

**CITY AND BOROUGH OF SITKA**

**ORDINANCE NO. 2013-19**

**AN ORDINANCE OF CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL CODE CHAPTER 8.04 ENTITLED "ANIMAL PROTECTION AND CONTROL" BY AMENDING 8.04.010 ENTITLED "DEFINITIONS" DEFINING "COMPETENT VOICE CONTROL;" AMENDING 8.04.032 TO PROVIDE ADDITIONAL OFF-LEASH AREAS BY ADDING FIELD ONE AT KIMSHAM COMPLEX, KEET GOOSHI HEEN, VILANDRE BALL FIELDS DURING HOURS WHEN SPORTS OR SCHOOL USE OR EVENTS ARE NOT OCCURRING AND THE CROSS TRAIL; INSERTING "OFF-LEASH AREA" RULES OF USE AND ADDING A PROVISION FOR FINES AND PENALTIES FOR THOSE WHO FAIL TO REMOVE ALL FECAL MATTER AT THOSE DESIGNATED OFF-LEASH AREAS**

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 circumstance shall not be affected.

3. **PURPOSE.** The purpose of this ordinance is to address problems with dogs defecating on school sport fields and municipal playgrounds and allow multiple use of areas such as sport fields when sports or school activities and events are not occurring. The goal is to create a healthier recreational environment for the Sitka community including children playing on sport fields and playgrounds while allowing for limited use by responsible dog keepers and/or custodians.

This ordinance amends SGC 08.04.010 entitled "Definitions" to clarify the definition of "competent voice control;" SGC 8.04.032 entitled "Off-leash Areas" by adding Kimsham Recreational Complex Ball Field One, Vilandre and Keet Gooshi Heen ball fields as off-leash areas during times when the fields are not scheduled or in use for sports or school activities and by adding the Cross Trail as an off-leash area and by inserting "Off-leash Area" rules of use. Sport fields designated for off-leash use will be closed to dog keepers and/or custodians during scheduled sports events, school activities or when the area is in use by students or players. Hours and rules will be posted on signs at each sport field where dog "off-leash" is permitted.

Only service dogs will be permitted on Baranof, Lower Moller multi-use field and Kimsham Recreational Complex Ball Fields Two ("Krueger field"), Three and Four or on municipal playgrounds as specified in SGC 23.30.020 entitled "Conditions for use of park and recreation facilities." Dogs will continue to be permitted on leash on the Lower Moller track. Existing animal ordinance requires that dog keeper and/or custodian have a leash and a means of cleaning up after their pet whenever in public areas.

If the proposed off-leash areas are not used responsibly by dog keepers and/or custodians, the Assembly may strike the sport fields as off-leash areas.

This ordinance was recommended by the Parks and Recreation Committee on February 7, 2013 by majority vote 4-0 and by the Police and Fire Commission on March 13, 2013 by a 4-1 vote.

4. **ENACTMENT, NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka that SGC 08.04.010 entitled "Definitions," SGC 8.04.032 entitled "Off-leash areas," and SGC 08.04.210 entitled "Penalties" are modified to read as follows (new language underlined; deleted language stricken):

**Chapter 8.04**  
**ANIMAL PROTECTION AND CONTROL**

Sections:

- 8.04.010 Definitions.
- 8.04.020 Licensing.
- 8.04.030 Tag and collar.
- 8.04.031 Restraint requirements.
- 8.04.032 Off-leash areas.
- 8.04.033 Off-leash area rules.
- 8.04.040 Impoundment procedure.
- 8.04.050 Redemption of impounded dogs or cats.
- 8.04.060 Impoundment fees.
- 8.04.070 Control of female dogs in season.
- 8.04.080 Objectionable animals.
- 8.04.081 Potentially dangerous and dangerous dogs.
- 8.04.082 Classification of dogs—Notice—Restrictions pending appeals.
- 8.04.083 Animal hearing board.
- 8.04.084 On-premises confinement.
- 8.04.085 Off-premises restraint.
- 8.04.086 Notification of change of status.
- 8.04.087 Signs for potentially dangerous or dangerous dogs.
- 8.04.088 Special license and tag for potentially dangerous or dangerous dogs.
- 8.04.089 Destruction of dangerous dogs.
- 8.04.090 Rabies control.
- 8.04.091 Reclassification of dogs.
- 8.04.092 Sanitary disposal requirements.
- 8.04.093 Dog parks.
- 8.04.100 Immunization for rabies.
- 8.04.110 Dead animals.
- 8.04.120 Exemptions.
- 8.04.140 Records.
- 8.04.150 Citations.
- 8.04.160 Responsibilities of keeper of a domestic animal.

8.04.170 Responsibilities of owner of public building.

8.04.180 Service dogs exempt.

8.04.190 Enforcement.

8.04.200 Disposal of animals at keeper's request.

8.04.210 Penalties.

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#### **08.04.010 Definitions**

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F. "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. the keeper or custodian monitors the animal's activity and the animal is obedient to that person's command.

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#### **8.04.032 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:

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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;

HF. Dog parks.

#### **8.04.033 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. Keeper and/or custodian 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 8.04.080 and 8.04.081, 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 8.04.010F;

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 dogs' 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 8.04.210 in addition to any penalties under SCG 23.30.020H, 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.

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#### **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.

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

C. A keeper and/or custodian of a dog at sports field or municipal playground as defined in SGC 23.30.020I, who fails to immediately remove all fecal matter left by the dog on such property shall be subject to a \$50 fine for the first offense, \$100 for the second offense and

mandatory court appearance for the third and subsequent offenses subject to maximum penalty of five hundred dollars.

D. 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.


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**5. EFFECTIVE DATE.** This ordinance shall become effective within 30 days after passage by the Assembly of the City and Borough of Sitka.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska this 23rd day of April, 2013.

  
Mim McConnell, Mayor

ATTEST:

  
Colleen Ingman, MMC  
Municipal Clerk