



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
FAX: (907) 373-9085

CODE ORDINANCE

REQUESTED BY: CLERK'S OFFICE
PREPARED BY: CLERK'S OFFICE/LEGAL

ORDINANCE SERIAL NO. 96-28

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA REPEALING TITLE 12, ANIMAL CONTROL, OF THE WASILLA MUNICIPAL CODE AND READOPTING A NEW TITLE 12, ANIMAL CONTROL.

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

SECTION I. Classification. This is a code ordinance and shall become a part of the Wasilla Municipal Code.

SECTION II. Purpose. To create uniformity between the Borough and City animal control regulations administered through contract between the City of Wasilla and the Matanuska-Susitna Borough.

SECTION III. Repeal. Title 12 of the Wasilla Municipal Code and its underlying Ordinance Serial No. 93-15 are hereby repealed.

SECTION IV. Enactment. There is hereby enacted to the Wasilla Municipal Code Title 12, Animal Control.

TITLE 12

ANIMAL CONTROL

CHAPTERS:

12.05 GENERAL PROVISIONS

12.10 REGISTRATION

12.15 IMPOUNDMENT AND ADOPTION

12.20 RABIES CONTROL

12.25 ANIMAL BITE AND ATTACK INCIDENTS

12.30 ANIMAL CONTROL BOARD

12.35 ANIMAL CONTROL OFFICER

12.40 PENALTIES

CHAPTER 12.05

GENERAL PROVISIONS

SECTION:

| | |
|-----------|--------------------------|
| 12.05.010 | Definitions |
| 12.05.020 | Jurisdiction |
| 12.05.030 | Animal Annoyance |
| 12.05.040 | Sanitary Enclosures |
| 12.05.050 | Diseased Animals |
| 12.05.060 | Animals In Public Places |
| 12.05.070 | Restraint Of Animals |
| 12.05.080 | Humane Animal Care |
| 12.05.090 | Cruelty To Animals |
| 12.05.100 | Protective Custody |
| 12.05.110 | Live Animal Traps |
| 12.05.120 | Severability |

12.05.010 Definitions.

A. For the purposes of this title, the following definitions of terms used shall apply in all cases, unless otherwise stated.

1. "Animal" means vertebrate domestic or domesticated members of the Animalia kingdom unless otherwise provided by this title.
2. "Animal control office" means the agency having authority (including agencies authorized by contract with the city) for enforcement of the animal control provisions of this title and of all animal shelters maintained at city expense, including the expense of contract services provided to the city.
3. "Animal control shelter" means any premises designated for the purpose of impounding and caring for animals impounded pursuant to this title.
4. "Annoyance" means an actual interference with the sleep, work or reasonable right to peace, safety, or privacy of a person.
5. "Borough" means the Matanuska-Susitna Borough.
6. "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* is also a canid hybrid. Canid hybrids are domesticated animals.
7. "Cat" means a member of the genus and species *Felis Catus*.
8. "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.
9. "Chief animal control officer" means the person appointed by the ~~manager of the borough~~ Mayor (including a person appointed by an agency authorized by contract with the City) who has primary responsibility for administering and enforcing the provisions of this title.

10. City means the City of Wasilla and in the context of a particular section, may mean the designated contract agent of the city providing animal control services to the city.

11. "Competent voice control" means:

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;

c. the animal under voice control follows all of the vocal commands quickly and accurately.

12. "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.

13. "Days" are defined as the time in which an act required by this code is to be done is computed by excluding the first day and including the last, unless the last day falls on a weekend or on a holiday, recognized by the city, and then it is also excluded. Unless otherwise specified, "days" means city "business days".

14. "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 title, "dog" shall include canid hybrids unless otherwise specified.

15. "Domesticated" means animals owned which are commonly or historically adapted to man's use or pleasure.

16. "Identification" means a collar and tag, brand, tattoo, or other mark or means which makes ownership of the animal ascertainable.

17. "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.

18. "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.

19. "Mayor" means the Mayor of the City of Wasilla.

20. "Neutered dog or cat" means any male dog or cat rendered incapable of reproduction by surgical operation.

21. "Own" means to have, keep, possess, harbor, take care of, have custody of, or control over any animal.

22. "Owner" means any person, group of persons, association or corporation owning, keeping, taking care of, having custody of, having control over, or harboring any animal or animals.

23. "Restraint" shall mean 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 an animal not be physically restrained, or in a form of recognized hunting which requires the use of an animal such as a retriever;
- 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.

24. "Running-at-large" means an animal is not under restraint.

25. "Sanitary" means free from bacteria, parasites, waste, filth or other elements in amounts which would endanger the health or welfare of an animal.

26. "Spayed dog or cat" means any female which has had a surgical ovario-hysterectomy to prevent conception.

27. "Wild" refers to a type of animal which generally lives in its original and natural state and is not domesticated, or animals which are classified as wild under state law.

12.05.020 Jurisdiction.

A. The city has jurisdiction over domestic and domesticated animals including canid hybrids. 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.

~~B. 3. This title contemplates that an inter-governmental contract is in place or will be in place so as to contract with the Matanuska-Susitna Borough for animal control services within the City of Wasilla. Therefore, in some instances, direct reference will sometimes be made to borough facilities, procedures or personnel in the course of this title.~~

12.05.030 Animal Annoyance. It is unlawful for any animal owner to allow an animal to annoy 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 in which the 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 the 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. It is unlawful to tie, stake, or fasten any animal within any highway, street, alley or public place within the city, or so that the animal has access

to any portion of any highway, street, alley or public place therein, provided that the Mayor 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.

12.05.070 Restraint Of Animals

- A. All animals shall 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 this section is an infraction.

