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CITY OF KOTZEBUE, ALASKA ORDINANCE NO. 13-10

ENTITLED: "AN ORDINANCE AMENDING THE CURRENT CHAPTER 6.04, 'ANIMAL CONTROL AND DOG LICENSING' OF THE KOTZEBUE MUNICIPAL CODE."

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF KOTZEBUE, ALASKA:

- Section 1.** This is a Code Ordinance.
- Section 2.** The current version of Kotzebue Municipal Code, Chapter 6.04, "Animal Control and Dog Licensing," is attached hereto as Exhibit "A."
- Section 3.** The revised and annotated version of KMC Chapter 6.04, "Animal Control and Dog Licensing," is attached hereto as Exhibit "B," with annotations bolded and underlined and deletions bracketed.
- Section 4.** The new KMC Chapter 6.04, "Animal Control and Dog Licensing," which is hereby enacted, is attached hereto as Exhibit "C."
- Section 5.** Pursuant to the Kotzebue Municipal Code, Section 1.12.030(B), this Ordinance shall become effective upon passage.

ENACTED this ____ day of _____, 2012

CITY OF KOTZEBUE

Nathan Kotch, Jr., Mayor

ATTEST:

[SEAL]

Linda B. Greene, City Clerk

ATTESTATION: I, Linda B. Greene, Clerk for the City of Kotzebue, hereby attest that the above Ordinance, No. 13-10, was duly presented to the Kotzebue City Council, duly published and that a valid public hearing was held and that it was duly enacted on _____.

Published/Posted: 5/10/13; 05/28/13; 06/14/13
Introduction: 5/16/13
First Public Hearing: 5/16/13
Second Public Hearing: 6/06/13; 06/20/13
Third Public Hearing: 06/20/13
Passage:

Attachments: Exhibit "A" -- Copy of current Kotzebue Municipal Code, Chapter 6.04, "Animal Control and Dog Licensing" [9 pages]
Exhibit "B" -- Copy of revised/annotated KMC Chapter 6.04, "Animal Control and Dog Licensing" [10 pages]
Exhibit "C" -- Copy of newly-enacted KMC Chapter 6.04, "Animal Control and Dog Licensing" [9 pages]

Chapter 6.04

ANIMAL CONTROL AND DOG LICENSING

Sections:

- 6.04.010 Definitions.
- 6.04.020 License -- Required -- Fee.
- 6.04.030 Penalty -- No license.
- 6.04.040 License -- Tag -- Display on collar -- Pups.
- 6.04.045 Registration -- Vicious animal.
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- 6.04.300 Penalties for violation.

6.04.010 Definitions.

The following terms in this chapter have the following meanings:

A. "animal" means all members of the Animalian kingdom, class Mammalia.

B. "Animal control officer" means the chief of police and his subordinates in their collective capacity as administrators of this chapter.

C. "Animal shelter" means any premises designated by action of the animal control officer for the purpose of impounding and caring for all dogs impounded pursuant to this chapter.

D. "At large." A dog is at large when it is not under restraint, except that dogs under voice control of a competent person shall not be considered at large. Dogs running at large in groups of three or more shall be considered a pack and subject to immediate destruction and disposal.

E. "Dog" means any of the Mammalian family Canidae commonly known as dogs. but not a fox, coyote, wolf or any other game species, the taking of which is regulated by the state, save only that any fox, coyote or wolf which is kept as a pet under a valid state permit shall be treated in like fashion as a common dog.

F. "Enclosure" means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious animal in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious animal. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

G. "Mature dog" means any dog over the age of six months or weighing over twenty pounds.

H. "Neutered male" means any male dog which has been rendered incapable of reproduction and can be thus certified by a veterinarian.

I. "Owner" means any person, group of persons, or a corporation owning, keeping or harboring any dog or dogs.

J. "Restraint." A dog is under restraint if he is under actual physical control, such as by leash, chain, fence or building; or when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained; or when actively engaged in a form of recognized hunting that requires the use of an animal as a retriever; or when on the property of the owner.

K. "Spayed female" means any female dog which has been operated upon to prevent conception, and can be certified by a veterinarian.

L. "Vicious animal" means:

1. Any animal which when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or

2. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise

endanger the safety of human beings or domestic animals; or

3. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or

4. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

5. Notwithstanding the definition of a vicious animal above, no animal may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damages was sustained, was committing a wilful trespass or other tort upon premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

6. American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier and any crosses between the three, as well as any hybrids thereof.

7. Rottweiler and any hybrids thereof.

No animal may be declared vicious if an injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the animal. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault. (Ord. 87-4 § 3, 1987; Ord. 78-101 § 1 (part), 1979; prior code § 11.10.030).

6.04.020 License -- Required -- Fee.

A. Every dog within the city of Kotzebue shall be subject to a one-time license fee of five dollars.

B. Persons owning five dogs or less shall obtain a license in the sum of five dollars per dog.

C. Persons owning six dogs or more shall obtain a kennel license from the city for thirty dollars. (Ord. 82-10, 1982; Ord.

80-10, 1980; Ord. 79-101 § 1 (part), 1979; prior code § 11.10.010 (part).

6.04.030 Penalty -- No license.

Failure to have the license referenced above, in 6.04.020, shall result in a civil fine of twenty dollars, in addition to the five dollar license fee. After ninety (90) days, the City shall start the collection process to secure a judgment and the monies due the City with all fees and costs for such action to be borne by the dog owner.

6.04.040 License -- Tag -- Display on collar -- Pups.

The owner of any dog within the city shall immediately procure from the license clerk a license tag for such dog. All mature dogs shall wear a strong, conspicuous collar, suitable for the weight and height of the dog. All dogs' license tags shall be attached to the collar of the dog. All dogs over six months old or weighing over twenty pounds must be licensed. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.020).

6.04.045 Registration -- Vicious animal.

A. No vicious dog shall be licensed by the city, and no vicious animal shall be kept within the city, unless the owner or keeper of such vicious animal shall meet the following requirements:

1. The owner or keeper shall present to the license clerk proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars, covering any damage or injury which may be caused by such vicious animal during the period for which the animal will be kept within the city, which policy shall contain a provision requiring the city to be named as additional insured for the sole purpose of the licensing clerk or other licensing authority to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

2. The owner or keeper shall display a sign on his or her premises warning that there is a vicious animal on the premises. Said sign shall be visible and capable of being read from the adjacent public places.

3. The owner or keeper shall sign a statement attesting that:

a. The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the subsequent twelve-month period, unless the owner or keeper shall cease to own or keep the vicious animal prior to expiration of such license;

b. The owner or keeper shall have a locked enclosure for the vicious animal on the property where the vicious animal will be kept or maintained. If the enclosure is open on the top, the sides of said enclosure shall be a minimum of seven (7) feet high;

c. The owner or keeper shall notify the licensing authority and the animal control officer within twenty-four hours if a vicious animal is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious animal has been sold or given away the owner or keeper shall also provide the licensing authority with the name, address and telephone number of the new owner of the vicious animal.

B. An animal control officer is empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter., and any such animal control officer is empowered to seize and impound any vicious animal whose owner or keeper fails to comply with the provisions hereof.

In the event that the owner or keeper of the animal refuses to surrender the animal to the animal control officer, the animal control officer may request a police officer to obtain a search warrant from the district court and to seize the animal upon execution of the warrant. (Ord. 87-4 § 4, 1987).

6.04.050 Running at large -- Citation in lieu of impoundment.

A. When an animal is found running at large in the city and its ownership is known or can be determined by the animal control officer, such animal may, but need not, be impounded. In the event the animal is not impounded, the owner of the animal may be issued a citation to appear in court and shall incur a civil fine of:

1. Fifty (50) dollars for the first infraction;
2. One Hundred (100) dollars for the second infraction;
3. One Hundred Fifty (150) dollars for the third infraction; and
4. fourth and subsequent offenses will require seizure of the animal and humane disposal, if necessary.

B. Fines for violation of this section may be waived if the owner of the animal at large informs the animal control officer that the animal is loose. (Ord. 88-2 § 1, 1988; Ord. 79-101 § 1 (part), 1979; prior code § 11.10.040(b)).

6.04.051 Penalties for Violations.

Unless specified otherwise in this chapter, violations of any provisions of this chapter shall be subject to the following penalties within any given twelve-month period:

- A. first offense - fifty dollars.
- B. second offense - one hundred dollars.
- C. third offense - one hundred and fifty dollars.
- D. fourth and subsequent offenses - seizure of animal and humane disposal, if necessary.

The owner shall be responsible for all fees, fines and costs, including collection procedures if pursued by the City.

6.04.055 Determination of a vicious animal.

In the event that the animal control officer or law enforcement officer has probable cause to believe that an animal is

vicious, the animal control officer or his or her immediate supervisor or the chief of police, or his designee, shall be empowered to convene a hearing for the purpose of determining whether or not the animal in question should be declared vicious. The animal control officer or chief of police shall conduct or cause to be conducted an investigation and shall notify the owner or keeper of the animal that a hearing will be held, at which time he or she may have the opportunity to present evidence why the animal should not be declared vicious. The hearing shall be held promptly within no less than five nor more than ten days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and shall be open to the public.

