meeting and shall be placed in a newspaper of regular circulation.
- B. A regular meeting may be canceled by the board; however, if no quorum exists or there is an emergency, it may be canceled by the chair.
- C. If a majority of the board members are given at least 24 hours' written or oral notice and reasonable efforts are made to notify all members, a special meeting of the board may be held at the call of the chair, any two members of the board, or the city manager. A special meeting may be conducted with less than 24 hours' notice if all board members are present or if absent board members have waived, in writing, the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.
- D. Teleconferencing may be used for all lawful activities of the city and, if all voting individuals have an opportunity to evaluate all testimony and evidence, to vote on actions.
- E. No special notice to board members as required in subsection (C) shall be necessary in the case of a special meeting called by agreement of the majority of the board, reached at any regular or special meeting of the board.
- F. No business shall be transacted at any special meetings except that which is specifically stated in the notice of the meeting.
- G. The board shall adjourn not later than 11 p.m. and may not reconvene any earlier than 9 a.m. the next day. However, by two-thirds consent of the board the meeting may be extended for up to one hour, at which time adjournment is mandatory.
- H. All meetings shall be open to the public and shall provide for reasonable opportunity for the public to be heard.
- I. All meetings shall be electronically recorded and minutes shall be taken. Permanent minutes shall be filed in the office of the city clerk and shall be made available to public inspection.

6.06.040 Agenda, Notice of meeting.

- A. The agenda for each meeting shall be prepared by the police department after consultation with the board chair. Items not on the agenda may not be discussed at the meeting if two or more members object.
- B. The police department shall attempt to notify each member at least 48 hours prior to a regular meeting. Notification shall be by means of a packet including information on the time and place of meeting and the agenda. Whenever practicable, minutes of the previous meeting and other background material pertinent to the agenda shall be included in the packet.
- C. The police department shall attempt to notify all persons involved in a referral not less than five days before the date of the hearing on the incident.

6.06.050 Quorum.

A quorum shall consist of two members of the board. If only two members of the board are present, a unanimous vote must be reached to uphold any motions.

Section 5. Chapter 6.08 is amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 6.08

ANIMAL REGULATIONS

Sections:

- 6.08.010 Cruelty to animals prohibited.
- 6.08.020 Animal restrictions.
- ~~6.08.025 Dogs/cats allowed.~~
- 6.08.030 Depositing poison prohibited.
- 6.08.040 Keeping diseased animals prohibited.
- 6.08.050 Noise from animals.
- 6.08.060 Odors originating from animals.
- 6.08.065 Animals at large.
- 6.08.070 Leaving secured animal unattended prohibited.
- 6.08.080 Dead animal disposal.
- 6.08.090 Confinement ~~required when~~ requirements.
- 6.08.100 Restrictions on carrying dogs on outside of vehicles.

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.

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 two hundred fifty pounds.~~
- A. The following animals shall be permitted to be kept, owned, harbored or be in the custody of a person (i) in a zoned agricultural district, (ii) at a fairgrounds for a fair with an annual attendance of over fifty thousand people, (iii) at a circus permitted by the city, (iv) on a lot exceeding one acre in size, provided the animal is never closer than twenty-five feet from

an exterior lot line, and (v) for a period not to exceed seventy-two hours, on the premises of a permitted slaughterhouse:

1. Pigs
2. Cattle
3. Horses
4. Mules
5. Sheep
6. Goats
7. Llamas
8. Alpacas
9. Any other animal weighing over two hundred and fifty 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, ~~live large domestic birds, made up of but not limited to the following—chickens, turkeys, ducks, geese, and swans—~~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. ~~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~~ 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;
4. Adult rabbits;
5. Rodents;
6. Any type of non-aggressive, non-poisonous reptile.

- 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 of this section, ~~dogs over six months of age, and cats over six months of age.~~

- D. No more than total of six live animals consisting of the types described in subsection B of this section, ~~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.C. The restrictions set out in subsections A, B and C of this section do not apply if ~~such~~ the are animals kept or harbored in an area:

1. Zoned agricultural district;
2. ~~Constituting the~~ Fairgrounds for a fair with an annual attendance over fifty thousand 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~~ the animal is never closer than twenty-five feet from an exterior lot line;
5. For a period not to exceed seventy-two hours on the premises of a ~~duly~~ permitted slaughterhouse.

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

~~FD.~~ 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.

~~FE.~~ 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 fifty thousand people or at a circus duly permitted by the city.