12.05.080 Humane Animal Care.

- A. Humane animal care includes, but is not limited to, providing:
 - 1. sufficient wholesome and nutritious food at least once daily which will keep the animal in healthy physical condition;
 - 2. sufficient daily quantities of fresh water which meet the hydration requirements for the animal;
 - 3. adequate shelter which provides adequate air and ventilation and which prevents the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions and dirty, wet and uncomfortable conditions which may endanger the health or welfare of the animal; and
 - 4. veterinary care when needed to treat the animal for sickness or disease, or to prevent suffering of the animal.

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 city law;
 - 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 owner shall fail to provide humane animal care or abandon an 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, borough, state or federal employee or agent.

G. Acts in violation of this section constitute cruelty to animals. Cruelty to animals is an infraction.

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; or
2. is being cruelly treated by any person.

B. All animals taken into protective custody shall 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 an 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 upon a hearing before the chief animal control officer ~~set forth in the borough's "Animal Control Policies, Regulations and Procedures" manual~~

2. The owner may appeal the forfeiture ~~to the borough animal control board~~ as set forth in WMC 12.30.

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 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 because of a determination by the chief animal control officer that the animal was cruelly treated, 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 ~~borough or city authorized~~ live animal trap issued by the City (or an agency authorized by contract with the City) is used.

B. A person who is issued a ~~borough or city authorized~~ live animal trap by the City (or an agency authorized by contract with the City) 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 animal care 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 12.05.110(E).

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 this section 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.

CHAPTER 12.10

REGISTRATION

SECTION:

| | |
|-----------|---|
| 12.10.010 | Registration; Dogs And Cats |
| 12.10.020 | Registration; Kennel And Catteries |
| 12.10.030 | Registration; Updating Information |
| 12.10.040 | Kennel And Cattery Requirements |
| 12.10.050 | Registration Tags And Tattoos Or Microchip Identification For Dogs And Cats |
| 12.10.060 | Registration Certificates For Kennels And Catteries |
| 12.10.070 | Fees |
| 12.10.080 | Unexpired Dog And Kennel Licenses |
| 12.10.090 | Exemptions |
| 12.10.100 | Kennel And Cattery Inspections |
| 12.10.110 | Written Administrative Orders |
| 12.10.120 | Registration, Tagging And Tattooing Implementation |
| 12.10.130 | Distribution Of Title 12: Animal Control |
| 12.10.140 | Reciprocal Agreements |

12.10.010 Registration; Dogs And Cats

A. *Registration required.* Within the city, no person shall own any dog or cat over the age of six months without registering each dog or cat.

B. *Registration.* 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.

1. If ownership of an animal is transferred and the animal has a current rabies immunization, proof of transfer of ownership or proof of the animal's identification must be provided when registering the animal.

D. *Expiration of dog and cat registration.* Dog and cat registrations expire as follows:

1. For dogs and cats not tattooed or microchipped in compliance with the chapter, the registration expiration date is three years from the date of registration.

2. There is no registration expiration date for dogs and cats tattooed or microchipped in compliance with this chapter.

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

F. *Violation.* Violation of WMC 12.10.010(A) is an infraction.

12.10.020 Registration; Kennel And Catteries

A. *Registration required.* In addition to the registration requirements of WMC 12.10.010, 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 shall be re-registered.

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

E. *Violation.* Violation of WMC 12.10.020(A) or (C) is an infraction.

12.10.030 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 12.10.010(B) and WMC 12.10.020(B). Violation of this provision is an infraction.

12.10.040 Kennel And Cattery Requirements

A. No kennel or cattery shall be maintained or operated in a manner which is an annoyance.

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

1. shelter which provides adequate air and ventilation and which shall 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 shall be physically restrained or confined within the premises of the kennel or cattery; and

3. the premises shall 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 shall be provided to keep the dogs or cats in healthy physical condition.

C. Violation of WMC 12.10.040(B) is an infraction.

12.10.050 Registration Tags And Tattoos Or Microchip Identification 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 animal control office.

B. *Tag replacement.* The registration tag shall be securely fastened to the dog's or cat's choke chain, collar or harness, which shall 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 tattoos or microchip identification.* The dog or cat owner may have the dog or cat tattooed or have a microchip identification approved and inserted by the city with the city identification number. Such tattoo will be in the right ear of the dog or cat. The microchip identification shall be inserted in a location specified by the chief animal control officer.

D. *Performance of registration tattoos.* A tattoo or microchip implant may be performed in a place other than the borough animal control shelter (including shelters authorized by contract with the city) by someone other than a borough animal control officer, at the owner's expense, if the owner notifies the city (or an agency authorized by contract with the city) of the identification number and the location of the tattoo or microchip.

E. *Application.* If the dog or cat is tattooed, or has a microchip identification inserted, as set forth in WMC 12.10.050(C) or (D), the provisions of WMC 12.10.050(B) do not apply to that dog or cat.

12.10.060 Registration Certificates For Kennels And Catteries

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

12.10.070 Fees.

A. The registration fee for each dog or cat shall be \$5. However, if at the time of registering dogs or cats the owner is also registering a kennel or cattery, the registration fee shall be \$25 for registering each kennel or cattery and \$1 for each dog or cat over five dogs or cats registered with the kennel or cattery license.

B. 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.

12.10.080 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 shall become effective for those dogs and kennels.

12.10.090 Exemptions.

A. The registration requirements for dogs and cats under this chapter do not apply to any dog or cat kept within the city for less than 30 calendar days. All such dogs and cats are subject to all other provisions of this title. This subsection does not allow a 30-day grace period for compliance with registration requirements for dog and cat owners within the city. This subsection is an exemption only for dogs and cats kept temporarily within the boundaries of the city.

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 requirements set forth in WMC 12.10.010 and WMC 12.10.020. However, the shelters, hospitals and clinics are subject to all other requirements of this title.

