

**An Ordinance of the Haines Borough Amending Haines Borough Code Title 6
Chapter 6 Animals.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

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

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Amendment of Chapter 6.04 General Provisions. Chapter 6.04 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

NOTE: **Bolded**/UNDERLINED ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

Chapter 6.04
GENERAL PROVISIONS

Sections:

6.04.010 Definitions.

6.04.020 Purpose and scope.

6.04.030 Cruelty to animals.

6.04.040 Dead Animals.

6.04.050 Animal Control Officer.

6.04.060 Interference with Officials.

Section 5. Amendment of Chapter 6.04.010. Chapter 6.04.010 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

NOTE: **Bolded**/UNDERLINED ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

6.04.010 Definitions.

...

"Altered" means a male or female animal that has been properly neutered or spayed.

"Animal control officer" or "firm" means a person or firm appointed by the borough manager under HBC ~~6-08-060~~ **6.040.050**.

...

~~"Sterilized animal" means a male or female dog that has been properly neutered or spayed by a licensed veterinarian.~~

...

Section 6. Addition of Chapter 6.04.040. Chapter 6.04.040 of the Haines Borough Code of Ordinances is hereby added to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

6.04.040 Dead animals.

No person shall deposit any dead or fatally sick or injured animal upon any public or private place, including a body of water, except as permitted in this chapter.

- A. Non-euthanized, non-diseased animals may be buried on private property as long as the following conditions are met:
 - 1. Ensure that ground water is at least 10 feet below ground surface;
Obtain permission from the landowner
 - 2. Ensure that the burial site is at least 100 feet from any drinking water, stream, lake or other water body.
 - 3. Cover the remains with lime before burying, particularly when needed to control odors.
 - 4. Cover the remains immediately with at least 2 feet of soil.
- B. Euthanized animals or those that died from a communicable disease (for example rabies or parvo virus) must be disposed of in consultation with the animal control firm or veterinary hospital.

Section 7. Addition of Chapter 6.04.050. Chapter 6.04.050 of the Haines Borough Code of Ordinances is hereby added to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

6.04.050 Animal Control Officer.

The manager shall appoint an animal control officer or firm whose duties shall be to enforce the provisions of this title.

Section 8. Addition of Chapter 6.04.060. Chapter 6.04.060 of the Haines Borough Code of Ordinances is hereby added to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

6.04.060 Interference with Officials.

A- No person shall interfere with, hinder, or harass the animal control officer or any other authorized agent of the borough in the performance of any duty under this title, or seek to release any animal in the custody of the animal control officer, except as provided in this chapter.

Section 9. Amendment of Chapter 6.08. Chapter 6.08 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
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Chapter 6.08
DOGS

Sections:

- 6.08.010 Licensing of dogs.
- 6.08.020 Control of dogs.
- 6.08.030 Control of dangerous dogs.
- 6.08.040 Rabies control.
- 6.08.050 Proclamation to confine all dogs during epidemic.
- 6.08.060 Impoundment and citations.
- 6.08.070 Posting notice of impounded dog.
- 6.08.080 Boarding fee for impounded dogs.
- 6.08.090 Destruction of impounded dog.
- 6.08.100 Disposal of dogs.
- 6.08.110 ~~Dead animals.~~ **Reserved.**
- 6.08.120 Interference with ~~officials~~— Investigations.
- 6.08.130 Penalties for violations.

Section 10. Amendment of Chapter 6.08.010. Chapter 6.08.010 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
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6.08.010 Licensing of dogs.

A. ~~No person shall own, keep, or harbor any dog over six months old unless such dog is licensed as provided in this section.~~ **All dogs over six months old residing in the townsite service area shall be licensed.** Application for a license shall be made to the police department or other administrative employee as designated by the manager, and shall state the name and address of the owner or keeper and the name, breed, color, age, and sex of the dog. Upon payment of the license fee, a numbered receipt and a numbered metallic tag for the dog shall be issued to the applicant. **Such metallic tag shall be worn by the dog at all times except when confined to the owner's or keeper's premises.** **Requirements for license include:** ~~At the time of application for license, vaccination records or other satisfactory proof must be provided which shows that the dog to be licensed has received the following immunizations:~~

1. Rabies within: **Proof of current, valid** rabies **certificate; and**
 - a. ~~The past 12 months, if phenolized vaccine is used;~~
 - b. ~~The past 24 months, if modified virus vaccine is used; or~~
 - c. ~~The past 36 months, if killed virus porcine was used; and~~
2. **Proof of** current parvovirus and distemper **immunizations.**

~~If proof of a required immunization is not available, the owner or keeper shall obtain a new vaccination and provide proof of each required vaccination within 90 days of issuance of the license. Such proof may consist of, but shall not be limited to, a statement or receipt from a veterinarian showing such immunization. Failure to provide such proof within the allotted time period will result in a \$50.00 fine.~~