After the hearing, the owner or keeper of the animal shall be notified in writing of the determination. If a determination is made that the animal is vicious, the owner or keeper shall comply with the provisions of this chapter in accordance with a time schedule established by the animal control officer or chief of police, but in no case more than thirty days subsequent to the date of the determination.

The determination of the animal control officer or chief of police shall be final and conclusive upon all parties thereto. However, the animal control officer or any law enforcement officer shall have the right to declare an animal to be vicious for any subsequent actions of the animal.

In the event that the animal control officer or law enforcement officer has probable cause to believe that the animal in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer or law enforcement officer may seize and impound the animal pending the aforesaid hearing. The owner or keeper of the animal shall be liable to the city for the costs and expenses of keeping such animal. (Ord. 87-4 § 5, 1987).

6.04.060 Impoundment.

Dogs of any age, from puppy to mature dog, found running at large in the city, and having no indication of ownership, shall be taken up and impounded for not more than three (3) days and if unclaimed shall be disposed of in a humane manner or adopted out. A dog wearing a collar, dogtag, rabies vaccination tag or other means of identifying its owner shall be held three (3) days and a reasonable effort made to notify the owner that the dog has been impounded. After the three-day waiting period these dogs also may be disposed of in a humane manner. (Ord. 87-4 § 6, 1987; Ord. 79-101 § 1 (part), 1979; prior code § 11.10.040(a), (d)).

6.04.070 Redemption by owner -- Permitted when.

A. The owner shall be entitled to resume possession of any impounded dog, except as may hereinafter be provided, upon the owner's compliance with the dog license and rabies immunization provisions of this chapter and upon the payment of impoundment fees.

B. When in the judgment of the animal control officer or a licensed veterinarian, a dog should be destroyed for humane reasons, such dog may not be redeemed.

C. All dogs impounded as vicious dogs shall not be redeemed but shall be destroyed in a humane manner; except that no such dog shall be destroyed without the owner's consent except upon a judicial determination that the dog is vicious.

D. No dog may be redeemed from impoundment that is in any way showing symptoms of infectious or contagious disease, unless the dog is placed under the care of a licensed veterinarian. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.050).

6.04.080 Redemption by owner -- Fees.

Any animal impounded hereunder may be reclaimed as provided in this chapter upon payment by the owner to the animal control officer or his subordinates, the

penalties set out in 6.04.051 in the case of each animal having been properly licensed or vaccinated under this chapter, plus the additional sum of ten dollars for each day or part of a day such animal is kept. Second or subsequent impoundment of an animal shall require an enhanced fee as set out in 6.04.051 in addition to the impound fees listed above. Fifty percent of the fees of this section may be waived if the owner of the animal at large contacts the animal control officer prior to impound and informs the officer that the animal is loose. (Ord. 88-2 § 2, 1988; Ord. 79-101 § 1 (part), 1979; prior code § 11.10.060).

6.04.090 Adoption from pound.

A. The animal control officer may, at his discretion, require that a dog which has been impounded by reason of being a stray shall not be allowed to be adopted from the dog shelter, unless the prospective owner shall have such dog neutered.

B. All dogs being adopted from the pound must be licensed regardless of age, including puppies under six months of age. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.040(c), (f)).

6.04.100 Surrender of dogs by owner for disposal or adoption.

The animal control officer may accept dogs from their owners for humane disposal or adoption. The wishes of the owner as to disposal or adoption shall be followed and no dog delivered for disposal shall be released for adoption; however, adoption cannot be guaranteed. Animals so left with the animal control officer shall require payment of a fifty-dollar fee for one dog and a ten-dollar fee for each additional dog left at the same time. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.040(e)).

6.04.110 Recordkeeping duties.

A. It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of the

impoundment and disposition of all dogs coming into his custody.

B. It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed reports of all bite cases reported to him and his investigation of the same.

C. It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of the moneys received, which records shall be open to inspection at reasonable times by persons acting for the state of the city and having responsibility for the inspection of such records. All moneys collected by the animal control officer shall be turned over to the city clerk on the next working day of the city clerk. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.070).

6.04.120 Rabies control -- Bite reports -- Quarantine of biting dog.

Every dog which bites a person shall be promptly reported to the control officer. If in the opinion of the animal control officer the dog may have been exposed to rabies, or if the bitten person or his guardian shall request it, then the dog shall be quarantined for a period of ten days. In the discretion of the animal control officer, such quarantine may be on the premises of the owner or in the dog shelter at the owner's expense. In case of stray dogs or in case of dogs whose ownership is not known, such quarantine shall be at the dog shelter. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.090(a)).

