

# CITY AND BOROUGH OF SITKA

## ORDINANCE NO. 2015-16

### AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA PROPOSING TO CLARIFY THE SITKA GENERAL CODE BY AMENDING TITLE 8 ANIMALS AT SECTIONS 8.04.020 LICENSING (ANIMALS), 8.04.080 OBJECTIONABLE ANIMALS, AND AMENDING TITLE 10 PUBLIC PEACE SAFETY AND MORALS AT SECTION 10.52.010 UNLAWFUL ACTS "O"

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. **PURPOSE.** As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka's municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. These clarifying changes are derived from that review and further analysis.

Amending these three sections helps clarify animal offenses. In Section 8.04.020, the ordinance is rewritten to clarify that the city and borough does not intend to keep people from bringing dogs in, but does stipulate that the animals must be licensed within a given time frame. Because the language in Section 8.04.080 is vague, it is a difficult ordinance to enforce. The objective guidelines help citizens identify what frequent and prolonged noises means. In Section 10.52.010, it is clarified that there are certain circumstances where a dangerous dog may be kept, as described in 8.04.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the following section of the Sitka General Code is hereby amended to read as follows:

#### **Title 8 ANIMALS**

##### **8.04.020 Licensing.**

A. No person shall own or keep ~~, keep or bring~~ any dog over six months old within one-quarter mile of the city and borough road system unless such dog is licensed ~~, as herein provided~~. Application for such license shall be made to the animal control officer within ninety 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.

**8.04.080 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 thirty minutes on at least three different days within a ten-day period or for more than fifteen minutes during at least three different nights between 10:00pm and 7:00am within a ten-day period, this is a violation of this ordinance. The fine for violating this law is \$25.**

**Title 10  
PUBLIC PEACE, SAFETY AND MORALS  
V. Offenses Against the Public Peace  
Chapter 10.52 Disorderly Conduct**

**10.52.010 Unlawful Acts.**

O. Harbor, keep or maintain a vicious animal, **except as provided in various Sections of SGC 8.04.**

5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska this 14th day of April 2015.

  
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Matt Hunter, Deputy Mayor

**ATTEST:**

  
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Sara Peterson, CMC  
Deputy Municipal Clerk