

Title 7 Animals

Chapters:

7.04 Animal Control

Chapter 7.04 Animal Control

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7.04.010 General. In general, the intent of this chapter is to control the running at large of animals within the City of Seldovia and to protect the general health, safety and welfare of the citizens of the City of Seldovia with the respect to the keeping of animals. (Ord. 81-19, 1981)

7.04.020 Definitions. For the purposes of this Chapter, unless the context otherwise requires, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

- A. "Animal" - All domestic or domesticated members of the animal kingdom.
- B. "Animal Shelter" - Any premises designated by the city council for the purpose of impounding and caring for all animals found running at large.
- C. "At large" - A dog is at large when it is off the premises of the owner or keeper, and is not in the company of or under the control of the owner or keeper, a

member of his family or other person to which the dog has been entrusted, by leash, cord or chain. A dog is not at large when the dog is:

1. At heel or beside a person and obedient to that person's command.
2. Within a vehicle being driven or parked on the streets.
3. Physically confined within a fenced yard or building with the permission of the property owner.
4. Engaged in organized training, such as fetching a stick or responding to commands, while under competent voice control. Such training shall not be conducted from a moving vehicle.

D. "Dog" - Any dog, whether neutered or non-neutered male, spayed or unspayed female.

E. "License Year" - Shall commence on January first of each year, ending December 31st.

F. "Kennel" - Any person, group of person, or corporation breeding, buying, selling, or boarding four or more dogs over the age of six months whether for profit or not.

G. "Owner" or "person" - Any person, group of persons, partnership, firm, trust or corporation owning, having an interest in, or having control or possession of any dog. It is presumed that the owner has control or possession of this dog in the absence of evidence to the contrary.

H. "Poundmaster" - Any person appointed by the City Manager to impound animals within the city. If no such person is appointed, the poundmaster shall be any police officer authorized by the city manager to take up animals.

I. "Spayed Female" - Any female dog which has been operated on to prevent conception.

J. "Vicious Animal" - Any animal which when unprovoked has ever bitten or attacked a human being or another animal. (Ord. 81-19, 1981 and Ord. 84-8, 1984)

7.04.030 Licensing of dogs. A. No person shall own, keep or harbor any dog over three months old within the city limits unless such dog is licensed. Application for such license shall be made to the municipal clerk or such agent as he or she may designate, and shall state the name, breed, color, age and sex of the dog. The license fee shall be paid at the time of making application. A numbered metallic tag for the dog shall be issued, and attached to collar or choke chain that must be worn by the dog at all times, except when kenneled or fenced.

B. The yearly license fee shall be five dollars for male dogs and spayed females and ten dollars for female dogs, except that the fee shall be reduced by one-half for dogs acquired after September first of each year or becoming three months of age after that date.

C. A person must obtain a kennel license if four or more dogs, six months or older are to be kept by that person on the same premises. Application for a kennel license will be made to the city clerk or such agent as he or she may designate who shall ask the poundmaster to inspect the proposed kennel. No kennel license shall be issued to a person whose proposed kennel is a health hazard, a nuisance to the neighborhood or not set up to adequately keep the dogs within the kennel premises.

D. Any person owning or operating a kennel shall pay, in lieu of individual dog licenses provided for in this chapter, an animal license for a kennel as follows: for a kennel containing more than four dogs and less than eleven, fifty dollars per year; for more than ten dogs, one hundred dollars per year.

E. All licenses required by this chapter shall be issued for a term of one year, beginning January 1st of each year. Applications for licenses may be made prior to January 1st. If a dog has been licensed by the city for the previous year, then the dog need not be licensed before February 1st of the current calendar year.

F. If there is change of ownership of kennel during the license year, the new owner may have the current license transferred to his name upon payment of a transfer fee of five dollars per kennel.

