



CITY OF WASILLA

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ORDINANCE SERIAL NO. 93-15

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA REPEALING CHAPTER 12.04 ANIMAL CONTROL OF THE WASILLA MUNICIPAL CODE, ADOPTING CHAPTER 12.05, ANIMAL CONTROL.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

Section I. Classification. This ordinance is of a general and permanent nature and shall become a part of the Wasilla Municipal Code.

Section II. Repeal of Chapter. Chapter 12.04 Animal Control is hereby repealed in its entirety.

Section III. Enactment. Chapter 12.05, Animal Control, is hereby enacted to read as follows:

CHAPTER 12.05

ANIMAL CONTROL

SECTIONS:

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| 12.05.010 | Construction of Terms and Definitions. |
| 12.05.020 | Jurisdiction. |
| 12.05.030 | Animal Annoyance. |
| 12.05.040 | Sanitary Enclosures. |
| 12.05.050 | Disease and Animals. |
| 12.05.060 | Animal in Public Places. |
| 12.05.070 | Restraint of Animals. |
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| 12.05.090 | Cruelty to Animals. |
| 12.05.100 | Protective Custody. |
| 12.05.110 | Live Animal Traps. |
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| 12.05.130 | Registration of Dogs and Cats. |
| 12.05.140 | Registration of Kennels and Catteries. |
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| 12.05.160 | Kennel and Cattery Requirements. |
| 12.05.170 | Registration Tags and Tattoos for Dogs and Cats. |
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| 12.05.440 | Potentially Dangerous Animals - Mandatory Conditions of Release. |
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| 12.05.490 | Animal Control Board-Composition. |
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24.05.010 Construction of terms and definitions.

A. Unless the context clearly indicates a more narrow or different meaning was intended, the following words and terms used in this chapter are to be construed as follows:

1. words used in the present tense include the future tense;
2. the singular number includes the plural:

3. the words "must" and "shall" are mandatory;

4. the phrases "may not" and "shall not" and any other use of the words "may" and "shall" with a negative is a prohibition.

B. For the purpose of this chapter the following definitions of terms used shall apply in all cases, unless otherwise stated.

1. "Accidental bite or attack" means a bite or an attack which occurs under circumstances which can be deemed as occurring by chance.

2. "Attack" means violent or aggressive physical contact with a person or animal or, violent or aggressive behavior that confines the movement of a person, including but not limited to cornering or circling a person.

3. "Animal" means vertebrate domestic or domesticated members of the Animal Kingdom unless otherwise provided by this chapter.

4. "Animal control shelter" means any premises designated for the purpose of impounding and caring for animals impounded pursuant to this chapter.

5. "Animal control office" means the agency having authority for enforcement of the animal control provisions of this chapter, and of all animal shelters maintained at city expense.

6. "Annoyance" means an actual interference with the sleep, work, or reasonable right to peace, safety, or privacy of one or more persons.

7. "Bite" means the animal by using its teeth causes the breaking of skin of human being or animal.

8. "Borough" means the Matanuska Susitna Borough and "City" means the City of Wasilla.

9. "Canid hybrid" means an owned offspring of a wild member of the genus and the family canidae bred to a member of the genus and species *Canis familiaris*. The offspring of a Canid hybrid bred with a wild member of the family *Canidae*, another canid hybrid, or a member of the genus and species *Canis familiaris* also a canid hybrid. Canid hybrids are domesticated, as defined by WMC12.05.010.R.

10. "Cat" means a member of the genus and species *Felis catus*.

11. "Cattery" means any premises used for breeding, buying, selling, keeping, or boarding five or more cats over the age of six months, whether for profit or not.

12. "Chief animal control officer" means the person appointed by the manager who has primary responsibility for administering and enforcing the provisions of this chapter.

13. "Competent voice control" means when all the following are met:

a. the person exhibiting the voice control is present with the animal and monitors all of its activities;

- b. the person exhibiting the voice control is capable of directing all of the animal's movements and activities by vocal commands; and
- c. the animal under voice control follows all of the vocal commands quickly and accurately.
14. "Confine" means to keep an animal in a fence, pen, building, or other secure enclosure from which the animal cannot escape and which keeps the animal from coming into contact with other animals or humans outside the area of confinement.
15. "Dangerous animal" is any animal which:
- a. Has bitten or attacked without provocation a human being whether on public or private property; or
- b. Has bitten or attacked an animal without provocation to a degree requiring Veterinary care whether on public or private property; or
- c. engages in behavior set forth in WMC 12.05 or WMC 12.05 after having been previously classified as a potentially dangerous animal according to animal control records.
16. "Dog" means a member of the genus and species *Canis familiaris*, commonly known as domestic dog, but does not include other members of the family *Canidae* such as a fox, coyote, wolf, or any other game species, the taking of which is regulated by the state. For purposes of this chapter, dog shall include canid hybrids unless otherwise specified.
17. "Domesticated" means animals which are commonly or historically adapted to man's use or pleasure.
18. "Identification" means a collar and tag, brand, tattoo, or other mark or means which makes ownership of the animal ascertainable.
19. "Kennel" means any premises used for breeding, buying, selling, keeping, or boarding five or more dogs over the age of six months, whether for profit or not.
20. "Livestock" includes, but is not limited to, domestic animals such as horses, cattle, sheep, goats, pigs, chickens, ducks, and other such animals normally considered farm animals, whether kept for profit or not.
21. "Neutered dog or cat" means any male dog or cat rendered incapable of reproduction by surgical operation.
22. "Potentially Dangerous Animal" is an animal which has without provocation menaced, chased in attitude of attack, displayed threatening or aggressive behavior, or otherwise threatened or endangered any person's or animals safety, and has the ability to harm a person or animal regardless of whether any contact is made or harm is done to the person or animal whether on public or private property.
23. "Provocation" means the teasing, tormenting, abusing, or assaulting of an animal to incite the animal to bite or attack.
24. "Restraint" means either:

- a. actual physical control, such as a leash, chain, fence, or building
- b. Competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained, or in a form of recognized hunting which requires the use of an animal such as a retriever, or
- c. The condition of an animal when on the property of its' owner, in visual contact with the owner, and obedient to the owner's command.
25. "Running-at-large" means that an animal is not under restraint.
26. "Sanitary" means free from bacteria, parasites, waste, fifth or other elements in amounts which would endanger health or welfare of an animal.
27. "Serious bite" means the animal by using it's teeth causes a puncture to the skin of a human being or animal requiring at least one suture by a medical practitioner or veterinarian.
28. "Spayed dog or cat" means any female which has had a surgical ovario-hysterectomy to prevent conception.
29. "Vicious animal" means any animal that has seriously bitten without provocation a human being or animal whether on public or private property.
30. "Wild" refers to a type of animal which generally lives in its original and natural state and is not domesticated, as defined by WMC 12.05.010B.17., or animals which are classified as wild under state law.

C. Computation of time.

For purposes of this chapter the word "day" refers to a calendar day, except when computing periods of time of ten days or less, in which case the word "day" shall refer to a City business day. If a time period imposed by this chapter ends on a holiday or weekend day, the time period is extended until the next city business day.