6.08.025 Dogs/eats allowed.

~~A person shall not own, possess, keep or harbor in the city more than three dogs and three cats over the age of six months.~~

6.08.030 Depositing poison prohibited.

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

6.08.040 Keeping diseased animals prohibited.

No person shall keep, own or harbor animals affected with a contagious or pestilential disease.

6.08.050 Noise from animals.

- A. It is unlawful for any person to permit any animal which ~~he~~ the person owns, keeps or harbors, or of which ~~he~~ the person 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 of this section, it is unlawful for any person to permit any animal which the person owns, keeps or harbors, or of which ~~he~~ the person is the custodian, to repeatedly or continuously bark, howl or make other sounds common to its species that can be heard from off ~~his~~ the person's premises between the hours of ten p.m. to seven a.m.

6.08.060 Odors originating from animals.

No person shall allow the premises on which ~~he~~ the person 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.

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.

6.08.070 Leaving secured animal unattended prohibited.

Except as provided by the city camper park regulations, no person shall tie, stake or secure any animal and leave it unattended on public property, including public buildings, streets, parks and parking areas.

6.08.080 Dead animal disposal.

Bodies of dead animals shall be transported, buried ~~and~~ or otherwise disposed of in accordance with regulations promulgated by the city manager.

6.08.090 Confinement ~~required when:~~ requirements.

- ~~A. The owner shall confine within a building or secure enclosure every vicious animal and not take the animal out of the building or secure enclosure unless the animal is leashed and securely muzzled.~~
- A. The owner, keeper, harborer, and custodian of a vicious animal shall confine it within a building or secure enclosure and shall not remove the animal from the building or secure enclosure unless the animal is leashed and securely muzzled.
- B. Every female dog or cat in season shall be confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in ~~such~~ a manner that the female dog or cat cannot come in contact with another animal except for planned breeding purposes.
- C. No wild animal may be kept within the city limits; provided, however, ~~that~~ wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with ~~such~~ regulations ~~as shall be~~ established by the city manager.
- D. ~~Any court~~ The board may order the humane disposal of any vicious animal found at large.

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; and
- 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 6. Chapter 6.12 is amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 6.12

LICENSING

Sections:

6.12.010 ~~License required when — Application. — Immunization — Term License transfer.~~

6.12.012 Immunization.

6.12.018 License Transfer.

6.12.020 Fees and terms.

6.12.030 Tag and collar.

6.12.010 ~~License required when — Application. — Immunization — Term License transfer.~~

Application for a license for a dog or a cat shall be made to the police chief or his designated subordinate in accordance with this title, and shall state the name and address of the owner and the name, breed, color, age and sex of the dog or cat.

6.12.012 Immunization.

No license or tag for a dog or cat shall be issued unless proof of current rabies immunization is provided. Proof shall consist of a statement or receipt from a licensed veterinarian showing the expiration date. The expiration date shall be noted by the person issuing the license. This notation shall constitute the required proof during the effective period of the immunization.

6.12.018 License transfer.

No person shall use a dog or cat license receipt or license tag issued for one dog or cat on another dog or cat.

6.12.020 Fees.

The license fee shall be ten dollars ~~for three years~~ for each dog or cat over six months old and shall ~~become due January 1st. The fee shall be collected upon issuance of the license and there shall be no prorated fees; and will expire three years from issue date.~~

6.12.030 Tag and collar.

- A. Issuance. Upon complying with the provisions of Sections 6.12.010 and 6.12.020 of this title, a numbered receipt and tag stamped with identification and issuing year number ~~there shall be issued to the owner for each dog or cat. a numbered receipt and a tag stamped with an identification number and the year for which issued.~~
- B. Placement. ~~A tag shall be issued for each dog or cat. Every owner is required to see that the tag is securely fastened the tag to the dog or cat's choke chain, collar or harness; . With the following exceptions, the tag which must be worn by the dog or cat at all times except when kenneled, fenced, in harness, in competition, or in training, except a law enforcement agency need not affix a license to a police dog. When the animal is:~~
 1. Kenneled;
 2. Fenced;
 3. In harness;
 4. In competition; and

5. In training.

- C. Lost Tag. In the event that the license tag issued for a dog or cat is lost, the owner may obtain a ~~duplicate~~ replacement tag upon the payment of two dollars and fifty cents for the remainder of the license term.
- D. A tag is not required by a law enforcement agency police dog.

