

November 10, 2021

Police Dept

City of Dillingham

RE: Ordinance 7.40 CARE and CONTROL OF ANIMALS

My name is Elizabeth Johnson, I live on 2901 Squaw Creek Road.

This is my formal written complaint after numerous verbal complaints given by my husband, Ron Johnson, regarding the neighbors dogs, (owners of Jerilyn Kropoff and daughter) that keep coming in our yard for the last 2 years. Just recently, the German shepherd dog, has been barking and chasing my small dog, Roxy, right on our property and am afraid he/she is going to hurt her someday. We have every right to have our dogs outside with us without the fear of the german Shepherd hurting her, chasing and barking at her. She is way smaller than the german shepherd.

Ron, my husband, has been reporting verbal complaints to the police station and to city of Dillingham and have talked to the animal control officer for about 2 years now, regarding our neighbors dogs.

I hope a warning is delivered to Jerilyn and daughter regarding the aggressive behavior the german shepherd has towards my little black dog, Roxy, right on my property/yard.

Just this morning the german shepherd was at the bottom of my steps and ran away when Ron was letting the dogs out.

We are always in control and demand and outside with our dogs when we let them out, multiple times a day.

All this started when my daughters dog, Zeek, started getting attacked by the 2 small dogs right on my driveway/yard about 2 years ago.

I do not want to see my small dog, Roxy, hurt by the dogs owned by our neighbors, on our property.

Enclosed is a copy of the city of Dillingham Animal Ordinance, Chapter 7.40 .

Thank you


Elizabeth Johnson

2901 Squaw Creek Road

(907)843-1156

Chapter 7.40
CARE AND CONTROL OF ANIMALS

Sections:

- 7.40.010 Humane care of animals.
- 7.40.020 Animal cruelty.
- 7.40.030 Restraint.
- 7.40.040 Animals creating disturbance or nuisance.
- 7.40.050 Aggressive animal determination.
- 7.40.060 Aggressive animal classifications and exceptions.
- 7.40.070 Regulation of classified animals.
- 7.40.080 Appeal of animal control officer determinations.

7.40.010 Humane care of animals.

A person who keeps an animal shall provide the animal:

- A. Sufficient wholesome and nutritious food which will keep the animal in healthy physical condition;
- B. Sufficient quantities of fresh water which meet the hydration requirements for the animal;
- C. Adequate shelter which provides adequate air and ventilation and which prevents the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions and dirty, wet and uncomfortable conditions which may endanger the health or welfare of the animal;
- D. Veterinary care when needed to treat the animal for sickness or disease or to prevent suffering of the animal;
- E. Sufficient exercise as needed by the animal; and
- F. Protection from acts of animal cruelty. (Ord. 18-07 § 2 (part), 2019.)

7.40.020 Animal cruelty.

A. The following constitute unlawful acts of animal cruelty:

- 1. Failure to provide humane care to an animal in the person's keep;
- 2. Wounding, injuring, tormenting, poisoning, provoking or otherwise physically abusing an animal; and
- 3. Killing, other than for humane purposes, or injuring any animal unless such act is lawful hunting or authorized by law.

B. A person who believes that cruelty to an animal has occurred may file a written complaint with the public safety department. (Ord. 18-07 § 2 (part), 2019.)

7.40.030 Restraint.

A. It is unlawful for the keeper of any animal to allow the animal in or on city property, sidewalks, downtown, parking lots, public paths, public streets or roads, and playground areas unless controlled by

leash or harness.

B. It is unlawful for the keeper of any animal to allow the animal outside the confines of the keeper's home or property and not under the direct physical control or command of the keeper unless the animal is securely restrained by means of chain, harness, or leash.

C. It is unlawful for any person, other than a peace officer or animal control officer in the performance of duties, to release an animal from restraint without the consent of the animal's keeper except to preserve the animal's life or prevent injury. (Ord. 18-07 § 2 (part), 2019.)

7.40.040 Animals creating disturbance or nuisance.

A. It is unlawful for the keeper of an animal to allow it to disturb the public health, safety, or peace by allowing the animal to make chronic animal noise.

1. The animal control officer or agent, upon receiving a complaint alleging chronic animal noise, shall investigate and, if necessary, issue a warning notice to the animal keeper.