12.05.020 Jurisdiction.

The City has jurisdiction over domestic and domesticated animals including canid hybrids as defined by WMC12.05.010.B.9. The City does not have jurisdiction over the following animals:

1. wild animals:
2. game animals, the taking or possession of which is regulated by the state or federal government.

12.05.030 Animal annoyance.

It is unlawful for any animal owner to allow an animal to cause annoyance, as defined by WMC12.05.010.B.6., to any person. Violation of this provision is an infraction.

12.05.040 Sanitary enclosures.

It is unlawful for any person to own any animal unless all structures, pens and yards, and areas adjacent thereto, in which such animal is kept are maintained in a sanitary condition. Violation of this provision is an infraction.

12.05.050 Diseased Animals.

It is unlawful to own any animal infected with a contagious or pestilential disease, except when such animal is confined and isolated from other animals or under the care of a licensed veterinarian. Violation of this provision is an infraction.

12.05.060 Animals In Public Places.

A. It is unlawful to tie, stake, or fasten any animal within any highway, street, alley, or public place within the city or in such a manner that the animal has access to any portion of any highway, street, alley, or public place therein, provided that the city manager or his designee may make exceptions in the case of an organized animal activity and similar temporary sporting or festive events. Violation of this provision is an infraction.

B. It is unlawful to take or allow any animal in a public park at any time unless excepted as provided in 12.05.060A. Violation of this provision is an infraction.

12.05.070 Restraint of Animals.

A. All animals must be continuously under restraint.

B. Livestock animals which are generally kept in a herd, flock, or other grouping are subject to a single failure-to-restrain violation for the group.

C. No person shall release, without permission of the owner, any animal from restraint, except to preserve the animal's life.

D. Violation of any provision of WMC 12.05.070 is an infraction.

12.05.080 Humane Animal Care.

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.

12.05.090 Cruelty to animals.

A. No person shall intentionally injure or kill an animal unless:

1. The act committed is done humanely in conformity with applicable federal, state, or borough law; or

2. Such 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 cause or procure any of such acts to be done or attempt the same.

C. No owner shall fail to provide humane care, as defined by WMC 12.05.080, or abandon an animal by failing to provide humane 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

G. Acts in violation of this section constitute cruelty to animals. Cruelty to animals is a misdemeanor.

H. Persons convicted of cruelty to animals shall forfeit all rights and interests, if any, in the animal(s).

12.05.100 Protective custody.

A. An animal may be taken into protective custody by the city if the chief animal control officer makes a determination, in writing, that an animal is either:

1. Not humanely cared for by the owner, as defined in WMC 12.05.080; or

2. Being cruelly treated by any person, as defined in WMC 12.05.090.

B. All animals taken into protective custody must be examined by a licensed veterinarian to determine the animal's physical condition.

C. The chief animal control officer may release an animal taken into protective custody to the owner contingent upon conditions in a written release order.

1. If an owner refuses to redeem his animal under the conditions of a written release order or violates the conditions of a written release order, the animal is subject to forfeiture to the city and to a hearing before the chief animal control officer as set forth in the WMC 12.05.560. The owner may appeal the forfeiture to the city animal control board as set forth in WMC 12.05.480-520.

D. A person whose animal is taken into Protective Custody shall be responsible for all reasonably incurred fees, costs, and expenses, including, but not limited to, impoundment fees and veterinary costs associated with the city's custody, care, or maintenance of the animal. Violation of this provision is an infraction.

E. The chief animal control officer may, for a good cause, waive a portion of the fees, expenses or costs and may enter into a payment schedule agreement with an owner.

F. Animals taken into protective custody under the provisions of WMC 12.05.090 may remain in protective custody, at the chief animal control officer's discretion, until final disposition of the case.

12.05.110 Live Animal Traps.

A. Intentional capture of domestic and domesticated animals by trap is prohibited, unless a city-authorized live animal trap is used.

B. A person who is issued a city-authorized live animal trap for the purposes of capture and control of unrestrained domestic and domesticated animals shall check the trap at least twice every 24 hours to determine whether an animal has been trapped.

C. A Person shall provide humane care, as defined by WMC 12.05.010, for any animal captured.

D. A person shall release the animal without unreasonable delay to the animal control office or an animal control officer or the owner as set forth in WMC 12.05.110E.

E. No person shall release an animal caught in the live animal trap to anyone other than an animal control officer or to an owner without first receiving permission from the animal control office.

F. Violation of any provision of WMC 24.05.110 is an infraction.

12.05.120 Severability.

Should any provision of this title, or its application, be held invalid, the remainder of its provisions shall not be affected.

12.05.130 Registration--Dogs and Cats.

A. Registration required. No person shall own any dog or cat within the city over the age six months without registering each dog or cat.

B. Registration of a dog or cat shall include the name and address of the owner and the name, breed, color, age, and sex of the dog or cat, whether the dog or cat is spayed or neutered, the expiration date of its rabies

vaccination, rabies certificate number, and the location and description of any identification on the dog or cat.

C. Immunization. The city shall not register a dog or cat unless the dog or cat has been vaccinated with a State of Alaska approved rabies vaccine by a licensed veterinarian or by a State of Alaska lay rabies vaccinator and the period of immunization has not expired. Proof of immunization shall be a completed rabies vaccination certificate in the form required by the State of Alaska.

D. Expiration of dog and cat registration.

1. For dogs and cats not tattooed in compliance with WMC 12.05.170 the registration expiration date is three years from the date of registration.

2. There is no registration expiration date for dogs and cats tattooed in compliance with WMC 12.05.170.

E. The rabies vaccination requirement for registration does not apply to canid hybrids unless and until the State of Alaska approves a rabies vaccine for the particular species of canid hybrids.

F. Violation of WMC 12.05.130A is an infraction.

12.05.140 Registration-Kennel and Catteries.

A. In addition to the registration requirements of WMC 12.05.130, no person shall own or operate a kennel or cattery or own five or more dogs or cats over the age of six months without registering as a kennel or cattery operator for each location of a kennel or cattery.

B. Registration. Registration as a kennel or cattery operator shall state the name and address of the owner, the name and address of the operator, the kennel or cattery name, the physical location of the kennel or cattery, and a complete list of the dogs or cats by city registration and rabies certificate numbers.

C. Re-Registration. If there are any changes in ownership or location of the kennel or cattery, the kennel or cattery must be re-registered.

D. Expiration of kennel and cattery registrations. Registrations shall be valid for a period of three years.

E. Violation of WMC 12.05.140A or WMC 12.05.140B is an infraction.

12.05.150 Registration-Updating Information.

It is the responsibility of every dog or cat owner and kennel or cattery operator to update and provide the city with current registration information regarding the items set forth in WMC 12.05.130B and WMC 12.05.140B. Violation of this Provision is an infraction.

