

# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**From:** John Leach, Municipal Administrator

A handwritten signature in black ink, appearing to be "J. Leach", is written over the name "John Leach" in the "From:" field.

**Date:** September 30, 2024

**Subject:** Future of Sitka Animal Shelter

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### **Background**

The City and Borough of Sitka (CBS) owns and operates an Animal Control Facility located at 209 Jarvis Street. Animal Control duties are conducted by an Animal Control Officer (ACO), who is an employee of the Sitka Police Department (SPD). The ACO's responsibilities are outlined in Sitka General Code (SGC) 8.05, titled "Animal Protection and Control."

Recently, a volunteer organization has operated an animal shelter from the same Jarvis Street facility to rehome animals. CBS does not have a defined responsibility or obligation to provide animal shelter and adoption services beyond those outlined in the SGC. A Pet Adoption Fund has been established to accept community donations for animal intake exams, spay/neuter procedures, food, supplies, and basic medical care.

### **Analysis**

There has been high turnover in the ACO position over the past three years, with three different officers serving in this role. Departing personnel have cited a lack of clear policies and procedures and interference from shelter volunteers in code-defined ACO responsibilities.

I have identified several areas where SGC 8.05 has not been strictly enforced:

- **Licensing, Tagging, and Collaring:** These requirements for dogs do not appear to be consistently enforced in Sitka.
- **Impoundment Procedures:** The procedures outlined in SGC 8.05.040, particularly the timelines for euthanizing unclaimed or unadopted animals, are not being followed. Some animals have been sheltered for over a year, resulting in increased costs for veterinary care, food, and operations.
- **Standard Operating Procedures:** There are currently no Standard Operating Procedures (SOPs) or Administrative Policies in place for the ACO. This includes the absence of documented processes for animal intake or for determining an

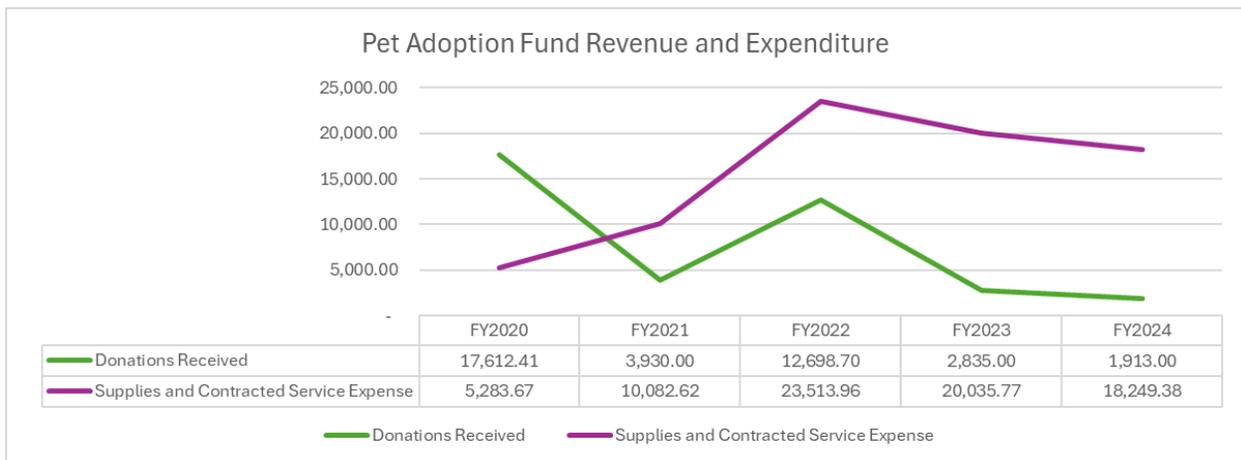
animal's disposition (such as adoption, euthanasia, or return to owner). The lack of clear, documented procedures increases the risk that animals may be adopted without having received basic vaccinations, spaying/neutering, deworming, or a clean bill of health.

A Support Agreement with the Friends of Sitka Animal Shelter (FOSAS) was signed on November 14, 2022. However, the agreement has not been successful due to a conflation of Animal Control and Animal Shelter activities. Several provisions of the agreement have not been honored:

- Medical care and food for shelter animals have been billed to CBS budgets, although these are outside ACO responsibilities and should be funded by FOSAS.
- FOSAS has expressed a desire to cease volunteer coordination, management, and training, which would place the burden of shelter operations on the ACO and SPD.
- FOSAS has requested to be consulted on the disposition of impounded animals and standards of care, which are governed by SGC and Alaska Statute, not by a volunteer organization.
- Since the agreement's establishment, FOSAS has proposed changes to address current disagreements, but these changes conflict with the SGC and are no longer in CBS's best interests. The proposed changes have not been accepted or incorporated into an amended agreement.

The establishment of FOSAS and the current agreement have led to a decline in donations to the Pet Adoption Fund. Tangible donations, such as food, blankets, and animal toys, have also decreased as these have shifted to FOSAS' fundraising account. This shift has restricted CBS's ability to provide additional funding to FOSAS.

**Fiscal Note**



In FY2020, FY2021, and in FY2022 supplemental appropriations increased each year's budget by \$10,000 for supplies and services. From FY2020 through FY2024 the fund balance for the Pet Adoption Fund has decreased from \$64,574 to \$32,088.

**Recommendation**

There are three potential courses of action for which we seek Assembly guidance:

1. **Transfer of Shelter Responsibilities:** CBS would fulfill Animal Control duties and then transfer the animal to an independent, self-funded organization for sheltering and adoption efforts. This model, used in Anchorage, clearly delineates responsibilities and ensures public funds are used in accordance with our budget and code. It may require leasing building space to an independent organization for animal shelter activities, but volunteer organizations would be encouraged to provide their own space for shelter activities. Currently, CBS funds all building maintenance and utility expenses for the ACO building.
2. **Complete Outsourcing:** Outsource both Animal Control and Animal Shelter services, following the model used in Juneau.
3. **Cooperative Agreement with Volunteer Support:** Develop a cooperative agreement for shelter services with volunteer support. This approach could become complex as responsibilities may overlap, as is currently happening. Animal control has standards and regulations different from those of an animal shelter, and funds must be allocated appropriately to each operation. Blurring the line between the two functions creates confusion in standard operations and funding responsibilities.

