
P O L I C E

DEPARTMENT

MEMO

City and Borough of Sitka

To:	City Administrator Jim Dinley
From:	Chief Sheldon Schmitt
Subject:	Animal Control Ordinance Revision
Date:	August 18, 2010

The Sitka General Code Title Eight, Chapter four entitled “Animal Protection and Control” was reviewed by the Sitka Police Department with the intent to update and increase the fines and fees, and generally review and update the ordinance.

Those proposed amendments were taken to the Police and Fire Commission that moved to approve the amendments and take them forward to the Animal Hearing Board, who also approved the changes. The amended ordinance has also been reviewed to the City Attorney. The amendments to this ordinance are now ready for review by the Assembly.

Most of the fines and fees have not been updated for about 20 years. The proposed amendments suggest taking the specific fees and fines dollar amounts out of the code so changes can be made by the Chief of Police with in consultation with the Animal Hearing Board. This should facilitate more timely updates to the fines and fees. A fines/ fees schedule would be available to the public and on the City website. The proposed increases are attached.

8.04.210 Penalties.

A. The maximum penalty for violation of the provisions of this chapter is five hundred dollars. Standard penalties shall be as follows:

1. Animals running at large and objectionable animals, as defined by subsections A, C, D, and E of Section [8.04.080](#), and tag and collar as defined by Section [8.04.030](#):

- a. Twenty-five dollars for first offense;
- b. Fifty dollars for second offense;
- c. One hundred dollars for third offense;
- d. Three hundred dollars for fourth offense.

2. Violations of the sanitary disposal requirements, Section [8.04.092](#):

- a. Fifty dollars for first offense;
- b. For each subsequent offense, the fine shall be (doubled.) increased twenty dollars.

3. For all other violations of this chapter the penalties shall be:

- a. Fifty dollars for first offense;
- b. One hundred dollars for second offense;
- c. For each subsequent offense, the fine shall be doubled.

B. The court shall have the power to review all actions under this chapter and to fashion remedies in accordance with it.

C. For purposes of this section, prior offenses must be within the previous five years and shall be charged to the keeper and not a particular animal.

(Ord. 02-1699 § 4(B), 2002.)

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2010-25

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL CODE AT TITLE 8, CHAPTER 4, ENTITLED "ANIMAL PROTECTION AND CONTROL," REGARDING FEES AND FINES

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code ("SGC").

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 circumstance shall not be affected.

3. PURPOSE. The ordinance would amend certain sections of SGC 8.04 regarding fines and fees. The fees and fines have not been raised for eight years. The purpose of the amendments is to remove the fee and fine amounts from the code and replace it with language allowing these amounts to be determined administratively by the Chief of Police in consultation with the Animal Hearing Board. This will allow for greater flexibility in adjusting such fees and fines.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC Chapter 8.04 is amended as set out below (new language underlined; deleted language stricken):

Title 8
ANIMALS

Chapter 4
ANIMAL PROTECTION AND CONTROL

8.04.020 Licensing.

A. No person shall own, 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 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

44 for the dog shall be issued to the owner. No license or tag shall be issued unless it
45 is shown by a veterinarian's statement, in writing, that the dog for which the
46 license is sought has received an immunization for rabies which shall remain
47 effective for the licensing period. Such proof may consist of, but shall not be
48 limited to, a statement or receipt from a veterinarian showing such immunization
49 and the period of protection.

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51 B. The yearly license fees shall be determined by the Chief of Police in
52 consultation with the Animal Hearing Board ~~ten dollars per year for each neutered~~
53 ~~male dog or spayed female dog over the age of six months, and twenty dollars for~~
54 ~~each unneutered male or unspayed female over the age of six months.~~

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56 C. A commercial kennel owner may obtain a kennel license for fifty dollars yearly
57 in lieu of individual licenses of the dogs provided all dogs owned or kept by the
58 kennel have been vaccinated for rabies.

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60 D. All licenses required by subsection A, B or C of this section shall be issued for
61 a term of one year from the date of issuance. Licenses must be renewed during the
62 month prior to their expiration.

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64 E. No person shall use any dog license receipt or license tag issued for another
65 dog unless legal transfer of the dog has been made.

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67 F. The keeper of any potentially dangerous or dangerous dog must obtain a
68 special license as required under Section 8.04.088.

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70 **8.04.030 Tag and collar.**

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72 A. Upon complying with the provisions of Section 8.04.020, there shall be issued
73 to the owner a metallic tag stamped with the number and the year for which it is
74 issued.

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76 B. Every owner is required to see that the tag is securely fastened to the dog's
77 collar or harness, which must be worn by the dog at all times while off the
78 keeper's property.

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80 C. In the event that a metallic license tag issued for a dog is lost, the owner may
81 obtain a duplicate tag upon the payment of a fee determined by the Chief of Police
82 in consultation with the Animal Hearing Board ~~five dollars.~~

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8.04.060 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 ~~twenty dollars plus five dollars per day for each day or partial day the dog is kept by the municipality or its agent.~~ The impoundment fees for cats shall be determined by the Chief of Police in consultation with the Animal Hearing Board ~~ten dollars plus three dollars per day for each day or partial day the cat is kept.~~

8.04.210 Penalties.

A. The maximum penalty for violation of the provisions of this chapter is five hundred dollars. Standard penalties shall be determined by the Chief of Police in consultation with the Animal Hearing Board. ~~as follows:~~

~~1. Animals running at large and objectionable animals, as defined by subsections A, C, D, and E of Section 8.04.080, and tag and collar as defined by Section 8.04.030:~~

- ~~a. Ten dollars for the first offense;~~
- ~~b. Fifty dollars for second offense;~~
- ~~c. One hundred dollars for third offense;~~
- ~~d. Two hundred dollars for fourth offense.~~

~~2. Violations of the sanitary disposal requirements, Section 8.04.092:~~

- ~~a. Ten dollars for the first offense;~~
- ~~b. For each subsequent offense, the fine shall be increased twenty dollars.~~

~~3. For all other violations of this chapter the penalties shall be:~~

- ~~a. Twenty five dollars for first offense;~~
- ~~b. One hundred dollars for second offense;~~
- ~~c. Two hundred dollars for third offense.~~

B. The court shall have the power to review all actions under this chapter and to fashion remedies in accordance with it.

C. For purposes of this section, prior offenses must be within the previous five years and shall be charged to the keeper and not a particular animal.

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5. **EFFECTIVE DATE.** This ordinance becomes effective thirty days after the date of its passage and shall apply to all animal protection and control fines and fees that occur after the effective date.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this _____ day of _____, 2010.

Scott McAdams, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk