

# MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

## CHAIRPERSON

Patricia Hurt

## VICE CHAIR

Georgia Knazovich



## BOARD MEMBERS

Terry Dennison

Sally Pollen

## ALTERNATE

Daniel Bowen

## AGENDA

### ANIMAL CARE AND REGULATION BOARD

### ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE

PALMER, ALASKA

**APPEAL HEARING**

**1 P.M.**

**APRIL 17, 2024**

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. ITEMS OF BUSINESS

A. Hearing – AC&R Case No. 24-01: Appeal the Level 3 Classification of Aska – Shanelle Grant, Appellant

1. Opening Presentation by Borough Staff *(15 minutes – the Board and the Appellant/Owner shall have the opportunity to ask questions.)*

a. Erin Dooling, Assistant Borough Attorney

2. Opening Presentation by Animal Owner *(15 minutes – the Board and the Borough shall have the opportunity to ask questions.)*

a. Shanelle Grant

3. Victim Statements *(15 minutes the Board, the Borough, and the Owner/Appellant shall have the opportunity to ask questions.)*

a. Olga Adams

4. Witness Statements, which may include Borough Staff *(5 minutes – The*

*Board the Borough and the owner/appellant shall have the opportunity to ask questions.)*

- a. Matt Hardwig, Chief Animal Care and Regulation Officer
  - b. Rachel Curtis, Animal Care and Regulation Officer
  - c. Any witness designated on Appellant's witness list
  - d. Any witness mentioned in the record on appeal
  - e. Any witness needed to impeach the testimony of another witness
  - f. Any witness necessary to lay the foundation for the admission into evidence of any exhibit or document contained in Appellant's exhibits
  - g. Any rebuttal witnesses as may become apparent at the time of the hearing.
5. Closing Remarks by Animal Owner/Appellant (*10 minutes*)
    - a. Shanelle Grant
  6. Closing Remarks by Borough (*10 minutes*)
    - b. Erin Dooling, Assistant Borough Attorney

## V. ADJUDICATORY SESSION

### **REGULAR BOARD MEETING (Immediately Following Appeal Hearing)**

#### I. APPROVAL OF MINUTES

- A. January 22, 2024

#### II. AUDIENCE PARTICIPATION

#### III. ITEMS OF BUSINESS

- A. Deliberations and Possible Adoption of AC&R Resolution No. 24-001: A Resolution Making Recommendations for Amending Portions of Title 24.
- B. Report from Animal Care and Regulation Staff

#### IV. BOARD COMMENTS

#### V. ADJOURNMENT

**I. CALL TO ORDER**

A special meeting was held on January 22, 2024, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The hearing was called to order at 10 a.m. by Acting Chair Patricia Hurt.

**II. ROLL CALL**

Board members present and establishing a quorum were:

Georgia Knazovich  
Sally Pollen  
Patricia Hurt

Board members absent and excused:

Terry Dennison  
Daniel Bowen

Staff in attendance were:

Brenda J. Henry, MMC, Assistant Borough Clerk  
Denise Michalske, Assistant Borough Attorney  
Christopher Loscar, Animal Care and Regulation Director  
Jamie Kennedy, Animal Care and Regulation Manager  
Matthew Hardwig, Animal Care and Regulation Chief

**III. APPROVAL OF AGENDA**

Acting Chairperson Hurt queried if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved as presented without objection.

**III. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Member Sally Pollen

**IV. APPROVAL OF MINUTES**

A. July 5, 2023

Acting Chairperson Hurt queried if there were any changes to the minutes.

GENERAL CONSENT: The minutes were approved as presented without objection.

**V. AUDIENCE PARTICIPATION (Three minutes per person)**

The following person suggested some amendments to Title 24: Samantha Fiero of Clear Creek Cat Rescue.

**VI. ITEMS OF BUSINESS**

**A. Elect Chair**

NOMINATION: Sally Pollen nominated Patricia Hurt as Chairperson.

The nomination was accepted.

Acting Chairperson Hurt queried if there was any objection.

There was no objection noted.

**B. Elect Vice-Chair**

NOMINATION: Chairperson Hurt nominated Georgia Knazovich as Vice-Chairperson.