Conclusion:

My recommendation is to pursue Option 1 above. However, guidance from the Assembly is requested to determine the most appropriate course of action moving forward to ensure the effective and efficient operation of Animal Control and Shelter services within the CBS.

Encl: Sitka General Code 8.05 "Animal Protection and Control"  
FOSAS and CBS MOU

## **Chapter 8.05**

### **ANIMAL PROTECTION AND CONTROL**

Sections:

- 8.05.010 Definitions.**
- 8.05.020 Licensing.**
- 8.05.030 Tag and collar.**
- 8.05.031 Restraint requirements.**
- 8.05.032 Off-leash areas.**
- 8.05.033 Off-leash area rules.**
- 8.05.040 Impoundment procedure.**
- 8.05.050 Redemption of impounded dogs or cats.**
- 8.05.060 Impoundment fees.**
- 8.05.070 Control of female dogs in season.**
- 8.05.080 Objectionable animals.**
- 8.05.081 Potentially dangerous and dangerous dogs.**
- 8.05.082 Classification of dogs – Notice – Restrictions pending appeals.**
- 8.05.083 Animal hearing board.**
- 8.05.084 On-premises confinement.**
- 8.05.085 Off-premises restraint.**
- 8.05.086 Notification of change of status.**
- 8.05.087 Signs for potentially dangerous or dangerous dogs.**
- 8.05.088 Special license and tag for potentially dangerous or dangerous dogs.**
- 8.05.089 Destruction of dangerous dogs.**
- 8.05.090 Rabies control.**
- 8.05.091 Reclassification of dogs.**
- 8.05.092 Sanitary disposal requirements.**
- 8.05.093 Dog parks.**
- 8.05.100 Immunization for rabies.**
- 8.05.110 Dead animals.**
- 8.05.120 Exemptions.**
- 8.05.140 Records.**
- 8.05.150 Citations.**
- 8.05.160 Responsibilities of keeper of a domestic animal.**
- 8.05.170 Responsibilities of owner of public building.**
- 8.05.180 Service dogs exempt.**
- 8.05.190 Enforcement.**

**8.05.200 Disposal of animals at keeper's request.****8.05.210 Penalties.****8.05.010 Definitions.**

In this chapter, unless the context otherwise requires:

"Abandon" means to leave an animal for a period in excess of 24 continuous hours without adequate provision for its physical needs.

"Animal control officer" means the employee(s) of any entity to whom the function of animal control and protection has been assigned by the assembly and whose primary function is animal control and protection.

"Animal shelter" means any premises designated by action of the city and borough for the purpose of impounding and caring for animals pursuant to this chapter.

"At large" means that the animal is off the premises of the keeper or custodian and not under the immediate control of the keeper or custodian.

"Commercial kennel owner" means any person, group of persons, or corporation engaged in the commercial buying, selling, keeping or boarding of dogs or cats.

"Competent voice control" means when all the following are met: dog must be within owner's sight and under verbal control at all times, regardless of distractions (such as wildlife, other dogs, food, or other park or trail users). If dog jumps on or acts aggressively toward people or other dogs, chases wildlife, or will not consistently come immediately upon command, dog must be leashed.

"Dangerous dog" means a dog as defined in SGC [8.05.081\(B\)](#).

"Keeper" or "custodian" means any person, group of persons, partnership, firm, trust or corporation owning, having an interest in, or having control, custody or possession of any dog or cat. "Keeper" or "custodian" does not include a person who voluntarily undertakes the temporary care of an animal that is otherwise abandoned.

"Neglected" means an animal that has not received that degree of care which a person of ordinary prudence would give under the same circumstances. The care must include sufficient food, clean water, adequate shelter, protection from the weather, health care and clean living conditions in conformance with accepted veterinary practice.

"Objectionable dog" means a dog as defined in SGC [8.05.080](#).

"Physical injury" means significant physical pain or an impairment of physical condition.

"Potentially dangerous dog" means a dog as defined in SGC [8.05.081\(A\)](#).

"Provocation" means the teasing, tormenting, abusing or assault of a dog to incite the dog to bite or attack.

“Restraint” means:

1. Actual physical control, such as on a leash held by a person capable of physically controlling the animal, on a chain, within fenced premises, in a building, or in a cage;
2. On the premises of the keeper or custodian or on other property with the prior permission of the owner of the property; or
3. Properly restrained in a vehicle. “Properly restrained” means either by a tie-down in a pickup truck which is sufficiently short to protect the animal from attempting to jump out and strangling, and to prevent the animal from lunging at passersby.

“Running at large” means an animal who is not under competent voice control or who is unrestrained in violation of SGC [8.05.031](#) and [8.05.032](#).

“Service dog” means:

1. A dog specifically trained and certified to assist in search and rescue operations and which is utilized in search and rescue operations;
2. A dog specifically trained and certified to assist persons with disabilities and which is utilized to assist a person with disabilities; or
3. A dog specifically trained and certified to assist in law enforcement activities and which is utilized to assist in law enforcement activities, also referred to in this title as a “police dog.”

“Sitka road system” means those roads within the city and borough which are maintained by the municipality and/or the state of Alaska for purposes of general public use.

“Spayed female” and “neutered male” mean any animal which has been surgically or pharmacologically sterilized.

“Stray” means any domestic animal which is at large and whose owner is unknown. (Ord. 13-19 § 4, 2013; Ord. 02-1656 § 4(A), 2002; Ord. 95-1302 § 4(B), 1995; Ord. 87-784 § 4, 1987; Ord. 86-729 § 4(A), 1986; B.C.S. § 9.05.010; S.G.C. § 8.04.010.)

## **8.05.020 Licensing.**

A. No person shall own or keep any dog over six months old within one-quarter mile of the city and borough road system unless such dog is licensed. Application for such license shall be made to the animal control officer within 90 days after the arrival of the dog and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The license fee shall be paid at the time of making application, a numbered receipt given to the applicant and a numbered metallic tag for the dog shall be issued to the owner. No license or tag shall be issued unless it is shown by a veterinarian’s statement, in writing, that the dog for which the license is sought has received an immunization for rabies which shall remain effective for the licensing period. Such proof

may consist of, but shall not be limited to, a statement or receipt from a veterinarian showing such immunization and the period of protection.