12.05.160 Kennel and Cattery Requirements.

A. No kennel or cattery shall be maintained or operated in a manner which is an annoyance as defined by WMC 12.05.010.

B. All kennel or cattery facilities shall meet the following requirements:

1. Shelter which provides adequate air and ventilation and which will prevent the dogs or cats from being exposed to inclement or adverse weather conditions overheating from sunlight, unsanitary conditions or dirty, wet and uncomfortable conditions which may endanger the health or welfare of the dog or cat; and

2. The dogs or cats must be physically restrained or confined within the premises of the kennel or cattery; and

3. The premises must be free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the dogs or cats; and

4. Sufficient amounts of wholesome and nutritious food and fresh water must be provided to keep the dogs or cats in healthy physical condition.

C. Violation of WMC 12.05.160B is an infraction.

12.05.170 Registration tags and tatoos for dogs and cats.

A. Registration tags. Each registered dog and cat shall be issued a registration tag with an identification number and telephone number of the city animal control office.

B. Tag placement. The registration tag must be securely fastened to the dog's or cat's choke chain, collar, or harness which must be worn at all times when the dog or cat is off the owner's property except when a dog or cat is in competition, training, in use as a police dog by law enforcement personnel, or while performing recognized sporting activities.

C. Registration tattoo's. The dog or cat owner may have the dog or cat tattooed by the city with the city identification number. Such tattoo will be in the right ear of the dog or cat.

D. A tattoo may be performed in a place other than the city animal control shelter by someone other than a city animal control officer at the owners expense, if the owner notifies the city of the identification number and tattoo location.

E. If the dog or cat is tattooed as set forth in WMC 12.05.170C or D, the provisions of WMC 12.05.170B do not apply to that dog or cat.

12.05.180 Registration Certificates for Kennels and Catteries.

Each registered kennel or cattery shall be issued a registration certificate with a city identification number.

12.05.190 Registration Fees.

A. The registration fee for each dog or cat shall be \$5.

1. Notwithstanding WMC 12.05.190A, if at the time of registering dogs or cats the owner is also registering a kennel or cattery, the

registration fee for all dogs or cats registered at the time of registering the kennel or cattery shall be \$25.

a. The fee for each dog or cat shall be \$5 when kennel or cattery Operators register individual dogs or cats other than at the time of registering a kennel or cattery.

2. If the registration tattoo is requested by the owner at the time of registering a dog or cat, the registration fee shall include the tattooing.

3. If the city tattoos a dog or cat at any time other than at the time of registration, the fee shall be \$3 for each dog or cat.

B. Registration fee for a kennel or cattery Shall be \$25.

1. Notwithstanding WMC 12.05.190B, if at the time of registering a kennel or cattery the owner is also registering other owned kennels or catteries, the registration fee shall be \$25 for all kennels and catteries owned and registered at the same time,

12.05.200 Unexpired Dog and Kennel Licenses.

Dog and kennel licenses issued under prior city law shall be valid in lieu of registration until the license has expired at which time registration requirements will become effective for those dogs and kennels.

12.05.210 Exemptions.

A. The registration requirements for dogs and cats under this chapter shall not apply to any dog or cat kept within the city for less than 30 days, provided, all such dogs and cats are subject to all other provisions of this title.

B. The Humane Society shelters, Society for the Prevention of Cruelty to Animal shelters, and hospitals and clinics operated by licensed veterinarians for the care and treatment of animals are exempted from the dog, cat, kennel, and cattery registration regulations set forth in WMC 12.05.130 and WMC 12.05.140, provided such shelters, hospitals, and clinics are subject to all other requirements of this title.

12.05.220 Kennel and Cattery Inspections.

Upon receiving written complaint that the kennel or cattery does not meet any or all of the requirements of WMC 12.05.160 the chief animal control officer or his designee may, at his discretion, inspect any kennel or cattery.

12.05.240 Written Administrative Orders.

A. If upon the inspection of a kennel or cattery the kennel or cattery does not meet the requirements of WMC 12.05.160, the chief animal control officer may issue a written administrative order to the kennel or cattery owner setting forth the conditions the kennel or cattery owner must meet in order to be in conformance with WMC 12.05.160.

B. The kennel or cattery owner shall be granted a reasonable length of time of no more than 30 days within which to remedy any deficiencies found

and to comply with WMC 12.05.160.

C. If, upon a second inspection after the time granted in the administrative order, the kennel or cattery is still in violation of WMC 12.05.160, the chief control officer may revoke any registration certificate.

D. Each day a kennel or cattery owner operates the kennel or cattery without a registration certificate constitutes a separate violation for operating a kennel or cattery without registration as required by WMC 12.05.140.

E. Violation of the written administrative order under *this Provision* is an infraction.

12.05.240 Registration, Tagging and Tattooing Implementation.

The chief animal control officer, at his discretion, may promulgate policies and procedures to carry out the provisions of this Chapter. Any such policies and procedures shall be submitted to Council for review and approval.

12.05.250 WMC 12.05 Animal Control, Available to Public.

Every owner registering a dog or a cat, or a kennel or a cattery shall, upon request and without charge be furnished a copy of WMC 12.05- Animal Control.

12.05.260 Impoundment procedure.

A. Animals running at large. Animals found running-at-large as defined in WMC 12.05.010 are subject to impoundment by a city animal control officer. Animals running-at-large without identification shall be impounded at the animal control shelter for a period of not less than 72 hours unless sooner claimed by the owner. Animals with identification which are found running-at-large in the city shall be impounded for not less than 120 hours unless sooner claimed by the owner. Animals not claimed by the owner within the mandatory minimum impoundment period may be held for adoption or disposed of in a humane manner.

B. Pursuit of animals running-at-large. An animal control officer shall not pursue an animal running-at-large onto property posted with a "no trespassing" sign or onto property where the property owner expressly refuses access to the animal control officer.

1. An animal control officer may enter the animal owner's property to issue an animal running-at-large citation.

C. Notification. The animal control office shall make reasonable effort to notify the owner of an impoundment and the conditions under which the owner may regain custody of such animal.

D. Vicious animals. All vicious animals shall be impounded whenever possible and held at the animal control shelter. If the owner of a vicious animal can be located within the holding period set forth in WMC 12.05.260A, a hearing before the animal control board may be held at the owner's request pursuant to WMC 12.05.480 - WMC 12.05.520 to adjudicate the animal as vicious.

12.05.270 Redemption of Impounded Animals.

A. The owner is entitled to reclaim possession of an impounded animal, unless otherwise provided by this chapter upon the owner's compliance with the applicable registration provisions, applicable tattooing requirements, and the payment of fees and expenses set forth in this chapter.

B. The chief animal control officer may, for good cause, enter into a conditional release agreement with an owner of an animal impounded.

12.05.280 Impoundment Fees.

A. Any animal impounded may be reclaimed as provided by WMC 12.05.270 by the owner upon payment of impoundment and boarding fees to the animal control office in accordance with the following schedule.

IMPOUNDMENT FEES

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| Unregistered dogs, unregistered cats: | |
| Owner's first impoundment..... | \$30 |
| Registered dogs, other animals, excluding cats: | |
| Owner's first impoundment..... | \$20 |
| Owners second impoundment within 12 months..... | \$60 |
| Owners third impoundment within 12 months..... | \$120 |
| Owners fourth impoundment within 12 months..... | \$24 |
| Each additional impoundment same owner, within 12 months..... | \$300 |
| Registered cats: | |
| Owners first impoundment..... | \$10 |
| Owners second impoundment within 12 month..... | \$60 |
| Owners third impoundment within 12 month..... | \$90 |
| Owner's fourth impoundment within 12 months..... | \$160 |
| Each additional impoundment same owner, within 12 month..... | \$300 |

DAILY BOARDING FEES

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| Dogs..... | \$10 |
| Cats..... | \$5 |
| Other animals weighing less than 15 pounds..... | \$10 |
| Other animals weighing more than 15 pounds..... | \$30 |

B. Payment of impoundment fees and a fine for an animal running-at-large shall not exceed \$300 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 city 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 120 hours of notice of impoundment to the owner, the animal will be subject to the adoption and euthanasia provisions of this chapter at the chief animal control officer's discretion.

E. The chief 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.

12.05.290 Livestock Auction.

The chief animal control officer may, at his discretion, auction livestock using procedures with prior approval by City Council.

12.05.300 Adoption

A. In addition to the registration provisions set forth in this Chapter no dog or cat shall be adopted from the shelter unless the prospective owner agrees to have the animal spayed or neutered.

B. Adoption fees.

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| Dog, spayed or neutered..... | \$20 |
| Dog not spayed or neutered..... | \$50 |
| Cat spayed or neutered..... | \$15 |
| Cat not spayed or neutered..... | \$45 |

C. A dog or cat which is at least six months old and is not spayed or neutered when it is adopted must be spayed or neutered within 30 days of the date of adoption. Dogs and cats which are under six months of age at the time of adoption shall be spayed or neutered within seven months of the date of birth of the dog or cat. The additional fee charged for the adoption of a dog or cat which has not been spayed or neutered entitles the new owner to a voucher to be used to help defray the cost of spaying or neutering the dog or cat by a licensed veterinarian.

D. An animal may not be adopted from impoundment that shows symptoms of infectious or contagious disease or shows signs of aggression toward humans or other animals.

E. Records of adoptions shall be maintained by the animal control office.

F. The chief animal control officer may, in his discretion, establish an adoption plan and fee schedule for animals other than dogs or cats.

G. An animal classified as potentially dangerous, dangerous, or vicious may not be adopted from impoundment.

H. Adoption of any impounded animal is at the discretion of the city.

I. Adoption policies consistent with the provisions of WMC 12.05.300 may be established by the chief animal control officer and are subject to review and approval by City Council.

J. Failure to have a dog or cat spayed or neutered as set forth in WMC 12.05.300C is an infraction.

12.05.310 Voluntary Release.

A person voluntarily releasing ownership of an animal to the city shall execute a release of ownership in favor of the city and pay a fee of \$3 per animal. The chief animal control officer may, for good cause, waive the release fee.

12.05.320 Tattooing--Impounded Dogs and Cats.

11 dogs and cats impounded and released from the animal control shelter, whether by redemption, adoption or otherwise, shall receive a tattoo in the right ear with a city registration number. If the animal is being released to the owner and the owner requests to be present, the owner shall be present during the tattooing.

12.05.330 Rabies Immunization.

A. A person shall not keep, own, or harbor a dog or cat over six months of age unless such dog or cat has been immunized for rabies in accordance with the laws of the State of Alaska and city ordinance. Violation of this provision is an infraction.

B. It is unlawful for any person owning a dog or cat to knowingly procure, receive, use, or attempt to use a purported proof, certificate of, or receipt for rabies immunization not actually given to the animal described in the proof, certificate or receipt. An act in violation of this provision is a misdemeanor.

C. The rabies immunization requirements do not apply to canid hybrids unless and until a rabies vaccine is approved by the State of Alaska. For rabies issues concerning canid hybrids, the city shall defer to the state of Alaska.

12.05.340 Rabies Reporting Requirement.

A. All practitioners of human medicine shall report to the animal control office within 12 hours of discovery the names and addresses of persons treated for animal bites and the owner of the animal, if known. Violation of this provision is an infraction.

B. All practitioners of veterinary medicine shall report to the animal control office within 12 hours of observation any animal having or suspected of having rabies. Violation of this provision is an infraction.

C. A person who knows of an animal biting a domestic or domesticated animal or human shall report the bite to the animal control office within 12 hours of witnessing or receiving knowledge of the bite. Violation of this provision is an infraction.

12.05.350 Surrender of Animals.

An owner of a domestic or domesticated animal, at the request of an animal control officer, shall not refuse to surrender the domestic or domesticated animal for supervised quarantine, pursuant to WMC 12.05.340, if the domestic or domesticated animal has bitten a human or another animal. Violation of this provision is an infraction.

12.05.360 Supervised Quarantine.

A. A domestic or domesticated animal subject to a supervised quarantine shall be securely confined for a minimum period of ten calendar days following the bite.

1. Except for dogs and cats, other biting domestic or domesticated

animals which might expose a person to rabies shall be reported immediately to Alaska State Department of Health and Social Services.

a. The city shall defer to the State of Alaska for any supervised quarantine or disposition requirements.

B. At the discretion of the chief animal control officer, the quarantine location may be:

1. At the designated city animal shelter;

2. At a veterinary hospital or clinic of the owner's choosing subject to the approval of the chief animal control officer;

3. At a licensed boarding kennel or cattery of the owner's choosing subject to the approval of the chief animal control officer; or

4. Confined on the owner's premises subject to the approval of the chief animal control officer.

C. Fees and costs associated with quarantine, treatment, and care reasonably incurred by the city shall be paid by the owner of the animal.

12.05.370 Rabid Animals.

A. When a domestic or domesticated animal under a supervised quarantine, other than at the city animal shelter, is diagnosed or tentatively diagnosed as rabid, the chief animal control officer shall be notified immediately.

B. If a domestic or domesticated animal is rabid or tentatively diagnosed as rabid, the Chief animal control officer may take any action necessary including, but not limited to, immediate euthanasia and the removal of tissue samples from the domestic or domesticated animal to confirm the diagnosis of rabies.

C. Destruction of animals.

1. No person except an authorized agent of the State of Alaska, the chief animal control officer, or a licensed veterinarian may kill or cause to be killed any domestic or domesticated animal which is rabid or suspected to be rabid.

2. Any domestic or domesticated animal diagnosed or tentatively diagnosed as rabid by an Alaska licensed veterinarian shall be destroyed forthwith.

D. Disposition of rabid animal.

1. A person shall not fail or refuse to surrender a domestic or domesticated animal which is rabid or suspected of having rabies or has been directly exposed to a rabid animal, including the carcass or portion thereof, upon request of the city.

2. The chief animal control officer shall dispose of any dead domestic or domesticated animal, or portions thereof, which is diagnosed as rabid or is suspected of being rabid.

E. Violation of WMC 12.05.370A, WMC 12.05370.C.1, WMC 12.05.370C.2.or WMC 12.05.370.D.1 is an infraction.

12.05.380 Area quarantine.

A. When one or more positive diagnosis of rabies is made within the city, the chief animal control officer may institute an area quarantine for a period of 30 days. The area covered by the quarantine shall be at the discretion of the chief animal control officer.

