

1 By: Bryce J. Ward, Mayor
2 Jimi Cash
3 Referred to the Animal
4 Control Commission: 07/27/2023
5 Introduced: 09/14/2023
6 Substituted: 09/14/2023
7 Amended: 09/14/2023
8 Adopted: 09/14/2023
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10 FAIRBANKS NORTH STAR BOROUGH

11 ORDINANCE NO. 2023 – 41

12
13 AN ORDINANCE AMENDING FNSBC 22.04.010 AND CHAPTER 22.20 FNSBC REGARDING
14 DANGEROUS ANIMALS, TO INCLUDE ADDING A NEW SECTION FNSBC 22.20.030,
15 REMOVAL OF DANGEROUS OR NUISANCE ANIMAL CLASSIFICATION OR
16 MODIFICATION OF CONDITIONS, ADDING A NEW SECTION FNSBC 22.20.020,
17 NUISANCE ANIMALS, AND AMENDING THE FINE SCHEDULE
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19

20 WHEREAS, Past Fairbanks North Star Borough code changes that guide the
21 determination of a dangerous animal determination have been problematic leading to
22 public confusion and frustration; and
23

24 WHEREAS, Past code changes have led to approximately 300 animal bite
25 cases a year which is twice as many as previous years with dangerous animal
26 determinations more than doubling in numbers to approximately 120 dangerous
27 determinations a year; and
28

29 WHEREAS, Many of these bites could have been prevented if owners had
30 taken additional precautions or if Animal Control staff were better able to identify
31 dangerous and nuisance animals and require corrective action or mitigations measures;
32 and
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34 WHEREAS, It is important that we have a safe and effective program with
35 designation determinations and conditions that can and should be used to change the
36 behavior of an owner/animal; and
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38 WHEREAS, Adding the nuisance animal determination, recommendations,
39 and conditions will change the behavior of an owner/animal. This is in the best interest
40 of owners/animals and public safety.
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AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZED]

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

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

47
48 Section 2. FNSBC 22.04.010, Definitions, is hereby amended as follows:
49 ["ACCIDENTAL BITE" MEANS A BITE BY AN ANIMAL UNDER CIRCUMSTANCES WHICH
50 CAN BE DEEMED ACCIDENTAL OR HAPPENING FROM CHANCE RATHER THAN INTENT.]
51 ["CONDITIONS" MEANS ACTIONS OF THE OWNER REQUIRED BY THE ANIMAL OR
52 THE ANIMAL CONTROL COMMISSION TO MINIMIZE THE PROBABILITY OF FUTURE
53 BITES BY AN ANIMAL.]
54 ["DANGEROUS ANIMAL" MEANS ANY ANIMAL THAT THREATENS OR ENDANGERS THE
55 SAFETY OF ANY PERSON OR ANIMAL; DISPLAYS THREATENING OR AGGRESSIVE
56 BEHAVIOR; INTENTIONALLY INFLICTS OR ATTEMPTS TO INFLICT A BITE ON A HUMAN,
57 NOT INCLUDING ACCIDENTAL OR PROVOKED BITES; OR, WHILE NOT UNDER
58 RESTRAINT ON THE OWNER'S PROPERTY, KILLS AN ANIMAL.]
59 ["PROVOKED BITE" MEANS THE ANIMAL WAS TEASED, TORTURED, OR ABUSED BY THE
60 VICTIM, OR THE ANIMAL WAS PROTECTING ITSELF, ITS OWNER OR
61 THE OWNER'S PROPERTY FROM AN UNLAWFUL ACT PERPETRATED BY THE VICTIM,
62 AND THE ANIMAL WAS NOT OTHERWISE IN VIOLATION OF THE LAW.]

63
64 Section 3. FNSBC 22.20.010, Dangerous animals, is hereby amended as
65 follows:

66 A. An animal control officer shall conclude that an animal is a dangerous animal if
67 they determine there is sufficient evidence that the animal:

68 1. intentionally inflicted or attempted to inflict a bite on a human; or
69 2. while not under restraint either on the owner's property or private property
70 with the permission of the property owner, killed or caused serious physical injury to a
71 domestic animal.

72 B. Notwithstanding subsection (A), an officer may determine that an animal is not a
73 dangerous animal if one of the following exceptions applies:

74 1. the animal was teased, tortured, or abused by the victim;
75 2. the animal was protecting itself, its owner or the owner's property from an
76 unlawful act perpetrated by the victim and the animal was not otherwise in violation of
77 the law;
78 3. the animal was acting in a manner consistent with its age;
79 4. the animal's action is the result of a professional handling interaction;
80 5. the animal was responding to pain or injury;
81 6. the animal was protecting itself, its offspring, its owner or a member of its
82 household; or

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83 7. the circumstances were such that the bite was accidental or happened by
84 chance rather than intent.