- B. The license fees shall be determined by the chief of police in consultation with the animal hearing board.
- C. A commercial kennel owner may obtain a kennel license for \$50.00 yearly in lieu of individual licenses of the dogs, provided all dogs owned or kept by the kennel have been vaccinated for rabies.
- D. All licenses required by subsection [A](#), [B](#) or [C](#) of this section shall be issued for a term to be determined by the chief of police in consultation with the animal hearing board. Licenses must be renewed during the month prior to their expiration.
- E. No person shall use any dog license receipt or license tag issued for another dog unless legal transfer of the dog has been made.
- F. The keeper of any potentially dangerous or dangerous dog must obtain a special license as required under SGC [8.05.088](#). (Ord. 15-16 § 4, 2015; Ord. 11-17 § 4, 2011; Ord. 10-25 § 4, 2010; Ord. 02-1656 § 4(A), 2002; Ord. 88-822 § 4, 1988; Ord. 87-789 § 4, 1988; Ord. 86-729 §§ 4(B, C, D), 1986; Ord. 79-405 § 4(1), 1979; Ord. 73-58 § 3, 1973; B.C.S. § 9.03.020; S.G.C. § 8.04.020.)

### **8.05.030 Tag and collar.**

- A. Upon complying with the provisions of SGC [8.05.020](#), there shall be issued to the owner a metallic tag stamped with the number and the year for which it is issued.
- B. Every owner is required to see that the tag is securely fastened to the dog's collar or harness, which must be worn by the dog at all times while off the keeper's property.
- C. In the event that a metallic license tag issued for a dog is lost, the owner may obtain a duplicate tag upon the payment of a fee determined by the chief of police in consultation with the animal hearing board. (Ord. 10-25 § 4, 2010; Ord. 02-1656 § 4(A), 2002; Ord. 95-1302 § 4(C), 1995; Ord. 86-729 § 4(3), 1986; Ord. 79-405 § 4(2), 1979; B.C.S. § 9.04.030; S.G.C. § 8.04.030.)

### **8.05.031 Restraint requirements.**

- A. The keeper of any dog shall keep the dog under leash restraint at all times and shall not permit the dog to be off leash in all areas except those designated as "off-leash areas."
- B. All dogs or other domestic animals found running at large may be impounded in the animal shelter. The keeper or custodian of the domestic animal shall be responsible should the domestic animal be in violation of this section. The city and borough shall post signs informing the public of the leash law.

C. All dogs in the back of an open pickup truck must be restrained by a tie down which is sufficiently short to protect the animal from jumping out and is also short enough to prevent the animal from lunging at passersby. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.031.)

### **8.05.032 Off-leash areas.**

All dogs may be off-leash in the following designated “off-leash areas”; provided, that the keeper and/or custodian is actively engaged with the dog and has competent voice control:

- A. Land more than one-quarter mile from the Sitka road system;
- B. Land along the Indian River Trail;
- C. Land along Green Lake Road;
- D. The area beside or beyond the Jarvis Street Animal Shelter;
- E. The area behind the Sitka High School parking lot;
- F. Land along the Sitka Cross Trail;
- G. Vilandre, Keet Gooshi Heen and Kimsham Field One during times when the sport fields are not scheduled or in use for sports or school activities or when in use by students or players; and
- H. Dog parks. (Ord. 13-19 § 4, 2013; Ord. 07-23 § 4, 2007; Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.032.)

### **8.05.033 Off-leash area rules.**

- A. The following rules shall be followed by all keepers and/or custodians that use the off-leash areas with their dogs, and shall be posted at fenced off-leash areas:
  - 1. Sports fields designated for off-leash use are open during hours specified on posted signs;
  - 2. Sports fields designated for off-leash use are closed when players or students are present for games, sports or other activities; practice; tournaments and field preparations;
  - 3. Keepers and/or custodians must promptly vacate the sports field whenever unscheduled use by players or students occurs. Sports use by students or players has the priority;
  - 4. Objectionable and dangerous dogs, as defined under SGC [8.05.080](#) and [8.05.081](#), and female dogs in heat are prohibited;
  - 5. Dogs shall be leashed upon entering and leaving the fenced sports fields designated for off-leash use;

6. Keepers and/or custodians shall keep their dogs in sight and under “competent voice control” at all times as defined under SGC [8.05.010](#);
  7. Keepers and/or custodians shall remain with their dogs within the fenced off-leash area or sports field;
  8. Keepers and/or custodians shall clean up and remove any dog’s feces left by their dog or be subject to fines or prohibitions;
  9. Holes dug by dogs must be filled by the keeper and/or custodian;
  10. Keepers and/or custodians shall be responsible for all actions of their dogs; and
  11. Aggressive or unruly dogs are not allowed.
- B. The parks and recreation committee may recommend additional rules for off-leash areas, which are subject to the approval of the parks and recreation manager and the administrator, without requiring assembly approval. Additional rules will be posted.
- C. If the off-leash areas are not used responsibly by dog owners, the assembly at the recommendation of the parks and recreation committee, parks and recreation manager and administrator may strike the ball fields as off-leash areas.
- D. Sports fields designated for off-leash use are closed to dog owners when players or students are present for games, sports or other activities and during practices, tournaments and field preparations or as posted at the ballfields. Hours and rules will be posted on signs at each sports field where dog off-leash is permitted.
- E. Any keeper and/or custodian of a dog who violates any rule in this section is subject to the penalties in SGC [8.05.210](#) in addition to any penalties under SGC [14.05.050\(H\)](#), the administrator or his designee may prohibit any keeper and/or custodian and their dog from using the off-leash area who violates any of the rules of this section. (Ord. 13-19 § 4, 2013; S.G.C. § 8.04.033.)

### **8.05.040 Impoundment procedure.**

- A. Dogs found running at large may be impounded at a municipality designated shelter. Dogs wearing valid license tags will be held for a minimum of five days if not claimed by the keeper. After five days, if not claimed by the keeper, they may be destroyed or adopted. Unlicensed dogs will be held for a minimum of 72 hours and may then be destroyed, or held for adoption for a reasonable period at the discretion of the animal control office. Before destroying an animal, the animal control officer shall make reasonable efforts to promote the adoption of the animal.
- B. When a dog is found running at large and its ownership is known to the enforcement agents, such dog need not be impounded but the agent may cite the keeper of the dog.

