

MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

CHAIRPERSON

Patricia Hurt

VICE CHAIR

Vacant



BOARD MEMBERS

Terry Dennison
Sally M. Pollen

ALTERNATE BOARD MEMBER

Daniel Bowen

AGENDA

ANIMAL CARE & REGULATION BOARD 350 East Dahlia Avenue Palmer, AK 99645

SPECIAL MEETING

10 a.m.

JANUARY 22, 2024

- I. CALL TO ORDER; ROLL CALL
- II. APPROVAL OF AGENDA
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF MINUTES
 - A. July 5, 2023
- V. AUDIENCE PARTICIPATION (Three minutes per person)
- V. ITEMS OF BUSINESS
 - A. Elect Chair
 - B. Elect Vice-Chair
 - C. Discussion and Possible Amendments to an Ordinance amending Portions of Title 24
- VII. BOARD COMMENTS
- VIII. ADJOURNMENT

CODE ORDINANCE

Sponsored by: Borough Manager
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 24- _____**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING PORTIONS OF TITLE 24.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code, **excepting Section 37, which requests that the Revisor of Ordinances make additional changes to strike "Animal Care Manager" and insert "Animal Care Director" throughout Title 24 where not amended by this ordinance.**

Section 2. Amendment of section. MSB 24.05.010 is hereby amended as follows:

"Animal Care [MANAGER] **Director**" means the person appointed by the Borough Manager who has the responsibility for planning and directing animal care and regulation activities and through the Chief Animal Care and Regulation Officer, enforcing the provisions of this title for the control of and care of animals within the Borough. **The Animal Care Director shall have all the same authority granted under this title to the Chief Animal Care and Regulation Officer.**

"Animal shelter Manager" means the person appointed by the animal care director who has the responsibility for supervising and participating in the care and management of shelter animals, administrative and customer service support, and providing oversight, direction and mentoring to assigned staff.

"Chief animal care and regulation officer" means the person who has the responsibility for enforcing the provisions of this title governing the control of and care of animals within the Borough, and who works under the supervision of the Animal Care [MANAGER] Director.

Section 3. Amendment of section. MSB 24.05.060(A) is hereby amended as follows:

(A) It is unlawful to tie, stake, or fasten any animal within any highway, street, alley, or public place within the Borough, or so that the animal has access to any portion of any highway, street, alley, or public place therein; provided, that the Borough Manager may make exceptions in the case of an organized animal activity and similar temporary sporting or festive events. Violation of this provision is an infraction.

Section 4. Amendment of section. MSB 24.05.100(A) is hereby amended as follows:

(A) The Chief Animal Care and Regulation Officer may authorize taking an animal into Borough protective custody when necessary to preserve the animal's health or safety including but not limited to circumstances where the animal is:

- (1) not humanely cared for by the owner;
- (2) being cruelly treated by any person; [OR]
- (3) Repealed by Ord. 15-002, § 2 (part), 2015
- (4) abandoned by the owner; or

(5) left unattended after the death of the former owner and the successor owner is unknown and cannot be ascertained after a reasonable effort.

Section 5. Amendment of section. MSB 24.05.100(E) is hereby amended as follows:

(E) The Animal Care [MANAGER] **Director** may, for good cause, waive a portion of the fees, expenses, or costs and may enter into a payment schedule agreement with an owner.

Section 6. Amendment of section. MSB 24.05.110(B) is hereby amended as follows:

(B) A person who is issued a Borough authorized live animal trap for the purposes of capture and control

of unrestrained domestic and domesticated animals shall check the trap at least twice every 12 hours to determine whether an animal has been trapped.

(1) Borough authorized live animal traps loaned out must be returned to the Borough within two weeks of receipt, unless additional time is authorized by the Animal Care Director, Chief Animal And Control Officer, or Animal Shelter Manager, or immediately upon request of one of the officials listed above.

