

Introduced by: Public Safety and
Transportation Commission
Introduction Date: June 28, 2011
Public Hearing: July 12, 2011 (Referred to
PS&TC)
August 6, 2011
August 23, 2011
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

Ordinance #11-12

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE TITLE 6 SECTION 6.04.020, 6.04.030, 6.04.085 AND 6.04.100 REGARDING ANIMAL CONTROL

Whereas, Loose dogs present a public safety hazard to the people of Bethel;

Whereas, it is in the interests of public safety for dogs to be restrained;

Whereas, BMC 6.04.100 refers to "Bethel Dog Restraint Boundaries" which are stated to be on a map attached to the ordinance 177, 1987;

Whereas, there is no known copy of this map;

Whereas, excessive continuous barking, whining or howling to hold owner of animal accountable of said noise complaint from other citizens in the community.

NOW, THEREFORE BE IT ENACTED by the City Council of Bethel Alaska as follows:

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amendment. :

The Bethel Municipal Code, Chapter 6.04 is amended as follows: (new language is underlined and old language is stricken out):

6.04.010 Definitions.

As used in this chapter:

A. "Animal" means all domestic or domesticated members of the animal kingdom, classes Mammalia and Aves.

B. "Animal control agent" means a salaried city employee under the direction of the chief of police who shall be responsible for the licensing of animals, rabies control of impounded animals, investigation of animal bites and complaints, maintaining the animal control program and the city animal impoundment center, and the destruction

Introduced by: Public Safety and
Transportation
Commission
Introduction Date: June 28, 2011
Public Hearing: July 12, 2011 (Referred
to PS&TC)
August 6, 2011
Action:
Vote:

and disposal of unwanted animals. The animal control agent may participate in public education efforts concerning animal control and safety.

C. "Animal control shelter" means a city-maintained impoundment with pens for dogs and other animals.

D. "Cat" means any domestic member of the family Felidae, commonly referred to as a "cat."

E. "Dog" means any member of the mammalia family Canidae commonly called dogs, but not fox, wolf or other game species the taking of which is regulated by the state. Any game species kept as a pet must have a valid state permit.

F. "Kennel" means a premises or property where four (4) or more dogs six (6) months of age or older are kept.

G. "Frequent or prolonged noise" means:

(1) Repeated vocalizing by any animal(s), except an animal in a licensed kennel or a commercial facility for animals, in a sixty-minute period from the time the noise begins and that lasts for more than twenty consecutive minutes between the hours of seven(7) a.m. and ten(10) p.m.;

(2) Repeated vocalizing by any animal(s) for ten consecutive minutes between the hours of ten(10) p.m. and seven(7) a.m.

6.04.020 Care and Restraint of Dogs.

A. All dogs-located outside the confines of their owners' or keepers' home property shall be restrained at a safe distance from public streets, public walkways and public parks and playgrounds.

~~B. All dogs located outside property owned or controlled by their owners or keepers and within the Bethel dog restraint boundaries (BMC 6.04.100), as shown on the map attached to the ordinance codified in this chapter, All dogs shall be securely restrained by means of a chain, harness or leash, except in an established dog park (BMC 6.04.110) where said dog is accompanied by owner and under voice control. All dogs located outside the Bethel dog restraint boundaries (BMC 6.04.100) shall be under voice control. No Dog may run at large within the city limits. No person having charge or control of said animal may permit the animal to run at large within the city.~~

~~B. C.~~ All dogs shall be cared for in a safe and sanitary manner. Shelter shall be provided as needed. All owners or keepers shall provide for adequate care and feeding of the animals. Failure to provide for adequate caring and feeding of the animals will result in a citation being issued and owner or keeper subject to a fine and possible impoundment of the dog.

~~C. D.~~ An owner shall prevent the dog from engaging in the following activities: barking, whining or howling in excessive, continuous or untimely fashion, to keep or permit the same to disturb a neighborhood or any number of persons by frequent or prolonged noise.

Introduced by: Public Safety and
Transportation Commission
Introduction Date: June 28, 2011
Public Hearing: July 12, 2011 (Referred to
PS&TC)
August 6, 2011
August 23, 2011
Action: Passed
Vote: 6-0

Upon receipt of a written statement identifying dates and time periods of frequent and prolonged noise signed by one or more persons residing at different physical addresses in the immediate vicinity of the noise by the animal control agent and/or Chief of Police and/or designee, the animal control agent and/or Chief of Police and/or designee shall investigate and if warranted order the owner of the animal to immediately comply with subsection.