B. A person within the quarantine area shall not:

1. Take a domestic or domesticated animal off the premises of its owner, except on a leash or in a harness; or

2. take or ship a domestic or domesticated animal from area of quarantine without written permission of the chief animal control officer.

C. During an area quarantine a domestic or domesticated animal running-at-large may be destroyed forthwith by an authorized animal control officer.

D. In the event subsequent and continued cases of rabies occur during the 30-day quarantine period, the quarantine time may be extended up to an additional six months at the discretion of the chief animal control officer.

E. During the period of quarantine, the boundaries of the quarantine area may be adjusted by the chief animal control officer as needed.

F. Any domestic or domesticated animal with a current rabies vaccination during an area quarantine which is bitten by any animal must be immediately re-vaccinated and placed under supervised quarantine pursuant to WMC 12.05.360. The bite must be reported immediately to the chief animal control officer.

12.05.390 Cooperation with Alaska State Department of Health and Social Services.

A. The city may defer to the judgment of the Alaska State Department of Health and Social Services on rabies issues. The city may cooperate on issues including, but not limited to:

1. Surrendering Jurisdiction of An Animal to the State;

2. Cooperation in state or borough-authorized quarantines;

3. Cooperation in identification of rabies cases; and

4. Control of the spread of rabies, including the euthanasia of animals in order to test brain tissue.

B. The city may enter into cooperative agreements with the Borough and the Alaska State Department of Health and Social Services regarding the protocol for addressing rabies and potential rabies cases for all animals within the city, whether the animals are categorized as domestic, domesticated, wild, or otherwise categorized.

C. Where city law conflicts with state law concerning rabies control, state law shall be controlling.

12.05.400 Low Cost Rabies Vaccination Clinic for Dogs and Cats.

The chief animal control officer may, at his discretion, conduct or cooperate with the Borough or other organizations for low cost clinics for dogs and cats.

12.05.410 Animal Bite and Attack Incidents-Investigation and Classification.

A. It shall be the duty of an animal control officer to investigate and report each animal bite or attack incident to the chief animal control officer. The chief animal control officer shall review each report and determine the classification-of-each-bite or attack incident.

1. No other conditions of release shall be required if the incident is classified as accidental, except for the supervised quarantine provisions set forth in WMC 12.05.360, registration requirements set forth in WMC 12.05.130 and fee and expense requirements set forth in WMC 12.05.190.

B. If the bite or attack incident is classified as non-accidental, the animal involved shall be classified by the chief animal control officer as potentially dangerous, dangerous, or vicious.

C. If the incident is classified as non-accidental, the conditions, facts, and circumstances of the incident, and seriousness of any bite, shall be considered in determining the classification of the animal.

D. The classification of an animal as potentially dangerous, dangerous or vicious shall be completed by the chief animal control officer within ten days of the receipt of the bite or attack reports.

E. Upon classification of the animal as potentially dangerous, dangerous, or vicious, the animal control office must notify the owner of the classification in writing by personal service or by certified mail.

1. Notice by personal service shall be complete upon delivery and notice by mail shall be deemed complete upon return of the receipt of the notice as delivered, undeliverable, refused, or unclaimed.

12.05.420 Exceptions to Classifications.

A. Exceptions to potentially dangerous, dangerous, and vicious animal classifications are as follows:

1. No animal may be declared potentially dangerous, dangerous, or vicious if any injury or damage is sustained by a person of sufficient age and understanding who, at the time the injury or damage was sustained, was:

a. teasing, tormenting, abusing, or assaulting the animal; or

b. committing or attempting to commit a crime or intentional tort which would warrant immediate defense of person or property.

2. No animal may be declared potentially dangerous, dangerous, or

vicious if the animal was protecting or defending a person or property within the immediate vicinity of the animal or defending itself from an unjustified attack.

3. No dog may be declared potentially dangerous, dangerous, or vicious if the injury or damage to an animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of its owner, and the damage or injury was to a species or type of animal appropriate to the work of the dog.

4. No dog may be declared potentially dangerous, dangerous, or vicious if the dog has been trained specifically for a government or law enforcement agency to attack persons independently or upon oral command and at the time of the bite or attack the attacking dog is under the control and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of governmental or law enforcement duties.

B. If at anytime during a supervised quarantine a domestic or domesticated animal is rabid or is tentatively diagnosed as rabid, the provisions of WMC 12.05.370B shall apply.

1. This provision shall not exempt a domestic or domesticated animal which is not euthanized pursuant to WMC 12.05.370 from the provisions of this chapter if the domestic or domesticated animal is determined to be rabies free.

12.05.430 Impoundment and Written Release Orders.

A. Impoundment. An animal involved in a non-accidental bite or attack incident shall be impounded at the city animal control shelter unless the chief animal control officer, at his discretion, permits supervised confinement to be at a licensed veterinarian clinic or hospital.

1. If the animal is classified as vicious and is confined at a clinic or hospital under WMC 12.05.430A, the animal shall be released to the animal control office and impounded at the city animal shelter, after the period of supervised quarantine ends, unless the animal is under a veterinarian's care for sickness, disease or injury requiring the animal to remain at the clinic or hospital or to be kept under other specially required conditions at the time of the requested release by the city.

B. An owner of an animal classified as potentially dangerous or dangerous shall be provided with a written release order by the chief animal control officer setting forth the conditions of release accompanied by written findings of fact and conclusions.

1. The conditions of the written release order shall include, but are not limited to all requirements set forth in WMC 12.05.440 for animals classified as potentially dangerous and WMC 12.05.450 for animals classified as dangerous.

2. The chief animal control officer may, at his discretion, include other requirements or conditions in the written release order.

3. The chief animal control officer or his designee shall inspect the owner's premises to determine if the owner meets the conditions of release

requirements pertaining to confinement of the animal prior to release of the animal.

4. The chief animal control officer shall consider factors, including but not limited to the following factors, in determining the conditions of release:

a. the observed or reported past and present actions of the animal owner in controlling and restraining animals.

b. the circumstances of the incident and the extent of the injury to the person or animal attacked.

c. the owner's past history of compliance with past and present city animal control ordinances; and

d. the owner's past history of compliance with other State or Municipal animal control ordinances and laws.

C. All conditions of the written release order must be met, or the animal owner must demonstrate the ability to meet the conditions, prior to release of the animal.

1. Whether the animal owner has met the conditions or has the ability to meet the conditions shall be determined by the chief animal control officer.

D. Fees and expenses. Prior to any release, all fees and expenses reasonably incurred by the city from the date of impoundment shall be paid by the owner,

E. If an owner refuses to redeem his animal under the conditions of a written release order, refuses to pay fees and expenses, or violates any condition of a written release order, the animal is subject to forfeiture to the city upon a hearing before the chief animal control officer.

F. Violation of a written release order is an infraction. Each day the owner fails to abide by the written release order issued by the chief animal control officer constitutes a separate infraction for violating the conditions of the written release order.