Section 7. Chapter 6.14 is amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 6.14

DOG DOMESTIC ANIMAL BITE AND ATTACK INCIDENTS

Sections:

- 6.14.010 ~~Dog~~ Domestic animal bite and attack incidents.
- 6.14.020 Determination and ~~conditions~~ referral.
- 6.14.030 ~~Scope of hearings before the animal control board.~~
- 6.14.040 Hearing procedure.
- 6.14.045 Board determination.
- 6.14.050 ~~Animal control board.~~
- 6.14.055 Animals which reside outside the city limits.
- 6.14.060 Owner compliance and appeal process.

6.14.010 Dog Domestic animal bite and attack incidents.

- A. The chief of police shall investigate each dog reported animal bite or attack incident ~~which is reported. The chief will decide and shall determine~~ whether each dog animal involved may be vicious, dangerous or neither.
- B. ~~If the dog animal meets these criteria and its actions are not excused under subsection C below, it shall be classified as follows:~~
 - 1. ~~Dangerous, meaning the dog animal has, without provocation, approached, in a threatening or terrorizing manner, any person in an apparent attitude of attack, where such approach was not made upon the premises to which the owner had the legal right of possession.~~
 - 2. ~~Vicious, meaning the dog animal:~~
 - a. ~~Has bitten, inflicted injury, assaulted or otherwise attacked or endangered the safety of a human being; or~~
 - b. ~~Has without provocation, bitten, inflicted injury, assaulted or otherwise attacked or endangered the safety of a domestic animal; or~~
 - c. ~~Has been found dangerous or vicious on a prior occasion by the chief of police or the board; or~~
 - d. ~~Is in violation of a previous order of the board wherein the dog animal was classified as a dangerous or vicious dog animal.~~
- CB. ~~Notwithstanding the criteria set out in subsections B1 and B2 above, No~~ police dog is considered dangerous or vicious if the approach, injury or damage occurred while the dog was engaged in the performance of law enforcement activity.
- C. No dog is considered dangerous or vicious if the approach, injury or damage caused by the dog was accidental or sustained by a person of sufficient age and understanding who:
 - 1. At the time, was committing a willful trespass or other tort upon the premises to which the owner had the legal right of possession; or
 - 2. Was tormenting, abusing or assaulting the dog, or has in the past tormented, abused or assaulted the dog; or
 - 3. Was committing or attempting to commit a crime.
- ~~D. If the chief decides the dog may be dangerous or vicious, the chief will refer the matter to the board to determine whether the dog is dangerous or vicious, or neither, and whether to~~

impose any or all of the conditions set out in PMC Section 6.14.020. In addition, if the police officer on the case decides the dog exhibits or exhibited a propensity to cause further inexcusable harm, the officer may immediately impound the dog.

- E. At any time, upon request of the owner, the chief and owner may agree on a place to impound the animal other than the Mat-Su Borough Animal Shelter.
- F. If the chief determines that the owner (other than a law enforcement agency) has trained or conditioned a dog to be vicious or allowed or permitted such training or conditioning, the chief will refer the matter to the board even if the owner does not attempt to redeem the dog.

6.14.020 Determination and conditions referral.

- A. If the chief of police decides determines that an dog animal may be dangerous or vicious, the chief shall refer the matter to the board within thirty days of the incident.
- B. The board shall hold a hearing on the referral at the next board meeting.

6.14.030 Scope of hearing before the animal control board.

- A. The board may hear and decide whether the dog is vicious, dangerous or neither. The evidence must show the board that it is more likely than not that the actions of the dog fit one of the definitions set forth in PMC Section 6.14.010(B). If such showing is made, the owner must show the board that the conditions in PMC Section 6.14.010(C) existed.
- B. If the board determines that the dog is dangerous or vicious, then the board is to determine whether to impose conditions of continued ownership in the city, and if so, what condition or conditions to impose. In making these decisions, the board will consider the following:
 1. The observed and reported past and present behavior of the dog;
 2. The circumstances of the incident and the extent of the injury to the attacked person or animal;
 3. The reasonably foreseeable harm that could occur if no conditions are imposed;
 4. The owner's past history of compliance with this title, including compliance with redemption conditions which the board has previously imposed on the owner; and
 5. The nature and location of any restraint or confinement system which the owner actually has in place at the time the board makes the decision.
- C. If the chief of police has referred the matter to the board under PMC Section 6.14.010 F, the board will determine whether the owner has trained or conditioned a dog to be vicious or allowed or permitted such training or conditioning. If the board is so persuaded, it shall place such conditions as are appropriate upon the owner's owning another dog in the city.

