

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-36(b)

An Ordinance Amending the Animal Control and Protection Code Relating to Potentially Dangerous and Dangerous Domestic Animals.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. Chapter 08.30 Potentially Dangerous and Dangerous Domestic Animals, is amended to read:

...

08.30.020 Classification of domestic animals; notice; restrictions pending appeals.

(a) The director of animal control shall have the authority to determine, based on probable cause, that a domestic animal is potentially dangerous or dangerous. The determination and classification of the domestic animal shall be completed by the director within 15 days of the bite or attack report. In making the classification, the director will consider all of the facts and circumstances of the incident, including the following factors:

- (1) The observed and reported past and present behavior of the domestic animal;
- (2) Whether the incident was accidental in nature;
- (3) The extent of the injury to the person or animal attacked;

1
2 (4) The keeper's history of compliance with the City and Borough animal control code
3 provisions ~~pertaining to the domestic animal involved in the incident~~; and

4 (5) The keeper's history of animal control code violations ~~pertaining to the domestic~~
5 ~~animal involved in the incident~~.

6 (b) Written notice of a domestic animal(s) classification under subsection (a) of this section
7 shall be served on the keeper of the domestic animal at the keeper's last known address. The
8 notice shall describe the domestic animal, state the grounds for its classification, and state the
9 restrictions and other requirements, including a spay or neuter requirement as the director
10 determines appropriate, applicable to the domestic animal by reason of its classification. The
11 notice shall also state that if a written request for a hearing is filed with the director of animal
12 control within 15 days after completion of service of the notice, a hearing will be conducted by
13 the animal hearing board under section 08.30.030 to review the classification of the domestic
14 animal or any related written administrative orders issued by the director. The right to a
15 hearing shall be deemed waived if not timely requested as set forth on this subsection.
16

17 (c) The notice referred to in subsection (b) of this section shall be given either by personal
18 delivery to the person to be notified or by certified mail, return receipt requested, addressed to
19 the person at the person's last known address. Notice by personal delivery shall be complete
20 upon delivery and notice by mail shall be deemed complete upon return of the receipt or upon
21 return of the notice as undeliverable, refused, or unclaimed.
22

23 (d) During the pendency of any hearing on the classification of a potentially dangerous or
24 dangerous domestic animal, the director of animal control may require that the domestic
25 animal be kept securely confined on the premises of the keeper or other location acceptable to
the director which may include quarantine time at the animal shelter at the keeper's expense.

1
2 ...

3 **08.30.050 Off-premises restraint.**

4 A potentially dangerous or dangerous domestic animal may be off the keeper's premises only if
5 it is humanely muzzled and restrained by a substantial leash not exceeding four feet in length.

6 The leash and domestic animal shall be under the actual physical control of a person ~~18 years~~
7 ~~of age or older and~~ suitable to control the domestic animal at all times. Such domestic animals
8 shall not be leashed to inanimate objects such as trees, posts or buildings. The muzzle must be
9 made in a manner that will not cause injury to the domestic animal or interfere with the
10 domestic animal's vision or respiration, but must prevent the domestic animal from biting any
11 person or domestic animal.
12

13 ...

14
15 **08.30.070 Signs.**

16 The keeper shall display signs, issued by Animal Control at the owner's expense, in such form
17 as required by the City and Borough on the keeper's premises warning that there is a
18 potentially dangerous or dangerous domestic animal on the premises. One sign must be visible
19 from any public right-of-way abutting the premises. A sign must also be posted on the
20 enclosure for the domestic animal.
21

22
23 **08.30.080 Liability insurance.**

24 The keeper of a potentially dangerous or dangerous domestic animal shall maintain a liability
25 insurance policy, ~~if reasonably available~~, in an amount of not less than \$100,000.00 covering
any damage or injury that may be caused by the domestic animal. The policy shall contain a

1
2 provision requiring that the director of animal control be notified by the insurance company of
3 any cancellation, termination or expiration of the policy.
4

5 **08.30.090 Special license and tag, and microchip.**

6 (a) The keeper of any potentially dangerous or dangerous domestic animal shall obtain from
7 animal control a special license and collar for the domestic animal. The special license will be
8 issued for a term of one year beginning January 1 of the year for which the license was issued.
9

10 (b) An application for a special license shall be made to the director of animal control and
11 shall include the information required by section 08.15.010, proof of the insurance required in
12 section 08.30.080, a picture of the domestic animal, and any other information requested by the
13 director of animal control.

14 (c) Upon completion of all application requirements a special license identification tag will
15 be issued to the keeper of a potentially dangerous or dangerous domestic animal. The keeper
16 shall ensure that the issued tag is securely fastened to the required collar and the tag and
17 collar must be worn by the domestic animal at all times.
18

19 (d) All animals deemed as dangerous or potentially dangerous must be microchipped by a
20 veterinarian, licensed in the State of Alaska, at the expense of the owner within 15 days after
21 the classification of the animal.

22 ...
23

24 **08.30.120 Reclassification of domestic animals.**

25 (a) The keeper of any domestic animal classified as potentially dangerous or dangerous may
apply for reclassification of the domestic animal to non-dangerous. Applications with respect to

1
2 domestic animals classified as potentially dangerous will be reviewed and acted upon by the
3 director of animal control. Applications with respect to domestic animals classified as
4 dangerous will be reviewed and acted upon by the animal hearing board. A request for a
5 hearing to review a decision of the director on an application for reclassification must be filed
6 within 15 days after completion of service of the notice. Notice shall be served in the manner
7 set forth in section 08.30.020.

8
9 (b) In order to be eligible for reclassification, a canine must have an evaluation, and proof of
10 having completed any recommended training, by a veterinarian licensed in the State of Alaska;
11 a veterinary technician, licensed in the State of Alaska, who specializes in behavior; a certified
12 applied animal behaviorist; or a board certified veterinary behaviorist ~~obtained a certificate of~~
13 ~~Canine Good Citizenship or its equivalent since its classification as potentially dangerous or~~
14 ~~dangerous.~~ Other domestic animals will be considered on a case by case basis at the discretion
15 of the animal hearing board. In addition, in deciding whether to approve the reclassification of
16 a dog, the following criteria shall be considered:

- 17
18 (1) The nature and circumstances of prior occurrences with the dog that resulted in its
19 classification as potentially dangerous or dangerous; and
20 (2) Whether the keeper, for a period of at least 36 months, has been in compliance with
21 all requirements of this title concerning the dog since its classification as potentially
22 dangerous or dangerous.

23 (c) A second classification of a domestic animal as potentially dangerous or dangerous after
24 removal of the classification pursuant to subsection (a) of this section, shall result in the
25 domestic animal being permanently ineligible for removal of the classification under this
section.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk