



CITY OF UNALAKLEET

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ORDINANCE NO. 2023-05

AN ORDINANCE AMENDING UNALAKLEET MUNICIPAL CODE TITLE 6 BY AMENDING CHAPTER 6.04 AND ADDING CHAPTERS 6.08, 6.12, AND 6.16

WHEREAS, loose dogs continue to be an issue in the City of Unalakleet; and

WHEREAS, the City Council wishes to protect the public from aggressive animals; and

WHEREAS, loose, unvaccinated dogs become susceptible to rabid wild animals within city limits; and

WHEREAS, the City Council wishes for our city to be a place we can be confident the public, especially elders and children, are safe;

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY OF UNALAKLEET, ALASKA:

Section 1: **Classification.** This ordinance is of permanent nature and shall be codified in the Unalakleet Municipal Code.

Section 2: **Severability.** If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons shall not be affected hereby.

Section 3: **Amendment of Chapter 6.04.** Unalakleet Municipal Code chapter 6.04, Dogs, is hereby amended to read as follows, with changes underlined:

Sections:

<u>6.04.010</u>	<u>Definitions.</u>
<u>6.04.020</u>	<u>Control requirement.</u>
<u>6.04.030</u>	<u>Penning of dogs under five months.</u>
<u>6.04.040</u>	<u>Impoundment—Disposal responsibility.</u>
<u>6.04.050</u>	<u>Same—Responsibility.</u>
<u>6.04.060</u>	<u>Same—Payment of fine.</u>
<u>6.04.070</u>	<u>Same—Disposal when owner unknown.</u>
<u>6.04.080</u>	<u>Vaccination—Generally.</u>
<u>6.04.090</u>	<u>Same—Proof of rabies shot.</u>
<u>6.04.100</u>	<u>Same—Parvo-virus provisions.</u>
<u>6.04.110</u>	<u>Dog bites.</u>
<u>6.04.120</u>	<u>Dog registration.</u>

6.04.010. Definitions.

When used in this chapter, the following words and phrases have the meanings given unless the context in which used clearly indicates a different meaning was intended.

“Constrained” means to control an animal in a humane manner in one of the following ways:

- A. Confinement: within any fully fenced pen, kennel yard, or structure, which prevents the exit of any animal confined therein solely on its own volition and the protrusion through the outer perimeter of the enclosure of the dog’s paws and/or teeth to an extent which would enable the animal to physically injure a person or another animal.
- B. Leash: means to control a dog by securely attaching a leash, chain, or an item which is physically capable of restraining the dog, including electronic collar, to the dog, which is in the secure possession of a person physically and mentally capable of monitoring, directing and restricting the dog’s movements and activities; or
- C. Attachment: control a dog by a harness or other similar device attached directly or indirectly to a person or immovable object by means of a chain, lease or similar device in such a manner that:
 - 1. When the animal is on private property, it cannot travel off the private property on which the immovable object is located, or into any public vehicular or pedestrian way, or other public easement; or
 - 2. When the dog is on public property, the dog is temporarily attached in such a manner that it cannot travel more than three feet from the immovable object and is not unattended by the owner.

"Dog" means any of the Mammalian family Canidae commonly known as dogs, but not a fox, coyote, wolf or any other game species, the taking or keeping of which is regulated by the state, save only that any fox, coyote or wolf which is kept as a pet under a valid state permit shall be treated in like fashion as a common dog.

"Enclosure" means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children and other animals. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

“In estrus” means the period in the sexual cycle of female mammals, except the higher primates, during which they are in heat.

"Owner" means any person, group of persons, or a corporation owning, keeping or harboring any dog or dogs.

"Restraint." A dog is under restraint if he is under actual physical control, such as by leash, chain, fence or building; or when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically

restrained; or when actively engaged in a form of recognized hunting that requires the use of an animal as a retriever; or when properly contained on the property of the owner.

“Tagged ” means displaying a tag on their collar with the owner’s identification, or who is responsible for the animal and its actions. Identification must include at least the name and current phone number.

“Unsterilized” means it has not been neutered or spayed, meaning it had part of its sex organs removed so that it cannot produce young animals.

6.04.020. Control requirement.

~~All dogs must be tied or in some manner constrained and under control by owner.~~
All dog(s) within city limits must be constrained and tagged.

6.04.040. Impoundment—Disposal Responsibility.

All dogs impounded by the City's policing authority shall be held for a period of 24 hours. Owners of dogs tagged or reported lost to Unalakleet Policing Authority will be notified of impoundment; while dogs untagged and unreported will be considered stray (without owner) and no notification will be required. If not claimed, it shall be the responsibility of the City's policing authority to dispose of such dogs in the most humane manner available to him/her.

6.04.060. Same—Payment of Fine.

Any identifiable owner of an impounded dog, whether or not such dog is reclaimed, shall pay a fine of \$15.00 for a first offense and \$25.00 for each additional offense or be put to work for the City until the fine is paid. This fine applies to both loose dogs and untagged dogs. All additional cost related to the boarding, capture, disposal, and(or) testing of animals is at the owner's expense.