85 [A]C. When an animal control officer [HAS SUFFICIENT EVIDENCE TO] determines that
86 an animal is a dangerous animal, the animal control officer shall declare the animal a
87 dangerous animal and may:

88 1. Make recommendations to the owner to minimize the probability of future
89 bites that may include, but are not limited to, enrolling the animal in obedience classes,
90 spaying or neutering the animal, muzzling the animal in specific circumstances, or
91 avoiding rough play with the animal; or

92 2. Set conditions that may include, but are not limited to, requirements for
93 fencing and chaining the animal, maintaining the animal in a house or garage, requiring
94 the animal to be leashed or muzzled when in public or when not controlled by a competent
95 adult, requirements for safe travel with the animal, a requirement of spaying or neutering
96 of the animal, or require that the animal be enrolled in obedience classes; or

97 3. Order euthanasia.

98 [B]D. It shall be the duty of the Animal Control Manager to review and approve the
99 determination and decision made by the animal control officer in each case.

100 [C]E. Failure to maintain conditions is a violation.

101 [D]F. Any owner aggrieved by the determination and decision of animal control may
102 appeal to the Animal Control Commission pursuant to Chapter 4.16 FNSBC.

103 [E]G. Any owner of an animal deemed dangerous by jurisdictions outside of the Borough
104 shall present the animal to animal control within 30 days of the animal's arrival in the
105 Borough to be evaluated to determine whether it meets the requirements of a dangerous
106 animal in accordance with this title. Animals determined by animal control to be
107 dangerous shall be handled pursuant to this section.

109 Section 4. FNSBC 22.20.030, Removal of dangerous or nuisance animal
110 classification or modification of conditions, is hereby added as follows:

111 A. After a period of one year has passed from the determination that an animal is a
112 dangerous animal or a nuisance animal, the owner may apply to the animal control
113 manager to have the designation removed or conditions modified in accordance with this
114 section:

115 1. Submission of a written application by the current owner of the animal;

116 2. Supporting documentation showing a change in circumstances or
117 compliance with conditions;

118 3. Certification that the animal has not had any further incidents of nuisance
119 or dangerous animal behavior and that the owner has not had any violations of this title;
120 and

121 4. The animal bite did not cause serious physical injury or death to any human.

122 B. The decision of the animal control manager is a final action and is not appealable.
123 If an application is denied, an owner may submit a new application if at least one year
124 has passed from the date of denial if the owner includes documentation of a change in

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125 circumstances from the original request.

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127 Section 5. FNSBC 22.20.020, Nuisance animals, is hereby added as follows:

128 A. An animal control officer may determine that an animal is a nuisance animal if they
129 determine there is sufficient evidence that the animal:

130 1. engaged in aggressive posturing, lunging, or barking while unrestrained,
131 and caused a person to modify, stop or alter the person’s activity to avoid an encounter
132 or caused a person to fear for their safety from the animal’s behavior; or

133 2. bit or caused physical injury to any domestic animal; or

134 3. is repeatedly at large; or

135 4. has damaged personal or public property.

136 B. When an animal control officer determines that an animal is a nuisance animal,
137 the animal control officer may declare the animal a nuisance animal and may:

138 1. Make recommendations to the owner to minimize the probability of future
139 nuisance behaviors that may include, but are not limited to, enrolling the animal in
140 obedience classes, spaying or neutering the animal, muzzling the animal in specific
141 circumstances, or avoiding rough play with the animal; or

142 2. Set conditions that may include, but are not limited to, requirements for
143 fencing and chaining the animal, maintaining the animal in a house or garage, requiring
144 the animal to be leashed or muzzled when in public or when not controlled by a competent
145 adult, requirements for safe travel with the animal, a requirement of spaying or neutering
146 of the animal, or require that the animal be enrolled in obedience classes.

147 C. It shall be the duty of the Animal Control Manager to review and approve the
148 determination and decision made by the animal control officer in each case.

149 D. Failure to maintain conditions is a violation.

150 E. Any owner aggrieved by the determination and decision of animal control may
151 appeal to the Animal Control Commission pursuant to Chapter 4.16 FNSBC.

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153 Section 6. FNSBC 1.20.070, Minor offense fine schedule, is amended to add
154 the following:

Code Section	Offense	Fine Amount	Mandatory Warning Required
<u>22.20.020(D)</u>	<u>Failure to maintain conditions.</u> <u>1st offense</u>	<u>\$100.00</u>	<u>No</u>
<u>22.20.020(D)</u>	<u>Failure to maintain conditions.</u> <u>2nd offense</u>	<u>\$200.00</u>	<u>No</u>
<u>22.20.020(D)</u>	<u>Failure to maintain conditions.</u> <u>3rd offense</u>	<u>\$300.00</u>	<u>No</u>

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156 Section 7. Effective Date. This ordinance is effective at 5:00 p.m. on the
157 first Borough business day following its adoption.

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159 ADOPTED THE 14TH DAY OF SEPTEMBER 2023.

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165 
166 Aaron Lojewski
167 Presiding Officer

168 ATTEST:
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171 April Trickey, MMC
172 Borough Clerk

173
174 Yeses: Wilson, Fletcher, Rotermund, Guttenberg, O'Neill, Kelly, Cash, Lojewski
175 Noes: Haney

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