12.10.100 Kennel And Cattery Inspections

A. The chief animal control officer may inspect a kennel or cattery that has applied for a registration certificate under WMC 12.10.020, or the agency authorized by contract with the city may set forth a rules in the Matanuska-Susitna Borough Animal Control Policies, Regulations and Procedures manual to ensure compliance with WMC 12.10.040, prior to the issuance of a kennel or cattery license. Any inspection performed under this section shall require the owner be given reasonable notice prior to the inspection time and date.

B. Upon receiving written complaint that the kennel or cattery does not meet any or all of the requirements of WMC 12.10.040, the chief animal control officer may, at the officer's discretion, inspect any kennel or cattery.

12.10.110 Written Administrative Orders

A. If, upon the inspection of a kennel or cattery, the kennel or cattery does not meet the requirements of WMC 12.10.040, 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 shall meet in order to be in conformance with WMC 12.10.040.

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

C. If, upon a second inspection after the time granted in the written administrative order, the kennel or cattery is still in violation, the chief animal 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.

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

12.10.120 Registration, Tagging And Tattooing Implementation. The chief animal control officer, at the officer's discretion, may include in ~~the Matanuska-Susitna Borough's~~ an "Animal Control Policies, Regulations and Procedures" manual policies, regulations and procedures to carry out the requirements of this chapter.

12.10.130 Distribution Of Title 12: Animal Control. Every owner registering a dog or a cat, or a kennel or a cattery shall be furnished a copy of title 12: Animal Control, and acknowledge in writing the receipt thereof.

12.10.140 Reciprocal Agreements. The city is authorized to enter reciprocal agreements regarding animal registrations with a municipality. Under reciprocal registration agreements, a registration issued by either the borough or a city will be treated as valid by the non-issuing jurisdiction as long as the registration would be valid in the issuing jurisdiction.

CHAPTER 12.15

IMPOUNDMENT AND ADOPTION

SECTION:

- 12.15.010 Impoundment Procedure
- 12.15.020 Redemption Of Impounded Animals
- 12.15.030 Fees
- 12.15.040 Livestock Auction
- 12.15.050 Adoption
- 12.15.060 Voluntary Release
- 12.15.070 Tattooing Or Microchip Insertion; Impounded Dogs And Cats

12.15.010 Impoundment Procedure.

A. *Animals running-at-large.* Animals found running-at-large are subject to impoundment by an ~~borough~~ animal control officer or authorized agent providing animal control contract services to the city. 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. 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 retain custody of the 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 12.15.010(A), a hearing before the ~~borough~~ animal control board may be held at the owner's request pursuant to WMC 12.30 to adjudicate the animal as vicious.

12.15.020 Redemption Of Impounded Animals

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

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

12.15.030 Fees.

A. The city hereby adopts the impoundment fees and costs to be charged by the ~~Borough~~ Animal Control Office or Shelter or an agency authorized by contract with the city.

B. Payment of impoundment fees for an animal running-at-large shall not exceed \$300 per animal for each incident of impoundment.

C. 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, including the expense of contract services provided to the city.

D. The animal may 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 shall be subject to the adoption and euthanasia provisions of this title 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.

12.15.040 Livestock Auction. The chief animal control officer may, at the officer's discretion, auction livestock as set forth in ~~the Matanuska-Susitna Borough's~~ an "Animal Control Policies, Regulations and Procedures" manual or a manual adopted by an agency authorized by contract with the city.

12.15.050 Adoption.

A. In addition to the registration provisions set forth in WMC 12.10, no dog or cat shall be adopted from the shelter unless the prospective owner agrees to have the animal spayed or neutered.

B. The council hereby adopts the animal adoption fees and costs to be charged by the ~~Borough~~ Animal Control Office or Shelter.

C. A dog or cat which is at least six months old and is not spayed or neutered when it is adopted shall be spayed or neutered within 30 calendar 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 owner of a dog or cat adopted from the shelter shall provide to the city written proof of having the dog or cat spayed or neutered by a licensed veterinarian within 30 calendar days of the last date the dog or cat is required by this section to be spayed or neutered.

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 the officer's discretion, establish an adoption plan and fee schedule for animals other than dogs or cats.

G. An animal classified as a nuisance, 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 this section may be established by the chief animal control officer and set forth in an the Matanuska-Susitna Borough's "Animal Control Policies, Regulations and Procedures" manual or a manual adopted by an agency authorized by contract with the city.

J. Failure to have a dog or cat spayed or neutered as set forth in WMC 12.15.050(C), or to provide written proof of the spay or neuter, is an infraction.

12.15.060 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.

12.15.070 Tattooing Or Microchip Insertion; Impounded Dogs And Cats. All 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, or a microchip implant approved by the city. If the animal is being released to the owner and the owner requests to be present, the owner shall be present during the tattooing or insertion of the microchip. The cost of the tattoo or microchip shall be paid by the owner. The chief animal control officer shall list the fee for a tattoo or microchip implant in a schedule approved by the Mayor or his designee.

CHAPTER 12.20: RABIES CONTROL

SECTION:

| | |
|-----------|--|
| 12.20.010 | Definition |
| 12.20.020 | Rabies Immunization |
| 12.20.030 | Reporting |
| 12.20.040 | Surrender Of Animals |
| 12.20.050 | Supervised Quarantine |
| 12.20.060 | Rabid Animals |
| 12.20.070 | Area Quarantine |
| 12.20.080 | Cooperation With Alaska State Department Of Health And Social Services |
| 12.20.090 | Low Cost Rabies Vaccination Clinics For Dogs And Cats |

12.20.010 Definition. Notwithstanding WMC 12.05.010(B), for purposes of this chapter the word "animal" includes all animals, unless otherwise specified. "Dog" does not include canid hybrids for purposes of this chapter.