2. If the violation continues, a citation may be issued as established in Section 1.20.040.

B. It is unlawful for the keeper of an animal to allow the animal to defecate without appropriate and immediate removal, to dig upon, injure or destroy public property, a public thoroughfare, or private property without the permission of the property owner.

C. It is unlawful for the keeper of an animal to allow the animal to upset, disturb, or place garbage on public or private property. (Ord. 18-07 § 2 (part), 2019; Ord. 19-04 § 2 (part), 2019.)

7.40.050 Aggressive animal determination.

A. Upon the occurrence of any animal behavior described in Section 7.40.060(A), the animal control officer may determine the animal is aggressive and classify the animal as specified in Section 7.40.060.

B. The animal control officer shall provide the keeper of a non-stray animal classified as aggressive written notice of the classification. Such notice shall advise the keeper of the following:

1. The essential facts supporting the officer's determination;

2. The relevant regulation of an animal so classified as set forth in Section 7.40.070;

3. That the animal will be impounded and/or quarantined immediately upon issuance of notice, if applicable;

4. The planned time of euthanization of the animal, if planned; and

5. The opportunity to be heard before the city manager, or the city manager's designee, should the animal's keeper wish to appeal the animal control officer's classification decision.

C. Appeal of the animal control officer's aggressive animal determination must be made in writing and received by the city manager's office within five business days of the date the animal's keeper receives notice of the animal's classification or, for a stray, within five business days of the officer's decision. The appeal shall be governed by Section 7.40.080. (Ord. 18-07 § 2 (part), 2019.)

7.40.060 Aggressive animal classifications and exceptions.

A. Classifications. Subject to subsection B of this section, an animal may be classified as aggressive based on the highest level behavior exhibited, with such levels described as follows:

1. Level one behavior is established if an unrestrained animal is found to growl, snap at, jump upon, or otherwise menace, injure, or frighten persons or other animals, chase, run after, or jump at vehicles or persons using the public thoroughfares, or otherwise threaten or endanger the safety of any person or domestic animal.

2. Level two behavior is established if an animal bites or causes physical injury to any domestic animal, or if an unrestrained animal kills any unrestrained domestic animal.

3. Level three behavior is established if any of the following occur, regardless of whether the animal is restrained:

a. An animal inflicts an aggressive bite or causes physical injury to any human;

b. An animal kills a domestic animal that is restrained; or

c. An animal for the second time injures or kills a domestic animal.

4. Level four behavior is established if any of the following occur:

a. An animal, regardless of whether it is restrained, causes serious physical injury or the death of any human;

b. An animal is used as a weapon in the commission of a crime; or

c. An animal previously classified as a level three, or as a potentially dangerous or vicious animal under a prior enactment of this code, behaves as described in subsection (A)(3) of this section after the keeper receives notice of the prior level three classification.

B. Exceptions to Classifications. Notwithstanding subsection A of this section, the animal control officer shall have discretion to refrain from classifying an animal as specified in subsection A of this section if the animal control officer determines that:

1. At the time of injury or damage, the victim was committing trespass with criminal intent on premises occupied by the keeper of the animal, the victim was teasing, tormenting, abusing, or assaulting the animal, its offspring, the keeper, or the victim was committing or attempting to commit a crime;

2. The animal was protecting or defending itself, its offspring, or a human within the immediate vicinity of the animal from an attack or assault while under control or confined;

3. The animal is trained to attack persons independently or upon oral command while under the restraint and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of the animal's duties;

4. The animal, with a current rabies vaccination, causes injury to the keeper, keeper's family, trainer or person caring for the animal, unless:

a. A complaint is received from the injured party;

b. The victim is a minor who is not involved in training or competing with the animal; or

c. The animal is unredeemable;

5. The decision not to classify reasonably serves and promotes justice, fairness, and the purposes and intent of this title, the protection of public health, safety and welfare, and the humane care and treatment of animals.

C. In addition to any other action or remedy authorized by this title or any other law, it is unlawful for the keeper of an animal to allow the animal to behave in a manner defined in subsection A of this section. The fines for behavior described in subsection A of this section are established in Section 1.20.040. (Ord. 18-07 § 2 (part), 2019; Ord. 19-04 § 2 (part), 2019.)

