ANIMAL CONTROL COMMISSION WORK SESSION AGENDA
January 3, 2022 at 6:00 p.m.
This meeting will be held at or hosted from the
Mona Lisa Drexler Assembly Chambers
Juanita Helms Administration Center
907 Terminal Street, Fairbanks, AK

This meeting will be conducted in-person and by zoom or zoom-only with consideration given to the Borough Operational Status and if the Juanita Helms Administration Center is otherwise open to the public. Please visit https://www.fnsb.gov/406/Boards-Commissions or contact the Borough Clerk’s Office (907) 459-1401.

A. CALL TO ORDER
B. ROLL CALL
C. WORK SESSION
   C.1. Review and receive suggestions from stakeholders on defeated Ordinance No. 2021-15 on changes to Title 22 to improve the ability for Animal Control staff to determine legal ownership of animals, promote registration and improve the public process as requested by FNSB Mayor Ward.
   Documents:
   Memo From Mayor Ward.pdf
   Defeated Ordinance No. 2021-15.pdf
   C.1.a. Public suggestions - each person’s comments limited to 3 minutes
   C.1.b. Animal shelter staff suggestions
   C.1.c. Commissioners’ suggestions
D. ADJOURNMENT
E. AUDIO FILES - ANIMAL CONTROL COMMISSION WORK SESSION
   01-03-2022 Audio Track 1 (MP3)
F. ACTION MEMO - ANIMAL CONTROL COMMISSION WORK SESSION
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Animal shelter staff suggestions
Commissioners' suggestions

ADJOURNMENT

Documents:
01_03_2022_ACCWS_ACTION MEMO.pdf
TO: Fairbanks North Star Borough Animal Control Commission

FROM: Bryce Ward, Mayor

DATE: October 7, 2021

SUBJECT: Recommendations on changes to Title 22

Vice Chair Swan,

I am requesting the Animal Control Commission review defeated ordinance 21-15 and make suggestions to the Administration on changes that could be made to improve the operations of the Animal Control Facility. I am interested in changes to Title 22 to improve the ability for Animal Control staff to determine legal ownership of animals, promote registration and improve the public process.

From your recommendations, I would like to draft an ordinance to be considered by the assembly. Please also consider the testimony given on ordinance 21-15 and how any changes may positively or negatively impact our non-profit shelters within the community. I look forward to seeing your recommendations.
AN ORDINANCE AMENDING FNSBC TITLE 22, ANIMALS, AND FNSBC 1.20.070(E), FINE SCHEDULE, INCLUDING ADDING A DEFINITION FOR ANIMAL FACILITIES, CLARIFYING RESPONSIBILITIES OF CARETAKERS, REQUIRING PROOF OF IMMUNIZATION AND REGISTRATION IN CERTAIN CIRCUMSTANCES, REMOVING MANDATORY WARNINGS, ADDING AN ANIMAL OWNERSHIP SECTION, AND OTHER RELATED CHANGES

WHEREAS, Animal facilities often provide animal sheltering and adoption services, and function similar to the animal shelter; and

WHEREAS, The Fairbanks North Star Borough does not license animals or facilities, but has the powers to license, impound, and dispose of animals and to prevent animal cruelty; and

WHEREAS, Having requirements to ensure that animals are properly immunized and cared for, and putting the responsibility for an animal on a caretaker in addition to an owner, will assist in ensuring a proper environment for facilities that house multiple animals; and

WHEREAS, Other related changes to Title 22 will address community concerns that have been expressed regarding investigation and enforcement of code.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
Section 2. FNSBC 22.04.010, Definitions, shall be amended as follows [the Clerk shall add the definition in alphabetical order]:

"Animal facility" means any premises used for keeping six or more dogs or cats over the age of four months that were unwanted, abandoned, or surrendered, whether for profit or not.

"Owner" means any person over the age of majority[, PARTNERSHIP, OR CORPORATION] owning, keeping, or harboring one or more animals[, AND WITH THE ABILITY TO PROVIDE PROOF OF OWNERSHIP]. An animal shall be deemed harbored if it is fed or sheltered for three days or more.

["PROOF OF OWNERSHIP" MEANS UNDISPUTABLE EVIDENCE OF OWNERSHIP OF ANIMAL; EXAMPLES INCLUDE BUT ARE NOT LIMITED TO REGISTERED MICROCHIP, HISTORICAL PHOTOS OF THE ANIMAL, RABIES CERTIFICATE, VETERINARY RECORDS, PEDIGREE, BILL OF SALE OR ADOPTION CONTRACT.]

Section 3. Subsection A of FNSBC 22.16.050, Redemption, is hereby amended as follows:

A. Upon providing proof of ownership, [T]he most recent owner [ON RECORD] may resume possession of their impounded animal except as may be provided in this title and if the animal has not already been adopted. The most recent owner [ON RECORD] may only redeem their animal after paying all related fees and may not adopt the animal.

Section 4. A new section FNSBC 22.16.080, Animal ownership, is hereby added as follows:

A. A person will be deemed the presumptive owner of an animal under this title if available records establish proof of ownership. Records that establish proof of ownership include, but are not limited to:

1. A voluntary pet registration on record with animal control;
2. A registered microchip showing the animal’s and person’s current information;
3. Veterinary records showing the person has obtained care for the animal;
4. An identification tag on the animal with the person’s current contact information;
5. Purchase or adoption contracts with sufficient information to determine the animal’s identity and date ownership began;
6. Receipts for veterinary or other care indicating the person is the primary financial caretaker for the animal;
7. AKC or other registration paperwork that reflects the person’s ownership information.

B. A person that operates as an animal facility and accepts a dog or cat into their possession for the purpose of caring for or selling or adopting the animal to another must contact animal control and register the animal.
Section 5. Subsection A of FNSBC 22.24.020, Duty to Report, is hereby amended as follows:

A. It shall be the duty of every person who is bitten by an animal or the owner or caretaker of an animal that has bitten a person resulting in a break to the skin to report the incident to animal control.

Section 6. FNSBC 22.24.060, Vaccination, is hereby amended as follows:

A. No person shall own, keep or harbor a dog, cat or ferret over four months of age within the borough unless such animal is properly immunized against rabies in accordance with the initial and booster vaccination schedules as recommended in the Compendium of Animal Rabies Prevention and Control, 2016.

B. Animal control shall, at least annually, hold a rabies vaccination clinic. The clinic shall be held at such times and places as to encourage the widest participation. Fees to be charged may not exceed cost plus 10 percent.

C. It is unlawful for a person to issue, transfer or forge a certificate for a rabies vaccination or rabies tag when no vaccination has been administered.

D. The owner or caretaker of an animal required to be properly immunized against rabies by this code or other applicable law shall provide proof of vaccination upon request by animal control when the animal has been involved in an animal bite incident, is reported to act in a threatening or hostile manner, is running at large, is at a dog park, is accepted by an animal facility, or has been impounded. Failure to provide proof of rabies immunization to animal control within two business days is a violation.

E. All animals released from the animal shelter, whether by virtue of redemption, adoption, release from protective custody, or otherwise shall be vaccinated against rabies.

F. An adoptive owner of an animal without a current rabies vaccine shall pay, at the time of the adoption, the current fee for a rabies vaccination.

G. For all other animals, if the owner cannot provide proof of current rabies vaccination at the time of redemption, the owner shall pay the current fee for a rabies vaccination plus a fee for expired rabies vaccination.

H. Proof of proper immunization must be provided to a new owner prior to any person transferring ownership of an animal from an animal facility.

Section 7. FNSBC 22.28.010, Proper restraint of animals, is hereby amended as follows:

A. No person shall fail to properly restrain an animal in their care to prevent it from running at large.

B. No person shall tie, stake or fasten any animal within any street, alley, sidewalk or public place within the borough or in such a manner that the animal can impede or hinder the safe use by the public of such street, alley, sidewalk or public place.

C. Every female dog or cat in heat shall be kept confined in such a manner that such female animal cannot come in contact with a male animal except for planned breeding purposes.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
Section 8. FNSBC 22.28.020, Animal Waste, is hereby amended as follows:

No [DOG OR CAT OWNER] person shall fail to remove the excreta deposited by [their]a dog or cat in their care on public areas, recreation areas or on any other person’s property.

Section 9. FNSBC 22.28.030, Harboring annoyed or diseased animals, is hereby amended as follows:

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

B. No person shall fail to exercise proper care and control of [THEIR ANIMAL] an animal in their care to prevent it from becoming a public nuisance.

C. NO PERSON SHALL TIE, STAKE OR FASTEN ANY ANIMAL WITHIN ANY STREET, ALLEY, SIDEWALK OR PUBLIC PLACE WITHIN THE BOROUGH OR IN SUCH A MANNER THAT THE ANIMAL CAN IMPEDE OR HINDER THE SAFE USE BY THE PUBLIC OF SUCH STREET, ALLEY, SIDEWALK OR PUBLIC PLACE.

D. EVERY FEMALE DOG OR CAT IN HEAT SHALL BE KEPT CONFINED IN SUCH A MANNER THAT SUCH FEMALE ANIMAL CANNOT COME IN CONTACT WITH A MALE ANIMAL EXCEPT FOR PLANNED BREEDING PURPOSES.

Section 10. Subsections A and B of FNSBC 22.28.040, Cruelty/failure to provide humane care, are hereby amended as follows:

A. A person commits the violation of cruelty to animals if the person:

1. Places a poisonous substance where an animal could reasonably ingest the substance, and the substance was placed with intent to harass, torture, injure or kill an animal; or

2. Intentionally encourages an animal to fight with another animal for sport, training or entertainment; or

3. Intentionally abandons, harasses, tortures, injures or kills an animal; or

4. Intentionally fails to provide [THAT PERSON’S] an animal in their care with adequate food, water, shelter or veterinary care[, TO PREVENT PHYSICAL SUFFERING] which endangers the health or welfare of an animal.