C. Immediately upon impounding any domestic animal, the animal control officer shall make reasonable effort to notify the keeper or custodian and to inform the keeper or custodian of the conditions under which he may regain custody of the animal. The animal control officer may file a complaint against the keeper or custodian of any animal which has been impounded for being found running at large. (Ord. 02-1656 § 4(A), 2002; Ord. 98-1480 § 4, 1998; Ord. 87-780 § 4, 1987; Ord. 83-555 § 4(A), 1983; Ord. 79-405 §§ 4(3) and (4), 1979; Ord. 72-43 § 3, 1972; B.C.S. § 9.04.040; S.G.C. § 8.04.040.)

### **8.05.050 Redemption of impounded dogs or cats.**

The keeper shall be entitled to resume possession of any impounded dogs or cats except as provided in this chapter, upon the keeper's compliance with the license provisions of SGC [8.05.020](#) and the payment of impoundment fees set forth in SGC [8.05.060](#). (Ord. 02-1656 § 4(A), 2002; Ord. 95-1302 § 4(A), 1995; Ord. 79-405 § 4(5), 1979; B.C.S. § 9.04.050; S.G.C. § 8.04.050.)

### **8.05.060 Impoundment fees.**

The impoundment fee for picking up any dog shall be determined by the chief of police in consultation with the animal hearing board. The impoundment fees for cats shall be determined by the chief of police in consultation with the animal hearing board. (Ord. 10-25 § 4, 2010; Ord. 02-1656 § 4(A), 2002; Ord. 95-1302 § 4(D), 1995; Ord. 86-729 § 4(F), 1986; S.G.C. § 8.04.060.)

### **8.05.070 Control of female dogs in season.**

Every female dog in season shall be kept confined in a building or secure enclosure or under leash control in such manner that such female dog cannot come in contact with another dog except for planned breeding purposes. (Ord. 02-1656 § 4(A), 2002; B.C.S. § 9.04.070; S.G.C. § 8.04.070.)

### **8.05.080 Objectionable animals.**

A. The keeper of any animal shall not allow the animal to disturb a neighborhood or any number of persons by frequent or prolonged barking, howling or other noises on a repeated basis. If an animal barks, whines, howls or makes similar sounds for more than 30 minutes on at least three different days within a 10-day period or for more than 15 minutes during at least three different nights between 10:00 p.m. and 7:00 a.m. within a 10-day period, this is a violation of this chapter. The fine for violating this law is \$25.00.

B. The keeper of any animal shall not permit the animal to defecate on private property, other than that of the animal's keeper, or on public property, without afterward cleaning up the feces as provided in SGC [8.05.092](#). The

keeper shall not permit the animal to dig upon or damage private property, other than that of the animal's keeper, or upon public property.

C. The keeper of any dog shall not allow it to frequently or habitually snap at, jump upon, chase vehicles or otherwise menace persons within the city and borough. This provision does not apply to persons who are trespassing or if the animal is acting in the lawful defense of its keeper.

D. The keeper of any dog shall not permit it to chase, harass, or otherwise disturb or injure any wild animal unless on the keeper's property.

E. Animals, other than dogs, may be considered "objectionable" by a property owner by being on the property owner's property. The property owner may file a complaint and/or may use live traps to capture the animal and have it impounded.

F. The keeper of any animal shall ensure that the animal does not bite or inflict physical injury on a human being or another animal without provocation, either on public or private property. (Ord. 15-16 § 4, 2015; Ord. 02-1699 § 4(A), 2002; Ord. 02-1656 § 4(A), 2002; Ord. 98-1481 § 4, 1998; Ord. 95-1302 § 4(E), 1995; Ord. 89-875 § 4(B), 1989; Ord. 84-590 § 4(B), 1984; Ord. 79-405 §§ 4(7) and (8), 1979; B.C.S. § 9.04.080; S.G.C. § 8.04.080.)

### **8.05.081 Potentially dangerous and dangerous dogs.**

A. *Definitions.* Except as provided in subsection [C](#) of this section, a "potentially dangerous dog" is any dog that:

1. Without provocation, chases or approaches a person in a threatening manner or in an apparent attitude of attack; or
2. Has a known propensity, tendency or disposition to attack without provocation, or otherwise threaten the safety of human beings or domestic animals.

B. Except as provided in subsection [C](#) of this section, a "dangerous dog" is any dog that:

1. Has bitten or otherwise inflicted physical injury on a human being without provocation, on public or private property;
2. Has, while off the premises of its keeper, killed a domestic animal without provocation; or
3. Has been previously classified as potentially dangerous and is found in violation of the provisions of this chapter.

C. *Exceptions to Potentially Dangerous and Dangerous Dog.*

1. No dog may be classified as potentially dangerous or dangerous if:
  - a. It was acting against a trespasser who had illegally entered premises occupied by the keeper or custodian of the dog;

- b. The dog was being tormented, abused, assaulted or otherwise provoked;
  - c. The dog was protecting property;
  - d. The dog was protecting or defending a person within the immediate vicinity of the dog from an attack by a person or other animal, or if the dog was acting to defend itself from attack by another animal or person.
2. No dog may be classified potentially dangerous or dangerous if the injury or damage to an animal was sustained while the dog was working as a police dog, hunting dog, service animal, herding dog, or predator control dog on the property of or under the control of its keeper and the damage or injury was to a species or type of animal appropriate to the work of the dog. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.081.)

### **8.05.082 Classification of dogs – Notice – Restrictions pending appeals.**

A. The animal control officer shall have the authority to determine, based on probable cause, that a dog is potentially dangerous or dangerous. The determination and classification of the animal shall be completed by the officer within three business days of the bite or attack report. In making the classification, the officer will consider all of the facts and circumstances of the incident, including but not limited to the following factors:

1. The observed and reported past and present behavior of the dog;
2. Whether the incident was accidental in nature;
3. The extent of the injury to the person or animal attacked; and
4. The keeper's past history of compliance with the city and borough animal control code provisions pertaining to the dog involved in the incident.

