

1 **REVISED FOR INTRODUCTION**

2 By: Jimi Cash
3 Referred to the Animal Control
4 Commission: March 25, 2021
5 Introduced: July 22, 2021

6 FAIRBANKS NORTH STAR BOROUGH

7
8 ORDINANCE NO. 2021 – 15

9
10 AN ORDINANCE AMENDING FNSBC
11 TITLE 22, ANIMALS, AND FNSBC 1.20.070(E), FINE SCHEDULE, INCLUDING ADDING A
12 DEFINITION FOR ANIMAL FACILITIES, CLARIFYING RESPONSIBILITIES OF
13 CARETAKERS, REQUIRING PROOF OF IMMUNIZATION AND REGISTRATION IN
14 CERTAIN CIRCUMSTANCES, REMOVING MANDATORY WARNINGS, ADDING AN ANIMAL
15 OWNERSHIP SECTION, AND OTHER RELATED CHANGES
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17 WHEREAS, Animal facilities often provide animal sheltering and adoption
18 services, and function similar to the animal shelter; and

19
20 WHEREAS, The Fairbanks North Star Borough does not license animals or
21 facilities, but has the powers to license, impound, and dispose of animals and to prevent
22 animal cruelty; and

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

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

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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZED]

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

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 AN 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]the 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:

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

64 1. A voluntary pet registration on record with animal control;

65 2. A registered microchip showing the animal's and person's current
66 information;

67 3. Veterinary records showing the person has obtained care for the animal;

68 4. An identification tag on the animal with the person's current contact
69 information;

70 5. Purchase or adoption contracts with sufficient information to determine the
71 animal's identity and date ownership began;

72 6. Receipts for veterinary or other care indicating the person is the primary
73 financial caretaker for the animal;

74 7. AKC or other registration paperwork that reflects the person's ownership
75 information.

76 B. A person that operates as an animal facility and accepts a dog or cat into their
77 possession for the purpose of caring for or selling or adopting the animal to another must
78 contact animal control and register the animal, including providing proof of rabies
79 vaccination, within two business days after receipt.

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81 Section 5. Subsection A of FNSBC 22.24.020, Duty to Report, is hereby
82 amended as follows:

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

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

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- 88 A. No person shall own, keep or harbor a dog, cat or ferret over four months of age
89 within the borough unless such animal is properly immunized against rabies in accordance
90 with the initial and booster vaccination schedules as recommended in the Compendium
91 of Animal Rabies Prevention and Control, 2016.
- 92 B. Animal control shall, at least annually, hold a rabies vaccination clinic. The clinic
93 shall be held at such times and places as to encourage the widest participation. Fees to
94 be charged may not exceed cost plus 10 percent.
- 95 C. It is unlawful for a person to issue, transfer or forge a certificate for a rabies
96 vaccination or rabies tag when no vaccination has been administered.
- 97 D. The owner or caretaker of an animal required to be properly immunized against
98 rabies by this code or other applicable law shall provide proof of vaccination upon request
99 by animal control when the animal has been involved in an animal bite incident, is
100 reported to act in a threatening or hostile manner, is running at large, is at a dog park,
101 is accepted by an animal facility, or has been impounded. Failure to provide proof of
102 rabies immunization to animal control within two business days is a violation.
- 103 E. All animals released from the animal shelter, whether by virtue of redemption,
104 adoption, release from protective custody, or otherwise shall be vaccinated against rabies.
- 105 F. An adoptive owner of an animal without a current rabies vaccine shall pay, at the
106 time of the adoption, the current fee for a rabies vaccination.
- 107 G. For all other animals, if the owner cannot provide proof of current rabies
108 vaccination at the time of redemption, the owner shall pay the current fee for a rabies
109 vaccination plus a fee for expired rabies vaccination.
- 110 H. Proof of proper immunization must be provided to a new owner prior to any person
111 transferring ownership of an animal from an animal facility.

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

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115 A. No [OWNER OR CARETAKER]person shall fail to properly restrain [THEIR
116 ANIMAL]an animal in their care to prevent it from running at large.

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

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

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124 Section 8. FNSBC 22.28.020, Animal Waste, is hereby amended as follows:

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

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

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

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

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

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

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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*]:

Code Section	Offense	Penalty/Fine	Mandatory Warning Required
<u>22.16.080(B)</u>	<u>Failure to contact animal control and register animal.</u> <u>1st offense</u>	<u>\$100.00</u>	<u>No</u>
<u>22.16.080(B)</u>	<u>Failure to contact animal control and register animal.</u> <u>2nd offense</u>	<u>\$200.00</u>	<u>No</u>

