

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-03

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 7, ANIMALS, TO CLARIFY THE TERMS FOR AN IMPOUNDED ANIMAL

WHEREAS, the City of Dillingham established the Animal Shelter Operating Procedures, approved by the Dillingham City Council October 4, 2012, to ensure that animals impounded or taken into custody by the City of Dillingham are provided with a place of temporary care and safe shelter where they are treated with dignity and compassion until they can be reclaimed, adopted, or euthanized if considered unadoptable; and

WHEREAS, the Dillingham Municipal Code (Code) Chapter 7.09, Impoundment, is being recommended for additional language to reference exceptions to the time period an animal can be held at the animal shelter and remove redundant language; and

WHEREAS, it is being recommended that the City's Code include a definition for adoption eligible for the purpose of evaluating an animal as eligible for adoption;

BE IT ENACTED BY THE VOTERS OF THE CITY OF DILLINGHAM:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Section 7.02.010. Section 7.02.010 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.

7.02.010 Definitions.

“Abandoned” or “unwanted” means to leave an animal for a period in excess of twenty-four continuous hours without adequate provision for its physical needs.

“Adoption eligible” means the animal available for adoption must have been evaluated for health and temperament by the animal control officer or the police chief.

“Animal” means all members of the Phylum Chordata or Subphylum Vertebrata.

“Animal control agent” is the person acting on or in behalf of the animal control officer enforcing the provisions of this title.

“Animal control center” is any area, temporary or permanent, designated by the animal control officer for the holding of animals. A center can be publicly or privately owned and operated.

“Animal control officer” is the person designated by the city manager as having the responsibility of enforcing the provisions of this title.

“At large” means not under restraint or not controlled.

“Cat” means *Felis catus*.

“Chronic animal noise” means repeated vocalization by an animal or animals for more than thirty consecutive minutes. Daytime noise generated by a licensed kennel in its reasonable and customary manner of operation only during feeding and loading/unloading times is excused to a maximum of thirty consecutive minutes.

“Control” in relation to an animal, means to simultaneously monitor, direct, and restrict an animal’s movements and activities so as to prevent violations of this title. Specific types of control are defined as follows:

1. “Control by leash” means to control an animal by a securely attached leash, chain, or an item which is physically capable of restraining the animal. The item must be in the secure possession of a person physically and mentally capable of monitoring, directing, and restricting the animal’s movements and activities.
2. “Control by harness” means to control an animal by a harness or other similar device attached directly or indirectly to a person or object during a training, demonstration, competition, or show event.
3. “Control by command” means to control an animal by visual and/or audible commands to which the animal responds promptly and accurately. A person must be present, monitor the animal, and be physically and mentally capable of directing animal movements and activities by visual and/or audible commands.
4. “Control by collar” means to control an animal by electronic collar with or without handheld remote and having all parts of the device working and visible at time of training or activation.

“Diseased animal” means all members of the Phylum Chordata, Subphylum Vertebrata that is infected with an infectious or contagious disease.

“Dog” means *Canis familiaris*.

“Domestic animal” means dogs and wolf hybrids.

“Humane care” or “treatment” or “humane manner” means the handling of an animal in accordance with the stipulations listed in Section 7.08.010.

“Keeper” includes any person, group of persons, partnership, firm, trust or corporation owning, having an interest in, or having control, custody or possession of any animal. This includes any adult member of a family or group or persons sharing a residential unit where another member of

the family or group has an interest in, has control, custody or possession of an animal which is kept in or on the premises of the shared residential unit.

“Known rabid animal” means an animal with a positive laboratory test for rabies virus.

“Nuisance animal” means any animal which molests passersby or passing vehicles, attacks other animals, trespasses on school grounds or other public or private property, is repeatedly at large, damages public and/or private property, or that makes chronic animal noise.

“Open space” is three hundred feet from any residence, business, or roadway.

“Owner” means any person or keeper, who harbors, keeps, causes or permits an animal to be harbored or kept, or who has an animal in possession or custody, or who permits an animal to remain on or about premises, or who has legal title to an animal.

“Owner release” is when the person or keeper, who harbors, keeps, causes or permits an animal to be harbored or kept, or who has an animal in possession or custody, or who permits an animal to remain on or about premises, or who has legal title to an animal and is willing to relinquish all rights and legal responsibility to animal.

“Protective custody” means an animal is seized in the best interest of the animal during the course of an animal cruelty investigation.

“Quarantine” is strict confinement upon the private premises of the owners, in a veterinarian’s office or hospital, in the animal control center, or at other locations approved by the city manager or city manager designee, and under restraint described in Section 7.04.020(B).

“Restraint” or “restrain” means to confine or control an animal.

“Sterilized” or “sterile” means neutered, spayed, or rendered incapable of reproduction.

“Unweaned animal” means an animal younger than six weeks old, separated from the care of its mother, and/or an animal still dependent on its mother’s milk.

“Wolf” means *Canis lupis*.

