

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  
9 Reconsideration Filed: 08/13/2021  
10 Reconsidered: 08/26/2021  
11 Defeated: 08/26/2021

12  
13 FAIRBANKS NORTH STAR BOROUGH

14  
15 ORDINANCE NO. 2021 – 15

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

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

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

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

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

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

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

*AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT*

*Text to be added is underlined*

*Text to be deleted is [BRACKETED, CAPITALIZED]*

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

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

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

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

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

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

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

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

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

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

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Text to be *deleted* is [BRACKETED, CAPITALIZED]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

158 B. A person commits the violation of failure to provide humane care if [THE  
159 PERSON]they endanger the health or welfare of an animal by negligently [FAILS]failing  
160 to provide [THAT PERSON'S]an animal in their care with adequate food, water, shelter or  
161 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*]:

<b>Code Section</b>	<b>Offense</b>	<b>Penalty/Fine</b>	<b>Mandatory Warning Required</b>
<u>22.16.080(B)</u>	<u>Failure to contact animal control and register animal.</u> <u>1<sup>st</sup> 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>2<sup>nd</sup> 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>3<sup>rd</sup> 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

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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 <sup>st</sup> 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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ADOPTED THE \_\_\_\_ DAY OF \_\_\_\_\_ 2021.

*[DEFEATED]*

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Mindy O'Neall  
Presiding Officer

ATTEST:

*[DEFEATED]*

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April Trickey, CMC  
Borough Clerk

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