6.14.040 Hearing procedure.

- A. The board shall set a hearing date to be held within ten days of referral of the matter by the chief of police and notice thereof to the owner.
- B. A quorum shall consist of two members of the board. If only two members of the board are present, it will take a unanimous vote to uphold the decision of the chief of police.
- C. The board shall review the written decision of the chief, hear any statements from the victim, owner and the chief, and review any pertinent materials. Additional witnesses who observed the event shall also be heard, and the owner may present witnesses to testify to the general character or demeanor of the dog, subject to the board's discretion to limit cumulative, redundant or irrelevant testimony. The board, the chief and the owner shall have the opportunity to question witnesses. Formal rules of evidence will not apply.
- D. The owner shall comply with all the requirements of the board's order within ten days of the meeting at which the board makes the order. In addition, the owner shall notify the

office of the chief of police within the ten-day period that the owner has complied with all the requirements of the order. If within the ten-day period the owner fails to comply or fails to so notify the office of the chief of police, the owner will be fined as stated in Section 6.28.010(C).

- E. ~~An owner aggrieved by the decision of the board may appeal to the superior court. Written notice of intent to appeal shall be delivered personally to the chief within seventy-two hours (Saturdays, Sundays and holidays excluded) of service upon the owner of the board's decision. If the dog is impounded, the chief shall demand advance for one month of room and board expenses should the owner file a notice of intent to appeal to the superior court.~~
- A. At the hearing, the board shall determine whether the animal is dangerous or vicious, or neither, and whether to impose any or all conditions set out in PMC section 6.14.045. In making these decisions, the board shall consider the following:
 - 1. The written decision of the chief;
 - 2. Statements from the victim, owner, responding officer or chief; and
 - 3. Review of any pertinent materials.
- B. Additional witnesses who observed the event may also be heard and the owner may present witnesses to testify to the general character or demeanor of the animal, subject to the board's discretion to limit cumulative, redundant or irrelevant testimony. The board, chief and owner shall have the opportunity to question witnesses. Formal rules of evidence do not apply.
- C. The evidence must show the board that it is more likely than not that the actions of the dog fit one of the definitions set forth in PMC section 6.14.045 (A). If the showing is made, the owner must show the board that the conditions of PMC Section 6.14.010(C) existed.

6.14.045 Board determination.

- A. If the board determines that the animal meets the following criteria and its actions are not excused under section 6.14.010 (C), the board shall classify the animal as follows:
 - 1. Dangerous, meaning the animal has, without provocation, approached, in a threatening or terrorizing manner, any person in an apparent attitude of attack, where the approach was not made upon the premises to which the owner had the legal right of possession.
 - 2. Vicious, meaning the animal:
 - a. Has bitten, inflicted injury, assaulted or otherwise attacked or endangered the safety of a human being; or
 - b. Has without provocation, bitten, inflicted injury, assaulted or otherwise attacked or endangered the safety of a domestic animal; or
 - c. Has been found dangerous or vicious on a prior occasion by the chief of police or the board; or
 - d. Is in violation of a previous order of the board where the animal was classified as a dangerous or vicious animal.
- B. If the board classifies an animal as dangerous or vicious, the board shall require that the animal be registered with the police department (unless the animal is to be destroyed and in such case, documentation of the animal's destruction shall be delivered to the police department) and determine whether to impose additional conditions if the animal is to remain in the city. The registration application shall contain the name and address of the owner, the breed, age, sex, color, and any other identifying marks of the animal, the location where the animal is to be kept and a registration fee of twenty-five dollars and two color photographs, three inches by five inches, clearly showing the color and approximate size of the animal. Each animal registered shall be assigned an official registration number by the department. A certificate of registration shall be issued to the owner upon payment

of the registration fee and proof of sufficient evidence that the owner has complied with all of the orders prescribed by the board.

C. If the board determines that additional conditions are required, the board shall consider the following:

1. The observed and reported past and present behavior of the animal;
2. The circumstances of the incident and the extent of the injury to the attacked person or animal;
3. The reasonably foreseeable harm that could occur if no conditions are imposed;
4. The owner's past history of compliance with this title, including compliance with redemption conditions which the board has previously imposed on the owner; and
5. The nature and location of any restraint or confinement system which the owner has in place at the time the board makes its decision.

