

Introduced by: Public Safety and  
Transportation Commission  
Introduction Date: May 9, 2023  
Public Hearing: May 23, 2023  
Action: Passed  
Vote: 5-0

# CITY OF BETHEL, ALASKA

## Ordinance #23-08

### AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE 6.04 LICENSING AND IMPOUNDMENT RELATING TO CARE, RESTRAINT, IMPOUNDMENT, AND DESTRUCTION OF ANIMALS

**WHEREAS**, loose aggressive dogs continue to be a problem in the city:

Year	Calls for Service	Bite Calls
2020	486	27
2021	568	29
2022	417	6

**WHEREAS**, under current law dogs that have bitten a person unprovoked shall be impounded for ten days then released to the owner/agent and after a second unprovoked bite shall be destroyed after the ten-day holding period;

**WHEREAS**, Alaska Statute 03.55.010 provides: "Any person may lawfully kill any vicious or mad dog running at large" Statue further defines a vicious dog to be "Any dog which when unprovoked has ever bitten or attacked a human being..."; and

**WHEREAS**, by taking action after the first bite, the council may be preventing repeated attacks.

### BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA:

**SECTION 1. Classification**. This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

**SECTION 2. Amendments**. Bethel Municipal Code 6.04.030 Animals at large shall be amended as follows. New language is underlined, and old language is stricken.

#### Chapter 6.04 LICENSING AND IMPOUNDMENT

Sections:

- 6.04.010 Definitions.
- 6.04.020 Care and restraint of dogs.

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- 6.04.030 Animals at large.
- 6.04.040 Animal control shelter.
- 6.04.045 Vaccination against rabies.
- 6.04.050 Dog licensing.
- 6.04.060 Dog kennel.
- 6.04.070 Impoundment.
- 6.04.080 Emergency animal control.
- 6.04.085 Immediate destruction.
- 6.04.090 Penalties.
- 6.04.100 Dog park.
- 6.04.110 Volunteer animal control officer.

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 at large" means any animal not under the immediate supervision of an owner or 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 an owner or agent.

B. "Animal control agent officer" means a ~~salaries city employee under the direction of~~ the chief of police or their designee 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 and disposal of ~~unwanted~~ animals. The animal control ~~agent~~ officer 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.

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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 (60) minute period from the time the noise begins and that lasts for more than twenty (20) consecutive minutes between the hours of 7:00 a.m. and 10:00 p.m.;~~

~~2. Repeated vocalizing by any animal(s) for ten (10) consecutive minutes between the hours of 10:00 p.m. and 7:00 a.m.~~

F. "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- (60-) minute period from the time the noise begins and that lasts for more than twenty (20) consecutive minutes between the hours of 7:00 a.m. and 10:00 p.m.;

2. Repeated vocalizing by any animal(s) for ten (10) consecutive minutes between the hours of 10:00 p.m. and 7:00 a.m.

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

#### 6.04.020 Care and restraint of dogs.

A. All dogs located outside the confines of their owners' or keepers' property shall be restrained at a safe distance from public streets, public walkways and public parks and playgrounds. All dogs shall be securely restrained by means of a chain, harness or leash, except in an established dog park (BMC 6.04.100) where said dog is accompanied by owner and 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.

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B. 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. 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.

~~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~~ The animal control agent officer and/or chief of police and/or designee shall investigate and ~~if warranted~~ may order the owner of the animal to immediately comply with this subsection following receipt of written statement containing the following:

1. Name, contact phone number, and physical address of the complainant.
2. Summary of the complaint to include the physical location, dates and times of the prolonged noise.

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;~~
- 5-4. 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 ~~officer 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.

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D. 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 -impoundment and destruction

~~A. Any loose dogs or other animals not under the immediate supervision of the owner or their 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~~ Animals at large may be captured by the animal control agent and/or chief of police and/or designee officer and be impounded.

B. An animal at large that is reported to be aggressively threatening or intimidating a person shall be captured by the animal control officer. If after the first impoundment the animal is again reported as aggressively threatening or intimidating a person, the animal shall be destroyed.

C. An animal at large that has bitten a person unprovoked shall be impounded in isolation for ten (10) days and destroyed by the animal control officer.