The nomination was accepted.

Chairperson Hurt queried if there was any objection.

There was no objection noted.

**C. Discussion and Possible Amendments to an Ordinance amending Portions of Title 24**

Chairperson Hurt requested that Ms. Henry speak to the best way for the Board to proceed.

Ms. Henry noted that she has been involved in several code revisions. Advised that the best way to proceed would be to go through the ordinance section by section. Stated that once the Board has reviewed all sections, that they would then need to vote on the document as a whole. Stated that she would read the sections so that the public would know where the Board was at, then the Board would discuss the section, and then amend and or approve the section, and the finally, vote on the document as a whole and to send the recommendations to the Assembly.

Chairperson Hurt queried if there was any objection to moving forward as described by Ms. Henry.

There was no objection noted.

*Clerk's Note: [CAPS AND BRACKETS] is what is proposed to be removed. **Bold and Underlined** is what is being proposed as new and inserted.*

Ms. Henry noted that section 1 is the statement that the ordinance that would go before the Assembly would be a code ordinance to amend Title 24 and that it gives authority to the Revisor of Ordinances, the Borough Clerk, to change any instance of Animal Care Manager to Animal Care Director, throughout Title 24. Noted that due to position name changes, this amendment is necessary. Read Section 2 into the record.

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**.

Chairperson Hurt queried if there was any discussion. Queried why this change was necessary.

Ms. Henry advised that a few years ago, that what is now the director position, was titled Animal Care Manager. Stated that with the growth of the shelter and a new person in the director position, it required that this definition be updated. Also noted that there is manager, but the title is Animal Shelter Manager with different responsibilities than the Director position.

Chairperson Hurt queried if there was any additional discussion.

There was no additional discussion.

Chairperson Hurt queried if there was any objection to section 2.

There was no objection noted.

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.

Ms. Henry read section 3 into the record.

Chairperson Hurt queried why it would change from Manager to Borough Manager.

Ms. Henry advised that it is only the Borough Manager that has the authority to close streets or make exceptions to Title 24 for special events. Noted that he could designate that authority to the Animal Care Director, but it is the Borough Manager who has that authority.

Chairperson Hurt queried if there was any additional discussion.

There was no additional discussion.

Chairperson Hurt queried if there was any objection to section 3.

There was no objection noted.

Ms. Henry read section 4 into the record.

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; 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.**

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 4.

There was no objection noted.

Ms. Henry read section 5 into the record.

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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to Section 6.

There was no objection noted.

Ms. Henry noted that she has a suggestion for this section that is more succinct than what is included in the draft document. Read the suggestion into the record.

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 and Control Officer, or 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.**

Chairperson Hurt queried if there was any discussion.

There was discussion ensued regarding:

- if the Borough could or should provide safety inspections for privately owned traps;
- about any possible liability to the Borough if they do safety inspections on privately owned live animal traps;
- how often traps are not returned in a timely manner; and
- how often traps are returned in less than desirable condition.

Chairperson Hurt queried if there was any additional discussion.

There was no additional discussion.

Chairperson Hurt queried if there was any objection to section 6.

There was no objection noted.

*Clerk's Note: The Board requested that the Attorney and the Director construct language about how shelter staff would or could inspect a private trap, and be prepared to speak to what kind of liability that could potentially be on the Borough, or if the Borough should even be inspecting privately owned live animal traps.*

Ms. Michalske stated that they would work on language and bring it to the Board for the next meeting.

Ms. Henry read section 7 into the record.

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.**

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 7.

There was no objection noted.

Ms. Henry read section 8 into the record.

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.**

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 8.

There was no objection noted.

Ms. Henry noted that she has a suggestion for this section that would remove duplicative language and make it more clear to a reader. Read the suggestion into 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.]

Chairperson Hurt queried if there was any discussion.



There was no discussion.

Chairperson Hurt queried if there was any objection to section 9.

There was no objection noted.

Ms. Henry read section 10 into the record.

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 pursuant to MSB 24.40.030.**

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 10.

There was no objection noted.

Ms. Henry read section 11 into the record.

Section 11. Amendment of subsection. 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 subsection, 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].

Chairperson Hurt queried if there was any discussion.