B. A person commits the violation of failure to provide humane care if [THE PERSON] they endanger the health or welfare of an animal by negligently [FAILS] failing to provide [THAT PERSON’S] an animal in their care with adequate food, water, shelter or veterinary care[, TO PREVENT PHYSICAL SUFFERING].
Section 11. Subsection E of FNSBC 1.20.070, Minor offense fine schedule, is hereby amended as follows [the Clerk shall add the fines in order]:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Offense</th>
<th>Penalty/Fine</th>
<th>Mandatory Warning Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.16.080(B)</td>
<td>Failure to contact animal control and register animal.</td>
<td>$100.00</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>1st offense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.16.080(B)</td>
<td>Failure to contact animal control and register animal.</td>
<td>$200.00</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>2nd offense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.16.080(B)</td>
<td>Failure to contact animal control and register animal.</td>
<td>$300.00</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>3rd or subsequent offense within a five-year period</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.24.060(H)</td>
<td>Failure to provide proof of proper immunization.</td>
<td>$100.00</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>1st offense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.24.060(H)</td>
<td>Failure to provide proof of proper immunization.</td>
<td>$200.00</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>2nd offense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.24.060(H)</td>
<td>Failure to provide proof of proper immunization.</td>
<td>$300.00</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>3rd or subsequent offense within a five-year period</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.28.010(A)</td>
<td>Failure to properly restrain animal to prevent running at large.</td>
<td>$100.00</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>1st offense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.28.010(A)</td>
<td>Failure to properly restrain animal to prevent running at large.</td>
<td>$200.00</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>2nd offense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.28.010(A)</td>
<td>Failure to properly restrain animal to prevent running at large.</td>
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<td>No</td>
</tr>
<tr>
<td></td>
<td>3rd or subsequent offense within a five-year period</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Text to be added is underlined
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<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
<th>Violation Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.28.030(C) 22.28.010(B)</td>
<td>Tying, staking or fastening animal within street, alley, sidewalk or public place. 1st offense</td>
<td>$100.00</td>
<td>No</td>
</tr>
<tr>
<td>22.28.030(C) 22.28.010(B)</td>
<td>Tying, staking or fastening animal within street, alley, sidewalk or public place. 2nd offense</td>
<td>$200.00</td>
<td>No</td>
</tr>
<tr>
<td>22.28.030(C) 22.28.010(B)</td>
<td>Tying, staking or fastening animal within street, alley, sidewalk or public place. 3rd or subsequent offense within a five-year period</td>
<td>$300.00</td>
<td>No</td>
</tr>
<tr>
<td>22.28.030(D) 22.28.010(C)</td>
<td>Failure to confine female dog or cat in heat. 1st offense</td>
<td>$100.00</td>
<td>No</td>
</tr>
<tr>
<td>22.28.030(D) 22.28.010(C)</td>
<td>Failure to confine female dog or cat in heat. 2nd offense</td>
<td>$200.00</td>
<td>No</td>
</tr>
<tr>
<td>22.28.030(D) 22.28.010(C)</td>
<td>Failure to confine female dog or cat in heat. 3rd or subsequent offense within a five-year period</td>
<td>$300.00</td>
<td>No</td>
</tr>
<tr>
<td>22.28.040(B)</td>
<td>Failure to provide humane care. 1st offense</td>
<td>$100.00</td>
<td>[YES]No</td>
</tr>
</tbody>
</table>

Section 12. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.
ADOPTED THE _____ DAY OF _________ 2021.

[DEFEATED]

__________________________
Mindy O'Neill
Presiding Officer

ATTEST:

__________________________
April Trickey, CMC
Borough Clerk
MEMORANDUM

TO: Bryce J. Ward, Mayor, Fairbanks North Star Borough

THROUGH: April Trickey, MMC, Borough Clerk

FROM: Cullen Mahaffey, Administrative Assistant III

DATE: January 5, 2022

SUBJECT: ACTION OF THE ANIMAL CONTROL COMMISSION WORK SESSION OF JANUARY 3, 2022

Work Session Convened at 6:01 p.m./Adjourned at 7:00 p.m.

Members Present:
Ronnie Rosenberg
Jamie Marschner
Joshua Church
Gail Gardner
Mary Ann Fortune
Thomas Swan, Vice-Chair

Members Excused:
None

The following action was taken at the above-referenced work session:

WORK SESSION

Review and receive suggestions from stakeholders on defeated Ordinance No. 2021-15 on changes to Title 22 to improve the ability for Animal Control staff to determine legal ownership of animals, promote registration and improve the public process as requested by FNSB Mayor Ward.

-No public suggestions provided. Animal shelter staff and commissioners discussed microchipping, penalties, incentives, the current process for determining legal ownership, the shelter’s maximum capacity, the influx of rabbits, chickens and roosters, photo identification along with a signed sworn statement, licensing and outcomes when legal ownership cannot be determined and violations.