B. Written notice of a dog's classification under subsection [A](#) of this section shall be served on the keeper of the dog. The notice shall describe the dog, state the grounds for its classification, and state the restrictions and other requirements applicable to the dog by reason of its classification. The notice shall also state that if a written request for a hearing is filed with the animal control officer or police department within 10 days after completion of service of the notice, a hearing will be conducted by the animal hearing board under SGC [8.05.083\(B\)](#) to review the classification of the dog or any related written administrative orders issued by the officer. The right to a hearing shall be deemed waived if not timely requested as set forth in this subsection.

C. The notice referred to in subsection [B](#) of this section shall be served either by personal delivery to the keeper or by certified mail, return receipt requested, addressed to the keeper at the keeper's last known address. Notice by personal delivery shall be complete upon delivery and notice by mail shall be deemed complete upon return of the receipt or upon return of the notice as undeliverable, refused, or unclaimed.

D. Pending any hearing on the classification of a potentially dangerous or dangerous dog, the animal control officer may require that the dog be kept securely confined on the premises of the keeper or other location

acceptable to the officer, which may include quarantine at the animal shelter at the keeper's expense. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.082.)

### **8.05.083 Animal hearing board.**

A. The animal hearing board shall be composed of five members and one alternate appointed by the assembly for three-year terms provided the initial terms shall be staggered as follows: one for a one-year term, two for two-year terms; two for three-year terms; and the alternate's initial term shall be for three years. There shall be one member selected from each of the following groups if possible: licensed veterinarians or veterinary staff; organized animal interest groups; animal trainers, preferably experienced in handling problem animals; animal keepers from the general public; and non-animal keepers from the general public. The alternate shall also be selected from one of these groups.

B. The animal hearing board shall:

1. Hear appeals regarding the classification of dogs as potentially dangerous or dangerous;
2. Review proposed written administrative orders or ordinances pertaining to this chapter; and
3. Make decisions on applications for reclassification of dogs under SGC [8.05.091](#).

C. A hearing before the animal hearing board shall be held within five business days, or as soon as possible thereafter, after receipt of the request for a hearing. The hearing shall be informal, and technical rules of evidence shall not apply. In the board's review of the classification of the dog, the board shall determine whether there is substantial evidence to uphold the animal control officer's classification of the animal. "Substantial evidence" means such relevant evidence as a reasonable mind would accept as adequate to support a conclusion.

D. The animal hearing board shall enter written findings of fact and conclusions of law, stating the reasons for the determination and indicating the evidence relied upon. The written decision shall be filed with the animal control officer and the city clerk and served on the keeper or custodian no later than 48 hours after the close of the hearing. The proceedings at the hearing shall be recorded and open to the public.

E. If the board determines that the dog was improperly classified as dangerous, the board shall then determine if the dog is potentially dangerous. If the board determines that the dog is potentially dangerous or dangerous, the keeper shall comply with the requirements of this chapter applicable to potentially dangerous or dangerous dogs, and any associated written administrative orders by the animal hearing board.

F. In the event the board determines that the dog is neither potentially dangerous nor dangerous, no costs shall be charged for quarantine of the dog at the animal shelter incurred during pendency of the hearing.

G. Any party may appeal a final decision of the animal control board to the district court for the state of Alaska sitting in Sitka no later than 30 days after the issuance of the animal control board's decision. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.083.)

### **8.05.084 On-premises confinement.**

While on the keeper's property, a potentially dangerous or dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children and designed to prevent the dog from escaping. The enclosure must have minimum dimensions of five feet by 10 feet and must have secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one foot. The enclosure must also provide adequate protection from the elements and be kept in a clean and sanitary condition. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.084.)

### **8.05.085 Off-premises restraint.**

A potentially dangerous or dangerous dog may be off the keeper's premises only if it is humanely muzzled and restrained by a substantial leash not exceeding six feet in length. The leash and dog shall be under the actual physical control of a person suitable to control the dog at all times. Such dogs shall not be leashed to inanimate objects such as trees, posts or buildings. The muzzle must be made in a manner that will not cause injury to the dog or interfere with the dog's vision or respiration, but must prevent the dog from biting any person or animal. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.085.)

### **8.05.086 Notification of change of status.**

The keeper shall immediately notify the animal control officer if a potentially dangerous or dangerous dog is at large, unconfined, has attacked another animal or a human being, or has died, been sold, been given away, or is otherwise no longer in the possession of the keeper. If the dog has been sold or given away, the keeper shall provide the officer with the name, address and telephone number of the new keeper or custodian who, if located in the city and borough, shall comply with the requirements previously applied to the dog and the requirements of this chapter. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.086.)

### **8.05.087 Signs for potentially dangerous or dangerous dogs.**

The keeper shall display signs in such form as required by the city and borough on the keeper's premises warning that there is a potentially dangerous or dangerous dog on the premises. One sign must be visible from any public right-of-way abutting the premises. A sign must also be posted on the enclosure for the animal. If the animal is transported in a vehicle, a sign must be clearly visible that the animal transported is potentially dangerous or dangerous. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.087.)

### **8.05.088 Special license and tag for potentially dangerous or dangerous dogs.**

- A. An application for a special license shall be made to the animal control officer and shall include any other information requested by the animal control officer.
- B. Upon completion of all application requirements a special license and identification collar and tag will be issued at the owner's expense. The keeper shall ensure that the issued tag is securely fastened to the required collar and the tag and collar must be worn by the dog at all times. The special license will be issued for a term of one year from the date of issue.
- C. If there is a change of ownership of the dog during the license year, the new keeper shall, within three business days, have the current license transferred to the new keeper's name. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.088.)

### **8.05.089 Destruction of dangerous dogs.**

- A. The animal control officer may recommend to the court that any dogs classified as dangerous be humanely destroyed by the animal control officer or licensed veterinarian after being quarantined for such period as provided by law.
- B. The keeper may appeal the animal control officer's decision to the animal hearing board. The animal hearing board may review the animal control officer's recommendation and make its own recommendations to the court.
- C. Any dangerous dog involved in a violation of this chapter may be ordered destroyed by the court. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.089.)

### **8.05.090 Rabies control.**

- A. Every animal that bites a person or a domestic animal and breaks the skin shall be promptly reported to the Sitka police department and the local health officer and shall be securely quarantined under the direction of the local health officer for the period of 10 days and shall not be released from such quarantine except by permission by the health officer or a licensed veterinarian and the keeper of such animal can produce evidence of proper licensing and rabies immunizations.
- B. The keeper, upon demand by the animal control officer or health officer, shall forthwith surrender any animal which has bitten a human and which is suspected of having been exposed to rabies for supervised quarantine; the expense of such quarantine shall be borne by the keeper. Such animal may be reclaimed by the keeper if judged free of rabies upon payment of expenses of such supervised quarantine.