12.20.020 Rabies Immunization.

A. A person may not keep, own or harbor a dog or cat over six months of age unless the dog or cat has been immunized for rabies in accordance with the laws of the state 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 an infraction.

C. The rabies immunization requirements do not apply to canid hybrids unless and until a rabies vaccine is approved by the state.

1. For rabies issues concerning canid hybrids, the city shall defer to the state of Alaska.

12.20.030 Reporting.

A. All practitioners of human medicine shall report to the animal control office within 12 hours of discovery of 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 of 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.

D. Except for dogs and cats, other domestic or domesticated animals that have bitten a human or another animal shall be reported immediately to the Alaska State Department of Social and Health Services.

12.20.040 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 12.20.050, if the domestic or domesticated animal has bitten a human or another animal. Violation of this provision is an infraction.

12.20.050 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.

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

1. at the designated borough 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;
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.

12.20.060 Rabid Animals.

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

B. *Confirmation of diagnosis.* 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.* Destruction of animals shall be as follows:

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 may be rabid.

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

D. *Disposition of rabid animal.* Disposition of rabid animals shall be as follows:

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 of the carcass.

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

E. *Violation.* Violation of WMC 12.20.060(A), WMC 12.20.060(C)(1) and (2), or WMC 12.20.060 (D)(1) is an infraction.

12.20.070 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 calendar 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 may 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 the 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 calendar 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 shall be immediately re-vaccinated and placed

under supervised quarantine. The bite shall be reported immediately to the chief animal control officer.

12.20.080 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-authorized quarantines;
3. cooperation in identification of rabies cases;
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 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. The protocol shall be set forth in an the Matanuska-Susitna Borough's "Animal Control Policies, Regulations and Procedures" manual or a manual adopted by an agency authorized by contract with the city

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

12.20.090 Low Cost Rabies Vaccination Clinics For Dogs And Cats. The chief animal control officer may, at the officer's discretion, conduct low cost rabies vaccination clinics for dogs and cats as set forth in the an Matanuska-Susitna Borough's "Animal Control Policies, Regulations and Procedures" manual or a manual adopted by an agency authorized by contract with the city.

CHAPTER 12.25

ANIMAL BITE AND ATTACK INCIDENTS

SECTION:

- 12.25.010 Definitions
- 12.25.020 Animal Bite And Attack Incidents; Investigation And Classification
- 12.25.030 Exceptions To Classifications
- 12.25.040 Impoundment And Written Release Orders
- 12.25.050 Potentially Dangerous Animals; Mandatory Conditions Of Release
- 12.25.060 Dangerous Animals; Mandatory Conditions Of Release
- 12.25.070 Vicious Animals
- 12.25.080 Nuisance And Dangerous Animals; Owner's Notification
- 12.25.090 Animal Classification And Written Release Order Review By The Borough Animal Control Board
- 12.25.100 Nuisance Animals; Mandatory Conditions Of Release
- 12.25.110 Transfer Of Ownership Of A Classified Animal
- 12.25.120 Pre-Existing Classifications

12.25.010 Definitions.

A. For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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. "Bite" means the animal, by using its teeth, breaks the skin of a human being or animal.
4. "Dangerous animal" means any animal which:
 - a. has bitten or attacked without provocation a human being whether on public or private property;
 - b. has bitten or attacked an animal without provocation whether on public or private property, and caused injuries that requires veterinary care. Veterinary care includes treatment performed either by a licensed veterinarian or by a lay person with the skills and knowledge to perform such care or by a lay person under the direction of a veterinarian; or
 - c. has caused minor injuries to a person or persons such as, but not limited to, bruising, small lacerations, puncture wounds, abrasions, which do not require the hospitalization of the victim or victims.
5. "Nuisance animal" means an animal:
 - a. that has engaged in the following activities:
 - i. aggressive posturing;
 - ii. aggressive lunging; or
 - iii. barking; and
 - b. has by its behavior caused a person to modify, stop, or alter the person's activity; caused a person to fear for a person's safety from the animal's behavior; or has caused flight of an animal or disruption of a domestic animal flock or group. The burden of proof in this section shall be one of a reasonable belief by the victim or victim owner that the victim was in danger of being attacked as defined in WMC 12.25.010(2), but an actual attack did not occur.
6. "Provocation" means the teasing, tormenting, abusing or assaulting of an animal to incite the animal to bite or attack.
7. "Serious injury" means a puncture wound, laceration, avulsion, deep soft tissue, or bony injury to a human being or animal requiring medical evaluation and treatment.

8. "Vicious animal" means any animal which has, without provocation, caused serious injury or death to a human being or animal, whether on private or public property.

12.25.020 Animal Bite And Attack Incidents; Investigation And Classification

A. The deputy animal control officer shall investigate and report each animal bite or attack incident to the chief animal control officer. The chief animal control officer shall classify bite and attack incidents.

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 12.20.050, registration requirements set forth in WMC 12.10 and fee and expense requirements set forth in WMC 12.15.030.

B. If the bite or attack incident is classified as non-accidental, the animal involved may be classified by the chief animal control officer as a nuisance, 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 a nuisance, dangerous or vicious shall be completed by the chief animal control officer within ten days of the receipt of the bite or attack report.

E. Upon classification of the animal as a nuisance, dangerous or vicious, the animal control officer shall notify in writing by personal service or by certified mail and regular mail the following:

1. the owner of the animal classified;
2. the victim or victim owner in the incident classified; and
3. 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.

F. It is a violation for any complaint, reports, statements, or other documentation to be fraudulently filed. Violation of this provision is an infraction.

12.25.030 Exceptions To Classifications.

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

1. No animal may be declared a nuisance, 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 a nuisance, 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 a nuisance, 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 a nuisance, 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 any time during a supervised quarantine a domestic or domesticated animal is rabid or is tentatively diagnosed as rabid, the provisions of WMC 12.20.060(B) shall apply. This provision shall not exempt a domestic or domesticated animal which is not euthanized, pursuant to WMC 12.25, from the provisions of this chapter if the domestic or domesticated animal is determined to be rabies-free.

