



Grateful Dogs of Juneau

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February 16, 2015

TO: Carl Uchytel
CBJ Port Director

SUBJECT: Harbor Code of Conduct

Thank you for the opportunity to comment on the February 12, 2015 version of the proposed "Harbor Code of Conduct".

Grateful Dogs of Juneau recognizes the significant, beneficial role that a code of conduct can play in establishing best practices/standards of behavior that promote a respectful and harmonious social environment in the community. Grateful Dogs would endorse an aspirational code of conduct for harbor patrons that establishes guidelines for conduct above and beyond the social minimums established by state and municipal criminal statutes and regulations.

The latest "code of conduct" document is unfocused as to what it is trying to achieve. Primarily the document sets out offenses for which a person may be banished or barred from municipal docks and harbors. It also sets out an additional requirement that pets living aboard boats in the harbors be registered. Lastly, the document contains some standards of behavior for harbor patrons that might be considered as part of a code of conduct.

Also, the document is unclear as to whether it is intended as a policy statement or as a proposed regulation.

PET OWNERS CODE OF CODUCT

ONE: The pet registration requirement described in the first sentence under "**Pet Owners:**" is not appropriate for a "code of conduct." The pet registration requirement is a regulatory mandate that should be included in a regulatory

document. The requirement imposes a duty on pet owners living in the harbor. It does not establish a guideline for behavior of harbor patrons.

TWO: The second sentence of the section relating to pet owners implies that elements of the “pet owner code of conduct” would be enforceable and subject to penalties set out in the CBJ Animal Control Code. **CBJ Ord. 08**. This assertion is a misstatement of the role that CBJ Animal Control Code would have in enforcing the proposed pet owners code of conduct set out in paragraphs (1) – (5). CBJ Animal Control, which is the agency responsible for enforcing the CBJ Animal Control Code, will not and cannot enforce most of provisions of the pet owners code of conduct contained in paragraphs (1) – (5), because it lacks the legal authority to enforce those provisions.

PARAGRAPH (1): Animal Control enforces the CBJ Ordinance that requires most (not all) dogs in the municipality to have a CBJ dog license.

Animal Control does not have authority to enforce a requirement that dog owners provide Docks & Harbors with proof that the dog is licensed.

PARAGRAPH (2): As stated above in regard to providing proof of licensure, Animal Control has no authority to compel a pet owner to provide Docks & Harbors with proof of rabies vaccination.

PARAGRAPH (3): Animal Control has the authority to enforce an on-leash requirement for dogs on “All City and Borough floats, docks, and municipal wharfs.” **CBJ Ordinance 08.40.020(b)**.

If “fingers and moorings” are different from “floats, docks, and municipal wharfs,” Animal Control will not be able to enforce an on-leash requirement in those areas. Likewise, any on-leash requirement on “Docks and Harbors property” other than “floats, docks, and municipal wharfs” is not enforceable by Animal Control.

PARAGRAPH (4): The CBJ ordinance requiring dog owners to pick up after their dogs applies only to areas within the borough where dogs are required to be on-leash by municipal ordinance. **See, CBJ Ordinance**

08.40.040. Thus Animal Control may only enforce a poop pick up requirement on the “floats, docks, and municipal wharfs” referenced under PARAGRAPH (3). Animal Control has no authority to enforce a poop pick up requirement on “parking areas, and all adjacent CBJ Docks & Harbors properties.”

Similarly, Animal Control can only enforce the use “of waste bags or other waste removal products” in those areas where dogs are required to be on-leash by CBJ ordinance. In areas where dogs are not required to be on-leash, such as those areas outside of “City and Borough floats, docks, and municipal wharfs,” Animal Control does not have the authority to require that a person carry waste bags.

PARAGRAPH (5): This paragraph is ambiguous and vague to be enforceable. What is meant by “properly confined?” It not clear whether this paragraph refers to preventing animal cruelty, to preventing dogs from running at-large in dock and harbor areas, or to ensuring that dogs are properly housed and fed.

THREE: Paragraph (1) of the pet owner’s “code of conduct” states that “Unlicensed dogs shall not reside within the CBJ Docks & Harbors system at any time.” Not all dogs present in the municipality are required to be licensed. Dogs less than 6 months of age are not required to be licensed. Dogs belonging to nonresidents of Juneau are exempt from licensure in the municipality if the dogs are present in the municipality for less than 30 days. Furthermore, dogs owned by a non-resident are exempt from licensure for 130 days if the dogs are licensed in another municipality. **CBJ Ord. 08.15.010(a) and 08.15.020.** Since CBJ specifically allows certain dogs to be present within the municipality without being licensed, those dogs cannot be required to be licensed as a condition for residing in the harbors.