- C. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, the veterinarian shall immediately send the iced, intact head of such animal to the local health officer for pathological examination.
- D. When the report of the health officer gives a positive diagnosis of rabies, the health department may recommend and invoke an area-wide quarantine. During such quarantine, no animal may be taken or shipped from the city and borough without written permission of the local health officer.
- E. The keeper of any animal under quarantine, or tested for rabies, shall bear all cost of such quarantine or testing.
- F. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the health department.
- G. The health department shall direct the disposal of any animal found to be infected with rabies.
- H. No person may refuse to surrender any animal for quarantine or destruction as required when demand is made by the animal control officer or health department. (Ord. 02-1656 § 4(A), 2002; Ord. 89-875 § 4(C), 1989; Ord. 79-405 § 4(9), 1979; B.C.S. § 9.04.090; S.G.C. § 8.04.090.)

### **8.05.091 Reclassification of dogs.**

- A. The keeper of any dog classified as potentially dangerous or dangerous may appeal for reclassification of the dog to the animal hearing board. Applications with respect to dogs classified as potentially dangerous and dangerous will be reviewed and acted upon by the animal control officer. An appeal of that decision may be taken to the animal hearing board. A request for a hearing to review a decision of the animal control officer on an application for reclassification must be filed within 10 days after completion of service of the notice of decision; notice shall be served in the manner set forth in [SGC 8.05.082\(C\)](#).
- B. In order to be eligible for reclassification, the following criteria shall be considered:
1. The nature and circumstances of prior occurrences with the dog that resulted in its classification as potentially dangerous or dangerous; and
  2. Whether the keeper has been in compliance with all requirements concerning the dog since its classification as potentially dangerous or dangerous.
- C. A second classification of a dog as potentially dangerous or dangerous after removal of the classification pursuant to subsection [A](#) of this section shall result in the dog being permanently ineligible for removal of the classification under this section. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.091.)

### **8.05.092 Sanitary disposal requirements.**

- A. No keeper may permit a dog to be in any of the leash law areas unless the keeper has immediately available a container which is intended to be used to remove any fecal matter left by the dog and a suitable container in which the fecal matter is to be stored until properly disposed of.
- B. A keeper who permits a dog to be in any of the leash law areas must immediately remove all fecal matter left by the dog on such property. (Ord. 02-1656 § 4(A), 2002; S.G.C. § 8.04.092.)

### **8.05.093 Dog parks.**

- A. Areas recommended by the parks and recreation committee, parks and recreation manager, and administrator, and subject to approval of the assembly, may be designated as dog parks. Such areas shall include the following locations:
1. Fenced area in the west lawn section of Turnaround Park.
- B. Keepers and custodians of dogs may use the dog park with their dogs if the dog is licensed under SGC [8.05.020](#). Such licensing includes the requirement that the dog have a current rabies vaccination.
- C. The following rules shall be followed by all keepers and custodians that use the dog park with their dogs, and shall be posted at the dog park:
1. Objectionable and dangerous dogs, as defined under SGC [8.05.080](#) and [8.05.081](#), and female dogs in heat are prohibited from using the dog park;
  2. Dogs shall be leashed upon entering and leaving the dog park;
  3. Dogs may be unleashed while in the dog park, but must be under control of the keepers and/or custodians as defined in this chapter;
  4. Keepers and/or custodians shall keep their dogs in sight and under voice control at all times that their dog is using the dog park;
  5. Keepers and/or custodians shall remain with their dogs in the dog park area;
  6. Keepers and/or custodians shall clean up and remove any dogs feces left by their dog while entering, leaving, or using the dog park;
  7. Holes dug by dogs must be filled by the keeper and/or custodian;
  8. Keepers and/or custodians shall be responsible for all actions of their dogs while their dogs are entering, leaving, or using the dog park;

9. Aggressive or unruly dogs, including dogs that play roughly, are not allowed to enter or use the dog park; and

10. It is recommended that any children be supervised by a parent or guardian while at any dog park.

D. The parks and recreation committee may recommend additional rules for dog parks, which are subject to approval by the parks and recreation manager and the administrator, without requiring assembly approval. Additional approved rules shall be posted.

E. Any keeper or custodian of a dog who violates any rule in this section is subject to the penalties in SGC [8.05.210](#). In addition to any penalties under SGC [8.05.210](#), the administrator may prohibit any keeper or custodian and their dog from using the dog park who violates any of the rules in this section. (Ord. 07-23 § 4, 2007; S.G.C. § 8.04.093.)

### **8.05.100 Immunization for rabies.**

No person shall own, keep or harbor a dog or cat over 16 weeks of age within the city and borough limits unless the dog or cat has received an immunization for rabies. (Ord. 02-1656 § 4(A), 2002; Ord. 95-1302 § 4(A), 1995; B.C.S. § 9.04.100; S.G.C. § 8.04.100.)

### **8.05.110 Dead animals.**

A. No person shall deposit any dead or fatally sick or injured animal upon any public or private place except as provided herein or into any body of water.

B. All persons shall immediately dispose of any dead animal, whether their own or found upon their property, either by proper burial or by incineration at an appropriate facility, or the police department shall remove the carcass upon request. If there is a tag or other form of identification on the animal, the property owner shall make a reasonable effort to locate the keeper of the animal and notify him or her of the animal's death. (Ord. 02-1656 § 4(A), 2002; Ord. 79-405 § 4(10), 1979; B.C.S. § 9.04.110; S.G.C. § 8.04.110.)

### **8.05.120 Exemptions.**

A. The licensing requirements of this chapter do not apply to any dog belonging to nonresidents of the city and borough and kept within the city and borough for not longer than 45 days. However, all such dogs shall at all times while in the city and borough be subject to all other requirements of this chapter.