6.04.130 Rabies control -- Surrender for quarantine -- Reclamation.

The owner, upon demand made by the animal control officer, shall forthwith surrender any animal which has bitten a human, and which is suspected of having been exposed to rabies, for supervised quarantine, and the dog may be reclaimed by the owner as specified in Section 6.04.070 when adjudged to be free of rabies. (Ord.

79-101 § 1 (part), 1979; prior code § 11.10.090(b)).

6.04.140 Rabies control -- Bite reporting by medical practitioners.

It shall be the duty of every physician or other practitioner of medicine to report to the animal control officer the names and addresses of persons treated for bites inflicted by dogs, together with such other information as will be helpful in rabies control. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.090(c)).

6.04.150 Rabies control -- Veterinary diagnosis.

A. It shall be the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any dog when observed by him as a rabies suspect.

B. When any dog has been diagnosed by a licensed veterinarian as being rabid, the control officer shall immediately notify the Alaska State Department of Health and Social Services. The animal control officer shall comply with orders and directions of the department with regard to the dog. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.090(d), (e)).

6.04.160 Rabies control -- City-wide quarantine.

A. When the examination gives a positive diagnosis, the city manager or his designee may impose quarantine for a period of thirty days. During such quarantine, no dog shall be permitted off the owner's premises or in the public streets, nor may any dog be taken or shipped from the quarantine area without the written permission of the animal control officer.

B. During such period of rabies quarantine as herein described, every dog bitten by an animal or dog adjudged to be rabid shall be forthwith destroyed. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.090(f), (g)).

6.04.170 Rabies control -- Extension of quarantine.

In the event there are additional positive cases of rabies occurring during the period of quarantine, the period of quarantine provided for in Section 6.04.160 may be extended for a period of up to an additional six months at the discretion of the city manager. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.090(h)).

6.04.180 Rabies control -- Precautionary regulations during quarantine.

Upon the recommendation of the animal control officer, the city manager may put into effect for the period of quarantine such other precautionary regulations as may be deemed necessary. Such precautionary regulations shall be made public by means of an intensive information campaign through local news media and other appropriate means. All such additional regulations must be approved at the next regular meeting of the city council. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.090(i)).

6.04.190 Rabies control -- Killing rabid dogs or animals.

No person shall kill or cause to be killed any rabid dog or animal biting a human, except in defense of life and limb or otherwise as herein provided, nor remove same from the area without written permission from the animal control officer. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.090(j)).

6.04.200 Rabies control -- Exposed carcasses -- Infected dogs and animals.

A. The carcass of any dead animal or dog exposed to rabies shall, upon demand, be surrendered to the animal control officer.

B. The animal control officer shall direct the disposition of any animal or dog found to be infected with rabies. (Ord. 79-

101 § 1 (part), 1979; prior code § 11.10.090(k)(l)).

6.04.210 Rabies control -- Surrender for quarantine or destruction.

No person shall fail or refuse to surrender any animal or dog for quarantine or destruction as required herein when demand is made therefor by the animal control officer. (Ord. 79-101 § 1 (part), 1979; prior code § 11.10.090(m)).

6.04.220 Immunization - Required.

A. No person owning or caring for a dog shall import or export such animal into or out of the city without proof that animal has been vaccinated for rabies at least seven days prior to importation to or export from the city.

B. Proof of vaccination shall be presented to all air carriers prior to shipment. Proof of vaccination shall be a receipt from a licensed veterinarian. The receipt and/or statement shall show date, address and name of person administering the vaccination.

C. Any animal not properly vaccinated or failure to furnish proof of vaccination shall not be allowed to deplane. The animal shall remain confined to the aircraft and will depart with the aircraft.

D. The animal control officer shall from time to time, and at least annually, hold a rabies immunization clinic. The clinic shall be held at such times and places as to encourage the widest participation. The cooperation of a licensed veterinarian will be sought in the conduct of the clinics. Fees to be charged may not exceed actual cost. (Ord. 81-3 (part), 1981; ord. 79-101 § 1 (part), 1979; prior code § 11.10.100).

6.04.230 Immunization -- False proof.

It is a misdemeanor for any veterinarian or other person to give, issue or transmit any purported proof, tag or certificate for rabies immunization not actually given to the dog for which proof, tag or certificate is given.

(Ord. 79-101 § 1 (part), 1979; prior code § 11.10.110).