12.05.440 Potentially Dangerous Animals-Mandatory Conditions of Release.

A. Potentially dangerous animals. The mandatory conditions of release for an animal classified as potentially dangerous shall include, but are not limited to, the following conditions:

1. The animal shall be tattooed in the right ear by the city with a city registration number.

2. Two photographs of the animal clearly and accurately depicting size, color and marks shall be maintained by the animal control office.

a. If the animal is not an adult at the time of the classification, the owner shall provide an updated photograph meeting the requirements of WMC 12.05.440A2 on the date set forth in the release order.

3. While on the owner's property, the animal must be securely confined indoors, or in a securely enclosed and locked pen or structure suitable to prevent the entry of persons and animals and constructed to prevent the animal from escaping by climbing, burrowing, or otherwise. The animal must be securely confined indoors at all times until the pen or structure is in place and approved by the chief animal control officer.

a. The pen or structure shall not be maintained or operated in a manner which is an annoyance as defined by WMC 12.05.010B4.

b. The pen or structure shall meet the following requirements:

(1) shelter which provides adequate air and ventilation and which will prevent the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions or dirty, wet and uncomfortable conditions which may endanger the health or welfare of the animal; and

(2) the pen or structure must be free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the animal.

(3) the pen or structure must have secure sides and a secure top. The pen or structure shall have a bottom secured to the sides unless it is deemed not necessary by the chief animal control officer for the particular type of animal. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one foot. The sides of the pen and the top and bottom, if any, must be securely attached to each other along each edge.

(4) if for a dog, the pen or structure must also have minimum dimensions of five feet in width by ten feet in length and must be constructed of such material and in such a manner to prevent the dog's jaws from protruding through the enclosure.

(a) The pen or structure must be approved by the chief animal control officer.

(b) The animal may be off the owner's premises only if it is restrained by a leash and under the direct control of a responsible adult. The strength and length of the leash must be approved by the chief animal control officer.

(5) Any fees and expenses incurred under WMC 12.05.430 shall be paid by the animal owner prior to release.

(6) The mandatory conditions of release set forth in this section and any other conditions imposed by the chief animal control officer or the animal control board shall remain in effect for the life of the animal as long as the animal remains under the jurisdiction of the City of Wasilla.

12.05.450 Dangerous Animals--Mandatory Conditions of Release.

A. Dangerous animals - The mandatory conditions of release for an animal classified as dangerous shall include, but are not limited to, the following conditions:

1. The animal shall be tattooed in the right ear by the city with city registration number.
2. Two photographs of the animal clearly and accurately depicting size, color and marks shall be maintained by the animal control office.
 - a. If the animal is not an adult at the time of the classification, the owner shall provide an updated photograph meeting the requirements of WMC 12.05.010B4 on the date set forth in the release order.
3. While on the owners property, the animal must be securely confined indoors, or in a securely enclosed and locked pen or structure suitable to prevent the entry of persons and animals and constructed to prevent the animal from escaping by climbing, burrowing or otherwise. The animal must be securely confined indoors at all times until the pen or structure is in place and approved by the chief animal control officer.
 - a. The pen or structure shall not be maintained or operated in a manner which is an annoyance as defined by WMC 12.05.0104.
 - b. The pen or structure shall meet the following requirements:
 - (1) Shelter which provides adequate air and ventilation and which will prevent the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions or dirty, wet and uncomfortable conditions which may endanger the health or welfare of the animal; and,
 - (2) the pen or structure must be free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the animal.
 - (3) the pen or structure must have secure sides and a secure top. The pen or structure shall have a bottom secured to the sides unless it is deemed not necessary by the chief animal control officer for the particular type of animal. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one foot. The sides of the pen and the top and bottom, if any, must be securely attached to each other along each edge.
 - (4) If for a dog, the pen or structure must also have minimum dimensions of five feet in width by ten feet in length and must be constructed of such material and in such a manner to prevent the dog's jaws from protruding through the enclosure.
 - (5) The pen or structure must be approved by the chief animal control officer.
4. The animal may be off the owner's premises only if it is restrained by a leash, muzzled, and under the direct control of a responsible adult. The strength and length of the leash and the strength and type of muzzle must be approved by the chief animal control officer.
5. The owner shall procure liability insurance or a bond and furnish the city with certificate of insurance or a bond specifically covering the animal's conduct, in the amount of at least \$50,000 for bodily injury to or

death of any person or animal.

a. The bond or policy certificate of insurance shall be submitted to and approved by the city prior to release of the animal.

b. The bond or liability insurance policy shall be kept current and in full force and effect during the ownership of the animal.

c. The bond or proof of liability insurance shall be on file at the animal control office.

6. The owner shall display in a prominent place on the premises where the animal is kept a sign, easily readable by the public, using the words Dangerous Animal.

a. The sign and its location must be approved by the chief animal control officer.

b. The owner shall have the animal spayed or neutered at the owner's expense.

7. All fees and expenses incurred under WMC 12.05.430 shall be paid by the animal owner prior to release.

B. The mandatory conditions of release set forth in this section and any other conditions imposed by the chief animal control officer or the animal control board shall remain in effect for the life of the animal as long as the animal remains within the jurisdiction of the City of Wasilla.

12.05.460 Vicious Animals.

A. All animals classified as vicious pursuant to this chapter, shall be humanely destroyed. Animals classified as vicious pursuant to this chapter shall be impounded and held at the animal control shelter until destroyed.

B. It is unlawful to own an animal classified as vicious pursuant to this chapter. Violation of this provision is an infraction.

12.05.470 Dangerous Animals Owners Notification

The owner of an animal classified as potentially dangerous or dangerous shall notify the animal control office immediately if the animal is running-at-large or has bitten or attacked a human being or another animal. Violation of this provision is an infraction.

12.05.480 Animal Classification and Written Release Order Review By Animal Control Board.

An owner aggrieved by the classification of an animal as potentially dangerous, dangerous, or vicious by the written release order of the chief animal control officer made pursuant to this chapter may have the decision reviewed by the animal control board as set forth in WMC 12.05.490-WMC 12.05.520.

12.05.490 Animal Control Board Composition.

A. The animal control board shall be composed of five members with one alternate. The term of each appointed member of the board shall be three years. The initial terms shall be staggered as follows:

1. one for a one-year term;
2. two for two-year terms; and
3. two for three-year terms.
4. The alternate's initial term shall be for three years.

B. Members of the animal control board and the alternate shall be appointed by the mayor, subject to confirmation by the council. There shall be one member selected from each of the following groups to the extent practicable:

1. licensed veterinarians;
2. organized and recognized animal interest groups;
3. animal trainers, preferably experienced in handling problem animals;
4. animal owners from the general public; and
5. non-animal owners from the general public.

C. The alternate shall be from one of the groups listed under B above.

D. Preference shall be given those applicants in each group who have experience in quasijudicial or similar matters.

E. The board members shall annually appoint a chairperson and vice-chairperson.

F. The mayor may authorize the Borough Animal Control Board to act as the City Animal Control Board.

12.05.500 Animal Control Board--Jurisdiction.

A. The animal control board has appellate jurisdiction over the determination of animals classified as potentially dangerous by the chief animal control officer, related written administrative orders, and animals forfeited pursuant to WMC 12.05.100 and 12.05.430.

