

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 03-37 (AM)**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 1.04.010, 7.04.020, 7.08.010 AND 7.20.010 CONCERNING THE REGULATION OF ANIMALS.**

\* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

\* **Section 2. Amendment of section.** WMC 1.04.010, Definitions, is amended by deleting definitions as follows:

["AT LARGE" MEANS AN ANIMAL THAT IS NOT UNDER RESTRAINT, EXCEPT THAT ANIMALS BEING EXERCISED IN UN-POPULATED AREAS AND UNDER VOICE CONTROL OF A COMPETENT PERSON SHALL NOT BE CONSIDERED AT LARGE.]

["FANCIERS FACILITY" MEANS ANY PREMISES IN OR ADJOINING A PRIVATE RESIDENCE WHERE NOT MORE THAN TEN (10) SHOW, TRIAL, HUNTING, WORKING, OR PET DOGS ARE KEPT FOR THE HOBBY OR PLEASURE OF THE HOUSEHOLDER.]

["KENNEL" MEANS ANY PERSON, GROUP OF PERSONS OR CORPORATION BREEDING, BUYING, SELLING, KEEPING OR BOARDING THREE OR MORE DOGS OVER THE AGE OF FOUR MONTHS, WHETHER FOR PROFIT OR NOT.]

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

["OWNER" MEANS ANY PERSON, GROUP OF PERSONS OR CORPORATION OWNING, KEEPING OR HARBORING ANY ANIMAL OR ANIMALS.]

["RESTRAINT." A DOG IS UNDER RESTRAINT IF HE OR SHE IS UNDER ACTUAL PHYSICAL CONTROL, SUCH AS BY A LEASH, CHAIN, FENCE OR BUILDING; OR WHEN UNDER COMPETENT VOICE CONTROL WHILE ACTIVELY ENGAGED IN AN ORGANIZED ACTIVITY WHICH REQUIRES THAT THE DOG NOT BE PHYSICALLY RESTRAINED; OR WHEN ACTIVELY ENGAGED IN A FORM OF RECOGNIZED HUNTING THAT REQUIRES THE USE OF A DOG SUCH AS A RETRIEVER; OR WHEN ON THE PROPERTY OF THE OWNER AND BOTH IN VISUAL CONTACT WITH A COMPETENT CUSTODIAN AND OBEDIENT TO THAT PERSONS COMMAND.]

["SPAYED DOG OR CAT" MEANS ANY FEMALE WHICH HAS HAD A SURGICAL OVARIO-HYSTERECTOMY TO PREVENT CONCEPTION.]

["VICIOUS ANIMAL" MEANS ANY ANIMAL THAT HAS SERIOUSLY BITTEN WITHOUT PROVOCATION A HUMAN BEING OR ANIMAL WHETHER ON PUBLIC OR PRIVATE PROPERTY.]

\* **Section 3. Amendment of subsection.** WMC 7.04.020.B, Jurisdiction, is amended to read as follows:

B. This title contemplates that [AN INTERGOVERNMENTAL] a contract is in place or will be in place [SO AS TO CONTRACT WITH THE MATANUSKA-SUSITNA BOROUGH FOR] with a private or public agency to provide animal control services within the City of Wasilla.

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

\* **Section 4. Amendment of subsection.** WMC 7.08.010.F, Composition, is amended to read as follows:

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.

\* **Section 5. Amendment of section.** WMC 7.20.010, Definitions, is amended to read as follows:

7.20.010 Definitions.

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

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

"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.

"Bite" means the animal, by using its teeth, breaks the skin of a human being or animal.

"Dangerous animal" means any animal which:

1. Has bitten or attacked without provocation a human being whether on public or private property **resulting in minor injuries such as, but not limited to, bruising, lacerations, puncture wounds or abrasions which do not require hospitalization;**

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

2. Has bitten or attacked an animal without provocation whether on public or private property, and caused injuries that require 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

[3. 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.]

“Nuisance animal” means an animal:

1. That has engaged in the following activities:
  - a. Aggressive posturing
  - b. Aggressive lurching, or
  - c. Barking; and
2. 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 this section, but an actual attack did not occur.

“Provocation” means the teasing, tormenting, abusing or assaulting of an animal [TO] **that may** incite the animal to bite or attack.

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

“Serious Injury” [MEANS] may include but is not limited to a puncture wound, disfiguring laceration, avulsion, deep soft tissue or bony injury to a human being or animal requiring medical evaluation or treatment.

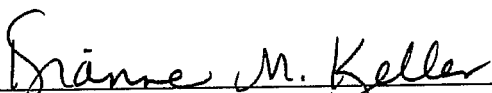
“Vicious animal” means any animal which has, without provocation, caused serious injury or death to a human being [OR ANIMAL], whether on private or public property.

\* **Section 6. Amendment of subsection.** WMC 7.20.04.020.A, Animal bite and attack incidents--Investigation and classifications, is amended to read as follows:

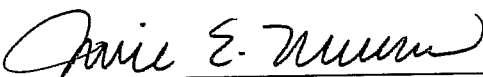
A. Upon receiving a complaint of an animal bite or attack incident, [T]he deputy animal control officer shall investigate and report [each animal bite or attack] the incident to the chief animal control officer. The chief animal control officer shall classify bite and attack incidents in accordance with this chapter.

\* **Section 7. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on July 14, 2003.

  
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DIANNE M. KELLER, Mayor

ATTEST:

  
\_\_\_\_\_  
JAMIE E. NEWMAN, CMC  
City Clerk

[SEAL]

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]



**CITY OF WASILLA**  
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TO: Wasilla City Council  
THRU: Dianne M. Keller, Mayor *DMK*  
FROM: Jamie Newman, Deputy Clerk *JN*  
DATE: June 16, 2003  
**SUBJECT: Ordinance Serial No. 03-37**

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**SUMMARY:**

Our city attorney prepared the attached ordinance that amends WMC Title 7, concerning the regulation of animals. The ordinance does the following:

1. Deletes definitions related to animals in WMC 1.04.010 that are unused, or either redundant or conflicting with definitions in Title 7. With this change, all definitions related to the regulation of animals are found in Title 7;
2. Amends provisions of Title 7 that refer to the provision of animal control services by the borough; and
3. Amends provisions of Title 7 concerning dangerous and vicious animals as requested by Mayor Keller.

**FISCAL IMPACT:** If yes, amount requested: \$ N/A  
Account No.: General Fund's, Fund Balance

**RECOMMENDED ACTION:**  
Introduction and set for public hearing on July 14, 2003.