6.04.240 Control of vicious animals.

All vicious animals shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious animal upon any premises which does not have a locked enclosure.

It shall be unlawful for any owner or keeper to allow any vicious animal to be outside of the dwelling of the owner or keeper or outside of the enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the vicious animal or to sell or give away the vicious animal or to comply with commands or directions of the animal control officer with respect to the vicious animal, or to comply with the provisions of this chapter. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious animal. (Ord. 87-4 § 7, 1987; Ord. 79-101 § 1 (part), 1979; prior code § 11.10.120).

6.04.260 Care and control of dogs.

A. Disease. No person shall knowingly own, harbor or keep any dog infected with a contagious or pestilent disease, unless confined and under the care of a licensed veterinarian.

B. Nuisance Behavior. No owner shall fail to exercise proper care and control of his dogs to prevent them from becoming a public nuisance. Excessive and continuous barking, chasing vehicles, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance.

C. Staking on Public Way. No person shall tie, stake or fasten any dog within any street, alley, sidewalk or public place within the city or in such manner that the dog has

access to any portion of any street, alley, sidewalk or public place therein.

D. Running at Large. No person owning or caring for a dog shall permit the dog to run at large. Any dog running at large, that the animal control officer cannot catch, shall be shot. (Ord. 87-4 § 8, 1987; Ord. 81-3 (part), 1981; Ord. 79-101 § 1 (part), 1979; prior code § 11.10.140(a)).

E. Violations of this section shall be subject to the penalties set out in section 6.04.051, above.

6.04.270 Cruelty and abandonment.

No person shall torment, poison, provoke, or otherwise abuse or kill an animal or cause or procure any of such acts to be done, or attempt the same, or abandon an animal where there is not a caretaker to assume the responsibility of proper food and water. Nothing in this section shall prohibit a person from capturing and holding a stray animal for delivery to its owner or the animal control officer, killing an animal in defense of person or property, or humanely destroying an animal owned by him. (Ord. 87-4 § 9, 1987; Ord. 79-101 § 1 (part), 1979; prior code § 11.10.140(b)).

6.04.280 Release from restraint.

No person shall, without the permission of the owner, release any animal from restraint except to preserve the animal's life. (Ord. 87-4 § 10, 1987; Ord. 79-101 § 1 (part), 1979; prior code § 11.10.140(c)).

**6.04.290 Interference with officer --
Breaking pound.**

No person shall interfere with, hinder or molest any animal control officer or police officer in the performance of any duty under this chapter, or seek to release any animal in the custody of such officer. (Ord. 87-4 § 11, 1987; Ord. 79-101 § 1 (part), 1979; prior code § 11.10.080).

6.04.295 Severability.

If any provision of this chapter, or application thereof to any person or circumstances, is held invalid, the validity of the remainder of the chapter and the application of such provisions to other persons and circumstances shall not be affected thereby. (Ord. 87-4 § 12, 1987).

6.04.300 Penalties for violations regarding vicious animals.

A. Any vicious animal:

1. Whose owner or keeper does not secure the liability insurance coverage required in accordance with Section 6.04.045(A)(1) of this chapter, or

2. Which is not maintained on property with an enclosure, or

3. Which shall be outside of the dwelling of the owner or keeper, or outside of any enclosure except as provided in Section 6.04.240, shall be confiscated by an animal control officer and destroyed in an expeditious and humane manner after the expiration of a five day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay all fees and fines required by this chapter.

B. If any vicious animal shall, when unprovoked, kill, wound or worry or assist in killing or wounding any animal the owner or keeper of said dog shall pay all fees and fines required by this chapter and the animal control officer is empowered to confiscate and, after the expiration of a three-day waiting period exclusive of Sundays and holidays, destroy said vicious animal. For each subsequent violation the owner or keeper of said animal shall pay all fees and fines required by this chapter.

C. If any vicious animal shall, when unprovoked, attack, assault, wound, bite or otherwise injury or kill a human being, the owner or keeper shall pay all fees and fines required by this chapter, an additional fine of One Thousand Dollars (\$1,000.00) and the animal shall be humanely destroyed by the animal control officer. No person shall

be charged under subsections A, B or C above, unless the animal, prior to the offense alleged, shall have been declared vicious pursuant to the provisions of this chapter.

D. If the owner or keeper of the animal violates any of the terms and conditions of Section 6.04.045(A)(3), said owner or keeper shall pay all fees and fines required by this chapter. (Ord. 87-4 § 13, 1987; Ord. 81-3 (part), 1981; Ord. 79-101 § (part), 1979; prior code § 11.10.140(d)).