B. A license required by this chapter shall be issued for a term of one year beginning January 1st of each year. ~~An application for a license may be made prior to the beginning of the year. If a dog has been licensed by the borough for the immediately preceding year, then the dog need not be licensed before February 1st of the current calendar year.~~ **All current licenses must be renewed by February 1 of each calendar year.**

C. The license fee shall be ~~\$10.00~~ **\$15.00** for each neutered male dog or spayed female dog and ~~\$20.00~~ **\$30.00** for any other male or female dog over the age of six months. ~~Said license fees shall be for the period from January 1st of each year through December 31st of the same year.~~ License fees shall be doubled for any dog picked up by the animal control officer that does not have a record of a current license on file. If the dog is licensed, but is not wearing its license, the owner or keeper will be assessed a ~~\$5.00~~ **\$10.00** fine in addition to all other applicable fines and fees described in this chapter. ~~Regardless of age, a dog owned or kept by a person residing within the townsite service area that is at large and picked up by the animal control officer will be required to be licensed.~~

D. ~~It shall be unlawful for the owner or keeper of a dog to fail to have the license tag securely fastened to a chain, collar, or harness worn by the dog at all times except when confined to the owner's or keeper's premises.~~

~~E. A duplicate tag may be issued by the police department for a fee of \$2.00 if the original tag has been lost.~~

~~F. No person shall own or keep a dog kennel without first obtaining a kennel license for an annual fee of \$50.00.~~

G. ~~E.~~ Dog licenses are not transferable between dogs unless ~~if~~ there is a change of ownership of a **the** dog or kennel during the license year. ~~the~~ **A** current license may be transferred to the new owner upon payment of a transfer fee of \$1.00 per dog, or \$5.00 per kennel.

~~H. No person shall use any dog license receipt or license tag issued for another dog.~~

~~I. Transient dogs may be kept for a period not to exceed 30 consecutive days without a license, but no dog owned by a person residing within the townsite service area shall be considered a transient dog.~~

~~J No license fee for seeing-eye dogs, regardless of sex, shall be required. No impoundment fees or other penalties for violations of provisions of this chapter shall apply to a legally blind person, so long as the person's dog is being used as a seeing-eye dog and has not been found to be dangerous. Should a seeing-eye dog become dangerous, all provisions of this chapter with the exception of licensing fee requirements shall apply.~~

Section 11. Amendment of Chapter 6.08.020. Chapter 6.08.020 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

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6.08.020 Control of dogs.

It is unlawful for any owner or keeper of a dog to do any of the following within the townsite service area:

- A. **Permit or allow their** ~~Allow~~ It is unlawful for the owner or keeper of a dog to permit, allow, or suffer that dog to be at large.
- B. **Permit or allow their** ~~It is unlawful for the owner or keeper of a dog to permit, allow, or suffer that dog to disturb persons in the vicinity thereof by frequent or prolonged barking, howling, or other noises.~~
- C. **Permit or allow their** ~~It is unlawful for the owner or keeper of a dog to permit, allow, or suffer that dog to chase, run after, or jump at moving vehicles on public streets.~~
- D. **Permit or allow their** ~~It is unlawful for the owner or keeper of a dog to permit, allow, or suffer that dog to frequently or habitually growl, snap at, jump upon, or otherwise menace, injure, or frighten another person. This provision may not be invoked by a person who, at the time of the offense, was **trespassing**, provoking the dog, or otherwise in violations of the law **are excluded from this provision.**~~
- E. **Permit or allow their** ~~It is unlawful for the owner or keeper of a dog to permit, allow, or suffer that dog to chase, harass, or otherwise disturb or injure any deer or moose.~~
- F. ~~A stray dog chasing, harassing, or otherwise disturbing or injuring a deer or moose may be immediately impounded by a law enforcement officer or animal control officer or may be immediately and lawfully restrained by a private citizen, pending notification of a law enforcement officer or animal control officer. **Permit or allow their dog's waste to remain upon any public walkway, sidewalk, trail within the townsite service area, or on private property of another without express permission, and shall be treated as litter pursuant to HBC 8.08.020.**~~
- G. **Permit or allow their** ~~A dog owner or keeper shall keep a female dog in season **to be unconfined or uncontrolled** in a building or secure enclosure, or controlled ~~on a leash~~ on private premises, or in a veterinary hospital or boarding kennel in such a manner **to prevent** that such female dog cannot come in **from coming into** contact with another dog except for planned breeding purposes.~~

Section 12. Amendment of Chapter 6.08.030. Chapter 6.08.030 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

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6.08.030 Control of dangerous dogs.