B. The animal control board has original jurisdiction over the determination of animals classified as vicious by the chief animal control officer.

12.05.510 Animal Control Board--Proceedings.

A. The board's proceedings shall be governed by Robert's Rules of Order, Modern Edition, except as otherwise provided by this title. All board meetings shall be open to the public and taped, and minutes shall be kept.

B. Agenda. The agenda for animal control board meetings shall be as

follows unless modified for a particular meeting by majority vote when a quorum is present.

1. call to order;
2. roll call, determination of quorum, approval agenda;
3. approval of minutes of previous meeting;
4. opening presentation by city staff--15 minutes;
5. opening presentation by animal owner--20 minutes;
6. rebuttal remarks by city staff--10 minutes;
7. witness statements (witnesses are subject to examination by the animal control board);
8. closing remarks by city--10 minutes
9. closing remarks by animal owner--10 minutes;
10. rebuttal remarks by city--5 minutes;
11. board's deliberation and oral presentation of findings, conclusions, and order;
12. next case on the agenda following the procedures set forth in 4-11 above;
13. old business;
14. new business;
15. correspondence, information, and reports, including any reports by the chief animal control officer;
16. adjournment;

12.05.520 Animal Control Board--Hearings.

A. Procedures.

1. Finding procedures. An animal owner aggrieved by the chief animal control officer's classification of an animal, related written administrative order or an animal forfeiture decision is entitled to a hearing before the animal control board. Such request for a hearing must be in writing and filed with the city clerk within five days of the date of the written administrative order of the chief animal control officer. Within five days of receipt of the written request for a hearing by the city clerk, a hearing date shall be set no sooner than 20 days nor later than 30 days after receipt of the request. The chief animal control officer shall file the record regarding the case no less than 15 days before the date of the hearing. Witness lists, written briefs, and other information to be considered by the board shall be filed by the parties no less than seven days before the hearing.

2. Decision. Upon hearing the evidence, the board shall deliberate and issue written findings and conclusions based on the evidence on the record within two days of the hearing. The decision shall include an order stating the amount of fees and costs associated with the care of the animal while the case was pending.

B. Vicious animal hearings.

1. The standard of proof to be applied to vicious animal adjudications is the preponderance of the evidence standard. The preponderance of the evidence standard of proof is met when evidence as a whole shows the facts sought to be proved are more probable than not.

2. All animals found vicious by the animal control board shall be euthanized.

C. Potentially dangerous, or dangerous animal hearings. If a classification of animal as "potentially dangerous" or "dangerous" is appealed, the animal control board shall give deference to the written administrative order issued by the chief animal control officer if the decision of the chief animal control officer is supported by the substantial evidence in the record as defined by WMC 12.05.520E. The animal control board may affirm, reverse, or modify the classification of an animal as potentially dangerous or dangerous and may modify the written administrative order issued by the chief animal control officer in a potentially dangerous or dangerous animal appeal. However, the mandatory conditions set forth in WMC 12.05.440 if the animal is classified as potentially dangerous, or WMC 12.05.450 if the animal is classified as dangerous, shall not be modified by the board.

D. Forfeiture hearings. If a determination under WMC 12.05.100 or WMC 12.05.430 that animals should be forfeited is appealed, the animal control board shall give deference to the written administrative order issued by the chief animal control officer and the determination by the chief animal control officer of the fees and expenses to be paid by the owner, if the decision of the chief animal control officer is supported by the substantial evidence in the record as defined by WMC 12.05.520E. The animal control board may affirm or reverse the chief animal control officer's decision in a forfeiture proceeding. If the animal control board reverses the decision of the chief animal control officer in a forfeiture proceeding, it may order conditions of release prior to releasing the animal to its owner.

E. Substantial evidence. For the purpose of forfeiture, and potentially dangerous and dangerous animal hearings, substantial evidence means such relevant evidence a reasonable mind might accept as adequate to support a conclusion.

12.05.530 Appeals to Superior Court.

A. Appeals by the animal owner or city from the written decision of the animal control board shall be to the superior court and governed by the 600 series of the Alaska Rules of Appellate Procedure. The city clerk shall estimate the cost of preparing the transcript of the public hearing and compiling the record on appeal. The appellant must deposit the estimated costs for preparation of the transcript and record on appeal, the city clerk shall refund an excess deposit or charge to the appellant for costs exceeding the deposit.

B. The hearing before the superior court is an administrative appeal heard solely on the record established before the animal control board.

12.05.540 Fees Upon Approval.

C. An animal whose owner is awaiting a decision on appeal may remain in impoundment at the chief animal control officer's sole discretion. The owner is responsible for all fees and expenses reasonably incurred from the date of impoundment. A request to appeal a decision of the chief animal control officer to the animal control board shall be accompanied by advance payment of room and board fees calculated from the date of the decision of the chief animal control officer to the date set for hearing by the animal control board.

12.05.550 Animal Control Officers--Appointment.

A. Appointment. The mayor shall appoint a chief animal control officer.

B. Deputy animal control officer. The chief animal control officer shall establish job qualifications and appoint deputy animal control officers.

C. Contract for services. The city may contract, in whole or in part, for any or part of its animal control services. If a contract for animal control services is entered into with the Matanuska-Susitna Borough, then the City will be deemed to have granted to the animal control officials of the Matanuska-Susitna Borough those powers and duties set forth herein as held by the animal control officer and deputy control officer of the City of Wasilla.

12.05.560 Powers and Duties of Animal Control Officer.

A. Chief animal control officer. The chief animal control officer has all the powers of a deputy animal control officer and the power to administer and enforce the provisions of this chapter including, but not limited to, the following; operating animal shelters, holding animal control hearings authorized by this chapter, conducting low cost rabies vaccination clinic for dogs and cats, issuing written animal control administrative orders, negotiating and settling non-judicial disputes and matters under this chapter, entering into settlement and payment schedule agreements, and developing and implementing animal control policies, regulations, and procedures.

B. Deputy animal control officer. A deputy animal control officer has the duty to enforce the provisions of this chapter, subject to the chief animal control officer's authority, including but not limited to investigating animal control matters and issuing, filing, and serving citations and written administrative orders, and being certified as a lay vaccinator by the State of Alaska for the purpose of administering rabies vaccines to dogs and cats under the jurisdiction of the city.

12.05.570 Interference.

A. It is unlawful for any person to interfere with, hinder, or molest an animal control officer, or officer or agent of the city in the performance of any of his duties under this chapter.

B. It is unlawful for any person to remove or release any animal from the animal shelter, animal control vehicles, city live animal traps, or from any other official custody of any animal control officer or agent of the city without first obtaining permission to do so from the animal control office.

C. It is unlawful for any person to hinder or interfere with any animal control investigation, reporting, or prosecution.

D. An individual may lawfully detain any animal found in violation of the city code provided they immediately notify the animal officer.