12.25.040 Impoundment And Written Release Orders

A. *Impoundment.* An animal involved in a bite or attack incident shall be impounded at the borough animal control shelter unless the chief animal control officer, at the officer's discretion, permits supervised confinement to be at a licensed veterinarian clinic or hospital, licensed kennel, or at the owner's house if the kennel or home has adequate facilities to quarantine the animal. Any quarantine of an animal not at the animal control shelter shall be posted with a quarantine sign that states the reason for the quarantine, conditions, and dates of the quarantine. If the animal is classified as vicious and is confined at a clinic or hospital after the period of supervised quarantine ends, the animal shall be released to the animal control office and impounded at the animal shelter unless the animal is:

1. under a veterinarian's care for sickness, disease or injury requiring the animal to remain at the clinic or hospital; or
2. kept under other specially required conditions at the time of the requested release by the city.

B. *Written release order.* An owner of an animal classified as a nuisance or dangerous shall be provided 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 12.25.100 for animals classified as nuisance and WMC 12.25.060 for animals classified as dangerous. The owner shall have five days from receipt of the conditional release order to comply and implement all of the terms and conditions of the order, unless stated otherwise.

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

3. The chief animal control officer or the officer's 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;

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

C. *Conditions of written release order to be met.* 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. 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. *Forfeiture of animal.* If an owner refuses to redeem an 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 as set forth in an the Matanuska-Susitna Borough's "Animal Control Policies, Regulations and Procedures" manual or a manual adopted by an agency authorized by contract with the city.

F. *Violation.* 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.

G. *Release agreements.* The chief animal control officer may, at the officer's discretion, enter into conditional release agreements for animals involved in bite or attack incidents.

12.25.050 Potentially Dangerous Animals; Mandatory Conditions Of Release

RESERVED.

12.25.060 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 a city registration number. In lieu of a tattoo, a microchip approved by the city may be implanted in the animal. The cost of microchip identification shall be paid by the owner.

2. Two photographs of the animal clearly and accurately depicting size, color and marks shall be maintained by the animal control office. If the animal is not an adult at the time of the classification, the owner shall provide an updated photograph on the date set forth in the release order.

3. While on the owner's property, the animal shall 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 escaping from the enclosure.

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

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

i. 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;

ii. the pen or structure shall be free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the animal;

iii. the pen or structure shall 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 shall 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, shall be securely attached to each other along each edge;

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

c. 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 strength and type of muzzle shall be approved by the chief animal control officer.

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

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

B. *Change in location.* The owner shall notify the chief animal control officer of any change in the physical location of an animal classified under this section, and the new location

shall be subject to the terms and conditions of the conditional release order for kennel and restraint requirements.

1. The conditions shall apply to an animal being boarded at a location other than the approved location and kennel as stated in the mandatory conditions of the conditional release order issued under this section.

2. The notification to the city set forth in this section shall not apply to temporary moves of the animal for the purposes of providing veterinarian care.

3. Upon notice to the chief animal control officer, the subject animal may be impounded until the owner complies with all requirements of the conditional release order, or until such time as the chief animal control officer schedules an impoundment and forfeiture hearing. In the event the animal is impounded, the owner shall be responsible for all costs and fees associated with the impoundment. Violation of this subsection is an infraction.

C. *Mandatory conditions of release.* The mandatory conditions of release set forth in this section and any other conditions imposed by the chief animal control officer or the borough 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 or the City's agent.

12.25.070 Vicious Animals.

A. All animals classified as vicious, pursuant to this chapter shall be humanely destroyed unless a hearing before the borough animal control board is requested.

B. If a vicious animal hearing is requested before the borough animal control board, pursuant to subsection (A) and WMC 12.30, humane destruction of the animal shall be stayed until the borough animal control board determines whether the animal is vicious. If the animal is determined to be vicious by the borough animal control board, it shall be humanely destroyed.

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

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

12.25.080 Nuisance And Dangerous Animals; Owner's Notification. The owner of an animal classified as a nuisance, 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.

12.25.090 Animal Classification And Written Release Order Review By The Borough Animal Control Board.

A. An owner aggrieved by the classification or the written release order for an animal as nuisance, dangerous or vicious may have the decision reviewed by the borough animal control board as set forth in WMC 12.30.

B. A victim or victim owner aggrieved by the decision of the chief animal control officer's classification or conditional release order for an animal where classification resulted from an incident involving the victim or victim owner may appeal that decision to the borough animal control board by following the procedures set forth in WMC 12.30 and paying the

required costs and filing fees. If the victim is under the age of majority, the victim's parent or authorized guardian may appeal the decision.

12.25.100 Nuisance Animals; Mandatory Conditions Of Release

A. *Nuisance animals.* The mandatory conditions of release for an animal classified as a nuisance shall include, but are not limited to, the following conditions:

1. The animal shall be tattooed in the right ear with a city registration number, in lieu of a tattoo, a microchip may be implanted in the animal. The cost of microchip identification shall be paid by the owner.

2. Two photographs of the animal clearly and accurately depicting size, color, and marks shall be maintained by the animal control office. 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 12.25.100(A)(2) on the date set forth in the conditional release order.

3. While on the owner's property, the animal shall be restrained:

a. with a fitted collar and leash or run device made of wire, rope, or other materials approved by the chief animal control officer;

b. must be kept in a pen or kennel operated in compliance with WMC 12.05.010(B)(4); or

c. must be kept in a fenced area of the property constructed to prevent the animal's escape and to reduce or eliminate the public's contact with the animal; and

d. the method and type of restraint shall be approved by the chief animal control officer.