All orders issued under this subsection may contain:

- (1) The definition of "frequent or prolonged noise";
- (2) A copy of this chapter;
- (3) The nature and the times of the noise as identified in the written statement;
- (4) Potential methods of curtailing animal noise;
- (5) The amount of time allowed to comply with the notice.

If the owner fails to comply with any order issued pursuant to this subsection, an animal control agent and/or Chief of Police and/or designee may: Issue the owner a citation for violation of this chapter; and remove the animal that was making the noise to the animal control shelter.

D. E. A person who fails to comply with this section for care and maintenance of dogs shall be subject to all penalties established under BMC 6.04.090.

6.04.030 Animals at large.

Any loose dogs or other animals in the city, wandering at large not under the immediate supervision of the owner or his agent, or found unsupervised, leashed or unleashed, within the city limits on public streets, walkways, rights-of-way public parks and playgrounds, or otherwise outside the property of the owner or agent and maybe captured by the animal control agent and/or Chief of Police and/or designee, and shall be impounded.

6.04.050 Dog licensing.

A. City dog license(s) shall be required for all dogs six (6) months of age or older. The license shall expire on December thirty-first (31st) of each year for the non computer chip license. The implanted computer chip license(s) shall be valid for the life of the dog. A valid rabies immunization certificate shall be required before the dog license will be issued. The fee for licensing shall be established and may be periodically adjusted by noncode ordinance.

6.04.060 Dog kennel.

A. All kennels within the city shall be licensed. Application for a kennel license shall be made to the animal control officer. The application for a kennel license shall contain the following information:

Introduced by: Public Safety and
Transportation
Commission
Introduction Date: June 28, 2011
Public Hearing: July 12, 2011 (Referred
to PS&TC)
August 6, 2011
Action:
Vote:

1. The name and address of the applicant;
2. The number and breed(s) of dogs to be kept at kennel;
3. Proof of a current rabies vaccination for each dog kept at the facility.

B. All dogs shall be maintained in a safe and sanitary manner. All kennel owners or keepers shall provide for the adequate care and feeding of the animals within the kennel. Failure to properly maintain a kennel or to provide adequate care or feeding of the animals within a kennel will result in a citation being issued and the owner or keeper subject to a fine and possible revocation of the kennel license.

C. A kennel license shall be issued for one (1) calendar year. All kennel licenses shall expire on December thirty-first (31st) of each year. An application for renewal of the kennel license shall be on a form provided by the animal control office. Kennel fees shall be four (4) times the costs of a single license fee.

D. A person who fails to comply with the provisions of this section for licensing and maintenance of kennels shall be subject to all penalties established under BMC 6.04.090.

6.04.070 Impoundment.

A. Any animal impounded within the city animal control shelter shall be held a minimum of four (4) days including Saturday, Sunday and holidays, during which the pound is open at least two (2) hours.

B. Any impounded animal suspected of having rabies or that has unprovokingly bitten a person shall be impounded in isolation for a minimum of ten (10) days. An animal impounded for the second (2nd) time for biting a person unprovoked shall be destroyed after the ten- (10-) day holding period.

C. Any animal not released after the four- (4-) day impoundment holding period may be destroyed or disposed of at the discretion of the animal control officer.

D. The city council shall establish and may periodically adjust an impoundment fee schedule and a destruction fee by noncode ordinance.

E. No animal shall be released from the animal control shelter until all licensing, impoundment, vaccination and adoption fees are paid.

F. Any person adopting an animal from the animal control shelter shall pay any and all impoundment and vaccination fees in addition to an adoption fee as set by the city council.

6.04.080 Emergency animal control.

A. Whenever there exists a substantial problem of unconfined and free-roaming dogs and this problem shall be of such nature as to exceed the ability of the animal control officer to safely and adequately deal with such loose dogs, the city council may declare an emergency dog control program into effect. In determining whether an emergency program shall be declared, the city council shall consider:

1. The number of citizen complaints;
2. The nature of citizen complaints;

Introduced by: Public Safety and
Transportation Commission
Introduction Date: June 28, 2011
Public Hearing: July 12, 2011 (Referred to
PS&TC)
August 6, 2011
August 23, 2011
Action: Passed
Vote: 6-0

3. The existence of reported rabies cases or other contagious diseases carried by dogs;

4. The ability of the city dog pound to safely care for additional animals;
5. Other relevant factors.

B. If an emergency dog control program is declared, such emergency program shall be announced by posting notice in at least three (3) places within the city, by announcing such program at least once daily on local radio or television, and by noticing such program in a newspaper of local circulation at least once.