FOUR: In order to obtain a dog license in Juneau, a dog owner must present proof of rabies vaccination to Animal Control. It is unnecessary for Docks & Harbors staff to require proof of rabies vaccination if the dog owner is already

required to show that the dog is licensed in Juneau. Once a dog owner has shown proof that the dog is licensed in Juneau, the owner has already shown that the dog is vaccinated against rabies. **CBJ Ord. 08.15.010(b)**.

FIVE: The enforcement of canine licensing and rabies vaccination requirements is outside the scope of the powers and duties of the Docks & Harbors Department. Docks & Harbors should not interject itself into those matters which are outside of its traditional responsibilities, unless otherwise required by CBJ ordinance. Docks & Harbors has a legitimate interest in identifying those dogs that are living within the harbors. A canine license number can be a useful means of identifying a dog. A dog owner could provide a canine license number as one way of identifying a dog for purposes of registration with Docks & Harbors, but it is outside of the scope of authority of Docks & Harbors to require that a dog be licensed in order to reside in the harbor.

SIX: Grateful Dogs of Juneau proposes that Docks & Harbors adopt an aspirational code of conduct for pet owners containing provisions such as the following:

DOCKS AND HARBORS CODE OF CONDUCT FOR PET OWNERS

- (1) All users of CBJ docks and harbors properties, including floats, docks, and municipal wharfs, fingers, moorings, boat launches, parking lots and the adjacent upland docks and harbors properties, will clean up after their pets when present on CBJ docks and harbor properties and on property adjoining CBJ docks and harbor properties;*
- (2) All users of CBJ docks and harbor properties will keep their dogs on-leash when on CBJ floats, docks, municipal wharfs, fingers, and moorings;*
- (3) All users of CBJ docks and harbor properties who are accompanied by pets will be respectful of other users who may be afraid of or uncomfortable with pets;*
- (4) Persons living with pets aboard boats in the harbor will not let their pets infringe on the rights of other users of CBJ docks and harbor properties;*

- (5) Persons living with pets aboard boats in the harbor will inform the harbor master of the number, species, gender, and other identifying characteristics of the pets on board the boat so that harbor personnel are aware that pets are onboard the vessel in the event of an emergency or in the event that a pet is at-large on docks and harbor properties;*
- (6) Persons living with pets aboard boats in the harbor are responsible for their pets' safety, health, and quality of life.*

WHO WE ARE AND WHY WE CARE. Grateful Dogs of Juneau, Inc. is a Juneau nonprofit member organization whose goal is to promote maximum access to public lands and facilities in Juneau by dog owners and the dogs that accompany them. As just one of the many user groups of Juneau public facilities, we recognize that we must share them with other users and be good neighbors. For our part, being a good neighbor entails, at a minimum, keeping our dogs under control and cleaning up after our dogs.

In attempting to maximize access to public facilities, dog owners encounter resistance because dog owners are perceived by a portion of the local population as being inconsiderate of the non-dog owning members of the community. Though this view of dog owners is due in part to the behavior of untrained dogs and unskilled dog owners, the most important and most wide spread cause of dissatisfaction with dog owners arises from the fact that some dog owners through carelessness, ignorance, or blatant disregard for others do not pick up after their dogs. It takes only a few inconsiderate dog owners to nullify the good behavior of the vast majority of dog owners who are truly responsible dog owners. To overcome this unfavorable impression caused by inconsiderate dog owners, the Grateful Dogs of Juneau seeks to educate dog owners about the importance of cleaning up after their dogs and to provide examples of responsible dog ownership through organized poop scoops and our personal behavior when we are out in public with our dogs.

Grateful Dogs of Juneau has cooperated on dog-related issues in the community with CBJ Parks and Recreation, Juneau International Airport, Juneau School District, Juneau Municipal Assembly, Juneau Office of the Alaska Department of Fish and Game, and the staff of the USFS Mendenhall Glacier Recreation Area.

Grateful Dogs of Juneau appreciates the opportunity to comment on a code of conduct for pet owners in Juneau harbor areas. We look forward to continuing to participate in this process and in other canine related matters affecting the Juneau harbors.

Sincerely,

/s/

George Utermohle
President
Grateful Dogs of Juneau, Inc.