7.40.070 Regulation of classified animals.

In addition to other requirements of this title, the keeper of an animal classified as aggressive shall comply with the following classification requirements:

A. Level One. Animals classified as level one shall be restrained so the animal cannot reach any public sidewalk or adjoining property and located so as not to interfere with the public's access to the keeper's property whenever that animal is outside the keeper's home; provided, however, control by command shall not satisfy the requirements of this subsection.

B. Level Two. Animals classified as level two shall be confined in a location which may include a secure enclosure or under control by leash only.

C. Level Three. Animals classified as level three shall at all times be confined in a locked, secure enclosure or under control by a substantial leash or chain not to exceed six feet in length, and under the control of a competent adult who is familiar with and in control of the animal. The requirement of control is not satisfied by an electronic collar or electronic fence. Animals classified as level three shall also be muzzled when not on the keeper's property. It is a violation of this subsection to breed, sell, exchange or abandon an animal classified as level three, except as specifically provided in this chapter.

D. Level Four. Animals classified as level four shall be euthanized in accordance to Section 7.30.060(B). In addition, the animal control officer may suspend for a period the keeper's right to be the keeper of any animal in the city, including animals currently kept by that person.

1. The animal shall be euthanized by the animal control officer or agent not less than three business days after providing actual written notice to the keeper of the animal, by hand delivery to the keeper, or by posting at the last known residence of the keeper.

2. The keeper of an animal classified as level four has the option to have such animal euthanized by someone of their choosing (i.e., veterinarian, close acquaintance, etc.), providing proof of date, time, and location to animal control officer or agent of the euthanasia.

E. In addition to any other action or remedy authorized by this title or any other law, it is unlawful for the keeper of an animal classified as aggressive to fail to restrain or confine the animal as required by this section. (Ord. 18-07 § 2 (part), 2019.)

7.40.080 Appeal of animal control officer determinations.

A. The issues to be considered at the hearing on an appeal of a decision made under Section 7.30.040 shall be limited to whether the preponderance of the evidence supports the animal control officer's decision to not release the animal for a reason stated in Section 7.30.040(B).

B. The issues to be considered at the appeal hearing of an aggressive animal determination under Section 7.40.050 shall be limited to whether the preponderance of the evidence shows that the animal

acted in a manner described in Section 7.40.060(A) and if any factor described in Section 7.40.060(B) should result in a lower categorization of the animal.

C. The issues to be considered at the appeal hearing of a denied kennel permit shall be limited to whether the preponderance of the evidence shows that the kennel constitutes or would constitute a public nuisance or threat to public safety, that humane care of each animal is not or would not be provided, or if the applicant or permittee is responsible for violation of this title.

D. The city manager shall issue a written decision to be delivered within five business days of the appeal hearing.

E. Appeal of the written decision of the city manager shall be to the Superior Court for the Third Judicial District in Dillingham and shall be brought within thirty days of the manager's decision. Hearing before the superior court is an administrative appeal heard solely on the record established before the city manager and the city shall be entitled to recover its costs and reasonable attorney's fees if it is the prevailing party. No enforcement action authorized by this chapter shall be stayed during the time to appeal or the pendency of the appeal unless ordered by the court.

F. An animal's keeper may prevent an animal's adoption or euthanasia under Section 7.30.060(A)(3) by:

1. Petitioning the Superior Court for the Third Judicial District in Dillingham for the animal's immediate return, subject, if appropriate, to court-imposed conditions; or

2. Posting a bond or security with the city of Dillingham in an amount determined by the city manager to be sufficient to provide for the animal's care for a minimum of thirty days from the date the animal was removed.

3. If the animal control officer still has custody of the animal when the bond or security posted expires and the court has not ordered an alternative disposition, the animal becomes the city's personal property. If the court has not allowed the city to adopt out the animal and the city continues to care for the animal, the keeper of the animal shall post a bond or otherwise pay in advance for the city's continuing costs of care for the animal until a final decision is made by the trial court.

G. During any appeal process, it is unlawful to breed, sell, exchange or abandon an animal classified as level four or allow it to reside in any household containing animals. (Ord. 18-07 § 2 (part), 2019; Ord. 19-04 § 2 (part), 2019.)

Mobile Version