

CLERK'S OFFICE

APPROVED

8-11-09

ANCHORAGE, ALASKA

AO No. 2009-88

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AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 17.05.010, 17.05.040, 17.25.010, 17.25.040, 17.40.020, 17.40.030, 17.40.040, 17.40.085, 17.40.090, 17.70.010, AND 17.70.020, TO ADDRESS AGGRESSIVE ANIMALS BY ENHANCING ENFORCEMENT CAPABILITIES AND INCREASING PENALTIES.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 17.05.010 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

17.05.010 Definitions, generally.

*** *** ***

Physical injury means an impairment of physical condition or pain [THAT] either of which is accompanied by visible scrapes, cuts, punctures, bruising, or other evidence of similar injuries.

*** *** ***

Serious physical injury means any physical injury which creates a risk of death [, CAUSES SERIOUS] or causes protracted disfigurement, [CAUSES] protracted impairment of health, [CAUSES IMPAIRMENT OF ANY BODILY ORGAN, OR CAUSES THE] protracted loss or impairment of the function of a body member or organ, or requires plastic surgery [ANY BODILY FUNCTION].

*** *** ***

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2004-86, § 1, 5-18-04)

Section 2. Anchorage Municipal Code section 17.05.040 is amended to add a new subsection as follows (*the remainder of the section is not affected and therefore not set out*):

17.05.040 Records.

*** *** ***

C. At the request of the chief animal control officer, an animal owner shall authorize their veterinarian to release animal medical records related to a specific animal control investigation.

(AO No. 2001-158(S-4), § 1, 1-1-03)

Section 3. Anchorage Municipal Code section 17.25.010 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

17.25.010 Impoundment and animals subject to impoundment.

A. An animal control officer shall check an animal subject to impoundment for identification. If the animal is wearing a current municipal dog license, the owner or custodian is known, and the animal poses no threat to another animal or the public health, welfare and safety, the officer may take reasonable measures to return the animal to its owner or custodian with the issuance of a notice to comply or NOV, provided there are no outstanding verifiable fees or fines due to the animal care and control center. The following animals are subject to impoundment:

1. An uncontrolled animal in the presence of the officer, where the owner or custodian is not present. At the time of impoundment, the officer shall post a written notice describing the animal, giving the date, time and reason for impoundment, and where the animal may be recovered either:
 - a. In a prominent place on the owner's premises, if known; or
 - b. In a prominent place at the location of impoundment, if possible;
2. An animal that poses a threat to itself, another animal, or the public health, welfare or safety;
3. An animal exhibiting behavior described in Section 17.40.020; [OR]
4. An animal which is found to be in violation of a classification requirement or condition of quarantine [REDEMPTION CONDITION] imposed pursuant to Section 17.25.040 D., 17.30.080, or 17.40.040;
5. An animal required to be forfeited to the municipality pursuant to Section 17.10.015 A.3., 17.25.040 D., or 17.40.040 D.; or

1
2 6. An animal where ownership is prohibited by federal, state, or
3 municipal law.

4
5 B. An animal control officer is authorized to obtain a warrant to seize an
6 animal in violation of subsections A.2. through A.6. above.

7
8 *** *** ***

9 (AO No. 2001-158(S-4), § 1, 1-1-03)

10
11 Section 4. Anchorage Municipal Code section 17.25.040 is amended to read as
12 follows (*the remainder of the section is not affected and therefore not set out*):

13
14 **17.25.040 Redemption of impounded classified animals.**

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16 *** *** ***

17 D. Within seven days from the date of impoundment, any animal classified
18 as level 1, 2, 3 or 4 under Section 17.40.020, except a wolf hybrid that
19 has been classified at level 3 or level 4.a., shall be released to the
20 owner upon payment of all fees required and upon verification of
21 compliance with Sections 17.30.080 and 17.40.040, including any
22 classification requirements [CONDITIONS FOR REDEMPTION] set by the
23 chief animal control officer. Upon failure of the owner to comply with
24 Section 17.40.040, the chief animal control officer may impound or re-
25 impound the animal and require the owner to [MAY] forfeit the animal to
26 the municipality. An animal shall not be allowed to reside with or be
27 redeemed by anyone who has been convicted, nor to a person residing
28 in the same household with a person convicted, of a crime under title
29 8.55 or inhumane treatment of an animal in another jurisdiction.