D. An animal at large that has bitten a person once but after investigation and due consideration has been determined by the animal control officer to have been provoked, shall be impounded for ten (10) days, and either released or be destroyed.

E. An animal at large that has bitten a person a second time, even if provoked shall be impounded for ten (10) days then destroyed.

#### 6.04.040 Animal control shelter.

The city shall maintain an animal control shelter under the direction of the chief of police.

#### 6.04.045 Vaccination against rabies.

All dogs and cats shall be vaccinated against rabies from age three (3) months on.

#### 6.04.050 Dog licensing.

A city dog license 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

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license. The implanted computer chip license 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:

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 ~~up to~~ four (4) days unless claimed by the owner, including Saturday, Sunday and holidays, during which the pound is open at least two (2) hours. If an animal is not

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claimed by the fourth (4<sup>th</sup>) business day the animal may be placed up for adoption, or destroyed at the discretion of the animal control officer.

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. A city agent shall contact the person who has been bitten on the first day of the animal's impoundment and the final day of its impoundment. The city agent shall inform the bitten victim of subsequent action that will be taken with the animal impounded.~~

C. Any animal that has bitten or attacked a human being shall be impounded in isolation for a minimum of ten (10) days. A city agent shall contact the person who has been bitten on the first day of the animal's impoundment and the final day of its impoundment. The city agent shall inform the bitten victim of subsequent action that will be taken with the animal impounded.

~~C. Any animal not released after within 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~~ animals at large 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

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may declare an emergency ~~dog~~ animal 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;
3. The existence of reported rabies cases or other contagious diseases carried by dogs;
4. The ability of the city ~~dog pound~~ animal control center to safely care for additional animals;
5. Other relevant factors.

B. If an emergency ~~dog~~ animal 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~~ animals at large 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~~ animal at large, 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~~ any person in reasonable apprehension of bodily injury, the animal control officer ~~agent and/or chief of police and/or designee~~ may immediately destroy the animal. If such destroyed animal is found to be licensed, the owner shall be promptly notified.

B. Any person wishing to have their animal(s) destroyed by the animal control officer ~~agent and/or chief of police and/or designee~~ may do so upon payment of fees regulated



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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~~ an animal to the ~~animal~~ animal control shelter when no additional facilities exist for the confining of more animals, the animal control officer agent ~~and/or chief of police and/or designee~~ may destroy summarily whichever ~~dog~~ animal 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 animals ~~dog~~. Said summary destruction shall occur notwithstanding the provisions of BMC 6.04.070(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 any portion of this chapter is guilty of an infraction and may be issued a citation. The penalty for these infractions is:

1. A fine of fifty dollars (\$50) for the first (1st) violation;
2. A fine of one hundred dollars (\$100) for the second (2nd) violation; or
3. A fine of two hundred dollars (\$200) for a third (3rd) or subsequent violation.

B. In accordance with AS 29.25.070(a), citations for these offenses may be disposed of as provided in AS 12.25.195 through 12.25.230 without a court appearance upon payment of the fine amounts plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one (1) of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed above.

C. Each working day that an animal is kept in violation of a citation issued under this chapter shall constitute a separate violation.

D. The city may seek injunctive relief to enforce compliance with this chapter.

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E. It is a violation of this chapter for any person or persons to open a vehicle being used to transport dogs or other animals to the ~~city dog pound~~ animal control center or the doors of the ~~city dog pound~~ animal control center with the intent of allowing impounded ~~dogs or other~~ animals to escape. Such person or persons upon conviction shall be guilty of an infraction and may be issued a citation. The penalty for a violation of this section is a fine of no more than five hundred dollars (\$500) and may be disposed of as per subsection B of this section.

6.04.100 Dog park.


- A. The city council may establish one (1) 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 officers are empowered to capture loose, aggressive, or nuisance animals, issue citations for violations under this chapter, work in the animal control shelter, and other duties normally associated with animal control.

**SECTION 3. Effective Date.** This ordinance shall become effective upon adoption by the City Council.

**ENACTED THIS 23<sup>rd</sup> DAY OF MAY 2023, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.**

  
Rose Henderson, Mayor

ATTEST:  
  
Lori Strickler, City Clerk  
City of Bethel, Alaska