6.04.110. Dog Bites

Owners must notify the City’s policing authority for all bites. All dog(s) who have bitten will be subject to impound at the owner's expense. Owners must provide proof of provocation for the bite and the dog(s) most recent rabies vaccine. Dogs without rabies vaccine will be held for 7 days for observation of rabies symptoms. Dog(s) who bite unprovoked or display signs of rabies will be disposed of in the most humane way possible at the owner's expense.

Section 4: **Amendment of Chapter 6.04.** Unalakleet Municipal Code chapter 6.04, Dogs, Section 6.04.120, Dog Registration, hereby reads as follows:

6.04.120. Dog Registration

Any person who owns or has custody of a dog shall report to the City, not later than the

first day of February and shall be required to pay the fee, except for a dog brought into the city for less than 30 days.

Any dog over the age of six months which is transferred, sold, or given away within the city shall be licensed by the new owner or custodian within fifteen days of the sale or acquisition.

Application for dog registration shall be to the City. The application shall include:

1. The name and residence of the owner of the dog;
2. The name, breed, color, age, sex, and reproductive status of the dog;
3. Proof that the dog has current rabies vaccination in accordance with Section 6.04.070; and
4. The registration fee required.

Dog registrations shall be valid for each calendar year, January to December. An application to renew a dog registration shall be made in the same manner as an application for a new registration.

No person shall use a City of Unalakleet registration receipt for a dog other than the one for which it was issued.

Section 5: **Addition of Chapter 6.08.** Unalakleet Municipal Code chapter 6.08, Standards for the Care and Control of Animals, hereby reads as follows:

6.08.010. Dogs in public places.

- A. It is unlawful for any dog to be in a public place unless it is controlled by a leash, and in the control of a person competent to restrain the dog except:
1. Control of a dog by command is allowed if the dog is engaged in an activity that precludes it from accomplishing that activity if restrained, and the dog is in an area normally associated with that activity, and the activity is conducted in a manner that minimizes impact with the general public;
 2. A dog may be humanely attached in or to a vehicle in a public place, provided the dog may not:
 - i. Be capable of removing or detaching itself from the vehicle;
 - ii. Be attached so as fall, jump, be thrown from or dragged by the vehicle;
 - iii. Be exposed to prolonged inclement weather; or
 - iv. Pose a threat to public health and safety or the safety of other dogs.
 3. A dog may be humanely contained inside an attended or locked, fully enclosed container.
- B. It shall be unlawful for the owner of a dog to allow it to run loose or be at-large upon the streets or public places of the city. It shall also be unlawful for the owner of a dog to allow it to run loose or be at-large upon the private property of another without the consent of the private property owner.

- C. No person owning, keeping, possessing, or harboring any dog shall allow it to enter upon public premises where food for human consumption is processed or consumed.
- D. This section does not apply to owners accompanied by an aid dog so long as the dog is being used as an aid dog and the dog has been certified by a recognized aid dog institution.

6.08.020. Creating a nuisance.

- A. No owner or custodian of an animal shall permit it to upset garbage on public or private property.
- B. Any person owning, keeping, possessing, or harboring any animal shall not suffer or permit the same repeatedly to disturb a neighborhood or any number of persons by frequent or prolonged barking, howling, or other noises.
- C. Any person owning, keeping, possessing, or harboring any animal shall not suffer or permit the same to dig upon or injure public property, a public thoroughfare, or private property not lawfully occupied by such person.
- D. Any person owning, keeping, possessing, or harboring any animal shall promptly remove and dispose of all feces left by the animal on any public property, public thoroughfare, or private property not owned by such person or lawfully occupied by such person.
- E. The owner of any animal shall not permit the same to frequently or habitually growl, snap at, jump upon or otherwise menace, injure or frighten persons within the city, unless those persons are trespassing upon the owner's property.

6.08.030. Control and confinement of animals.

- A. Except as otherwise required or permitted by this title, an owner of an animal shall restrain it at all times.
- B. Every female animal, while in estrus, shall be confined in a building or secure enclosure in such manner that she will not be in contact with another animal, as the case may be, nor create a nuisance by attracting other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal being bred.
- C. It is unlawful for the owner or custodian of an unsterilized male animal to allow it to come in contact with an unsterilized female of its species, except for planning breeding purposes.

- D. No person shall harbor or keep any animal affected with a contagious or pestilential disease.
- E. It is unlawful for any person, other than an officer in the performance of duties, to release an animal from restraint without the consent of the animal's owner or custodian, except to preserve the animal's life or prevent injury.
- F. No person shall harbor or keep any animal which habitually howls, yelps, whines, barks, or makes other oral noises in such a manner as unreasonably to disturb others.