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<u>22.16.080(B)</u>	<u>Failure to contact animal control and register animal.</u> <u>3rd or subsequent offense within a five-year period</u>	<u>\$300.00</u>	<u>No</u>
<u>22.24.060(H)</u>	<u>Failure to provide proof of proper immunization.</u> <u>1st offense</u>	<u>\$100.00</u>	<u>Yes</u>
<u>22.24.060(H)</u>	<u>Failure to provide proof of proper immunization.</u> <u>2nd offense</u>	<u>\$200.00</u>	<u>No</u>
<u>22.24.060(H)</u>	<u>Failure to provide proof of proper immunization.</u> <u>3rd or subsequent offense within a five-year period</u>	<u>\$300.00</u>	<u>No</u>
<u>22.28.010(A)</u>	Failure to properly restrain animal to prevent running at large. 1st offense	\$100.00	No
<u>22.28.010(A)</u>	Failure to properly restrain animal to prevent running at large. 2nd offense	\$200.00	No
<u>22.28.010(A)</u>	Failure to properly restrain animal to prevent running at large. 3rd or subsequent offense within a five-year period	\$300.00	No
[<u>22.28.030(C)</u>] <u>22.28.010(B)</u>	Tying, staking or fastening animal within street, alley, sidewalk or public place. 1st offense	\$100.00	No

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[22.28.030(C)] <u>22.28.010(B)</u>	Tying, staking or fastening animal within street, alley, sidewalk or public place. 2nd offense	\$200.00	No
[22.28.030(C)] <u>22.28.010(B)</u>	Tying, staking or fastening animal within street, alley, sidewalk or public place. 3rd or subsequent offense within a five-year period	\$300.00	No
[22.28.030(D)] <u>22.28.010(C)</u>	Failure to confine female dog or cat in heat. 1st offense	\$100.00	No
[22.28.030(D)] <u>22.28.010(C)</u>	Failure to confine female dog or cat in heat. 2nd offense	\$200.00	No
[22.28.030(D)] <u>22.28.010(C)</u>	Failure to confine female dog or cat in heat. 3rd or subsequent offense within a five-year period	\$300.00	No
22.28.040(B)	Failure to provide humane care. 1 st offense	\$100.00	[YES] <u>No</u>

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Section 12. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

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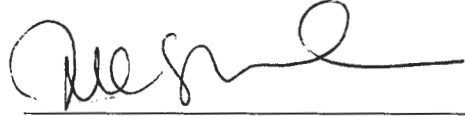
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ADOPTED THE _____ DAY OF _____ 2021.

Mindy O'Neall
Presiding Officer

ATTEST:

APPROVED:



April Trickey, CMC
Borough Clerk

Jill S. Dolan
Borough Attorney

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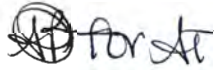
Fairbanks North Star Borough

DEPARTMENT OF THE ASSEMBLY

Borough Clerk's Office

Clerks@fnsb.gov
Main: (907) 459-1401
Fax: (907) 459-1224

MEMORANDUM

TO: David Gibbs, Emergency Operations Director
FROM: April Trickey, CMC, Borough Clerk 
DATE: March 30, 2021
SUBJECT: Referral of Ordinance 2021-15 to Animal Control Commission

On March 25, 2021 the Fairbanks North Star Borough Assembly referred the below ordinance to the Animal Control Commission. **A recommendation is due back by June 11, 2021**

ORDINANCE NO. 2021-15.

An Ordinance Amending FNSBC Title 22, Animals, And FNSBC 1.20.070(E), Fine Schedule, Including Adding A Definition For Animal Rescue 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. (Sponsor: Assemblymember Cash)

Should you have any questions, please contact me at 1402.

Attachment: Ordinance No. 2021-15

cc: Jim Williams, Chief of Staff
Sandy Hill, Animal Control Manager






Fairbanks North Star Borough

ANIMAL CONTROL
Animal Control Manager

sandra.hill@fnsb.gov
Main: (907) 459-1451
Fax: (907) 205-5174

Memorandum

TO: Borough Assembly

FROM: Alex Thornton, Animal Control Commission Chair 

DATE: June 22, 2021

SUBJECT: **Ordinance 2021-15:** Recommendation on Ordinance No. 2021-15: An ordinance Amending FNSBC Title 22, Animals, And FNSBC 1.20.070(E), Fine Schedule, Including Adding A Definition For Animal Rescue 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.

Ordinance 2021-15 was referred to the Animal Control Commission on March 25, 2021 for review and recommendation.

On June 2, 2021 and June 21, 2021, the Animal Control Commission of the Fairbanks North Star Borough held a public hearing and meeting regarding the ordinance.

The Animal Control Commission recommended approval of the proposed ordinance with the following amendments:

- Amend lines 61-62: Add the word “may” and take the out the “s” in the word includes, and shall read “Proof of ownership may include[S], but is not limited to:”
- Amend the definition of “animal rescue facility” on lines 39-41 to change “dogs or cats” to “animals” and to remove “over the age of four months” to read as follows, “Animal rescue facility means any premises used for keeping six or more unwanted, abandoned, or surrendered [DOGS OR CATS] animals [OVER THE AGE OF FOUR MONTHS], whether for profit or not.”
- Amend lines 75-78 to read: “A person that operates as an animal rescue facility and accepts a dog or cat over the age of four months or any species that would require a rabies vaccination as standard veterinary care or as required by state law into their possession for the purpose of caring for or selling or adopting the animal to another...”