

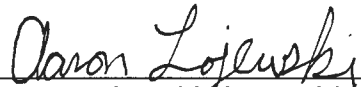
NOTICE OF RECONSIDERATION

I, Aaron Lojewski, hereby notice my intent to reconsider action on Ordinance No. 2021.15

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 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.

For the following reason(s):

- To further consider amending the ordinance regarding animal facilities requirements to vaccinate sick animals.



Aaron Lojewski, Assemblymember

Accepted and taken at 1:50 p.m. on this 13th day August 2021.



April Trickey, CMC
Borough Clerk

1 By: Jimi Cash
2 Referred to the Animal
3 Control Commission: 03/25/2021
4 Introduced: 07/22/2021
5 Advanced: 07/22/2021
6 Amended: 08/12/2021
7 Adopted: 08/12/2021
8 Notice of Reconsideration
9 Filed: 08/13/2021

10
11 FAIRBANKS NORTH STAR BOROUGH

12
13 ORDINANCE NO. 2021 – 15

14
15 AN ORDINANCE AMENDING FNSBC

16 TITLE 22, ANIMALS, AND FNSBC 1.20.070(E), FINE SCHEDULE, INCLUDING ADDING A
17 DEFINITION FOR ANIMAL FACILITIES, CLARIFYING RESPONSIBILITIES OF
18 CARETAKERS, REQUIRING PROOF OF IMMUNIZATION AND REGISTRATION IN
19 CERTAIN CIRCUMSTANCES, REMOVING MANDATORY WARNINGS, ADDING AN ANIMAL
20 OWNERSHIP SECTION, AND OTHER RELATED CHANGES

21
22 WHEREAS, Animal facilities often provide animal sheltering and adoption
23 services, and function similar to the animal shelter; and

24
25 WHEREAS, The Fairbanks North Star Borough does not license animals or
26 facilities, but has the powers to license, impound, and dispose of animals and to prevent
27 animal cruelty; and

28
29 WHEREAS, Having requirements to ensure that animals are properly
30 immunized and cared for, and putting the responsibility for an animal on a caretaker in
31 addition to an owner, will assist in ensuring a proper environment for facilities that house
32 multiple animals; and

33
34 WHEREAS, Other related changes to Title 22 will address community
35 concerns that have been expressed regarding investigation and enforcement of code.

36
37 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
38 North Star Borough:

39
40 Section 1. This ordinance is of a general and permanent nature and shall
41 be codified.

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

42 Section 2. FNSBC 22.04.010, Definitions, shall be amended as follows [*the*
43 *Clerk shall add the definition in alphabetical order*]:

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

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

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

55

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

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

62

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

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

- 68 1. A voluntary pet registration on record with animal control;
- 69 2. A registered microchip showing the animal's and person's current
70 information;
- 71 3. Veterinary records showing the person has obtained care for the animal;
- 72 4. An identification tag on the animal with the person's current contact
73 information;
- 74 5. Purchase or adoption contracts with sufficient information to determine the
75 animal's identity and date ownership began;
- 76 6. Receipts for veterinary or other care indicating the person is ~~the~~ primary
77 financial caretaker for the animal;
- 78 7. AKC or other registration paperwork that reflects the person's ownership
79 information.

80 B. A person that operates as an animal facility and accepts a dog or cat into their
81 possession for the purpose of caring for or selling or adopting the animal to another must
82 contact animal control and register the animal.

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

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

88
89 Section 6. FNSBC 22.24.060, Vaccination, is hereby amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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125 Section 8. FNSBC 22.28.020, Animal Waste, is hereby amended as follows:
126 No [DOG OR CAT OWNER] person shall fail to remove the excreta deposited by [their]a
127 dog or cat in their care on public areas, recreation areas or on any other person's
128 property.

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

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

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

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

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

144
145 Section 10. Subsections A and B of FNSBC 22.28.040, Cruelty/failure to
146 provide humane care, are hereby amended as follows:

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

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

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

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

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

157 B. A person commits the violation of failure to provide humane care if [THE
158 PERSON]they endanger the health or welfare of an animal by negligently [FAILS]failing
159 to provide [THAT PERSON'S]an animal in their care with adequate food, water, shelter or
160 veterinary care[, TO PREVENT PHYSICAL SUFFERING].

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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>
<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>	<u>Failure to properly restrain animal to prevent running at large.</u> <u>1st offense</u>	<u>\$100.00</u>	<u>No</u>
<u>22.28.010(A)</u>	<u>Failure to properly restrain animal to prevent running at large.</u> <u>2nd offense</u>	<u>\$200.00</u>	<u>No</u>
<u>22.28.010(A)</u>	<u>Failure to properly restrain animal to prevent running at large.</u> <u>3rd or subsequent offense within a five-year period</u>	<u>\$300.00</u>	<u>No</u>

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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. 1st offense	\$100.00	No
[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>

163
164 Section 12. Effective Date. This ordinance is effective at 5:00 p.m. on the
165 first Borough business day following its adoption.

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ADOPTED THE _____ DAY OF _____ 2021.

ATTEST:

April Trickey, CMC
Borough Clerk

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