Ms. Henry advised that hearings for Level 5 classified animals are set automatically. Noted that adding that language clarifies code so that it is understood that a hearing is automatically set. Opined that this is helpful for a person who may be upset about the possibility of their animal being euthanized.

Chairperson Hurt queried if there was any additional discussion.

There was no additional discussion.

Chairperson Hurt queried if there was any objection to section 11.

There was no objection noted.

Ms. Henry read section 12 into the record.

Section 12. Amendment of subsection. 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**.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 12.

There was no objection noted.

Ms. Henry advised that section 13 through section 15 are all the same type of amendment, changing Animal Care Manager to Animal Care Director, and that the Board could take them all up at once if they would like to.

Chairperson Hurt queried if there was any objection to taking up sections 13 through 15 together. There was no objection noted.

Ms. Henry read section 13, 14, and 15 into the record.

Section 13. Amendment of subsection. 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 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 15. 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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to sections 13, 14, and 15.

There was no objection noted.

Ms. Henry read section 16 into the record.

Section 16. 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. 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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 16.

There was no objection noted.

Ms. Henry advised that section 17 and 18 are the same type of amendment, changing Animal Care Manager to Animal Care Director, and that the Board could take them all up together if they would like to.

Chairperson Hurt queried if there was any objection to taking up sections 17 and 18 together.

There was no objection noted.

Ms. Henry read sections 17 and 18 into the record.

Section 17. 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 18. 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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to sections 17 and 18.

There was no objection noted.

Ms. Henry noted that she has some suggested language that clarifies section 19. Stated that she is also recommending removing the language about donations as donations do not need to be codified in order to be accepted. Read the section 19 suggestion into the record.

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].

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 19.

There was no objection noted.

Ms. Henry read section 20 into the record.

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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 20.

There was no objection noted.

Ms. Henry read section 21 into the record and noted that the only change is the ongoing change of Animal Care Manager to Animal Care Director.

Section 21. 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: . . .

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 21.

There was no objection noted.

Ms. Henry read section 22 into the record.

Section 22. 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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 21.

There was no objection noted.

Ms. Henry read section 23 into the record.

Section 23. Amendment of paragraph. 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.

Ms. Michalske noted that when code was revised a number of years ago, that level 5 classifications were moved to the jurisdiction of the Office of Administrative Hearings. Noted that by making this change in Title 24, it matches that revision.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 23.

There was no objection noted.

Ms. Henry read section 24 into the record.

Section 24. 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.

Chairperson Hurt queried if there was any discussion.

Chris Loscar, Animal Care Director, opined that it would be better if code simply granted the authority to conduct low-cost clinics rather than to include a timeframe of when they should occur.

*Clerk's note: the previous draft included the following language "On a semi-annual basis..." and was inserted after the language "At least Semi-annually the" This was not included above. What is included above is what the Board ultimately approved, after the statement by the Director.*

Chairperson Hurt queried if there was any objection to section 24.

There was no objection noted.

Ms. Henry read section 25 into the record.

Section 25. 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: . . .

Chairperson Hurt queried if there was any discussion.

Ms. Henry advised that she added the ellipsis to the end of the section to reduce the amount of language that was included in the ordinance.

Chairperson Hurt queried if there was any additional discussion.

There was no additional discussion.

Chairperson Hurt queried if there was any objection to section 25.

There was no objection noted.

Ms. Henry read section 26 into the record.

Section 26. 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.

Chairperson Hurt queried the reason for the change.

Ms. Henry advised that when Title 24 was previously revised, that Level 5 classification determinations and forfeiture of animals were moved to the jurisdiction of the Office of Administrative Hearings.

Chairperson Hurt queried if there was any additional discussion.

There was no additional discussion.

Chairperson Hurt queried if there was any objection to section 26.

There was no objection noted.

Ms. Henry read section 27 into the record.

Section 27. 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 TO BE] **adjudicated 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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 27.

There was no objection noted.



Ms. Henry read section 28 and 29 into the record. Recommended that MSB 24.26.080 be repealed in its entirety to preserve legislative history and that the new portions be codified as a new section at MSB 24.26.085

Section 28. Repeal of section. MSB 24.26.080 is hereby repealed in its entirety.