6.08.040. Care and sanitation.

- A. An animal owner or custodian shall provide an animal with adequate fresh food, water shelter from inclement weather, and proper veterinary care, as required.
- B. An animal owner or custodian shall maintain all areas, where an animal is kept and to which it has access, in a clean and sanitary condition and free from objectionable odor.
- C. An animal owner or custodian shall maintain an animal in a manner that allows the animal freedom of movement to obtain adequate fresh food, water, and shelter from inclement weather.

6.08.050. Outdoor shelter.

No owner of an animal shall allow an animal to remain, for a period of one hour or more, outdoors and unattended by a person unless the animal has access to an enclosure (which, unless otherwise required, need not be a secured enclosure as defined by this title) consisting minimally of three walls and a roof, and containing sufficient space for the animal to be enclosed such that the animal is adequately sheltered from harmful wind, temperatures, precipitation, and sun.

6.08.050. Steel-jawed leg-hold traps prohibited.

- A. It is unlawful and a misdemeanor for any person to use, set, place, maintain or tend, or cause to be used, set, placed, maintained or tended, any steel-jawed leg-hold trap.
- B. This section shall not be construed to prevent the possession of steel-jaw leg-hold traps for the purpose of a person in the act of turning over the traps to a law enforcement agency.
- C. Mouse and rat traps designed for use in or under buildings shall not be classified as steel-jaw leg-hold traps for the purpose of this section.

Section 6: **Addition of Chapter 6.12.** Unalakleet Municipal Code chapter 6.12, Animal Cruelty, hereby reads as follows:

6.12.010. Animal cruelty.

The following constitute unlawful acts of animal cruelty:

- A. Failure to provide human care or treatment to an animal by the animal's custodian;
- B. Wounding, injuring, torturing, poisoning, provoking, or otherwise physically abusing an animal; and
- C. Killing, other than for human purposes, or injuring any animal unless such act is lawful hunting or authorized by law.

Section 7: **Addition of Chapter 6.16.** Unalakleet Municipal Code chapter 6.16, Animal Care and Control Fees, Fines, and Penalties, hereby reads as follows:

6.16.010. Animal care and control fee schedule.

The City shall provide for collection and disbursement of the following fees and refunds in the administration of Title VI:

Type	Fee
Animal Registration: 1 year	\$10
First Impoundment Fee	\$350
Second Impoundment (in any twelve (12) consecutive month period)	\$600
Third and all subsequent impoundments (in any twelve (12) consecutive month period)	Previous full impound fee plus \$100
Dog Boarding Fee: 50# & Under	\$30 per day
Dog Boarding Fee: 51# & Over	\$50 per day
Animal Transport Fee	\$30

These fees are subject to change at the discretion of the Chief of Police, the City Administrator, and/or the City Council.

6.16.020. Civil penalties for animal care and control violations.

In addition to any other penalties provided by law, a person who violates any of the following provisions shall be subject to the applicable civil penalties stated below:

Code Provision	Civil Penalty
6.08.010. Dogs in public places.	\$50 first violation; \$75 second violation and \$100 for third and subsequent violations.

6.08.020. Creating a nuisance.	\$50 first violation; \$75 second violation and \$100 for third and subsequent violations.
6.08.030. Control and confinement.	\$50 first violation; \$75 second violation and \$100 for third and subsequent violations.
6.08.040. Care and sanitation.	\$200 first violation per premise; \$250 each subsequent violation per premise.
6.08.050. Failure to provide shelter.	\$200 first violation per premise; \$250 each subsequent violation per premise.
6.08.060: Steel-jawed leg-hold trap.	\$200 first violation; \$250 each subsequent violation.
6.04.110. Dog registration.	\$25 first violation; \$75 each subsequent violation.
6.04.070. Rabies & parvo.	\$50 first violation; \$100 each subsequent violation.
6.04.100. Report bite.	\$100 first violation; \$250 each subsequent violation.
6.04.100. Observation after bite.	\$100 first violation; \$250 each subsequent violation.
6.16.010. Animal cruelty.	\$250 first violation; \$500 each subsequent violation.
Violations of all other provisions of Title VI	\$25 first violation, \$50 second violation, \$100 each subsequent violation.

These fees are subject to change at the discretion of the Chief of Police, the City Administrator, and/or the City Council.

Section 8: **Effective Date.** Section 4 of this ordinance becomes effective January 1, 2024.

Section 9: **Effective Date.** All other sections of this ordinance become effective upon adoption by the City Council.

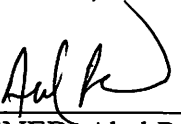
Public Hearing: 7/18/2023

First Reading: 7/18/2023

Second & Final Reading: 8/8/2023

VOTES FOR: 6 **VOTES AGAINST:** 0 **ABSTAIN:** 0 **ABSENT:** 1

PASSED and APPROVED by a duly constituted quorum of the City Council of the City of Unalakleet, Alaska, this 8th day of August, 2023.


 SIGNED: Abel Razzo, Mayor


 ATTEST: Marie Katchatag, City Clerk