Section 7. Amendment of section. MSB 24.10.010(A) is hereby amended as follows:

(A) License required. Within the Borough, no person shall own any dog or cat over the age of six months without licensing each dog or cat. A separate kennel or cattery license is required for each species type of five or more animals over the age of six months. **Dogs or cats listed on an approved kennel or cattery license do not require individual licensing while the kennel or cattery license remains valid.**

Section 8. Amendment of section. MSB 24.10.020 is hereby amended as follows:

(K) The owner of a kennel or cattery facility may appeal the denial or revocation of a kennel or cattery

license or a related administrative order to the Animal Care and Regulation Board pursuant to MSB 24.30.020. Deference shall be granted to the Chief Animal Care and Regulation Officer's decision if the decision is supported by substantial evidence in the record.

Section 9. Amendment of section. MSB 24.10.090(A) is hereby amended as follows:

(A) The licensing requirements for dogs and cats under this chapter do not apply to [ANY DOG OR CAT LISTED IN A LICENSED CATTERY OR KENNEL, OR] a dog or cat kept within the Borough for less than 30 calendar days. All such dogs and cats are subject to all other provisions of this title. This subsection does not allow a 30-day grace period for compliance with licensing requirements for dog and cat owners within the Borough. This subsection is an exemption only for dogs and cats [KEPT BY A LICENSED KENNEL OR CATTERY OR TEMPORARILY] within the boundaries of the Borough **for less than 30 calendar days**.

Section 10. Amendment of section. MSB 24.15.010(C) is hereby amended as follows:

(C) If an animal is provided to the Borough by a law enforcement officer or other individual or is obtained by the Borough, and if the Borough receives

information that the animal's owner is unavailable due to circumstances including fire, arrest, or hospitalization, the animal shall be impounded for a minimum of 15 business days unless reclaimed earlier by the owner. **Animals not claimed by the owner within the mandatory minimum impoundment period may be forfeited pursuant to MSB 24.40.030.**

Section 11. Amendment of section. MSB 24.15.010(E) is hereby amended as follows:

(E) Level 5 classified animals. All animals recommended to be classified as Level 5 shall be impounded whenever possible and held at the animal care and regulation shelter. If the owner of a Level 5 classified animal is located within the holding period set forth in subsection (A) of this section, and chooses not to surrender the animal, a hearing [WILL BE SET BEFORE THE ANIMAL CARE AND REGULATION BOARD PURSUANT TO MSB 24.30] **will be automatically set and conducted by the Office of Administrative Hearings pursuant to MSB 2.29.090** to adjudicate the animal **[. AS A LEVEL 5 CLASSIFICATION]**.

Section 12. Amendment of section. MSB 24.15.010(F) is hereby amended as follows:

(F) Removal of animals from the animal care and regulation shelter. It is a violation of this chapter for any person to remove any impounded animal from the custody and control of the Borough without the consent of the Animal Care [MANAGER] **Director**.

Section 13. Amendment of section. MSB 24.15.030(D) is hereby amended as follows:

(D) The animal may not be returned to the owner unless and until fees are paid. If the fees are not paid within 120 hours of notice of impoundment to the owner, the animal shall be subject to the adoption and euthanasia provisions of this title at the Animal Care [MANAGER'S] **Director's** discretion.

Section 14. Amendment of section. MSB 24.15.030(E) is hereby amended as follows:

(E) The Animal Care [MANAGER] **Director** may, for good cause, waive a portion of the fees, expenses, or costs, and may enter into a payment schedule agreement with an owner.

Section 15. Amendment of section. MSB 24.15.050 (A) is hereby amended as follows:

(A) In addition to the licensing provisions set forth in MSB 24.10, no dog or cat over the age of six months shall be adopted from the shelter unless the prospective owner agrees to have the animal spayed or neutered. The Animal Care [MANAGER] **Director** may deny a request to adopt an animal if any person living in the prospective adoptive household has been convicted of failure to provide humane animal care or cruelty to animals in any jurisdiction, including the Borough.