4. The animal, when off of the owner's premises, shall be restrained with a collar and a leash.

5. All fees and expenses incurred under WMC 12.25.040 shall be paid in full by the animal owner prior to release.

B. The requirements of this section and other conditions imposed by the chief animal control officer or the borough animal control board shall remain in effect for the life of the animal whenever the animal is within the boundaries of the City of Wasilla.

C. The owner shall notify the chief animal control officer of any change in the physical location of an animal classified under this section, and the new location shall be subject to the terms and conditions of the conditional release order for kennel and restraint requirements.

1. The conditions shall apply to an animal being temporarily boarded at a location other than the approved location and kennel as stated in the mandatory conditions of the conditional release issued under this section.

2. Violation of this subsection is an infraction. An animal kept in violation of this section may be impounded until such time as the owner complies with all requirements of

the conditional release order, or until the chief animal control officer schedules an impoundment and forfeiture hearing. In the event the animal is impounded, the owner shall be responsible for all costs and fees associated with the impoundment.

3. The notification in this section shall not apply to temporary moves for the purposes of providing veterinarian care to the animal.

D. If an animal classified as a nuisance again acts as a nuisance animal, the animal may be classified as at least dangerous based upon the circumstances of the incident.

12.25.110 Transfer Of Ownership Of A Classified Animal

A. An animal classified by the chief animal control officer or ~~borough~~ animal control board as a nuisance or dangerous shall have the classification remain in full force and effect for the life of the animal whenever the animal is within the boundaries of the City of Wasilla, but not within the boundaries of the Matanuska-Susitna Borough outside the City of Wasilla, unless the city has entered an inter-governmental agreement for animal control with the municipality where the animal is kept.

B. Upon transfer of the ownership of an animal classified as a nuisance or dangerous the owner shall transfer to the new owner a copy of the classification notice and conditional release order applicable to the animal.

C. The new owner shall be bound by the conditional release order issued by the chief animal control officer or the ~~borough~~ animal control board.

D. The owner shall notify the animal control office within five days of the transfer of ownership of a classified animal and shall notify the animal control office of the new location of the animal.

E. Violation of this section is an infraction.

12.25.120 Pre-Existing Classifications. All classifications and conditional release orders or conditional release agreements issued under former law shall remain in full force and effect for the life of the animal classified, regardless of revisions to the classification and conditional release order provisions of this title.

CHAPTER 12.30

ANIMAL CONTROL BOARD

SECTION:

- 12.30.010 Composition
- 12.30.020 Jurisdiction
- 12.30.030 Proceedings
- 12.30.035 Filing Fees
- 12.30.040 Hearings
- 12.30.045 Reconsideration
- 12.30.050 Appeals To Superior Court
- 12.30.060 Fees Upon Appeal

12.30.010 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.
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 assembly. 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 trainer's, preferably experienced in handling problem animals;
4. animal owners from the general public;
5. an individual from the general public at-large.

C. The alternate shall be from one of the groups listed under WMC 12.30.010(B).

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

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

F. Where reference is made in this title to the actions to be taken by the animal control board or of the animal control board's other procedures, the City may contract with an agent (such as the borough animal control board) to act as the administrator or hearing agency of actions and procedures of the City of Wasilla. ~~the borough animal control board is hereby adopted as the administrator of actions and procedures of the City of Wasilla.~~

12.30.020 Jurisdiction.

A. ~~The borough~~ animal control board has appellate jurisdiction over the determination of animals classified as a nuisance or dangerous by the chief animal control officer, related written administrative orders, and animals forfeited pursuant to WMC 12.05.100(C)(1) and WMC 12.25.040(E).

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

12.30.030 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:
1. call to order;
 2. roll call, determination of quorum, approval of agenda;
 3. approval of minutes of previous meeting;
 4. opening presentation by ~~borough~~ city staff: 15 minutes;
 5. opening presentation by animal owner: 20 minutes;
 6. rebuttal remarks by ~~borough~~ city staff: 10 minutes;
 7. witness statements (witnesses are subject to examination by the ~~borough~~ animal control board);
 8. closing remarks by city ~~borough~~: 10 minutes;
 9. closing remarks by animal owner: 10 minutes;
 10. rebuttal remarks by city ~~borough~~: 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 WMC 12.30.030(B)(4) through (11);
 13. old business;
 14. new business;
 15. correspondence, information and reports, including any reports by the chief animal control officer;
 16. adjournment.

12.30.035 Filing Fees.

A. A \$100 filing fee shall accompany an appeal to the ~~borough~~ animal control board from a determination and related administrative order that an animal is a nuisance, dangerous, vicious, or from an animal forfeiture decision.

B. A \$100 filing fee shall accompany a request for a hearing before the ~~borough~~ animal control board to determine an animal's viciousness.

C. A \$100 filing fee shall accompany an appeal from a forfeiture determination made pursuant to WMC 12.05.100(C)(1) and WMC 12.25.040(E).

D. A person filing an appeal under this section may apply in writing on a form approved by the manager for a payment schedule for the filing fee. A person requesting a payment schedule shall be required to have the full amount of the filing fee paid no later than five days prior to the scheduled date of the appeal hearing.

E. A person granted a payment schedule who fails to make the full payment at least five days prior to the hearing date of the appeal shall forfeit the appeal and shall forfeit any money paid to date for the appeal. The decision or order of the chief animal control officer shall remain in effect.