30
31 *** *** ***

32 (AO No. 2001-158(S-4), § 1, 1-1-03)

33
34 Section 5. Anchorage Municipal Code section 17.40.020 is amended to read as
35 follows (*the remainder of the section is not affected and therefore not set out*):

36
37 **17.40.020 Classifications and exceptions to classification of animals.**

38
39 A. Classifications. Subject to the authority of the chief animal control
40 officer under subsection B. below, an animal may be classified based
41 on one of the following levels:

42
43 *** *** ***

44 5. Level five behavior is established if any of the following occur:

45
46 a. An animal, regardless of whether it is restrained, causes
47 serious physical injury or the death of any human; or

- b. An animal is used as a weapon in the commission of a crime; or
- c. An animal previously classified as a level three or four, or as a potentially dangerous animal under a prior enactment of this code, commits a level three or four behavior [REPEATS THE BEHAVIOR] described in subsection A.3. or A.4. above after the owner receives notice of the prior level three or four classification.

*** *** ***

(AO No. 2001-158(S-4), § 1, 1-1-03)

Section 6. Anchorage Municipal Code section 17.40.030 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

17.40.030 Determination, notice and appeal of classification.

*** *** ***

B. *Notice and appeal of classification.* The chief animal control officer shall serve the animal's owner with written notice of the animal's specified behavior, the animal's classification and the level of the fine imposed, and the classification requirements [RESTRICTIONS] applicable to the animal [ON REDEMPTION]. Notice of classification and classification requirements shall be provided in accordance with section 17.05.070 C.

- 1. The owner may appeal the chief animal control officer's decision to a hearing officer under Section 17.05.100.
- 2. The owner shall comply with the classification requirements [REDEMPTION RESTRICTIONS] as specified in the notice unless modified or reversed on appeal. Failure to comply with the specified requirements [RESTRICTIONS] shall be a violation of this chapter for which a fine may be imposed.
- 3. The chief animal control officer shall have authority to impound the animal pending completion of all appeals.
- 4. If the chief animal control officer's decision or the hearing officer's decision finds that an animal has engaged in level five behavior, the animal shall be impounded pending the completion of any appeals.

*** *** ***

(AO No. 2001-158(S-4), § 1, 1-1-03)

Section 7. Anchorage Municipal Code section 17.40.040 is amended to read as

1 follows (*the remainder of the section is not affected and therefore not set out*):

2
3 **17.40.040 Regulation of classified animals.**

4
5 *** **

6 B. In addition to other requirements of this chapter, the owner of a
7 classified animal shall comply with the following classification
8 requirements [REDEMPTION CONDITIONS]:

9
10 *** **

11 3. *Levels three and four.* Animals classified as level three or four
12 shall at all times be confined in a locked secure enclosure or
13 under control by a substantial leash or chain not to exceed six
14 feet in length, and under the control of a competent adult who is
15 familiar with and in control of the animal. The requirement of
16 control is not satisfied by an electronic collar or electronic fence.
17 Animals classified as level three or four shall also be [ONLY AND]
18 muzzled when not on the owner's property. Wolf hybrids
19 classified as level 3 or 4.a shall be euthanized. It is a violation
20 of this subsection to breed, sell, exchange or abandon an
21 animal classified as level three or four, except as specifically
22 provided in this chapter.

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24 *** **

25 D. *Insurance.* The chief animal control officer may require that the owner
26 of an animal classified as level three or four furnish proof of liability
27 insurance in the amount of at least \$100,000.00 for bodily injury to or
28 the death of any person or domestic animal. If required, the policy shall
29 be on file in the animal control office and shall be required to be kept
30 current throughout the ownership of the animal. Failure to maintain the
31 insurance is just cause for the animal to be immediately impounded by
32 the chief animal control officer and, if the insurance is not reinstated
33 and proof filed with the animal care and control center within seven
34 days, the animal shall be forfeited to the municipality.

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36 *** **

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38 H. *Notice of disposal or escape.* The owner or custodian of an animal
39 classified as level 3, 4, or 5 pursuant to this chapter shall:

- 40
41 1. Notify the animal care and control center immediately if the
42 animal escapes, is unconfined without control of a competent
43 person, attacks another human being or animal, or dies.
44
45 2. Obtain written consent from the chief animal control officer or
46 designee at least 48 hours in advance of the intention to sell,
47 transfer or permanently remove the animal from the residence

or place where the animal is kept. The new location of the animal shall be given to the animal care and control center, along with the name, address and telephone number of the new owner. The owner must inform the new owner of the classification requirements [RELEASE CONDITIONS] and the new owner must consent to and comply with said requirements [CONDITIONS].