A. It is unlawful to keep a dog known to be or classified by the animal control officer as a dangerous dog, except as allowed in subsection (B) of this section.

B. Upon written complaint of a violation of subsection (A) of this section, signed by two or more persons and filed with the clerk or animal control officer, the animal control officer shall notify the owner or keeper of the dog of the complaint. The ~~owner and may require the owner or keeper~~ **will be required** to post upon the premises where the dog is kept a legible printed sign bearing the words "Beware of Dog." The letters on the sign must be not less than three inches high, and the sign must be placed in a conspicuous place where it may be plainly seen by all persons entering upon the premises. The animal control officer may also require the owner or keeper of a dangerous dog, when such dog is permitted outside the house, to securely muzzle and control the dog by a leash or chain or to keep the dog in an enclosure so constructed that a person entering upon the premises may not be subject to attack.

C. Upon the filing of a second complaint of a violation of subsection (A) of this section by two or more persons against an owner or keeper of a dog, the animal control officer shall immediately impound the dog for a period of time as is reasonably necessary to conduct an investigation into the character and propensities of the dog and the grounds of the complaint filed against the owner or keeper of the dog. The animal control officer shall report the officer's findings to the manager who may thereafter order the imposition of proper precautions or restrictions including, but not limited to, those set out in subsection (B) of this section, and/or instruct the animal control offer to cite the owner or keeper to appear in court and to seek a judicial decree to have the dog destroyed or removed from the townsite service area.

Section 13. Amendment of Chapter 6.08.040. Chapter 6.08.040 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

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6.08.040 Rabies control.

A. **All dogs** ~~No person shall own, keep, or harbor a dog over six months of age unless the dog has received an immunization for rabies within the past:~~ **must have a current rabies certificate signed by a licensed veterinarian.**

- ~~1. Twelve months, if phenolized vaccine was used;~~
- ~~2. Twenty-four months, if modified virus vaccine was used; or~~
- ~~3. Thirty-six months, if killed virus porcine was used.~~

Proof of such immunization is required under HBC 6.08.010 before a dog may be licensed.

B. Every incident of a dog bite shall be promptly reported to the animal control officer by the dog's owner or keeper or by an adult person who has knowledge of the bite. The dog shall thereafter be securely quarantined under the direction of the animal control officer or a licensed veterinarian. At the discretion of the animal control officer such quarantine may be on the premises of the owner or keeper, at the ~~shelter~~ designated ~~as the~~ area animal shelter, or at the owner's or keeper's option and expense, in a veterinarian hospital of

choice. In the case of a stray dog, such quarantine shall be at the ~~shelter~~ designated as the area animal shelter. Quarantine shall be for a period of 14 days.

C. ~~An~~ ~~The owner or keeper, upon demand made by the animal control owner shall~~ immediately surrender a dog which has bitten a human or which is suspected as having been exposed to rabies for supervised quarantine. The expense of the quarantine, ~~if the dog is required to be licensed under this chapter but is unlicensed,~~ shall be borne by the owner or keeper. Upon payment of ~~such expense~~ **the quarantine fee**, ~~if required,~~ the surrendered dog may be reclaimed by the owner or keeper if adjudged free of rabies and non-dangerous after the supervised quarantine.

D. When a dog under quarantine has been diagnosed as being rabid or is suspected by a licensed veterinarian as being rabid, the dog shall immediately be euthanized and the head of such dog shall be iced and sent intact to the state health officer or a veterinarian designated by the health officer for pathological examination.

E. Upon receiving a positive diagnosis of rabies, the animal control officer may recommend to the mayor a borough-wide quarantine under HBC ~~6.08.050~~. Except as otherwise provided by emergency ordinance, if the mayor invokes a quarantine, no animal shall be permitted to be at large during the quarantine.

F. The carcass of a dead animal exposed to rabies shall, upon demand, be surrendered to the designated official.

G. The designated official shall direct the disposition of any animal found to be infected with rabies.

H. It shall be unlawful to fail or refuse to surrender any animal for quarantine or destruction as required by this section when demand is made **therefore** by the designated official.

I. Unless done in self-defense, it shall be unlawful to kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human except as provided in this section. It shall be unlawful to remove such an animal from the borough without permission from the designated official.

Section 14. Amendment of Chapter 6.08.060. Chapter 6.08.060 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

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6.08.060 Impoundment and citations.

A. ~~The manager shall appoint an animal control officer or firm whose duties shall be to enforce the provisions of this title.~~ The borough shall provide an animal shelter where dogs may be impounded. In the absence of an animal control officer or firm contracted to enforce the animal control regulations, or if the assembly determines that additional personnel are necessary, the manager may appoint someone on a temporary basis to fulfill the animal control officer's duties.