Section 16. Amendment of section. MSB 24.15.050 (D) is hereby amended as follows:

(D) An animal may not be adopted from impoundment without full disclosure that shows symptoms of infectious or contagious disease or shows signs of aggression toward humans or other animals. Except for those animals, and animals classified as Level 5, the Animal Care [MANAGER] **Director** [SHALL] **may** approve the rescue of an animal or unclaimed animal that would otherwise be euthanized if the rescue group or private individual agrees to provide necessary medical care or behavior training for the animal. Specifically, shall

approve without cost the rescue of those cats with upper respiratory infection.

Section 17. Amendment of section. MSB 24.15.050(F) is hereby amended as follows:

(F) The Animal Care [MANAGER] **Director** may, in their discretion, establish an adoption plan and fee schedule for animals other than dogs or cats.

Section 18. Amendment of section. MSB 24.15.050(I) is hereby amended as follows:

(I) Adoption policies consistent with the provisions of this section may be established by the Animal Care [MANAGER] **Director** and set forth in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual.

Section 19. Amendment of section. MSB 24.15.060 is hereby amended as follows:

If possible, [A] **a** person voluntarily releasing ownership of an animal to the Borough shall execute a **written** release of ownership in favor of the Borough and may contribute a donation to the shelter.

Section 20. Amendment of section. MSB 24.15.070 is hereby amended as follows:

All dogs and cats impounded and released from the animal care and regulation shelter, whether by

redemption, adoption, or otherwise, shall receive a microchip implant approved by the Borough. If the animal is being released to the owner and the owner requests to be present, the owner shall be present during the insertion of the microchip. The cost of the microchip shall be paid by the owner. The Animal Care [MANAGER] **Director** shall list the fee for a microchip implant in a schedule approved by the Assembly.

Section 21. Amendment of section. MSB 24.15.080(A) is hereby amended as follows:

(A) The Animal Care [MANAGER] **Director** may authorize euthanasia in the following circumstances:. . .

Section 22. Amendment of section. MSB 24.20.050(B)(5) is hereby amended as follows:

(B) At the discretion of the chief animal care and regulation officer, the quarantine location may be:

- (1) at the designated Borough animal shelter;
- (2) at a veterinary hospital or clinic of the owner's choosing, subject to the approval of the Chief Animal Care and Regulation Officer;
- (3) at a licensed boarding kennel or cattery of the owner's choosing, subject to the approval of the chief animal care and regulation officer;

(4) confined on the owner's premises subject to the approval of the Chief Animal Care and Regulation Officer.

(5) Exceptions. If at any time the Chief Animal Care and Regulation Officer makes a determination to classify the animal as Level 3 or 4 or recommend the animal as Level 5 to [ANIMAL CARE AND REGULATION BOARD] **the Office of Administrative Hearings,** the animal shall be surrendered to the Animal Care And Regulation Shelter pending the outcome of the case.

Section 23. Amendment of section. MSB 24.20.090 is hereby amended as follows:

[AT LEAST SEMI-ANNUALLY, THE] **On a semi-annual basis,** **the** Animal Care [MANAGER] **Director** may conduct low-cost clinics for dogs and cats where spaying/neutering services and rabies vaccinations are made available at cost, plus ten percent. Such clinics should be held at such times and places as to encourage the widest participation from all areas of the Borough.

Section 24. Amendment of section. MSB 24.26.020 (A) is hereby amended as follows:

(A) Notwithstanding MSB 24.26.010 and 24.26.030, the Chief Animal Care and Regulation Officer shall have discretionary authority to **reduce the classification of an**

animal or refrain from classifying an animal even if the animal has engaged in the behaviors specified in MSB 24.26.010, if the Chief Animal Care and Regulation Officer determines that one of the following is true:. . .

Section 25. Amendment of section. MSB 24.26.030 (D) is hereby amended as follows:

(D) The classification of an animal as Level 1, 2, 3, 4, or a recommendation to the [ANIMAL CARE AND REGULATION BOARD] Office of Administrative Hearings as Level 5 classification, shall be completed by the Chief Animal Care and Regulation Officer within 15 Borough business days of the receipt of the bite or attack report.

Section 26. Amendment of section. MSB 24.26.040 (B) (4) (a) is hereby amended as follows:

(4) Level 5 classification. Animals classified as Level 5 shall be euthanized. The Office of Administrative Hearings may issue an order suspending the animal owner's right to adopt an animal from the animal care and regulation shelter and may set conditions for regaining that right.

(a) A hearing shall be held before the Office of Administrative Hearings, pursuant to MSB 2.29.080 (C) and the additional procedures of MSB 24.30.040 (B), when an animal is recommended as Level 5 classification by

the Chief Animal Care and Regulation Officer. If the animal is determined to be a Level 5 classification, it shall be humanely destroyed. The animal owner may waive their right to a hearing before the Office of Administrative Hearings and surrender the animal to the chief animal care and regulation officer. Once surrendered the animal shall be humanely euthanized at the convenience of the Borough. The owner of the surrendered animal will not be responsible for any fees, costs, or expenses incurred for the impoundment for the animal beyond the date of a signed release waiver.

Section 27. Amendment of section. MSB 24.26.080(A) is hereby amended as follows:

(A) [AN OWNER OF A CLASSIFIED ANIMAL, INCLUDING AN ANIMAL CLASSIFIED UNDER A REPEALED CLASSIFICATION SCHEME, MAY APPLY TO THE CHIEF ANIMAL CARE AND REGULATION OFFICER, IN WRITING, TO HAVE THE CLASSIFICATION REDUCED, MODIFIED, OR REMOVED IN ACCORDANCE WITH THIS SECTION UPON PAYMENT OF OUTSTANDING FEES, INCLUDING A REVIEW FEE SET BY ASSEMBLY RESOLUTION, AND SHOWING THAT:

(1) A LEVEL 1 OR LEVEL 2 ANIMAL HAS BEEN CLASSIFIED FOR ONE YEAR WITHOUT ANY FURTHER INCIDENT, INCLUDING ANY VIOLATION OF THIS TITLE; OR

(2) A LEVEL 3 OR LEVEL 4 ANIMAL HAS BEEN CLASSIFIED FOR TWO YEARS, OR 18 MONTHS IF RECOMMENDED BY THE ANIMAL CARE AND REGULATION BOARD AFTER A HEARING ON THE CLASSIFICATION, WITHOUT ANY FURTHER INCIDENT, INCLUDING ANY VIOLATION OF THIS TITLE;

(3) THE OWNER HAS ATTENDED AND PRESENTS EVIDENCE OF THE OWNER'S AND ANIMAL'S SATISFACTORY COMPLETION OF AN OBEDIENCE TRAINING COURSE; AND

(4) NOTWITHSTANDING THE TIME PROVISION OF SUBSECTION (A) (2) OF THIS SECTION, THE CHIEF ANIMAL CARE AND REGULATION OFFICER MUST REVIEW THE CLASSIFICATION OF AN ANIMAL UPON AN APPLICATION PRESENTED AFTER 18 MONTHS IF ADVISED TO DO SO BY THE ANIMAL CARE AND REGULATION BOARD. THE ADVISEMENT BY THE BOARD MUST BE IN WRITING MADE AFTER A HEARING ON THE CLASSIFICATION AND MUST SPECIFY THE FACTS AND CIRCUMSTANCES WHICH SUPPORT THE ADVISEMENT.]

After one year and payment of any outstanding fees, the classification of a level 1 or level 2 animal shall be automatically removed if there have been no further incidents or violations of this title.

(1) The Animal Care Director shall issue a an advisement in writing if there are any outstanding fees.

(B) MSB 24.26.080(A) does not apply retroactively to animals classified prior to its adoption.