I. All classified animals shall be licensed in accordance with section 17.15.010.

J. All classified animals shall have a current rabies vaccination in accordance with section 17.30.020.

(AO No. 2001-158(S-4), § 1, 1-1-03)

Section 8. Anchorage Municipal Code section 17.40.085 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

17.40.085 Removal, reduction or modification of classification.

A. An owner of a classified animal may apply to the chief animal control officer, in writing, to have the classification reduced, modified or removed in accordance with this section upon payment of outstanding fees, including review fee, [AND] a showing that the owner has attended and presents evidence of the owner's and animal's satisfactory completion of an obedience training course or other appropriate program approved by the chief animal control officer, and:

1. A level one or level two animal has been classified for one year without any further incident, including any violation of this title; or

2. If a level three or four animal, the animal has been classified for two years without any further incident, including any violation of this title[; AND]

[3. THE OWNER HAS ATTENDED AND PRESENTS EVIDENCE OF, THE OWNER'S AND ANIMAL'S SATISFACTORY COMPLETION OF AN OBEDIENCE TRAINING COURSE].

*** *** ***

(AO No. 2001-158(S-4), § 1, 1-1-03)

Section 9. Anchorage Municipal Code section 17.40.090 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

17.40.090 Additional licensing fees.

In addition to the normal licensing fees established, there shall be an annual fee, set by regulation, for animals classified as level two, three or four. This additional fee shall be imposed at the time of classification and shall be payable within 30 days of notification by the chief animal control officer. Annual payment of this additional fee shall be payable within 30 days of notification by the chief animal control officer.

(AO No. 2001-158(S-4), § 1, 1-1-03)

Section 10. Anchorage Municipal Code subsection 17.70.010 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

17.70.010 Animal care and control fee schedule.

A. The chief animal control officer shall provide for collection and disbursement of the following fees and refunds in the administration of Title 17:

*** *** ***

4. Redeemed Animals:		
a. Sterilized dogs and cats	\$45.00	None
b. Unsterilized dogs and cats	\$80.00	\$25.00 upon proof of sterilization within 30 days from release.
c. <u>Sterilized Classified dogs and cats</u>	<u>\$45.00 first redemption;</u> <u>\$80.00 second redemption;</u> <u>\$150.00 third and subsequent redemptions</u>	<u>None</u>
d. <u>Unsterilized Classified dogs and cats</u>	<u>\$80.00 first redemption;</u> <u>\$150.00 second redemption;</u> <u>\$200.00 third and subsequent redemptions</u>	<u>None</u>
e [C]. All animals without proof of required rabies	Cost rounded to nearest dollar	Cost rounded to nearest dollar plus 10% for

vaccination.	plus 10%.	animals vaccinated within 30 days after attaining four months of age.
f [D]. The owner or custodian shall pay all impound, licensing, rabies vaccination, daily board, medical treatment, previously unpaid/outstanding animal care and control fees and fines owed by the owner, and any other fees required prior to redemption of the animal.		
g [E]. An impound fee shall be charged whether the animal was brought into the shelter by a member of the public or impounded in the field by an animal control officer, with the exception of stolen animals.		
h [F]. All species other than dogs and cats shall be charged a fee in accordance with a fee schedule established by the chief animal control officer, but which shall not exceed \$100.00.		
i [G]. An animal impounded and transported which, by reason of species, size and strength, cannot be kept in the animal care and control center may be redeemed upon payment of a fee established by this section plus actual costs reasonably incurred.		

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8. Classified Animals:		
a. Annual fee for level <u>2</u> , 3 or 4 classified animals under Section 17.40.090	\$100.00	None
b. Classification review fee under Section 17.40.085	\$35.00	None

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(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2003-152S, § 11, 1-1-04; AO No. 2004-86, § 8, 5-18-04)

Section 11. Anchorage Municipal Code section 17.70.020 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

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17.70.020 Civil penalties for animal care and control violations.

A. 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:

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<p>17.40.040 <u>Regulation of classified animals</u> [REDEMPTION CONDITIONS]</p>	<p>\$250 <u>first violation</u>; \$500 <u>second violation</u>; \$1,000 <u>third and subsequent [EACH] violations.</u></p>
<p>17.40.090 <u>Additional licensing</u> [ANNUAL CLASSIFICATION] fee [FOR REDEMPTIONS]</p>	<p>\$100 <u>first violation</u>; \$150 <u>second violation</u>; \$300 <u>third and [EACH] subsequent violations.</u></p>

*** *** ***

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2003-152S, § 11, 1-1-04)

Section 12. This ordinance shall be effective 30 days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 11th day of August, 2009.


Chair

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2009-88

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
 SECTIONS 17.05.010, 17.05.040, 17.25.010, 17.25.040, 17.40.020,
 17.40.030, 17.40.040, 17.40.085, 17.40.090, 17.70.010, AND 17.70.020, TO
 ADDRESS AGGRESSIVE ANIMALS BY ENHANCING ENFORCEMENT
 CAPABILITIES AND INCREASING PENALTIES.