D. The board may order the owner to comply with some or all of the following conditions:

1. Confinement. The board may order the owner of a dangerous or vicious animal to confine the animal, at all times, either indoors or, if outdoors, in a proper enclosure for a dangerous or vicious animal up to and including one consisting of a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, or any part of their bodies or other foreign objects, and designed to prevent the animal from escaping. The pen or structure shall have secure sides; prevent the animal from digging out through the bottom or escaping over the top. The pen or structure shall also provide the animal protection from the elements. All pens and enclosures must comply with all zoning and building regulations of the city. The owner shall also display in a conspicuous manner a sign using the words "Beware of Dog" on the pen or structure or near the entrances to the residence where the animal is kept. At any time when the animal is not confined as required, the animal shall be muzzled in a manner as to prevent it from escaping, biting or injuring any person, and kept on a leash no longer than four feet with the adult owner or some other responsible adult attending the animal.
2. Liability Insurance. The board may order the owner of a dangerous or vicious animal which has caused an injury to any person or severe injury to any animal to maintain, in full force and effect, a liability insurance policy issued by an insurance company authorized to sell insurance in Alaska or by an "eligible surplus line insurer," as defined in AS 21.34.900(2), in the amount of at least one hundred thousand dollars for coverage against any damage or injury that may be caused by the animal during the period for which licensing is sought. The insurance shall contain a provision requiring the city be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the policy.
3. Spaying or Neutering. The board may order the owner of a dangerous or vicious animal to arrange for the alteration of the reproductive capacity through spaying or neutering of the animal. Alteration shall be at the owner's expense.
4. Obedience Class. The board may order that the animal be enrolled in and complete obedience classes. The classes shall be at the owner's expense.
5. Humane Destruction. The board may order the humane destruction of any animal that has been found to be vicious. Destruction shall be at the owner's expense.

E. In the event the animal has already been impounded and if the owner consents to the conditions as set by the board, the animal, unless destroyed, shall be released to the owner upon compliance with the conditions of release and payment of required fees. If the owner does not consent to the conditions, the board may order the animal humanely destroyed no sooner than ninety-six hours (Saturdays, Sundays and holidays excluded) after service upon the owner of the board's decision. Oral notice to the owner at the hearing shall constitute

one means of service.

F. If the board determines that the owner has trained or conditioned an animal to be vicious or allowed or permitted the training or conditioning, the board may require that the owner comply with any or all of the subdivisions contained in subsection C of this section (other than subsection (C) (5) of this section) as a condition to owning another animal in the city. The requirements may not extend beyond three years, commencing with a determination and classification of the owner's animal as vicious.

6.14.050 Animal control board.

- A. ~~The animal control board shall be composed of three principal members, other members and one alternate, all appointed by the mayor and subject to the confirmation by the council. The terms shall be for three years with one member's term to expire each year. To the extent practicable, one principal member shall be selected from each of the following groups:~~
- ~~1. The general public, provided the person is not an employee or contractor of the city;~~
 - ~~2. Organized dog interest groups; and~~
 - ~~3. Animal care professionals. Animal care professionals include veterinarians, and others such as groomers, kennel operators and dog trainers, provided that such others are either licensed by the state of Alaska to provide such specific services (not a mere business license) or who hold membership in good standing in a recognized association that provides for standards of performance and ethical rules of conduct. This professional position may be shared cooperatively by one principal member and other professionals, provided that there shall be a method for determining which person shall serve at any particular meeting or for any particular case. New members may be added to this position from time to time, provided all persons serving in such position may serve until the end of the term for that position.~~
- B. ~~The principal members shall appoint annually a chairman and vice chairman.~~
- C. ~~The board may establish rules of procedure; provided, however, board meetings shall be open to the public and taped, and minutes shall be kept.~~
- D. ~~If a member has a personal bias, a significant pecuniary interest or other good cause not to hear a case, the member shall declare such interest to the board and be excused from the case. Examples of a significant pecuniary interest include cases where the animal's owner is a customer or client of a veterinarian or a kennel operator, provided in either case that the veterinarian or kennel operator reasonably expects at least two hundred fifty dollars per year income from the owner. If the member excused from hearing the case is an animal care professional, then another such member may hear the case. If the excused member is from another category or if another animal care professional is unavailable, then the alternate member may hear the case.~~

6.14.055 Animals which reside outside the city limits.

If an incident has been referred to the animal control board and the animal resides outside the city limits. The board shall follow its normal course and after rendering its determination, provide written notification of the board's findings to the animal control board or animal board in which the animal resides. If the animal is in the possession of the city or has been impounded by the city, then the board can order that the animal be registered with the city or alternatively, if circumstances warrant, that the animal be humanely destroyed.