G. No persons shall use any dog license for another dog unless legal transfer of the license has been made. (Ord. 81-19, 1981)

7.04.050 Control of dogs - Impoundment. A. It shall be unlawful for a person to cause or permit a dog to:

1. Run at large within the city limits of the city of Seldovia;
2. Be upon the private property of any person without consent or to the annoyance of such person.

B. Any person in violation of Article A shall be cited by the Chief of Police, poundmaster or other enforcement officer. The citation shall fix the place and time for the hearing before the judge or the magistrate's court to show cause why such person should be punished as provided in this code or to show cause why the dogs should be destroyed unless the violator makes adequate provisions for the control of the dog. If such citation is issued as a result of a complaint made by a person against the owner or harbinger of a dog, a notice in writing shall also be given to the person making such complaint, notifying him or her to appear at the time and place stated in the citation to verify the complaint.

C. In addition to or in lieu of issuing a citation under Article B, the poundmaster may take up and impound a dog found running at large or found upon the private property of any person, without the consent, or to the annoyance of such person. If any dangerous vicious or fierce dog, cannot in the discretion of the policeman, be safely taken up and impounded, such dog may be immediately slain. If a current tag issued by the city is found on the collar of the dog, its owner shall be

notified immediately in writing that the dog has been impounded.

D. Unlicensed or licensed dogs that have been impounded shall be confined in a humane manner for a period of at least 72 hours for unlicensed dogs and 120 hours for licensed dogs, excluding Saturdays and Sundays. If not claimed by their owner in the above given time, unclaimed dogs may be thereafter disposed of in a humane manner. Any such citation so issued under this subsection shall be delivered as soon as possible to the owner or caretaker of the animal that was found running at large and not impounded. If it is not possible to deliver the citation to the animal's owner or caretaker the dog shall be impounded until the owner or caretaker can be contacted. (Ord. 81-19, 1981; Ord. 84-4, 1984; and Ord. 84-8 Sec. 2, 1984)

7.04.060 Redemption of impounded dogs. A. The owner shall be entitled to resume possession of any impounded dogs, except as may hereinafter be provided in this chapter, upon the owner's compliance with the license provisions of section 7.04.030 and the payment of impoundment fees.

B. When, in the judgment of the health officer, and a licensed veterinarian, an animal should be destroyed for humane or health reasons, such an animal may not be redeemed. (Ord. 81-19, 1981)

7.04.070 Impoundment fees. Impoundment fees shall be three dollars per day board for each day or partial day a dog is kept. Impoundment fees may from time to time be adjusted by the City Council. (Ord. 81-19, 1981)

7.04.080 Confinement of vicious dogs and females in season. A. The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and shall not take such dog out of such building or secure enclosure unless such dog is securely muzzled. In addition to the above, the owner shall post a sign, warning of the vicious animal, along the front lot line of the property where the dog is kept.

B. Every female dog or cat in season shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female dog or cat cannot come in contact with another dog or cat except for planned breeding purposes. (Ord. 81-19, 1981)

7.04.090 Declaration of public nuisance. The following activities are declared a public nuisance and will not be permitted under this chapter:

A. The harboring or keeping of animals with a contagious disease, except where closely confined and under the care of a veterinarian.

B. The allowing of any dog or other member of the canine family to bark, howl, bay, or yap with such frequency and at such times of the day or night as will cause annoyance to a reasonable person.

C. The failure to maintain in a clear and sanitary condition and free from

objectionable odor all structures, pens or yards and areas adjacent thereto wherever animals are kept.

D. The failure of the owner, caretaker, or custodian to keep the animal or animals confined on his own premises or under his immediate control.

E. The allowing of any animal to frequently and habitually growl, snap at, jump upon or otherwise menace, injure or frighten persons within the city. This does not apply to persons who are trespassing or otherwise in violation of the law.

F. The allowing of any animal to defecate, dig upon or otherwise injure private or public property or a public thoroughfare. (Ord. 81-19, 1981)

7.04.100 Dead dogs. A. No person shall deposit any dead or fatally sick or injured animal upon any public or private place or into any body of water.

