

CODE ORDINANCE

Sponsored by: Borough Manager
Introduced: 07/16/24
Public Hearing: 08/06/24
Amended: 08/06/24
Postponed to 08/20/24: 08/06/24
Amended: 08/20/24
Adopted: 08/20/24

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 24-066**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
MSB TITLE 24, ANIMAL CARE AND REGULATION.

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 if 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 as 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 subsection. 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 subsection. 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.]

Section 5. Amendment of subsection. 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 subsection. MSB 24.05.110(B) is hereby amended as follows:

(B) A person who is issued a [BOROUGH AUTHORIZED] **Borough-Owned** 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-Owned live animal traps that are issued to a member of the public, shall be returned to the Borough within two weeks of issuance. Additional time may be authorized by the Animal Care Director, the Chief Animal Care and Regulation Officer, or the Animal Shelter Manager. Borough-Owned live animal traps issued to a member of the public shall be returned immediately, upon request of one of the officials listed above.

(a) residents may use a personally owned live animal trap if it is commercially manufactured and maintained in good working order. Commercially manufactured and properly maintained traps do not require a safety inspection prior to use. Homemade live animal traps are not authorized for use, unless the trap has been inspected and it is approved as safe by the Animal Care Director, Chief Animal Care and Regulation Officer, or Animal Shelter Manager.

(b) an appointment must be scheduled to have a personally owned, homemade live animal trap safety inspected.

(c) There is no fee for having a personally

owned, homemade live animal trap safety inspected
for approval of use.

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

(A) Optional License [REQUIRED]. Within the borough, [NO PERSON SHALL OWN ANY DOG OR CAT OVER THE AGE OF SIX MONTHS WITHOUT] it is optional to license[ING] 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.

(C) Immunization Required. [THE BOROUGH SHALL NOT LICENSE A DOG OR CAT UNLESS THE DOG OR CAT HAS BEEN] Within the borough, all dogs and cats over the age of six months must be vaccinated with a state of Alaska approved rabies vaccine by a licensed veterinarian, or by a state of Alaska lay rabies vaccinator, and the period of immunization has not expired. Proof of immunization shall be a completed rabies vaccination certificate in the form required by the state of Alaska.

(1) If ownership of an animal is transferred and the animal has a current rabies immunization, proof of transfer of ownership or proof of the animal's identification must be provided when licensing the animal.

(F) Violation. Violation of subsection [(A)] (C) of this

section is an infraction.

Section 8. Adoption of subsection. MSB 24.10.020(K) is hereby adopted 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 subsection. 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 to the Borough pursuant to MSB 24.40.030.

Section 10. Amendment of subsections. MSB 24.15.010(E) and (F) are 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].

(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 11. 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 **all** fees are paid. If the fees are not paid within 120 hours of **the owner receiving the**

notice of impoundment [TO THE OWNER], the animal shall be subject to the adoption [AND] or euthanasia provisions of this title at the Animal Care [MANAGER'S] Director's discretion.

Section 12. Amendment of subsection. 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 13. Amendment of subsection. 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 14. Amendment of subsection. 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, unless full disclosure of symptoms or signs of aggression has been made to the potential adopter. 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 15. Amendment of subsection. 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 16. Amendment of subsection. 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 17. 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 18. 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] dog or cat 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 19. Amendment of subsection. MSB 24.15.080(A) is hereby amended as follows:

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

Section 20. Amendment of paragraph. MSB 24.20.050(B)(5) is hereby amended as follows:

(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 21. Amendment of section. MSB 24.20.090 is hereby amended as follows:

[AT LEAST SEMI-ANNUALLY,] The Animal Care [MANAGER] **Director** [MAY] **shall** 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 22. Amendment of subsection. 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 23. Amendment of subsection. 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 24. Amendment of subparagraph. 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]

adjudicated [TO BE] as a Level 5 classification, it shall be humanely destroyed.

(b) 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.

(c) 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 25. Repeal of Section. MSB 24.26.080 is hereby Repealed in its entirety.

[(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.

(B) RESTRICTIONS FOR LEVEL 3 AND LEVEL 4 ANIMALS MAY BE REDUCED, MODIFIED, OR REMOVED.

(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.]

Section 26. Adoption of Section. MSB 24.26.085 - Changes to Classification is adopted as follows:

(A) 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 an advisement in writing if there are any outstanding fees.

(2) MSB 24.26.085(A) does not apply retroactively to animals classified prior to its adoption.

(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 or Level 4, including an animal classified under a repealed classification scheme, may apply in writing to the Chief Animal Care and Regulation Officer, 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, has not had any further incidents, including any violation of this title; or

(2) a level 3 or 4 animal that went before the Animal Care and Regulation Board for a classification hearing at which the Board recommended that the animal be classified for 18 months instead of 2 years, the animal has been classified 18 months, and has not had any further incidents, including any violation of this title;

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

(4) 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.

