

Section-by Section Summary of 2009 "Dog Ordinance"

CBJ Ordinance 2009-12(b)

This document summarizes the changes that would be made to the CBJ Animal Control Ordinances if the proposed "Dog Control Ordinance" currently before the CBJ Assembly were to be adopted by the Assembly. This document lists only the changes made to current ordinances and does not list or review the substance of the current or proposed ordinances. To see the actual language of the changes described in this document and the text of the current municipal ordinances, please obtain a copy of the proposed ordinance. A copy of the current version of the proposed ordinance may be found at <http://www.juneau.org/assembly/agendas/2009/2009-08-10/documents/2009-12b.pdf>
The proposed ordinance is 49 pages long.

This document was prepared by George Utermohle. The author of this document may be contacted at gd-info@gratefuldogsofjuneau.org

Section 1 of the proposed ordinance provides that it is to become part of the permanent municipal code once it passes the assembly.

Section 2 of the proposed ordinance amends the entire Title 8, Animal Control and Protection, of the CBJ Municipal Code.

Chapter 08.05 GENERALLY.

08.05.010, relating to definitions, amends the definitions of several terms used in the Animal Control and Protection Code. The terms: competent voice control, keeper, livestock, neglected, restraint, and traps are amended. Definitions are added for the terms: altered animal, domestic animal, euthanasia, physical injury, provocation, and substantial evidence. The defined term "dangerous dog" is changed to "dangerous domestic animal". The defined term "service dog" is changed to "service animal." The definitions of "humane society" and "neutered animal" are deleted.

08.05.020, relating to immunity, amends the provisions related to immunity for the borough and its employees and agents for their actions taken under the Animal Control and Protection Title.

Chapter 08.10. ANIMAL CONTROL AUTHORITIES.

08.10.010, relating to authority and purpose, does not appear to be changed.

08.10.020, relating to the scope of duties of animal control officers, is amended by substituting the terms "potentially dangerous domestic animals" and "dangerous domestic animals" for the terms "potentially dangerous dogs" and "dangerous dogs" respectively in regard to the records that must be maintained by animal control officers.

08.10.030, relating to interference with animal control officers and investigations, is amended to limit the authority of animal control officers to enter upon certain property unless invited or allowed by law.

Chapter 08.15 LICENSES AND PERMITS.

08.15.010, relating to licensing, is amended to

- (1) change the provisions related to the proof necessary to show that an animal has received a rabies vaccination; and
- (2) provide that a person cannot possess a canid hybrid without a permit from the Department of Fish and Game.

08.15.020, relating to exemptions from licensing requirement, is amended to exempt dogs belonging to nonresidents of Juneau from the license requirement if they are in town for less than 130 days. The current exemption from licensing and impoundment fees that is conferred on service dogs is repealed.

08.15.030, relating to tags and collars, is amended to delete the reference to choke chains under the requirement that dog licenses be attached to a dog's collar or harness.

Chapter 08.20. IMPOUNDMENT.

08.20.010, relating to impoundment generally, is amended to provide that only dogs and livestock are to be impounded by animal control if they are found running at large. Currently all animals and livestock are subject to impoundment. Also, the terms "euthanized" and "dangerous domestic animal" are substituted for "destroyed" and "vicious animal", respectively, in certain provisions.

08.20.020, relating to redemption of impounded animals, is amended by substituting the term "euthanized" for the word "destroyed".

Chapter 08.25 RABIES CONTROL.

08.25.010, relating to immunization for rabies, is not amended.

08.25.015, relating to impoundment and euthanasia of animals, is amended to

- (1) provide that a dog, cat, or ferret that bites a domestic animal must be placed under observation for 10 days;
- (2) provide that an unvaccinated dog, cat, or ferret that bites a domestic animal may be quarantined immediately and, in the discretion of a veterinarian, be euthanized;
- (3) an unvaccinated ferret bitten by a known or suspected rabid animal may be euthanized immediately;
- (4) a vaccinated ferret bitten by a known or suspected rabid animal must be revaccinated and confined for at least 30 days at a place determined by the director of animal control.