F. A person who files an appeal under this section may withdraw that appeal by a written request to the clerk prior to the day of the appeal hearing. If an appeal is withdrawn, the filing fee shall be reimbursed to the person who filed the appeal based on the following schedule:

| | | |
|----|---|-------------|
| 1. | Filing date through five days | 100 percent |
| 2. | Six through ten days after filing date | 50 percent |
| 3. | Eleven through fifteen days after filing date | 25 percent |
| 4. | More than 16 days after filing date | 0 percent |

12.30.040 Hearings.

A. *General 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 ~~borough~~ animal control board, pursuant to the following procedures:

1. A request for a hearing shall be in writing and filed with the clerk within five days of the date of the chief animal control officer's written administrative order.
2. Within five days of receipt of the written request for a hearing by the clerk, a hearing date shall be set no sooner than 20 calendar days, nor later than 30 calendar days after receipt of the request.
3. The chief animal control officer shall file the record with the ~~borough~~ city clerk regarding the case within five days after receipt of a notice of appeal.
4. Witness lists, written briefs, and other information to be considered by the ~~borough~~ animal control board shall be filed by the parties no less than seven days before the hearing.
5. Upon hearing the evidence, the board shall deliberate and issue written findings and conclusions based on the evidence on the record within ten 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.* Vicious animal hearings include the following additional procedures:

1. The standard of proof to be applied to vicious animal adjudication's 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 humanely euthanized.

C. *Nuisance or dangerous animal hearings.* Nuisance or dangerous animal hearings are subject to the following additional procedures:

1. The ~~borough~~ 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.
2. The ~~borough~~ animal control board may affirm, reverse or modify the classification of an animal as a nuisance or dangerous and may modify the written administrative order issued by the chief animal control officer. However, the mandatory conditions set forth in WMC 12.25.100 if the animal is classified as a nuisance, or WMC 12.25.060 if the animal is classified as dangerous, shall not be modified by the board.

D. *Forfeiture hearings.* Forfeiture hearings pursuant to WMC 12.05.100(C)(1) or WMC 12.25.040(E) are subject to the following additional procedures:

1. The ~~borough~~ 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.
2. The ~~borough~~ animal control board may affirm or reverse the chief animal control officer's decision in a forfeiture proceeding.
3. If the ~~borough~~ 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, nuisance and dangerous animal hearings, substantial evidence means the relevant evidence a reasonable mind might accept as adequate to support a conclusion.

12.30.045 Reconsideration.

A. The ~~borough~~ animal control board may reconsider its decision upon petition of the parties who filed a written argument.

1. The motion for reconsideration shall be filed within five business days after the ~~borough~~ animal control board's decision has been mailed or personally served by the chief animal control officer (or agent authorized by contract with the city)
2. The ~~borough~~ city clerk shall notify the interested parties of a hearing to review the petition and decide whether to reconsider the matter. ~~The decision shall be based on the petition and any response of the respondent.~~ The ~~borough~~ animal control board may also hear oral argument of the interested parties. In determining whether to reconsider the matter, no additional evidence shall be taken. A decision shall be reconsidered only if:
 - a. there was a clerical error in the decision;
 - b. the decision resulted from fraud or mistake; or

- c. there is newly discovered evidence or a change in circumstances which, by due diligence, could not have been discovered before the original animal control board hearing.
3. If the petition for reconsideration is granted, the animal control board shall decide the matter immediately or set the matter for rehearing.
4. For purposes of appeal to the appropriate court:
 - a. where the borough animal control board denies the petition for reconsideration, the borough animal control board's decision on the petition for reconsideration is the final decision;
 - b. where the borough animal control board grants the petition for reconsideration, the borough animal control board's decision on reconsideration is the final decision.

12.30.050 Appeals To Superior Court

A. Appeals by the animal owner or municipality from the written decision of the borough animal control board shall be to the superior court and governed by the 600 series of the Alaska Rules of Appellate Procedure. The borough city clerk (or agent authorized by contract with the city) shall estimate the cost of preparing the transcript of the public hearing and compiling the record on appeal. The appellant shall deposit the estimated costs for preparation of the transcript and record with the borough city clerk in advance. Upon completion of the record on appeal, the borough city clerk shall refund any 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 borough animal control board.

12.30.060 Fees Upon Appeal. 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 borough 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.

CHAPTER 12.35

ANIMAL CONTROL OFFICER

SECTION:

- | | |
|-----------|--|
| 12.35.010 | Animal Control Officers; Appointment |
| 12.35.020 | Powers And Duties Of Animal Control Officers |
| 12.35.030 | Interference |
| 12.35.040 | Recordkeeping |
| 12.35.050 | Policies, Regulations And Procedures |

12.35.010 ANIMAL CONTROL OFFICERS; APPOINTMENT.

A. *Appointment.* ~~The manager of the Matanuska-Susitna Borough~~ Mayor or agency authorized by contract with the city shall appoint a chief animal control officer.

B. *Contract for services.* The city may contract, in whole or in part, for any or part of its animal control services.

12.35.020 Powers And Duties Of Animal Control Officers

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 title, including, but not limited to, the following: operating animal shelters, holding animal control hearings as authorized by this title, conducting low cost rabies vaccination clinics for dogs and cats, issuing written animal control administrative orders, negotiating and settling nonjudicial disputes and matters under this title, 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 title, 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.

12.35.030 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 the officer's duties under this title.

B. It is unlawful for any person to remove or release any animal from the animal shelter, animal control vehicles, ~~borough or 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 control office and surrender the animal to the animal control officer.

E. Violation of this section is an infraction.

12.35.040 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 investigation records shall be kept confidential and not released unless otherwise required by law.

12.35.050 Policies, Regulations And Procedures. The chief animal control officer may, subject to the approval of the Mayor of the City of Wasilla, establish written policies, regulations and procedures to carry out the provisions of this title. Animal control 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 of the City of Wasilla, the "Animal Control Policies, Regulations and Procedures" manual.