“Wolf dog” means the offspring of a wolf or wolf hybrid. For the purposes of this title, wolf dogs and wolf hybrids shall be synonymous.

“Wolf hybrid” means a member of the genus and species *Canis lupis* x *Canis familiaris*. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 2, 2012.)

Section 3. Amendment of Chapter 7.09, Impoundment, Section 7.09.010, Terms. Section 7.09.010 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.

7.09.010 Terms.

~~A. Unidentified animals found to be in violation of this title may be impounded and held at the animal control center for a ten-day period. If not claimed by the owner or keeper by the expiration of the ten-day period, the animal shall become the property of the city and may be destroyed at the discretion of the animal control officer or agent.~~

~~B. Identified animals found to be in violation of this title and found not restrained may be taken to the owner or keeper or impounded at the animal control center. A reasonable attempt will be made to notify the owner or keeper by phone, in person, or by letter that their animal is being held at the animal control center. Identified animals not claimed by the owner or keeper by the expiration of the ten-day period shall become the property of the city and may be disposed of at the discretion of the animal control officer or agent.~~

~~C. Abandoned or unwanted animals brought to the animal control center by citizens for impoundment may or may not be accepted for impoundment by the city. Upon acceptance, such animals shall become the property of the city and may be disposed of at the discretion of the animal control officer.~~

A. All animals under impound are the property of the City of Dillingham until their release.

B. If the owner of an impounded animal is known, a reasonable attempt will be made to notify the owner or keeper by phone or in person of their animal's whereabouts as soon as possible.

C. Abandoned or unwanted animals brought to the animal control center by citizens for impoundment may or may not be accepted for impoundment by the City.

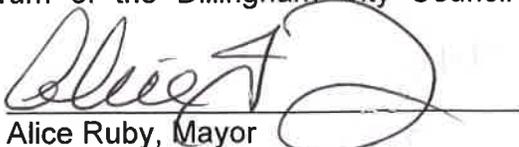
D. Any animal suspected of having rabies and/or that has bitten a human must be impounded in the animal control center and/or quarantined and ~~disposed of~~ **euthanized** in accordance with Section 7.13.020. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 8, 2012.)

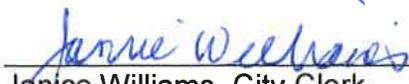
E. All impounded animals not claimed by their owner or the owner's representative will be held for no less than ten days after which they can be put up for adoption, if adoption eligible, or after ten days euthanized at the discretion of the animal control officer or agent (reference Section 7.11.010). The exceptions to that rule would be:

- 1. an animal due to its temperament presents a safety issue;**
- 2. a diseased or injured animal that poses a health and safety risk to the public or other animals;**
- 3. an animal that is quarantined for ten days;**
- 4. an animal under protective custody.**

Section 4. Effective Date. This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on 4/2/15.


Alice Ruby, Mayor
[SEAL]

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: April 2, 2015

Attachment to: 2015-03
 Ordinance No. _____ / Resolution No. _____

Subject:

An Ordinance of the Dillingham City Council Amending Title 7, Animals, to Clarify the Terms for an Impounded Animal

City Manager: Recommend Approval

Signature: Rose Doera

Route to	Department Head	Signature	Date
	Finance Director		
X	Dan Pasquariello	<i>[Signature]</i>	3-25-15
X	City Clerk	<i>[Signature]</i>	3/25/15

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- None

Summary Statement:

This ordinance addresses a concern that was brought before the Council regarding the interpretation of Chapter 7.09, Impoundment, which states an animal will be held for ten days after which they can be put up for adoption or euthanized if considered unadoptable. In the case that came before the Council, a cat was abandoned, taken to the animal shelter, evaluated as unadoptable, and put down before the ten days. The public member disagreed, felt the city's code was confusing because the exceptions to the ten day rule were not in the chapter on impoundment, but located elsewhere in the code, and they disagreed the cat was unadoptable, and felt it had a good temperament.

A review of the code was vetted through the Code Review Committee. It was recommended that additional language needed to be added to Chapter 7.09 to



Ordinance No. 2015-03 / Resolution No. _____

Summary Statement continued:

reference the exceptions to the rule for retaining an animal less than then days which are addressed in Section 7.11.010, Euthanasia.

One of the exceptions took into consideration the animal's temperament. The ACO evaluated the cat to be unadoptable because of its temperament. The committee recommended adding a definition to Chapter 7.02 to define adoption eligible and adding the wording adoption eligible to Chapter 7.09, and recommended both the animal control officer and possibly the police chief evaluate whether or not an animal was adoption eligible.

During this process it was clear that Chapter 7.09 was in need of some cleanup to remove redundant language that appeared in all three sections A, B, and C, and make it a more simple read, more in line with the City's Animal Shelter Operating Procedures.

Since the ordinance was introduced February 5, the Code Committee asked for several more amendments: 1) add a definition for protective custody; 2) break out the exceptions to the ten day rule in new section 7.09.010E and list each one for an easier read.