E. Violation of any provision of WMC 12.05.570 is an infraction.

12.05.580 Recordkeeping.

A. Records. The animal control office shall keep accurate and detailed records including, but not limited to, records regarding moneys received and expended, registering, impoundment, disposition of animals, and investigations regarding animals coming under the city's jurisdiction.

B. Confidentiality. Complaints and investigating records shall be kept confidential and not released unless other wise required by law.

12.05.590 Policies, Regulations, and Procedures.

The chief animal control officer may, subject to the approval of the mayor, establish written policies, regulations, and procedures to carry out the provision of this chapter. Animal policies, regulations, and procedures adopted and administered by the chief animal control officer shall be set forth in the manual entitled "Animal Control Policies, Regulations and Procedures" which shall be made available to the public for no more than cost. The chief animal control officer may modify, amend, or rescind, in writing, in whole or in part, subject to the approval of the mayor, the "Animal Control Policies, Regulations and Procedures" manual.

12.05.600 Infractions.

An infraction is a minor offense which carries no jail sentence and cannot result in the loss of a valuable license. Except as otherwise provided in this chapter, a person violating any provision of this title shall be deemed guilty of an infraction and, upon conviction, is punishable by a fine not less than \$50 not greater than \$300.

12.05.610 Misdemeanors.

Any person violating any provision of WMC 12.05.090, or WMC 12.05.330B be deemed guilty of a misdemeanor and, upon conviction, is subject to a penalty not to exceed a fine of \$1,000 and imprisonment for ninety days.

12.05.620 Forfeiture.

A. Any person who is convicted of violating any provision of WMC 12.05.090 who is the owner of the animal and is ordered by the court to forfeit the animal or goes through a forfeiture hearing conducted by the chief animal officer, pursuant to WMC 12.05.100 or WMC 12.05.430 shall forfeit all rights of ownership in the animal(s). Such forfeited animal(s)

shall be subject to the impoundment, adoption, and euthanasia provisions of this chapter.

B. Any person who fails to pay impoundment and boarding fees and other costs and expenses reasonably incurred by the city for the care and maintenance of an animal may be subject to forfeiture of his rights and interest in the animal.

12.05.630 Civil Penalty and Statutory Injunction.

Pursuant to A.S.2925.070(b) the city may institute a civil action against any person who violates any provision of this chapter. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. Upon an application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction. Each day that a violation of this chapter continues constitutes a separate violation.

12.05.640 Fines for Infractions.

A. The following fine schedule is hereby established for violations of the following provisions of Chapter 12.05 of the Wasilla Municiple Code.

1. WMC 12.05.030 Animal Annoyance.....\$50
2. WMC 12.05.040 Failure to provide sanitary enclosure.....\$50
3. WMC 12.05.050 Keeping diseased animals.....\$50
4. WMC 12.05.060 Animals in public places.....\$50
5. WMC 12.05.070A Failure to restrain animal
 1st offense\$75
 2nd offense same owner within 12 months.....\$100
 3rd offense same owner within 12 months.....\$200
6. WMC 12.05.070C Release from restraint non-owner.....\$50
7. WMC 12.05.090 Cruelty to animals.....\$250
8. WMC 12.05.100D Failure to pay fees, costs, and expenses.....\$50
9. WMC 12.05.110A Trapping domestic or domesticated animals.....\$50
10. WMC 12.05.110B Failure to check live trap.....\$50
11. WMC 12.05.110C Failure to provide humane care
 for trapped animals.....\$50
12. WMC 12.05.110D Failure to release in timely manner.....\$75
13. WMC 12.05.110E Unlawful release of trapped animal.....\$50
14. WMC 12.05.130 Failure to register dog or cat.....\$50

15. WMC 12.05.140 Failure to register kennel or cattery.....\$75
16. WMC 12.05.140C Failure to re-register kennel or cattery.....\$75
17. WMC 12.05.150 Failure to update & provide registration information.....\$75
18. WMC 12.05.160 Failure to meet kennel & cattery requirements..\$100
19. WMC 12.05.240 Failure to comply with written administrative order.....\$100
20. WMC 12.05.300 Failure to spay or neuter adopted dog or cat...\$100
21. WMC 12.05.330 Failure to immunize dog or cat for rabies.....\$100
22. WMC 12.05.330A Failure to report bite/doctors.....\$50
23. WMC 12.05.330B Fraudulent rabies certificate.....\$250
24. WMC 12.05.340 Failure to report rabies/veterinarian.....\$150
25. WMC 12.05.340 Failure to report bite/citizens.....\$50
26. WMC 12.05.360 Failure to surrender an animal for supervised quarantine.....\$100
27. WMC 12.05.370 Failure to report rabies..quarantined animal...\$150
28. WMC 12.05.370 Unauthorized destruction of rabid animal.....\$50
29. WMC 12.05.370 Failure to destroy rabid animal/veterinarian....\$50
30. WMC 12.05.370 Failure to surrender rabid animal.....\$200
31. WMC 12.05.430 Failure to comply with written release order...\$250
32. WMC 12.05.460 Owing a vicious animal.....\$250
33. WMC 12.05.470 Failure to notify of running-at-large animal...\$150
34. WMC 12.05.570A Interference with animal control officer.....\$150
35. WMC 12.05.570B Unlawful release of animal in custody of city..\$75
36. WMC 12.05.570C Interference with investigation, reporting, or prosecution.....\$100
37. WMC 12.05.570D Failure to notify or surrender detained animal/citizen.....\$50

B. The court may order a defendant to perform community service work in lieu of a fine.

12.05.650 Citations for Infractions.

A. Citations for Infractions. The citation issued for violation of

the provisions of this chapter shall be in writing, stating the nature of the violations, name the alleged violator, and contain a notice to answer to the charges against the alleged violator in the Alaska State District Court for the Third Judicial District at Palmer. The citation shall further state that the defendant is entitled to a trial, to engage counsel, to confront and question witnesses, to testify, and to subpoena witnesses in defendant's behalf. The citation shall also indicate whether a court appearance is mandatory or can be waived, shall state the fine established by city ordinance, the defendant must follow in responding to the citation, and the consequences for failure to respond.

B. Issuance. Any animal control officer, peace officer or other authorized agent of the city may issue, file, and serve citations for violations of the provisions of this chapter.

C. Disposition. A person issued a citation pursuant to this chapter has the option of paying the applicable fine to the district court clerk upon entering the plea of no-contest and waiving appearance in court. The defendant may enter a plea of not guilty and request a trial.

D. No contest and conviction. Persons who do not contest the citation who change their original plea of "not guilty" to "no-contest" or persons convicted of the offense charged shall be fined according to the fine schedule for all violations set forth in WMC 12.05.640 and for all other violations according to the fine limits set forth in WMC 12.05.600.

12.05.660 Summons and Complaints for Misdemeanors.

Summons and complaints for misdemeanors shall be prepared and filed by legal counsel representing the city.

Section IV. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

INTRODUCTION 06/14/93

PUBLIC HEARING 06/28/93

Adopted the Wasilla City Council this 12th day of July 1993.

Pat Steen, Deputy Mayor
JOHN C. STEIN, Mayor

ATTEST:

Erling P. Nelson
ERLING P. NELSON, CMC
City Clerk