(5) Requests for removal, modification, or reduction of a classification may only be submitted

once each year.

(C) Regardless of whether an animal's classification has been modified, reduced, or removed under subsection (A) or subsection (B) of MSB 24.26.[080]085, 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 27. Amendment of Section. MSB 24.26.100, is hereby amended as follows:

All classifications and conditional release orders or conditional release agreements issued under former law shall remain in full force and effect for the life of the animal classified, unless removed, reduced, or modified under the procedures established in MSB 24.26.[080] 085.

Section 28. Amendment of subsection. MSB 24.30.015 is hereby amended as follows:

24.30.015 [COMPENSATION.] Reimbursement

Board members shall be reimbursed for mileage incurred in connection with meetings of the board or meetings attended by direction of the board in the same manner as borough employees are [COMPENSATED] reimbursed for mileage expenses, upon presentation of supporting

documentation satisfactory to the borough clerk.

Section 29. Amendment of subsection. 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 Animal Care and Regulation Board's budget.

Section 30. Amendment of subsection. MSB 24.30.035(A) is hereby amended as follows: (A) A \$100 filing fee shall accompany an appeal to the animal care and regulation board from a

determination and related administrative order that an animal is a Level 1, 2, 3, or 4, or from an administrative decision of the chief animal care and regulation officer [THERE SHALL BE NO FEES COLLECTED FOR A HEARING ON RECOMMENDED LEVEL 5 CLASSIFICATIONS.]

Section 31. Amendment of subsection. 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] a preponderance of the evidence pursuant to MSB 2.29.080(C).

Section 32. Amendment of subsection. 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 subsection. MSB 24.35.030(D) is hereby amended as follows:

(D) An individual may lawfully detain any domestic 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:

Subject to the approval of the Borough Manager,
[T]he 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]. Subject to the

approval of the Borough Manager [T]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 subsection. 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;

(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, pursuant to MSB 24.15.010(A);

(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 within 15 business days of impoundment, pursuant to MSB 24.15.010(C);

(6) the animal is taken into Borough protective custody after being left unattended due to the death of a former owner and the successor owner is unknown and cannot be ascertained after a reasonable effort and an 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 as provided in (6) above.

Section 36. Amendment of subsection. 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] [T] The owner of an animal that is subject to forfeiture pursuant to subsection (B) [(5), (6),] (7), [OR] (8), (9), or (10) of this section shall be served with 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 section. MSB 24.40.050(A) is hereby amended to insert the following to the fine schedule:

Code Section	Section Description	Amount of Fine
<u>MSB 24.05.110(B) (1)</u>	<u>Failure to return live trap</u>	<u>\$300</u>

Section 38. Amendment of subsection. MSB 24.10.020(A) is hereby amended as follows:

(A) License required. In addition to the requirements of MSB 24.10.010 (c), no person shall own or operate a kennel or cattery or own five or more dogs or cats over the age of six months without licensing as a kennel or cattery operator for each location of a kennel or cattery. This section does not apply to the registration of sled dogs if there is a current mushing facility license as per MSB 24.07 in place for the facility at issue. A separate kennel or cattery license is required for each species type of five or more animals over the age of six months. Dual licensing shall be made available to persons owning both a kennel and a cattery. Only one licensing fee will be required if applying for both licenses simultaneously.

Section 39. Amendment of subsection. MSB 24.10.020 (G) (2) (c) is hereby amended as follows:

(c) unpaid [ANIMAL LICENSING] fees under this title, or unpaid fines for violations of this title.

Section 40. Amendment of section. MSB 24.10.030 is hereby

amended as follows:

It is the responsibility of every [DOG OR CAT-OWNER AND] kennel or cattery operator to update and provide the borough with current license information regarding the items set forth in [MSB 24.10.010(B) AND] MSB 24.10.020(B). Violation of this provision is an infraction.

Section 41. Amendment of section. MSB 24.10.050 is hereby amended as follows:

(A) Identification tags. Each licensed dog and cat [SHALL] may be issued a tag with an identification number and telephone number of the animal care and regulation office upon request by the owner.

(B) Tag placement. The identification tag shall be securely fastened to the dog's or cat's choke chain, collar, or harness, which [SHALL] should be worn at all times when the dog or cat is off the owner's property, except when a dog or cat is in competition, training, in use as a police dog by law enforcement personnel, or while performing recognized sporting activities, including, but not limited to, dog mushing.

