

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

**AGENDA OF: July 16, 2024**

**ASSEMBLY ACTION:**

Amended and adopted without objection. 08/20/24 - EMW

**AGENDA ACTION REQUESTED:** Introduce and set for public hearing.

Route To	Signatures
Originator	6 / 2 8 / 2 0 2 4 X C h r i s t o p h e r L o s c a r Signed by: Christopher Loscar
Department Director	6 / 2 8 / 2 0 2 4 X C h r i s t o p h e r L o s c a r , A C & R ... Signed by: Christopher Loscar
Finance Director	7 / 2 / 2 0 2 4 X C h e y e n n e H e i n d e l Signed by: Cheyenne Heindel
Borough Attorney	7 / 2 / 2 0 2 4 X N i c h o l a s S p i r o p o u l o s Signed by: Nicholas Spiropoulos
Borough Manager	7 / 2 / 2 0 2 4 X M i c h a e l B r o w n Signed by: Mike Brown
Borough Clerk	7 / 2 / 2 0 2 4 X E s t e l l e W i e s e f o r L o n n i e M c ... Signed by: Estelle Wiese

**ATTACHMENT (S):** Ordinance Serial No. 24-066 (22 pp)  
Animal Care Board Resolution 24-001 (23 pp)

**SUMMARY STATEMENT:** In 2015, Title 24 was extensively reviewed and amended. Since that time, there have been several errors and omissions that have been discovered that have created issues of ambiguity, contradiction, and vagueness. In several places there are incorrect references to which board hears a matter, contradictory legal standards, and places where the code does not specify what is to happen. These appear to mainly be oversights based upon review of the 2015 detailed discussions of the changes.

Additionally, since the 2015 revisions, the position of the Animal Care Director has been established so there is a need to change the verbiage throughout Title 24 to reflect the director's authority. Some sections had only grammatical changes made to them

to ensure that code flows.

The Animal Care Board meet twice in 2024 to discuss and review the proposed changes with the public having an opportunity to participate.

Some of the substantive changes are highlighted below:

**MSB 24.05.010 Definitions**- The definition of Animal Care Manager was changed to Animal Care Director and made clear that the Director has the same authority granted to the Chief Animal Care and Regulation Officer. A definition of Animal Shelter Manager was added to the definitions.

**MSB 24.05.100(A) - Protective Custody** - a listing out of "including but not limited to circumstances..." where an animal can be taken into protective custody was removed to clarify that those were not the only circumstances that an animal could be taken into protective custody to preserve the animal's health or safety.

**MSB 24.05.110(B) - Live Animal Traps** - language was added to this section to address the issue of the loaning and return of Borough owned live traps. Currently the code lacks any mechanism for enforcement when a loaned out live trap is not returned, resulting in significant costs for replacement when this happens.

Additional language was added to allow for residents to use personally owned commercially manufactured live animal traps or homemade live animal traps that are pre-inspected by Animal Care staff. Current language of the code prohibits the use of any live animal trap that is not "Borough-authorized", including any personally owned commercially manufactured live animal traps, which are often used by rescue groups and other citizens assisting in capture of lost animals.

**MSB 24.10.010(A) - Licensing** - language was added to clarify that when someone has a kennel or cattery license, it is not necessary to have individual licenses for each animal under that license, while that license is valid.

**MSB 24.10.020(K) - Licensing; Kennels and Catteries** - a section was added to clarify the appeal process for the denial or revocation of a kennel or cattery license and to provide the legal standard of proof necessary. Currently, code provides for such appeals go before the Animal Care Board but is not clear on the standard of proof. The Board agreed that deference shall be granted to the Chief's decision if it is supported by substantial evidence.

**MSB 24.15.010(C) - Impoundment** - Current code is silent on what

happens to animals after the minimum 15 day hold period when the animal is provided to the Borough by law enforcement or other individuals in situations where the animal's owner is unavailable due certain circumstances such as fire, arrest, or hospitalization. Language is being added to clarify that after that 15 minimum hold period, the animals not claimed may be forfeited.