C. At the conclusion of seven (7) days after such announcement has first (1st) been noticed, the city council may order the destruction of free-roaming dogs by specified public safety personnel and/or the animal control officer. Such emergency control program shall be in effect for no more than thirty (30) days, and may be extended only by resolution of the council, after public hearing.

6.04.085 Immediate Destruction.

A. If after diligent effort the animal control agent and/or Chief of Police and/or designee is unable to capture an at large animal, whether licensed or unlicensed, and if said animal shows signs of aggression toward the animal control agent and/or Chief of Police and/or designee, and/or citizen in the community, sufficient to place said agent, Chief of Police, designee and/or citizen in reasonable apprehension of bodily injury, animal control agent and/or Chief of Police and/or designee may immediately destroy the animal, if so destroyed animal is found to be licensed, the owner shall be promptly notified.

B. Any person wishing to have his animal(s) destroyed by the animal control agent and/or Chief of Police and/or designee may do so upon payment of fees regulated in the BMC ordinance of fees and charges, accompanied by a waiver to relinquish said animal to the City of Bethel and Bethel Police Department.

C. Upon delivery of a dog to the animal control shelter when no additional facilities exist for the confining of more animals, the animal control agent and/or Chief of Police and/or designee may destroy summarily whichever dog has been confined at the animal control shelter for the longest period of time, for purposes of providing a place to confine the newly captured dog. Said summary destruction shall occur notwithstanding the provisions of BMC 06.04.070(A) otherwise allowing four days for redemption.

D. Reasonable efforts to notify the owner(s) of a licensed animal will be made prior to destroying said animal.

6.04.090 Penalties.

A. A person who fails to comply with the provisions of this chapter may be issued a

Introduced by: Public Safety and
Transportation
Commission
Introduction Date: June 28, 2011
Public Hearing: July 12, 2011 (Referred
to PS&TC)
August 6, 2011
Action:
Vote:

citation for ordinance violation by the animal control officer. The citation shall impose a penalty of ~~twenty five dollars (\$25)~~ fifty dollars (\$50) for the first (1st) violation, ~~fifty dollars (\$50)~~ one hundred dollars (\$100) for the second (2nd) violation, and ~~one hundred dollars (\$100)~~ two hundred dollars (\$200) for each succeeding violation within ninety (90) days.

6.04.100 Bethel dog restraint boundaries.

~~Description: Commencing at Intersection 9D, hence North to intersection 9C, hence west to intersection 8C, hence north to intersection west to intersection 2A, hence south to intersection 2D, hence west to intersection 1D, hence south to intersection 1F, hence east to intersection 6F, hence to intersection 9D. That area encompassed by the above description constitutes the Bethel dog restraint boundaries as shown on the map attached to the ordinance codified in this chapter.~~

6.04.100 Dog Park

- A. The city council may establish one or more "Dog Park(s)".
- B. All dogs in the Dog Park must be attended and securely restrained by means of a chain, harness, leash; or shall be under voice control.
- C. Any dogs unattended, unrestrained, or not under voice control are subject to impoundment as specified under BMC 6.04.030 and the owner subject to penalties as specified under BMC 6.04.090.

6.04.110 Volunteer animal control officer.

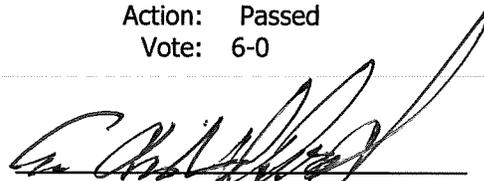
- A. The police department may authorize volunteer animal control officers.
- B. Such volunteer animal control officers will be under direction of the Chief of Police and/or designee.
- C. Volunteer animal control officer are empowered to capture loose, aggressive, or nuisance animals, issue citations for violations under this section, work in the animal control shelter, and other duties normally associated with animal control.

SECTION 3. Effective Date. This ordinance shall become effective upon passage by the Bethel City Council.

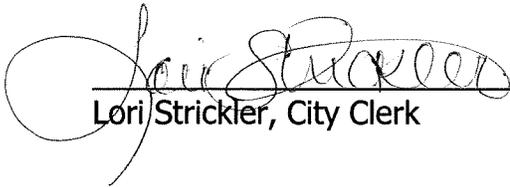
ENACTED THIS 23 DAY OF AUGUST 2011, BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.

Introduced by: Public Safety and
Transportation Commission
Introduction Date: June 28, 2011
Public Hearing: July 12, 2011 (Referred to
PS&TC)
August 6, 2011
August 23, 2011
Action: Passed
Vote: 6-0

ATTEST:



Eric Middlebrook, Mayor



Lori Strickler, City Clerk