6.14.060 Owner compliance and right to appeal.

A. The owner shall comply with all the requirements of the board's order within ten days of

the meeting at which the board makes the order. In addition, the owner shall notify the chief of police within the ten-day period that the owner has complied with all the requirements of the order. If within the ten-day period the owner fails to comply or fails to so notify the chief of police, the owner shall be fined as stated in Section 6.28.010(C).

B. An owner aggrieved by the decision of the board may appeal to the superior court in Palmer within 30 days of the board's decision or the appeal rights are waived. Written notice of intent to appeal shall be delivered personally to the chief of police within seventy-two hours (Saturdays, Sundays and holidays excluded) of service upon the owner of the board's decision. If the animal is impounded and the owner has filed a written notice to appeal, the chief shall demand in advance one month of room and board expenses.

Section 8. Chapter 6.16 is amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 6.16

IMPOUNDMENT

Sections:

- 6.16.010 Impoundment procedure.
- 6.16.020 Redemption of impounded animals.
- 6.16.030 Impoundment fee.
- 6.16.040 Adoption.

6.16.010 Impoundment procedure.

- A. Dogs or cats not wearing a current city ~~dog or cat~~ license and other animals found running at large anywhere in the city shall be taken by a police officer or animal control officer and impounded in the shelter designated as the area animal shelter; ~~and there~~ The animal shall be confined in a humane manner for a period of not less than seventy-two hours, unless sooner claimed by the owner, and may thereafter be disposed of in a humane manner ~~if not claimed by their owners~~, or held for adoption. Dogs or cats wearing a current city dog or cat license which are found running at large in the city shall be ~~taken up and~~ impounded for not less than one hundred twenty hours and if not claimed by the owner or held for adoption shall then be disposed of in a humane manner.
- B. When a dog, ~~or cat or other domestic animal~~ is found at large and its ownership is known to the enforcement agents, ~~such dog or cat~~ the animal need not be impounded; ~~but the police officer or animal control officer may file a complaint against the owner of the dog or cat.~~
- C. ~~The city or its contractor will keep records which will include, insofar as is practical, the name and address of the owner of the animal and whether or not any animal owned by him has been impounded at any previous time.~~ Upon impounding any animal, the animal control officers at the animal shelter shall make reasonable effort to notify the owner, and to inform the owner of the conditions under which ~~he may regain~~ the animal may be regained. The police or chief animal control officer or his designated subordinate may file a complaint against the owner of any animal which has been impounded for being found annoying or running at large, and shall file a complaint against the owner of any animal found annoying or running at large if within the previous two years any animal owned by the owner has been previously impounded ~~within the past two years.~~
- D. The above subsections notwithstanding, ~~in their discretion,~~ at the police officer's discretion, an officer is authorized to kill any animal at large which, in the officer's judgment, is deemed vicious or deemed to be endangering any person or property.

6.16.020 Redemption of impounded animals.

- A. The owner shall be entitled to resume possession of any impounded animals, except as otherwise provided, upon the owner's compliance with the license provision of this title, and upon the payment of impoundment fees set forth in this title; and/or issuance of a citation.

- B. When ~~an~~ the owner of an animal cannot be located ~~then, if in and~~ the judgment of a licensed veterinarian is that the ~~an~~ animal should be destroyed for humane reasons, ~~such~~ the animal may not be redeemed.
- C. No ~~dog which~~ animal that is impounded shall be redeemed if the animal control board has determined that it should be euthanized, unless so ordered by the Superior Court.

6.16.030 Impoundment fee.

A. Any animal impounded under this section may be reclaimed as provided ~~in this section~~ upon payment by the owner to the borough animal control officer or designee of a fee in accordance with the policies and procedures of the borough. ~~the following schedule, in the case of each animal properly licensed under this title, or thirty dollars in the case of each animal not properly licensed under this title, plus the additional fee indicated for each day or part of a day such animal is kept. Fees set in this section shall be collected and retained by the proper authority to help defray the costs of keeping such animal for the period set forth in this chapter.~~