Section 28. Amendment of section. MSB 24.26.080(B) is hereby amended as follows:

(B) Restrictions for Level 3 and Level 4 animals may be reduced, modified, or removed. An owner of an animal classified at a Level 3 and Level 4, including an animal classified under a repealed classification scheme, may apply to the Chief Animal Care and Regulation Officer, in writing, to have the classification reduced, modified, or removed in accordance with this section upon payment of outstanding fees, including a review fee set by Assembly resolution, and showing that:

(1) a Level 3 or Level 4 animal has been classified for two years, or 18 months if recommended by the Animal Care and Regulation Board after a hearing on the classification, without any further incident, including any violation of this title;

(2) the owner presents evidence of the having satisfactorily completed an animal obedience training course; and

(3) notwithstanding the time provision of subsection (B) (1) of this section, the Chief Animal

Care and Regulation Officer must review the classification of an animal upon an application presented after 18 months if advised to do so by the Animal Care and Regulation Board. The advisement by the Board shall be included in the findings and conclusions of the final decision made after a hearing on the classification.

(4) Requests for removal, modification, or reduction of a classification may only be submitted to once annually.

Section 29. Amendment of section. MSB 24.26.080 (C) is hereby amended as follows:

(C) [REQUESTS FOR TERMINATION, MODIFICATION, OR REDUCTION OF A CLASSIFICATION MAY BE SUBMITTED TO THE CHIEF ANIMAL CARE AND REGULATION OFFICER UPON PROOF OF COMPLIANCE WITH REQUIREMENTS IN MSB 24.26.070 (A), BUT NO MORE THAN ONCE EACH YEAR. ALL REQUESTS FOR TERMINATION, MODIFICATION, OR REDUCTION SHALL BE ACCOMPANIED BY A REVIEW FEE SET BY ASSEMBLY RESOLUTION.] Regardless of whether an animal's classification has been reduced, modified, or removed under subsection (A) or subsection (B) of MSB 24.26.080, the facts of any incident, supported by substantial evidence, can be considered in

**future classification decisions for the same animal
pursuant to MSB 24.26.010.**

Section 30. Amendment of section. MSB 24.30.017(A) is hereby amended as follows:

(A) The Animal Care and Regulation Board may:

(1) Advise the Mayor, the Borough Manager, and **the** Assembly on matters affecting animal care and regulatory services in the Borough regarding:

(a) Borough related elements of a comprehensive, long range plan;

(b) proposed legislation and regulations;

(c) public recommendations; and

(d) program evaluation and implementation;

(2) [CONDUCT] **Upon request, conduct** a [YEARLY] review of the Animal Care and Regulation Operations Manual and identify areas of revision with input from the Animal Care [MANAGER] **Director,** [ANIMAL CARE AND REGULATION] **Borough** staff, and the public; and

(3) [CONDUCT] **Upon request, conduct** a [YEARLY] review of the budget.

Section 31. Amendment of section. MSB 24.30.040 (B) is hereby amended as follows:

(B) Level 5 classification hearings. Level 5 classification hearings [INCLUDE THE FOLLOWING ADDITIONAL PROCEDURES:] **shall be conducted by the Office of Administrative Hearings pursuant to MSB 2.29.080 (C).**

(1) [THE STANDARD OF PROOF TO BE APPLIED TO LEVEL 5 ADJUDICATIONS IS PROOF BY CLEAR AND CONVINCING EVIDENCE. CLEAR AND CONVINCING EVIDENCE INDICATES THAT THE THING TO BE PROVED IS HIGHLY PROBABLE OR REASONABLY CERTAIN.] **Pursuant to MSB 2.29.080 (C) the standard of proof to be applied to Level 5 adjudications is proof by a preponderance of the evidence.**

Section 32. Amendment of section. MSB 24.35.020 (A) is hereby amended as follows:

(A) Animal Care [MANAGER] **Director**. The Animal Care [MANAGER] **Director** has all the powers of the Chief Animal Care and Regulation Officer and a Deputy Animal Care and Regulation Officer and the power to administer and enforce the provisions of this title, including, but not limited to, the following: operating animal shelters, conducting low cost rabies vaccination and spay/neuter clinics for dogs and cats, entering into settlement and payment schedule agreements, and developing and implementing animal care and regulation policies and procedures.