**MSB 24.26.020(A) - Exemptions to Classifications** - added language to clarify that the Chief has the discretionary authority to not only refrain from classifying an animal but the reduce the classification in certain circumstances.

**MSB 24.26.080 and MSB 24.26.085 - Changes to Classifications** - Section 24.26.080 is repealed in its entirety and replaced with 24.26.085. The new section allows for animals classified as a Level 1 or Level 2 to have the classification automatically removed if all fees have been paid and there are no further incidents or violation of title 24. This provision is not retroactive, and the removal of the classification does not prevent it from being used in the future should further incidents occur after that one-year period. The section also spells out specific procedures for requesting reduction, modification, or removal of a classification for animals classified as Level 3 or Level 4.

**MSB 24.30.040(B) - Level 5 Classification Hearings** - as written, this section contradicts MSB 2.29.080(c). This change is to clarify that it is the Office of Administrative Hearings that conduct Level 5 Classification hearings, not the Animal Care Board. The change also aligns the burden of proof for such hearings to those set forth in MSB 2.29.080(C).

**MSB 24.35.030(D) - Interference**- language is being added to allow for individuals to have up to 24 hours to surrender a found and detained domestic animal to the Animal Care and Regulation shelter/officer. Current language requires the immediate notification and surrender of the animal. The change will allow the public time to get the animal to the shelter and a reasonable period to try to reunite the animal with its lawful owner by checking for a microchip and local lost and found ads.

**MSB 24.20.030(B) - Forfeiture** - Two additional sections are being added. The first addresses the issue from 24.15.010(C) regarding animals impounded for the 15-day period as addressed in that section above. The second section being added addresses an issue that has come up numerous times where an animal is taken into protective custody due to the death of their owner and no successor owner comes forward or can be ascertained after reasonable efforts are made. This new section allows for the forfeiture of these animals after a notice of forfeiture has been posted at the seizure

location for a minimum of 15 days. This request is being done to minimize the amount of time these animals have to stay in the shelter. Under the current language of the code, the Borough must hold the animal for 15 days after which time they must serve the decedents unknown estate with a forfeiture notice, which requires at least four weeks of publication and an additional 30 days after the last date of publication for response, before the animal can be legally forfeited and placed up for adoption.

**MSB 24.40.050 (A) - Fines** - Adding to the fine schedule the fine for failure to return a live trap.

**RECOMMENDATION OF ADMINISTRATION: Adopt**

Amended: 01/22/24  
Amended: 04/17/24  
Adopted: 04/17/24

**MATANUSKA-SUSITNA BOROUGH  
ANIMAL CARE AND REGULATION BOARD  
RESOLUTION SERIAL NO. 24-001**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ANIMAL CARE AND REGULATION BOARD MAKING RECOMMENDATIONS FOR AMENDING PORTIONS OF TITLE 24.

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WHEREAS, the Animal Care and Regulation Board was requested to review Title 24 code changes to address outdated portions of code, clarify code intent, as well as to improve current processes.

THEREFORE, BE IT RESOLVED, that the Board recommends that the Assembly adopt an ordinance that includes the changes outlined below.

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) 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. 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 24.10.090(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].

Section 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. 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 22. Amendment of section. MSB 24.20.090 is hereby amended as follows:

[AT LEAST SEMI-ANNUALLY,] 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 23. 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 24. 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 25. 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 26. Repeal of Section. MSB 24.26.080 is hereby Repealed in its entirety.

Section 27. Adoption of Section. MSB 24.26.085 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 that did not go before the Animal Care and Regulation Board for a classification hearing, and the 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, 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 28. 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 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 24.30.040(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 31. 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 32. 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 33. Amendment of section. MSB 24.35.050 is hereby amended as follows:

**Subject to the approval of the Borough Manager,**  
[T]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]. 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 34. 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 35. 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 36. 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 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. Effective date. This ordinance shall take effect upon adoption.

MATANUSKA-SUSITNA BOROUGH  
ANIMAL CARE AND REGULATION BOARD

  
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PATRICIA HURT, Chair

ATTEST:

  
\_\_\_\_\_  
BRENDA J. HENRY, MMC  
Assistant Borough Clerk