B. No person shall fail to dispose immediately of any dead dog whether his own or found upon his property, either by property burial or by depositing the covered animal in a sanitary fill. (Ord. 81-19, 1981)

7.04.110 Exemptions. None of the provisions of chapter 7.04 apply to seeing eye dogs or handicap aid dogs. (Ord. 81-19 1981)

7.04.120 Interference with officials. A. No person shall interfere with, hinder or molest any law enforcement officer, health officer or the poundmaster in the performance of any duty required by this chapter. No person shall seek to release any animal in the custody of the poundmaster or health department or their agents except as provided in this chapter. (Ord. 81-19, 1981)

7.04.130 Records. Accurate and detailed records shall be kept by the city clerk as to:

- A. Licenses issued;
- B. Dogs impounded;
- C. Disposition of all animals coming into the custody of the poundmaster;
- D. All bite cases reported to the poundmaster; and
- E. All monies received. (Ord. 81-19, 1981)

7.04.140 Entry into business establishments and public places. No owner of any animal or person having control of any animal shall allow such animal to enter upon any public premises, or where food for human consumption is sold, processed, stored or consumed or to enter into any barbershops or establishments for the practice of hairdressing or beauty culture. (Ord. 81-19, 1981)

7.04.150 Enforcement. Nothing contained in this chapter shall be construed to prevent the city from entering into a contract with a person or agency for purpose of enforcing the provisions of this chapter. (Ord 81-19,1981)

7.04.160 Disposal of dog at owner's request. Upon payment of a fee and execution of a consent including a promise to hold the city harmless from any liability, an owner may request the poundmaster to dispose of any live animal. The fee shall be paid to the city clerk or the clerk's designee. (Ord. 81-19, 1981)

7.04.170 Cruelty to animals prohibited. A. No person may intentionally wound, injure, torment, abuse, mutilate, torture or inhumanely kill any animal.

B. No person may intentionally poison any dog, cat or other domestic animal, or distribute or place poison in a manner or location where the distributor knows or should reasonably know that the poison will be accessible to a domestic animal.

C. No person may abandon an animal by releasing the animal to forage for itself or by confining or restraining the animal for a period in excess of eighteen consecutive hours in a place where there is not a custodian who has assumed the responsibility of providing sufficient food and water.

D. The owner or custodian of an animal shall provide food and water sufficient to maintain the animal in a healthy condition, and adequate and proper shelter for the animal to protect the animal from weather. Shelter maintained for animals kept outside of a residential dwelling shall meet the following standards:

1. Animals shall not be overcrowded.
2. Animals shall not be exposed to excessive heat or cold.
3. Animal shelters shall be protected against the weather.
4. All structures, pens, coops or yards shall be maintained in a clean and sanitary condition, devoid of rodents and varmints, and free of objectionable odor.

E. No person may use a live bird as a target to be shot at either for amusement or as a test of skill for marksmanship. (Ord. 81-19, 1981)

7.04.180 Animal littering. A person owning, or having custody or control of any animal, except a domestic house cat, shall remove and dispose, in a sanitary manner, of any and all feces and other animal litter deposited on any public or private property not possessed by the owner or custodian of the animal which caused or produced the litter. (Ord. 81-19, 1981)

7.04.180 -- Fines.The violation of any provision contained in sections 7.04.030, 7.04.050, 7.04.080, 7.04.090, 7.04.100, 7.14.120, 7.14.140, 7.14.170 or 7.14.180 shall be punishable by a fine of \$10.00 for the first offense of a particular section; \$25.00 for a second offense; \$50.00 for the third offense, and a mandatory court appearance for the fourth offense. The fine for the fourth or later offense shall not exceed \$300.00. All violations referred to in this section will accrue only during a 24 month period, i.e.: the first violation occurring 24 months or more after the issuance date of the first citation will be considered a "first offense". (Ord. 81-19, 1981) (Ord. 06-08, 2006)