CHAPTER 12.40: PENALTIES

SECTION:

- 12.40.010 Infractions
- 12.40.020 Misdemeanors
- 12.40.030 Forfeiture
- 12.40.040 Civil Penalty And Statutory Injunction
- 12.40.050 Fines For Infractions
- 12.40.060 Citations For Infractions
- 12.40.070 Summons And Complaint For Misdemeanors

12.40.010 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 title, any person convicted under this title shall be deemed guilty of an infraction and shall be punished by a fine not less than \$50, nor greater than \$300.

12.40.020 Misdemeanors. Any person convicted of a misdemeanor is subject to a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days.

12.40.030 Forfeiture.

A. Any owner shall forfeit all rights of ownership in an animal if the owner is:

1. convicted of violating WMC 12.05.090;
2. ordered by the court to forfeit the animal; or
3. required by the chief animal control officer to forfeit the animal pursuant to WMC 12.05.100(C)(1) or WMC 12.25.040(E).

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 the person's rights and interest in the animal.

C. Any forfeited animal shall be subject to the impoundment, adoption, and euthanasia requirements of this title.

12.40.040 Civil Penalty And Statutory Injunction. Pursuant to A.S. 29.25.070(b), the city may institute a civil action against any person who violates any provision of this title. 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. On 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 title continues constitutes a separate violation.

12.40.050 Fines For Infractions

A. The following fine schedule is hereby established for violations of the following provisions of WMC title 12:

| Code Section | Section Description | Amount of Fine |
|---------------------|---|-----------------------|
| WMC 12.05.030 | Animal annoyance | \$ 50 |
| WMC 12.05.040 | Failure to provide sanitary enclosure | 50 |
| WMC 12.05.050 | Keeping diseased animals | 50 |
| WMC 12.05.060 | Animals in public places | 50 |
| WMC 12.05.070(A) | Failure to restrain animal First offense | 75 |
| | Second offense, same owner (within 12 months) | 100 |
| | Third offense, same owner (within 12 months) | 200 |
| WMC 12.05.070(C) | Release from restraint by non-owner | 50 |
| WMC 12.05.090 | Cruelty to animals | 250 |
| WMC 12.05.100(D) | Failure to pay fees, costs and expenses | 50 |
| WMC 12.05.110(A) | Trapping domestic or domesticated animals | 50 |
| WMC 12.05.110(B) | Failure to check live trap | 50 |
| WMC 12.05.110(C) | Failure to provide humane care for trapped animals | 50 |
| WMC 12.05.110(D) | Failure to release in a timely manner | 75 |
| WMC 12.05.110(E) | Unlawful release of a trapped animal | 50 |
| WMC 12.10.010(A) | Failure to register dog or cat | 50 |
| WMC 12.10.020(A) | Failure to register kennel or cattery | 75 |
| WMC 12.10.020(C) | Failure to re-register kennel or cattery | 75 |
| WMC 12.10.030 | Failure to update and provide registration information | 50 |
| WMC 12.10.040(B) | Failure to meet kennel or cattery requirements | 100 |
| WMC 12.10.110 | Failure to comply with written administrative order | 100 |
| WMC 12.15.050(J) | Failure to spay or neuter adopted dog or cat | 100 |
| WMC 12.20.020(A) | Failure to immunize dog or cat for rabies | 100 |
| WMC 12.20.020(B) | Fraudulent rabies certificate | 250 |
| WMC 12.20.030(A) | Failure of doctors to report bite | 50 |
| WMC 12.20.030(B) | Failure of veterinarians to report rabies | 150 |
| WMC 12.20.030(C) | Failure of citizens to report bite | 50 |
| WMC 12.20.040 | Failure to surrender animal for supervised quarantine | 100 |
| WMC 12.20.060(A) | Failure to report rabies of a quarantined animal | 150 |
| WMC 12.20.060(C)(1) | Unauthorized destruction of rabid animal | 50 |
| WMC 12.20.060(C)(2) | Failure of veterinarian to destroy rabid animal | 50 |
| WMC 12.20.060(D)(1) | Failure to surrender rabid animal | 200 |
| WMC 12.25.030(B) | Filing fraudulent documentation | 100 |
| WMC 12.25.040(F) | Failure to comply with written release order | 250 |
| WMC 12.25.070(C) | Owning a vicious animal | 250 |
| WMC 12.25.080 | Failure to notify of running-at-large classified animal | 150 |
| WMC 12.25.110(D) | Failure to notify of change in ownership of a classified animal | 250 |
| WMC 12.35.030(A) | Interference with animal control officer | 150 |
| WMC 12.35.030(B) | Unlawful release of animal in custody of borough | 75 |
| WMC 12.35.030(C) | Interference with investigation, reporting or prosecution | 100 |
| WMC 12.35.030(D) | Failure of citizen to notify or surrender detained animal | 50 |

B The fines set forth in subsection (A) may not be judicially reduced.

12.40.060 Citations For Infractions

A. *Citations; contents.* The citation issued for violation of the provisions of this title shall be in writing, state 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 the 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 procedure the defendant must follow in responding to the citation, and the consequences for failure to respond.

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

C. *Disposition.* A person issued a citation pursuant to this title 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 12.40.050 and for all other violations according to the fine limits set forth in WMC12.40.010.

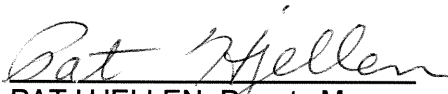
12.40.070 Summons And Complaint For Misdemeanors. Summons and complaints for misdemeanors shall be prepared and filed by legal counsel representing the city.

SECTION V. Effective Date. This ordinance becomes effective upon adoption by the Wasilla City Council.

Introduction: 06/24/96

Public Hearing: 07/08/96 & 07/22/96

ADOPTED by the Council of the City of Wasilla on this 12th day of August, 1996.


PAT HJELLEN, Deputy Mayor

ATTEST:


MARJORIE D. HARRIS, CMC
City Clerk