Impoundment Fees

~~Unlicensed dogs, unlicensed cats:~~

~~Owner's first impoundment—\$ 30.00~~

~~Licensed dogs, other animals, excluding cats:~~

~~Owner's first impoundment—20.00~~

~~Owner's second impoundment, within 12 months—60.00~~

~~Owner's third impoundment, within 12 months—120.00~~

~~Owner's fourth impoundment, within 12 months—240.00~~

~~Each additional impoundment, within 12 months—300.00~~

~~Licensed cats:~~

~~Owner's first impoundment—10.00~~

~~Owner's second impoundment, within 12 months—60.00~~

~~Owner's third impoundment, within 12 months—80.00~~

~~Owner's fourth impoundment, within 12 months—160.00~~

~~Each additional impoundment, same owner, within 12 months—300.00~~

Daily Boarding Fees

~~Dogs—10.00~~

~~Cats—5.00~~

~~Other animals~~

~~weighing less than 15 pounds—10.00~~

~~weighing more than 15 pounds—30.00~~

Humane Destruction and Disposal—14.00

Daily Quarantine Fee—10.00

Any impounded animal which, by reasons of its size, strength, dangerous propensities or any other physical or behavioral characteristics cannot reasonably be kept in the normal animal shelter facilities may be reclaimed upon payment of a thirty-dollar impoundment fee plus the actual cost reasonably incurred in transporting and keeping such animal.

- B. Payment of impoundment fees and a fine for an animal running at large shall not exceed three hundred dollars per animal for each incident of impoundment.
- C. Additional Expenses. The owner of an impounded animal shall be responsible for expenses and costs in addition to the impoundment and boarding fees reasonably incurred by the borough for care and maintenance of the animal.
- D. The animal will not be returned to the owner unless and until fees are paid. If the fees are not paid within one hundred twenty hours of notice of impoundment to the owner, the animal will be subject to the adoption and euthanasia provisions at the borough animal control officer's discretion.
- E. The borough animal control officer may, for good cause, waive a portion of the fees, expenses or costs, and may enter into a payment schedule agreement with an owner.
- F. Any animal previously impounded under this chapter may be reclaimed as herein provided upon payment by the owner the sum provided for in subsection A, plus successively increasing fees in increments of twenty dollars for each additional impoundment.

6.16.040 Adoption.

Any animal under this chapter which is determined to be available for adoption may be adopted in accordance with the policies and procedures of the borough animal shelter.

- A. The chief animal control officer may at his discretion require that no cat or unlicensed dog impounded under this chapter shall be adopted from the animal shelter unless the prospective owner shall have the animal spayed or neutered.
- B. Any dog impounded under this chapter and not properly licensed under this chapter which is determined to be available for adoption may be adopted from the animal shelter upon payment to the chief animal control officer or his designated subordinate the sum of seventy-five dollars to help defray the cost of keeping such animals for the period set forth in this chapter and the immunization of such animal against rabies and distemper. Thirty dollars deposit to be refunded upon proof of spay or neutering within ninety days of adoption or deposit is forfeited.
- C. Any cat impounded under this chapter which is determined to be available for adoption, may be adopted from the animal shelter upon payment to the chief animal control officer or his designated subordinate the sum of forty dollars to help defray the cost of keeping such animals for the period set forth in this chapter. Twenty dollars deposit to be refunded upon proof of spay or neutering within ninety days of adoption or deposit is forfeited.
- D. The chief animal control officer is authorized to establish a schedule of reasonable fees for the adoption of animals of other species which are determined to be available, in order to help defray any costs associated with the care and adoption of such animals. Upon payment of the fees so established to the chief animal control officer or his designee, any such animal housed at the animal shelter may be adopted.
- E. No animal may be adopted from impoundment that shows symptoms of infectious or contagious disease.

Section 9. Chapter 6.20 is amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 6.20

RABIES CONTROL

Sections:

- 6.20.010 Quarantine procedure.
- 6.20.020 Physician's report required.
- 6.20.030 Veterinarian's diagnosis report required.
- 6.20.040 Quarantine fees.