B. No license fee for those animals trained to aid handicapped persons is required. Impoundment fees or other penalties mentioned in this chapter shall not apply to animals trained to aid handicapped persons, so long as the animal is being used as an aid to that person. A tag for identification purposes shall be provided to animals aiding

handicapped persons upon presentation of proof of immunization to the animal control officer as provided in SGC [8.05.020\(A\)](#). (Ord. 02-1656 § 4(A), 2002; Ord. 89-875 §§ 4(D), (E), 1989; B.C.S. § 9.04.120; S.G.C. § 8.04.120.)

### **8.05.140 Records.**

A. Accurate and detailed records shall be kept as to:

1. Licenses issued;
2. Dogs impounded;
3. Disposition of all animals coming into the custody of the animal control officer;
4. All bite cases reported to the police;
5. All moneys received; and
6. Name and address of the keeper and the animal's name and license number.

B. The animal control officer shall designate where these records are to be kept and who is responsible for their establishment and maintenance. (Ord. 02-1656 § 4(A), 2002; Ord. 89-875 § 4(F), 1989; Ord. 79-405 § 4(11), 1979; B.C.S. § 9.04.140; S.G.C. § 8.04.140.)

### **8.05.150 Citations.**

A. A citation may be issued by a law enforcement officer for a violation of any provision of this chapter.

B. A properly charged and filed citation shall be deemed a lawful complaint for the purpose of prosecution under this chapter. (Ord. 02-1656 § 4(A), 2002; Ord. 89-875 § 4(G), 1989; Ord. 87-776 § 4, 1987; Ord. 86-729 §§ 4(J) – M), 1986; Ord. 79-405 §§ 4(12) and (13), 1979; B.C.S. § 9.04.150; S.G.C. § 8.04.150.)

### **8.05.160 Responsibilities of keeper of a domestic animal.**

No keeper of any domestic animal shall allow such animal to enter into any public building where food for human consumption is sold, processed, stored or consumed or to enter into any barbershops or establishments for the practice of hairdressing or beauty culture. (Ord. 02-1656 § 4(A), 2002; B.C.S. § 9.04.160; S.G.C. § 8.04.160.)

### **8.05.170 Responsibilities of owner of public building.**

No owner or operator of a public building where food for human consumption is sold, processed, stored or consumed, barbershops or establishment for the practice of hairdressing or beauty culture shall allow any domestic animal to enter or to remain thereon. (Ord. 02-1656 § 4(A), 2002; B.C.S. § 9.04.170; S.G.C. § 8.04.170.)

### **8.05.180 Service dogs exempt.**

None of the provisions of SGC [8.05.031](#), [8.05.040](#), [8.05.160](#), and [8.05.170](#) shall apply to a dog whose keeper is a member of the organization that is involved in service dog training and the dog in training is to be a service dog or to dogs in use as trained, certified and properly certified to use as service dogs. Any person may apply to the animal hearing board to disallow any dog from being exempt from the provisions of above mentioned sections. (Ord. 02-1656 § 4(A), 2002; Ord. 91-995 § 4, 1991; Ord. 89-875 § 4(H), 1989; B.C.S. § 9.04.180; S.G.C. § 8.04.180.)

### **8.05.190 Enforcement.**

Nothing contained in this chapter shall be construed to prevent the city and borough from entering into a contract with a person or agency for the purpose of enforcing the provisions of this chapter. (Ord. 02-1656 § 4(A), 2002; B.C.S. § 9.04.190; S.G.C. § 8.04.190.)

### **8.05.200 Disposal of animals at keeper's request.**

Upon execution of a consent including a promise to hold the city and borough harmless from any liability, a keeper may request the police to dispose of any animal free of charge. A keeper must, however, pay any accumulated impound charges. (Ord. 02-1656 § 4(A), 2002; Ord. 79-405 § 4(14), 1979; B.C.S. § 9.04.200; S.G.C. § 8.04.200.)

### **8.05.210 Penalties.**

- A. The maximum penalty for violation of the provisions of this chapter is \$500.00.
- B. The chief of police shall establish a fine schedule for the offenses in this chapter and include offenses and/or additional penalties as listed in SGC [14.05.050](#).
  1. The fine schedule shall be entitled "Fine Schedule for Animal Control Offenses," and shall include the effective date of the fine schedule.

2. The fine schedule for animal control offenses shall list the number of the ordinance that defines the offense, the name of the offense and the amount of the fine for the offense. The fine must be a specific dollar amount. It cannot be a range of amounts.
  3. The fine schedule for animal control offenses shall be published on the Sitka police department website under the tab for "Animal Control," and copies shall be posted at the Sitka animal shelter and Sitka police department.
  4. If a citation has been issued for an offense listed on the fine schedule for animal control offenses, a person has the option to state, in writing, on a copy of the citation or a form provided by the court system, that they want to:
    - a. Dispose of the citation without court appearance by paying the fine amount plus the state surcharge as provided in AS [12.25.195](#) through [12.25.230](#), [12.55.039](#) and [29.25.074](#). The total amount of fine and state surcharge will be listed on the citation, as well as the date the payment is due; or
    - b. Appear in court for a hearing or trial.
  5. The fines under this subsection may not be judicially reduced.
- C. If a citation has been issued for an offense not listed on the fine schedule, the defendant must appear in court to answer to the charges.
- D. The court shall have the power to review all actions under this chapter and to fashion remedies in accordance with it.
- E. For purposes of this section, prior offenses must be within the previous five years and shall be charged to the keeper and/or custodian and not a particular animal. (Ord. 15-50 § 4, 2015; Ord. 13-19 § 4, 2013; Ord. 10-25 § 4, 2010; Ord. 02-1699 § 4(B), 2002; Ord. 02-1656 § 4(A), 2002; Ord. 95-1302 § 4(F), 1995; Ord. 92-1078 § 4; S.G.C. § 8.04.210.)

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**The Sitka General Code is current through Ordinance 24-21, passed August 27, 2024.**

Disclaimer: The city and borough clerk's office has the official version of the Sitka General Code. Users should contact the city and borough clerk's office for ordinances passed subsequent to the ordinance cited above.