Section 33. Amendment of section. MSB 24.35.030 (D) is hereby amended as follows:

(D) An individual may lawfully detain any animal found in violation of the Borough code, provided [THAT] they immediately notify the Animal Care and Regulation Office and surrender the animal to an Animal Care and Regulation Officer within 24 hours.

Section 34. Amendment of section. MSB 24.35.050 is hereby amended as follows:

The Animal Care [MANAGER] Director may, subject to the approval of the Borough Manager, establish written policies, regulations, and procedures to carry out the provisions of this title. Animal care and regulation policies and procedures adopted and administered by the Animal Care [MANAGER] Director shall be set forth in the manual entitled "Animal Care and Regulation Policies and Procedures," which shall be made available to the public for no more than cost or posted online. The Animal Care [MANAGER] Director may modify, amend, or rescind, in writing, in whole or in part, subject to the approval of the Borough Manager, the "Animal Care and Regulation Policies and Procedures" manual.

Section 35. Amendment of section. MSB 24.40.030(B) is hereby amended as follows:

(B) Any owner shall forfeit all rights of ownership in an animal under the following circumstances:

(1) the owner is convicted of violating MSB 24.05.090 and forfeiture is recommended by the Chief Animal Care and Regulation Officer **and affirmed by the Office of Administrative Hearings;**

(2) the owner is ordered by the court to forfeit the animal;

(3) the owner fails to reclaim an animal running-at-large pursuant to MSB 24.15.010(A) within 72 or 120 hours of impoundment depending on whether the animal is with or without identification;

(4) the owner of an animal subject to supervised quarantine pursuant to MSB 24.20.050 fails to redeem the animal by paying the costs defined in MSB 24.20.050(C);

(5) the owner fails to reclaim an animal pursuant to MSB 24.15.010(C) within 15 business days of impoundment;

(6) the animal is taken into Borough protective custody pursuant MSB 24.05.100(A)(5) and

the Chief Animal Care and Regulation Officer has conspicuously posted a notice at the location at which the animal was seized, for a minimum of 15 business days;

[(5)] (7) the owner of a classified animal fails to redeem the animal under the conditions of a written release order; refuses to pay fees and expenses incurred during impoundment of the animal in violation of MSB 24.26.050(C) or (E); or violates any condition of a written release order and forfeiture is recommended by the chief animal care and regulation officer;

[(6)] (8) the owner of a classified animal fails to comply with a conditional release order and the animal is impounded pursuant to MSB 24.26.040(J);

[(7)] (9) an owner of an animal released from protective custody violates the conditional release order issued pursuant to MSB 24.05.100(F)(2); or

[(8)] (10) an animal taken into Borough protective custody is recommended for forfeiture by the Chief Animal Care and Regulation Officer, unless the animal is taken into the Borough protective custody pursuant MSB 24.05.100(A)(5).

Section 36. Amendment of section. MSB 24.40.030(D) is hereby amended as follows:

(D) Forfeiture procedures. An animal forfeited pursuant to subsection (B)(1), (2), (3), [OR] (4), (5), or (6) of this section is immediately subject to subsection (C) of this section. The Chief Animal Care and Regulation Officer shall serve the owner of an animal subject to forfeiture pursuant to subsection (B)[(5), (6),] (7), [OR] (8), (9), or (10) of this section a written notice of intent to forfeit. The notice shall be served on the animal owner by personal service or certified mail. If the owner cannot be served, notice shall be given by publication pursuant to Rule 4 of the Alaska Rules of Civil Procedure. Forfeiture appeals are subject to the procedures as outlined in MSB 2.29.090.

Section 37. Amendment of title 24 by Revisor of Ordinances. It is the intent of this legislation to change "Animal Care Manager" to "Animal Care Director," throughout Title 24.

Section 38. Amendment of section. MSB 24.40.050(A) is hereby amended to add the following to the fine schedule:

Code Section	Section Description	Amount of Fine
MSB 24.05.110(B)(1)	Failure to return live trap	300

Section 38. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2024.

EDNA DEVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)