(C) Microchip identification. The dog or cat owner may have the dog or cat inserted with a microchip identification approved and inserted by the borough with the borough

identification number. The microchip identification [SHALL] **should** be inserted in a location specified by the chief animal care and regulation officer. Animals microchipped by the borough shall have lifetime licensing. [, AS LONG AS RABIES VACCINATIONS ARE MAINTAINED AS CURRENT. IF RABIES VACCINATIONS LAPSE, LIFETIME LICENSING IS FORFEITED AND THE ANIMAL MUST BE RELICENSED.]

(D) Performance of license tattoos. A tattoo or microchip implant may be performed in a place other than the borough animal care and regulation shelter by someone other than a borough animal care and regulation officer, at the owner's expense. [IF T] **The** owner **should** notify [IES] the borough of the identification number and the location of the tattoo or microchip.

Section 42. Amendment of section. MSB 24.10.070 is hereby amended as follows:

(A) License fees:

(1) The **optional** license fee for a dog or cat shall be set by assembly resolution if the animal is spayed or neutered. For animals that are not spayed or neutered the **optional** license fee shall be set by assembly resolution. The license tag shall remain current for three years. If the animal is spayed or neutered and microchipped, the lifetime **optional** licensing fee shall

be set by assembly resolution. For animals that are microchipped but are not spayed or neutered the optional lifetime licensing fee shall be set by assembly resolution.

(2) The optional licensing fee for an animal that is newly adopted from the animal care and regulation shelter shall be set by assembly resolution. The license tag shall be current for the life of the animal since the animal is microchipped before leaving the shelter.

(3) To license five or more dogs or five or more cats housed in the same location, a kennel or cattery license is required. The fee for licensing of the kennel or cattery shall be set by assembly resolution. There is no charge for licensing each animal listed under a kennel or cattery license. The kennel or cattery license shall last for three years.

Section 43. Amendment of section. MSB 24.10.090 is hereby amended as follows:

(A) The optional licensing [REQUIREMENTS] for dogs and cats under this chapter do not apply to any dog or cat listed in a licensed cattery or kennel[.]l 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.]

(B) The Humane Society shelters, Society for the Prevention of Cruelty to Animals shelters, and hospitals and clinics operated by licensed veterinarians for the care and treatment of animals are exempted from the kennel and cattery licensing requirements set forth in MSB [24.10.010 AND] 24.10.020. However, the shelters, hospitals, and clinics are subject to all other requirements of this title.

Section 44. Amendment to section. MSB 24.10.130 is hereby amended as follows:

Every owner **optionally** licensing a dog or a cat, or a kennel or a cattery, shall be furnished a copy of Title 24: Animal Care and Regulation, and acknowledge in writing the receipt thereof.

Section 45. Amendment to subsection. 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 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 46. Amendment to section. MSB 24.20.020(A) is hereby amended as follows:

(A) A person may not keep, own, or harbor a dog or cat over six months of age unless the dog or cat has been immunized for rabies in accordance with the laws of the state and borough ordinance. The person is required to provide proof of the rabies certificate to the borough in the form required by the state of Alaska upon application to optionally license any dog or cat, or upon notification by the chief animal care and regulation officer. Violation of this provision is an infraction. It shall be an affirmative defense that the animal was currently vaccinated for rabies at the time that proof of the rabies certification was requested by the chief animal care and regulation officer.

Section 47. Amendment to subsection. MSB 24.26.30(A)(1) is hereby amended as follows:

(1) No other conditions of release shall be required if the incident is classified as accidental, except for the supervised quarantine provisions set forth in MSB 24.20.050, [LICENSING REQUIREMENTS SET FORTH IN MSB 24.10] and fee and expense requirements set forth in MSB 24.15.030.

Section 48. Amendment to subsection. MSB 24.26.040(C) is hereby amended as follows:

[(B)] Microchip [,] and immunization [, AND LICENSING] requirements. To ensure correct identification, all classified animals shall be implanted with a permanent microchip to identify the animal and its owner. All animals shall be vaccinated with an Alaska State approved rabies vaccine and all vaccinations appropriate to species. [IN ADDITION, ALL DOGS AND CATS SHALL BE LICENSED IN ACCORDANCE WITH MSB 24.10.010.]

Section 49. Amendment to section. MSB 24.40.050 (A) is hereby amended as follows:

Code Section	Section Description	Amount of Fine
[MSB 24.10.010(A)]	[FAILURE TO REGISTER DOG OR CAT FIRST OFFENSE SECOND OFFENSE, SAME PERSON (WITHIN 12 MONTHS) THIRD OFFENSE, SAME PERSON (WITHIN 12 MONTHS)]	[75 100 125]

Section 50. 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 51. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day
of August, 2024.

For Edna DeVries
EDNA DeVRIES, Borough Mayor

ATTEST:

Lonnie R. McKechnie
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Gamble, Fonov
and Bernier