08.25.020, relating to rabies certificates, is amended to eliminate the requirement that the rabies tag be affixed to collar or harness of dog, cat, or ferret.

08.25.030, relating to reporting of animal bites, is amended to also provide that the keeper of any animal that bites a domestic animal or livestock must report the occurrence to animal control.

08.25.040, relating to quarantine of animals, is amended to

- (1) also provide that any animal that does not have a rabies certificate shall be quarantined if it bites a domestic animal;
- (2) substitute the term “domestic animal” for the term “dog”;
- (3) provide that any animal under quarantine that is found at large shall be impounded by an animal control officer.

08.25.050, relating to handling of rabies cases, does not appear to be amended.

08.25.060, relating to disposition of rabid animals, is amended to provide that an animal under quarantine that is suspected (previously confirmed) of being rabid shall be immediately destroyed and disposed of in accordance with law. Similarly, any animal suspected of being rabid that dies in quarantine shall be disposed in accordance with law.

08.25.070, relating to area wide quarantine, does not appear to be amended.

Chapter 08.30 POTENTIALLY DANGEROUS AND DANGEROUS DOMESTIC ANIMALS.

08.30.010, relating to definitions for chapter 08.30, is amended by substituting the phrase “domestic animal” for the term “dog” in regard to dangerous and potentially dangerous animals. The definitions of “provocation” and “physical injury” are deleted (the same terms are now defined in 08.05.010). A new provision was added to provide that a dog cannot be classified as a dangerous animal or potentially dangerous animal if the animal was defending itself from an attack by a person.

08.30.020, relating to classification of domestic animals, is amended by substituting the phrase “domestic animal” for the word “dog”. Also the deadline for the completion of certain determinations by the director of animal control and for the filing of certain appeals to the decision of the director of animal control is increased from 10 days to 15 days.

08.30.030, relating to animal hearing board, is amended to provide for staggered terms for members of the animal hearing board. The requirement that the board prepare written findings of fact and conclusions of law is deleted; instead the board need only submit reasons for its determination and indicate the evidence relied upon. The phrase “domestic animal” is substituted for the word “dog” throughout the section. The definition of “substantial evidence” is deleted (the definition has been added to 08.05.010).

08.30.040, relating to on premises confinement, is amended by substituting the term “domestic animal” for the term “dog”.

08.30.050, relating to off-premises restraint, is amended by substituting the term “domestic animal” for the term “dog”.

08.30.060, relating to notification of change of status, is amended to address the situation in which ownership or location of a dangerous or potentially dangerous domestic animal changes.

08.30.070, relating to signs, is amended by substituting the term “domestic animal” for the term “dog”.

08.30.080, relating to liability insurance, is amended to provide that the keeper of a dangerous or potentially dangerous domestic animal must obtain liability insurance if it is reasonably available. Also, the phrase “domestic animal” is substituted for the word “dog”.

08.30.090, relating to special licenses and tags, is amended by substituting the term “domestic animal” for the term “dog”. Also, the provision relating to the transfer of a license for dangerous or potentially dangerous domestic animal if ownership of the animal is transferred is deleted.

08.30.100, relating to spay or neuter requirement, is amended to provide that the keeper of a dangerous or potentially dangerous domestic animal may be required to have the animal spayed or neutered within 15 days. Also, the phrase “domestic animal” is substituted for the word “dog”.

08.30.110, relating to destruction of dangerous domestic animals, is amended by substituting the term “domestic animal” for the term “dog” and by substituting the term “euthanized” for the term “destroyed”.

08.30.120, relating to reclassification of domestic animals, is amended by adding a provision to allow a non-canine domestic animal to have its dangerous or potentially dangerous classification removed at the discretion of the animal hearing board. Also, the phrase “domestic animal” is substituted for the word “dog”.

Chapter 08.35 ANIMAL CARE.