Sponsor: ACTING MAYOR
 Preparing Agency: Department of Health and Human Services
 Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY09	FY10	FY11	FY12	FY13	
Operating Expenditures						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -	
REVENUES:	\$ 2	\$ 5	\$ 5	\$ 5	\$ 5	

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

Economic effects include some increase to revenues from fees and fines.

PRIVATE SECTOR ECONOMIC EFFECTS:

Non-compliant animal owners will be subject to an increase in fees and fines.

Prepared by: Diane Ingle, Director

Telephone: 343-6460



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 394-2009

Meeting Date: July 7, 2009

1 **From:** ACTING MAYOR

2
3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
4 SECTIONS 17.05.010, 17.05.040, 17.25.010, 17.25.040, 17.40.020,
5 17.40.030, 17.40.040, 17.40.085, 17.40.090, 17.70.010, AND
6 17.70.020, TO ADDRESS AGGRESSIVE ANIMALS BY
7 ENHANCING ENFORCEMENT CAPABILITIES AND INCREASING
8 PENALTIES.
9

10
11 This ordinance, prepared by the Department of Health & Human Services, revises
12 Anchorage Municipal Code title 17 regarding aggressive animals.
13

14 Domestic animal bites are a serious public health and safety issue. An estimated
15 4.7 million people are victims of dog bites annually. Of these, children are the
16 most common victims as almost half of reported dog bites are inflicted on youth
17 under the age of 12. Another high risk group for dog bites and attacks are people
18 over 70 years old. In the Municipality of Anchorage, over 500 dog bites are
19 reported and investigated annually.
20

21 Preventative measures, such as improving current aggressive animal laws,
22 increasing enforcement of existing laws, and public education, can reduce the
23 number of dog bites and attacks.
24

25 The Anchorage Municipal Code provides for enforcement of animal bites and
26 attacks as well as associated restrictions and penalties. While Title 17 addresses
27 aggressive animal behavior, some sections of the code require improvement in
28 order to increase its enforceability as well as enhance prevention.
29

30 The Animal Control Advisory Board unanimously supports the proposed changes;
31 its resolution is attached.

1 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
2 **AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 17.05.010,**
3 **17.05.040, 17.25.010, 17.25.040, 17.40.020, 17.40.030, 17.40.040, 17.40.085,**
4 **17.40.090, 17.70.010, AND 17.70.020, TO ADDRESS AGGRESSIVE ANIMALS**
5 **BY ENHANCING ENFORCEMENT CAPABILITIES AND INCREASING**
6 **PENALTIES.**

7
8 Prepared by: Department of Health and Human Services
9 Approved by: Diane Ingle, Director
10 Department of Health and Human Services
11 Concur: James N. Reeves, Municipal Attorney
12 Concur: Michael K. Abbott, Municipal Manager
13 Respectfully submitted: Matt Claman, Acting Mayor

Content ID: 007834

Type: Ordinance - AO

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 17.05.010, 17.05.040, 17.25.010, 17.25.040, 17.40.020, 17.40.030, 17.40.040,

Title: 17.40.085, 17.40.090, 17.70.010, AND 17.70.020, TO ADDRESS AGGRESSIVE ANIMALS BY ENHANCING ENFORCEMENT CAPABILITIES AND INCREASING PENALTIES.

Author: maglaquijp

Initiating Dept: HHS

Description: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE 17.25 and 17.40 TO ADDRESS AGGRESSIVE ANIMALS BY ENHANCING ENFORCEMENT CAPABILITIES AND INCREASING PENALTIES.

Date Prepared: 6/9/09 12:57 PM

Director Name: Diane Ingle

Assembly Meeting Date: 7/7/09

Public Hearing Date: ~~7/21/09~~ 8/11/09

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	6/26/09 10:26 AM	Exit	Heather Handyside	Public	007834
MuniMgrCoord_SubWorkflow	6/26/09 10:26 AM	Approve	Heather Handyside	Public	007834
MuniManager_SubWorkflow	6/26/09 10:26 AM	Approve	Heather Handyside	Public	007834
MuniManager_SubWorkflow	6/26/09 9:56 AM	Checkin	Joy Maglaqui	Public	007834
Legal_SubWorkflow	6/22/09 5:26 PM	Approve	Rhonda Westover	Public	007834
Finance_SubWorkflow	6/22/09 11:07 AM	Approve	Dan Moore	Public	007834
OMB_SubWorkflow	6/22/09 8:45 AM	Approve	Bruce Holmes	Public	007834
HHS_SubWorkflow	6/15/09 3:27 PM	Approve	Jayson S. Smart	Public	007834
AllOrdinanceWorkflow	6/9/09 1:00 PM	Checkin	Dallene Pinkley	Public	007834