[City and Borough Website: www.cityofsitka.com](http://www.cityofsitka.com)

[Hosted by General Code.](#)

## **Sitka Animal Shelter Support Agreement with Friends of Sitka Animal Shelter (FOSAS)**

This Support Agreement (“Agreement”) between the Friends of Sitka Animal Shelter (FOSAS), an Alaska non-profit corporation and the City and Borough of Sitka, an Alaska municipal corporation (“CBS”), each individually referred to as Party and sometimes collectively referred to as the Parties, is dated as of this 11/14/2022 (“Effective Date”) and is made with respect to the following:

### RECITALS

WHEREAS, the City, through the Sitka Police Department (“SPD”) operates the Sitka Animal Shelter in and for the CBS and owns a facility located at 209 Jarvis Street, Sitka, Alaska 99835 to care for and shelter stray animals;

WHEREAS, several City residents have incorporated Friends of Sitka Animal Shelter (“Friends”) as an Alaska non-profit corporation for the purpose of providing both volunteer and financial support to the Sitka Animal Shelter in the City including, but not limited to, supplemental medical care, volunteer management, adoption programs, and positive awareness for the CBS animal control and shelter program;

WHEREAS, CBS and Friends are each independent legal entities and each operates pursuant to rules and laws that may not be applicable to the other;

WHEREAS, the parties agree that they play different roles in helping CBS maintain a standard of excellent care and the Sitka Animal Shelter will benefit by a clear delineation of the Parties respective functions and responsibilities;

WHEREAS, the Parties intend this Agreement to establish a framework for long-term and continued cooperation for the Sitka Animal Shelter programs and infrastructure;

WHEREAS, the Parties agree that the primary objective of the Sitka Animal Shelter is to provide care and services that satisfy the needs of the CBS’s stray and surrendered animals.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

#### **1. Basic Principles**

1.1 The creation and maintenance of meaningful volunteer and support opportunities that facilitate an efficient, safe, and compassionate animal shelter is an important objective of the CBS and Friends.

## **2. Funding**

2.1 Provided the City Assembly has, in its sole discretion, allocated appropriate funds in the annual budget, CBS shall continue to fund the Animal Control Officer, its operational needs, facility maintenance, and support for the programs attendant to the CBS animal control and shelter.

2.2 Following a written request for funding from the ACO, Friends will fund the cost of Sitka Animal Shelter activities for which no funding is allocated in the annual City budget, if the Friends Board of Directors has, in its sole discretion, approved the expenditure. Such activities may include:

- a. Capital projects that go beyond the scope of what CBS has allocated in the budget
- b. Additional medical care for shelter animals that goes beyond the scope of what is allocated in the budget

2.3 Prior to requesting funds from Friends, CBS will utilize its donation fund for Sitka Animal Shelter activities that go above and beyond the allocated budget.

2.4 The ACO and Friends leadership shall meet twice a month to discuss:

- a. Current financial status and expenditures of both parties
- b. Admission, Adoption, Fostering and other relevant statistics
- c. Volunteer schedule and performance
- d. All resident animal records
- e. Shelter operations
- f. Social media and other public information dissemination

## **3. Roles and Functions**

3.1 CBS has the exclusive responsibility for the management and operation of animal control and the Sitka Animal Shelter, including animal care and husbandry, adoptions, standard medical expenses, euthanasia, and facility maintenance.

3.2 Friends will have oversight over the following programs that directly support the Sitka Animal Shelter:

- a. Volunteer coordination, management, and training
- b. Community outreach (including pet food pantry, spay/neuter clinics)
- c. Fundraising events and activities

3.3 Friends can act as an ACO designee for the purpose of receiving and adopting animals when requested and after appropriate training.

3.4 Friends is hereby permitted to promote and seek contributions for animal shelter funding to supplement Sitka Animal Shelter's unfunded needs.

3.5 CBS shall give serious consideration to Friends' input regarding improvements to the Sitka Animal Shelter facility.

3.6 This Agreement shall be administered by the SPD. CBS Chief of Police or designee shall be the MOU Administrator and shall have the authority to act for CBS under this Agreement.

3.7 Friends shall be given access to the animal shelter for fundraising events, adoption events, open houses, and volunteer activities. Friends will communicate with the ACO ahead of time to coordinate such events.

#### **4. Publications**

4.1 Friends may, at its own expense, publish newsletters, flyers, social media, fundraising materials, and/or website information to publicize activities, services, adoptable animals, and funding needs of the Sitka Animal Shelter.

#### **5. Insurance**

5.1 Friends shall maintain directors and officers insurance that covers the activities permitted to be performed in connection with this Agreement, in the minimum amount of one million dollars (\$1,000,000).

#### **6. Indemnification**

6.1 Friends shall indemnify, defend and hold harmless CBS, its elected or appointed officers, officials, employees, and volunteers from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgements, fines, penalties, liabilities, costs and expenses of every kind and nature whatsoever, which may arise from any breach of the terms and conditions of this Agreement or any activities conducted by Friends.

6.2 Notwithstanding the foregoing, nothing herein shall be construed to require Friends to indemnify CBS from any claim arising from the sole negligence or willful misconduct of CBS. The insurance policy limits in this Agreement shall act as a limitation upon the amount of indemnification to be provided by Friends. Nothing in this Agreement creates any personal indemnity obligation for any individual Friends director, officer, or volunteer.

#### **7. Standard Provisions**

7.1 Recitals. City and Friends acknowledge that the above Recitals are true and correct and are hereby incorporated by reference into this Agreement.

7.2 Integrates Contract. This Agreement represents the full and complete understanding of every kind or nature whatsoever between the Parties hereto, and all preliminary negotiations and agreement of whatsoever kind or nature are merged herein. No verbal agreement or implied covenant shall be held to vary the provisions herein.

7.3 Amendments. CBS designee(s) and FOSAS leadership will meet annually or more frequently if necessary to review this MOU and make changes as needed. All changes suggested shall first be approved by the FOSAS Board of Directors and CBS designee.

7.4 Severability. If any term or portion of this Agreement is held to be invalid, illegal, unconstitutional, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

7.5 Controlling Law and Venue. The Laws of the State of Alaska shall govern this Agreement and all matters relating to it and any jurisdiction in the City and Borough of Sitka.

7.6 No Attorney's Fees. In the event of any dispute or legal action arising under this Agreement, the prevailing party shall not be entitled to attorney's fees.

7.7 Counterparts. This Contract shall be executed in two (2) or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the dates written below.

CITY OF SITKA

By:  John Leach

Date: 11/7/2022

Friends of Sitka Animal Shelter

By:  Kristina Tirman

Date: 11/14/2022