08.35.010, relating to neglect and cruelty to animals, is amended by

- (1) eliminating the requirement that food, water, shelter, protection, health care, and living conditions be provided in accordance with accepted veterinary practice;
- (2) substituting the phrase “knowing kill or injure any animal” for the phrase “intentionally kill or injure any animal”;
- (3) eliminating the exception to the prohibition against killing or injuring animals that was granted to those who kill a vicious or mad dog or who kill a dog annoying or biting animals or fowl;
- (4) substituting the term “domestic animal” for the term “dog”;
- (5) prohibiting sexual contact with an animal;

(6) providing that a violation of 08.35.010 is a class b misdemeanor.

08.35.020, relating to protective custody, is amended by substituting the term “euthanized” for the term “destroyed”.

08.35.030, relating to motor vehicle accidents involving animals, does not appear to be amended.

Chapter 08.40 RESTRAINT AND SANITARY DISPOSAL REQUIREMENTS

08.40.010, relating to dogs at large, does not appear to be amended.

08.40.020, relating to leash law areas, is amended by

- (1) adding locations set forth in regulations issued by the CBJ Parks and Recreation Department pursuant to CBJ 01.60;
- (2) providing that the premises of the Juneau International Airport as provided in section 05.05.100 is an on-leash area;
- (3) exempting animals participating in an officially organized training or activity which requires it to be unleashed from the on-leash requirement.

08.40.030, relating to dog prohibition areas, is amended by adding locations set forth in regulations issued by the CBJ Parks and Recreation Department pursuant to CBJ 01.60.

08.40.040, relating to sanitary disposal requirements, is amended by substituting the term “domestic animal” for the term “dog”.

08.40.050, relating to confinement and restraint of potentially dangerous and dangerous domestic animals, is amended by substituting the term “domestic animal” for the word “dog”.

08.40.060, relating to female domestic animals in season, is amended by substituting the term “domestic animal” for the term “dog”.

08.40.070, relating to release from restraint, is amended by substituting the term “domestic animal” for the term “dog”.

08.40.080, relating to improper restraint, is amended by adding provisions to prohibit the keeper of a domestic animal/livestock from tying or attaching the animal to a public building, public parking lot, or vehicles unless the animal is participating in an officially organized activity that requires it to fastened in this manner. This section also provides that the keeper of a domestic animal may not tie or otherwise physically fasten the animal in a manner to create immediate danger to the physical well-being of the domestic animal.

08.40.090, relating to sports field use, is added to provide that all fenced park sports fields are off-leash areas for exercise and dog training purposes with the exception of

artificial turf fields as set forth in regulations issued by the CBJ Parks and Recreation Department pursuant to CBJ 01.60.

Chapter 08.45 OBJECTIONABLE ANIMALS AND OTHER REQUIREMENTS.

08.45.010, relating to objectionable animals, to provide that the keeper of an animal shall prevent the animal from snapping at, jumping upon or otherwise menacing, injuring, or frightening persons, domestic animals or livestock, except when the person is trespassing or otherwise in violation of the law. This provision is also amending to delete growling from the list of prohibited activities. The term "wildlife" is substituted for "wild game". The affirmative defense to a charge of frequent or prolonged barking is expanded to include a kennel that is permitted by CBJ under title 49 of the municipal code.

08.45.020, relating to dead animals, is amended to provide that a dead animal may also be disposed of at the landfill. This section is also amended to transfer the duty of attempting to find the owner of a dead animal from the land owner where the dead was found to an animal control officer.

08.45.030, relating to prohibition of trapping, does not appear to be amended.

Chapter 08.50.010 FEES, CITATIONS, AND PENALTIES.

08.50.010, relating to fees, does not appear to be amended.

08.50.020, relating to citations, is amended to provide that an animal control officer shall issue a citation or warning to the keeper of an animal is found to be in violation of title 08. The phrase "running at large or otherwise" is deleted. The phrase "domestic animal or livestock" is substituted for the phrase "an animal".

08.50.030, relating to criminal liability, does not appear to be amended.

Section 3 of the proposed ordinance provides that the ordinance shall take effect 30 days after adoption.