6.20.010 Quarantine procedure.

- A. Every animal (other than a police dog owned by a law enforcement agency) which bites a person shall be promptly reported to the police department ~~and health officer, and~~ At the discretion of the police department the animal shall be quarantined ~~shall thereupon be securely quarantined at the direction of the health officer~~ for a period of ten days and shall not be released from such quarantine except by permission of the ~~health officer~~ police department. ~~In~~ At the discretion of the ~~health officer~~ police department ~~such the~~ quarantine may be on the premises of the owner or at the shelter designated as the area animal shelter or any veterinary hospital of the owner's choice. In every event, quarantine shall be at the owner's expense. In the case of animals whose ownership is not known, ~~such the~~ quarantine shall be at the ~~shelter designated as the~~ animal shelter.
- B. The owner, upon demand by any enforcement agent ~~or the health officer~~, shall ~~forthwith~~ surrender any animal which has bitten a human and which is suspected as having been exposed to rabies, for supervised quarantine, ~~whose expense shall be borne~~ The expense for quarantine shall be paid by the owner. The animal may be reclaimed by the owner if adjudged free of If determined free of rabies and not vicious, the animal may be reclaimed by the owner upon payment of established fees.
- C. When ~~a an animal under~~ quarantined animal has been diagnosed as being rabid or suspected by a licensed veterinarian as being rabid, it shall be disposed of in accordance with the directions of the ~~health officer~~ licensed veterinarian, ~~and such portions of the body as desired by the health officer shall be delivered to him.~~
- D. If rabies ~~are~~ is reported in the area, or if the police department suspects rabies in the area, the ~~health officer~~ police department may recommend an areawide quarantine for a period of thirty days, and, upon invoking ~~such the~~ quarantine, no animal shall be taken into the ~~streets any public place~~ or permitted to be in the streets during ~~such period of the~~ quarantine period. During ~~such period of the~~ quarantine period, no animal ~~may~~ shall be taken or shipped from the city without the written permission of the health officer.
- E. During ~~such period of rabies the~~ quarantine period as herein mentioned, every animal bitten by an animal judged to be rabid shall be ~~forthwith~~ destroyed or, at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian or held under thirty days quarantine by the owner in the same manner as other animals are quarantined.
- F. In the event there are additional cases of rabies occurring during the ~~period of the~~ quarantine period, ~~such period of the~~ quarantine period may be extended for an additional six months.

- G. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to ~~the health officer~~ a licensed veterinarian.
- H. ~~The health officer~~ police 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 in this chapter when demand is made ~~therefor~~ by an enforcement agent ~~or health officer~~.

6.20.020 Physician's report required.

It shall be the duty of every physician or other practitioner of medicine, to report to the police department ~~and health officer~~ the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

6.20.030 Veterinarian's diagnosis report required.

It shall be the duty of every licensed veterinarian to report to the police department ~~and health officer~~ his a diagnosis of any animal observed ~~by him~~ as having rabies.

6.20.040 Quarantine fees.

~~The cost of the quarantine shall be borne by the owner of the animal(s). The cost of the quarantine shall be ten dollars per day per animal plus the cost of medical expenses, if applicable, plus other actual necessary expenses, if applicable. Quarantine costs shall be established by the borough and shall be paid by the owner of the animal(s).~~

Section 10. Chapter 6.24 is amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 6.24

ENFORCEMENT

Sections:

6.24.010 Hindering officers prohibited.

6.24.010 Hindering officers prohibited.

No person shall interfere with, hinder or molest any agent of the police department ~~or health officer~~ in the performance of any duty ~~of such agent~~ or seek to release any animal in the custody of the police department ~~or health officer~~ or his agents.

Section 11. Chapter 6.28 is amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 6.28

PENALTY

Sections:

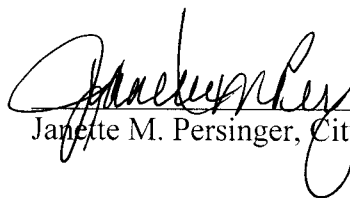
6.28.010 Penalty.

6.28.010 Penalty.

- A. The minimum penalty for owning a vicious ~~dog~~ animal at large shall be one hundred dollars for the first offense, two hundred dollars for the second offense and three hundred dollars for every offense thereafter, where ~~such~~ the offenses occur within one year of one another.
- B. The minimum penalty for owning a dangerous ~~dog~~ animal at large shall be fifty dollars for the first offense, one hundred dollars for the second offense and one hundred fifty dollars for the third offense, where ~~such~~ the offenses occur within one year of one another.
- C. If an owner fails to meet any of the duties set out in Section 6.14.040(D), the owner will be subject to a civil penalty as follows:
 - 1. Three hundred dollars, if the board determined the dog was vicious;
 - 2. Two hundred fifty dollars, if the board determined the dog was dangerous.
- D. The penalty for all other violations is fifty dollars, one hundred dollars for the second offense and three hundred dollars for every offense thereafter, where the offenses occur within one year of one another.

Section 12. Effective Date. Ordinance No. 631 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this 27th day of July, 2004.


Janette M. Persinger, City Clerk


Jim Cooper, Mayor