B. The animal control officer shall have the authority to impound any dog found running at large or kept in violation of this title ~~and any unlicensed dog found, other than a seeing-eye dog.~~ Whether the dog is impounded or not, ~~if the owner or keeper is known,~~ the police department or animal control officer shall immediately give notice ~~verbally or in writing~~ to

the owner or keeper that such dog has been impounded, is running at large or is otherwise in violation of this title. The police department or animal control officer ~~or firm~~ may cite the owner or keeper of the dog to appear in court to answer a charge of violation of this title. Any citation issued for a violation of this title shall be processed by the court system in accordance with Chapter 1.24 HBC.

C. Any person may file a complaint with the animal control officer or police that a dog is running at large or is otherwise in violation of this title and it shall be the duty of the animal control officer or police department to give notice to the owner or keeper as provided in subsection (B) of this section.

D. When a dog has been impounded, and if the owner or keeper is known or can be ascertained ~~from the dog tag or records of the borough~~, the **animal control officer or** police department shall notify the dog's owner or keeper of the impoundment as soon as possible and ~~of the fact that the~~ **advise how the animal dog** may be redeemed according to the provisions of this title. The **animal control officer** ~~police department~~ shall keep a record of all dogs impounded including the dog's description and the disposition of the dog.

Section 15. Amendment of Chapter 6.08.080. Chapter 6.08.080 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

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6.08.080 Boarding fee for impounded dogs.

The owner or keeper of a dog impounded under the provisions of this title may redeem their ~~dog~~ **dog** ~~same at any time~~ upon the payment of the applicable penalty (see HBC 6.08.130) and a **daily** boarding fee **as described by a fee schedule established by the pound.** ~~calculated at \$10.00 per day for each day or portion of a day during which the animal was impounded. No~~ **An** unlicensed dog that is required to be licensed under this chapter shall **not** be released from the pound until applicable license fees have been paid ~~for the dog~~. The penalty payable for release of the dog and the boarding fee may be paid to the **animal control officer** ~~police department~~. A receipt shall be issued for the amount paid.

Section 16. Amendment of Chapter 6.08.090. Chapter 6.08.090 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

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6.08.090 Destruction of impounded dog.

If, within three days of receipt of ~~verbal or written~~ notice of impoundment by the owner or keeper of a dog seized or impounded, or of the posting of such notice, the dog is not claimed or applicable penalties and boarding fees remain unpaid, then it shall be the duty of the animal control officer to have the dog destroyed or otherwise disposed of.

Section 17. Amendment of Chapter 6.08.100. Chapter 6.08.100 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

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6.08.100 Disposal of dogs.

Upon the payment of a fee of \$40.00 and upon execution of a consent form including a promise to hold the borough harmless from any liability, a person may request the animal control officer to dispose of a dog owned by that person. The animal control officer may comply with such request or make other disposition of the dog.

Section 18. Repeal of Chapter 6.08.110. Chapter 6.08.110 of the Haines Borough Code of Ordinances is hereby repealed and reserved.

6.08.110 ~~Dead animals—Reserved.~~

~~No person shall deposit any dead or fatally sick or injured animal upon any public or private place, including a body of water, except as permitted in this chapter.~~

Section 19. Amendment of Chapter 6.08.120. Chapter 6.08.120 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

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6.08.120 Interference with ~~officials~~— Investigations.

~~A. No person shall interfere with, hinder, or harass the animal control officer or any other authorized agent of the borough in the performance of any duty under this title, or seek to release any animal in the custody of the animal control officer, except as provided in this chapter.~~

~~B. Investigation.~~ To protect the public health and safety, ~~and~~ upon a showing of probable cause ~~to believe~~ that a dog is being kept or harbored in violation of HBC 6.08.030(A), 6.08.040(B), (C), (F), (H), or (I) or allowed to be at large unmuzzled in violation of HBC 6.08.050, a law enforcement official may seek a search warrant to enter upon any premises where the suspect dog is being kept or harbored, or to enter upon the premises owned or occupied by the party believed to be harboring or keeping the suspect dog, and to demand the production of the dog and its license for inspection. Upon finding a violation of one or more of the above provisions, or having probable cause to believe one or more of the above provisions have been violated, the law enforcement official shall issue a citation for the violation, notify the animal control officer that the citation has been issued, and, if necessary, assist the animal control officer in taking the responsive action that is authorized and called for under this title to restrain, confine, or quarantine the dog or to otherwise protect the public health and safety.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 12th DAY OF FEBRUARY, 2019.

ATTEST:

Janice Hill, Mayor

Alekkka Fullerton, Borough Clerk

Date Introduced 01/08/19
Date of First Hearing 01/22/19
Date of Second Hearing 02/12/19