

Al Barrette

24.05.070 RESTRAINT OF ANIMALS.

RC 039

(A) All animals shall be continuously under **restraint**. SEE DEFINITION

(B) Livestock animals which are generally kept in a herd, flock, or other grouping are subject to a single failure-to-restrain violation for the group.

(C) No person shall release, without permission of the owner, any animal from restraint, except to preserve the animal's life.

(D) Violation of any provision of this section is an infraction.

(E) No person shall have an animal within, on, or attached to a motor vehicle under conditions that may endanger the health, safety, or welfare of the animal. An animal carried in the bed of a truck or in any open vehicle shall be crated or restrained so it cannot fall, jump, or reach out from the vehicle.

(Ord. 15-002, § 2 (part), 2015; Ord. 04-103, § 3, 2004; Ord. 94-120AM, § 15, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.05.010 DEFINITIONS.Share

For the purposes of this title, the following definitions of terms used shall apply in all cases, unless otherwise stated:

- “Abandon an animal” means to leave an animal for an extended period of time without food, water, or shelter, or in conditions where the animal’s physical life, safety, or health is endangered. A rebuttable presumption of abandonment shall exist where an animal care and regulation officer receives no response in 24 hours after noticing the property where the animal is located.
- “Accidental bite” means a bite occurring under circumstances in which the animal was not acting aggressively.
- “Affirmative defense” means a defense to an alleged violation of borough code for which the burden is placed upon the defendant of establishing the defense by a preponderance of evidence.
- “Aggressive bite” means a bite that is accompanied by an attack.
- “Animal” means vertebrate domestic or domesticated members of the Animalia kingdom unless otherwise provided by this title.
- “Animal care and regulation office” means the agency having authority for enforcement of the animal care and regulation provisions of this title and of all animal shelters maintained at borough expense.
- “Animal care and regulation shelter” means any premises designated for the purpose of impounding and caring for animals impounded pursuant to this title.
- “Animal care manager” means the person appointed by the borough manager who has the responsibility for planning and directing animal care and regulation activities and through the chief animal care and regulation officer, enforcing the provisions of this title for the control of and care of animals within the borough.
- “Annoyance” means an actual unreasonable interference with the sleep, work, recreation, or reasonable right to peace, safety, or privacy of a person.

- “Livestock” includes, but is not limited to, domestic animals such as horses, cattle, sheep, goats, pigs, chickens, ducks, and other animals normally considered farm animals, whether kept for profit or not, as well as sled dogs housed at a licensed mushing facility, or sled dogs owned by the owner or licensee of a licensed mushing facility, whether kept for profit or not.
- “Mushing facility” means a facility in the borough where sled dogs are housed and maintained, which has been duly licensed by the borough as a mushing facility under MSB 24.07.040.
- “Neutered dog or cat” means any male dog or cat rendered incapable of reproduction by surgical operation.
- “Own” means to have, keep, possess, harbor, take care of, have custody of, or control over any animal for a period of 20 days.
- “Owner” means any person, group of persons, association, or corporation owning, keeping, taking care of, having custody of, having control over, or harboring any animal or animals for a period of 20 days or longer.
- “Physical injury” means an impairment of physical condition or pain that is accompanied by scrapes, cuts, punctures, or other evidence of similar injuries.
- “Provocation” means the teasing, tormenting, abusing, or assaulting of an animal to incite the animal to bite, attack, or cause an annoyance.
- Recklessly. A person acts recklessly with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of, and consciously disregards, a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which the person would have been aware had that person not been intoxicated acts recklessly with respect to that risk.
- “Restraint” means:

- (1) actual physical control such as a leash, harness, chain, tether, fence, or building; or
 - (2) **competent voice control** while actively engaged in an **organized activity**, which requires that an animal not be physically restrained, or **in a form of recognized hunting which requires the use of an animal such as a retriever**, or while actively mushing with or training sled dogs originating from a currently licensed mushing facility; or
 - (3) the condition of an animal when on the property of its owner, in visual contact with the owner, and obedient to the owner's command; or
 - (4) dogs harnessed and attached to a gangline in a dog team.
- **"Running-at-large"** means an animal is not under restraint.
 - "Sanitary" means free from parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of an animal.
 - "Secure enclosure" means any fully enclosed fenced pen, kennel, yard, or structure, which must include a roof, walls, and a floor, or buried wall footing. Approval for a secure enclosure shall be obtained from the chief animal care and regulation officer. The secure enclosure shall:
 - (1) be located so as not to interfere with public access to the owner's or custodian's property; and
 - (2) prevent:
 - (a) the accidental release of any animal confined in the enclosure;
 - (b) the confined animal from leaving the enclosure by its own efforts;
 - (c) unauthorized persons from gaining entry to the enclosure;