Section 29. Adoption of Section. MSB 24.26.085 is hereby 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, 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 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 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, 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.**

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 28 or 29.

There was no objection noted.

Ms. Henry noted that MSB 24.26.100, contains a code reference of MSB 24.26.080, which will need amended to the newly approved section, MSB 24.26.085 and that the Board will can approve that administrative change when they vote to approve sending the final resolution to send to the



Assembly.

Chairperson Hurt queried if there was any objection.

There was no objection noted.

Ms. Henry read section 30 into the record. Noted that the language is being suggested to change that reviews happen upon request rather than annually, which more accurately reflects what is currently occurring. Noted that language was added to clarify that the only budget that the Board would review would be the one prepared by the Clerk's Office for the Board and not the budget for the Shelter.

Section 30. 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** budget.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 30.

There was no objection noted.

Ms. Henry read section 31 into the record.

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.] **The standard of proof to be applied to Level 5 adjudications is proof by a preponderance of the evidence pursuant to MSB 2.29.080(C).**

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 31.

There was no objection noted.

Ms. Henry read section 32 into the record.

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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 32.

There was no objection noted.

Ms. Henry read section 33 into the record.

Section 33. Amendment of subsection. 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**.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 33.

There was no objection noted.

Ms. Henry read section 34 into the record.

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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 34.

There was no objection noted.

Ms. Henry noted that she would suggest that the Board add “and affirmed by the Office of Administrative Hearings” to 24 to (B)(1) but advised that the Board should request that the Attorney speak to if it will work or not. Read section 35 into the record.

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 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 pursuant MSB 24.05.100(A)(5);**

[(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).**

Chairperson Hurt requested Ms. Michalske speak to what Ms. Henry stated regarding this section.

Ms. Michalske advised that it is unnecessary in this section.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was objection approving all but what was suggested by Ms. Henry.

There was no objection noted.

Chairperson Hurt queried if there was any additional discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 35.

There was no objection noted.

Ms. Henry read section 36 into the record.

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 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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson Hurt queried if there was any objection to section 36.

There was no objection noted.

Ms. Henry read section 37 into the record. Reiterated that this section gives the Borough Clerk authorization to change Animal Care Manager to Animal Care Director, throughout Title 24 if not amended by the legislation that the Board is reviewing.

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.

Chairperson Hurt queried if there was any discussion.

There was no discussion.

Chairperson queried if there was any objection to section 37.

There was no objection noted.

Ms. Henry read section 38 into the record.

Section 38. Amendment of subsection. 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

Chairperson Hurt queried if there was any discussion.

Discussion ensued about how live traps are issued to the public and if the fine was too large or alternatively, too small.

MOTION: Chairperson Hurt moved to continue discussion and approval of section 38 to the next meeting.

VOTE: The motion failed with Chairperson Hurt in support.

Chairperson Hurt queried if there was any objection to section 38.

Member Pollen objected.

MOTION: Chairperson Hurt moved to approve section 38.

VOTE: The motion passed with Member Pollen opposed.

VII. BOARD COMMENTS

Member Pollen opined that this was positive experience and that she appreciated going through the steps.

Chairperson Hurt thanked staff for their input and noted that it was helpful. Thanked the audience members that provided testimony.

*Clerk's Note: The sections of the resolution will not mirror the minutes due to amendments made to the draft ordinance the Board initially reviewed.*

VIII. ADJOURNMENT

*Clerk's Note: The chairperson called for adjournment and there was no objection. Immediately following the call to adjourn, the Animal Care Director stated he had a report for the Board if they were interested.*

Ms. Henry advised that the Board could stay on the record if none of the members had no objection.

Chairperson Hurt queried if there was any objection to staying on record to take the Director report.

There was no objection noted.

Christopher Loscar, Animal Care and Regulation Director, reported on shelter statistics, adoption successes, and other activities of the shelter.

The meeting adjourned at 11:53 p.m.

MATANUSKA-SUSITNA BOROUGH  
ANIMAL CARE AND REGULATION BOARD

---

PATRICIA HURT, Chairperson

ATTEST:

---

BRENDA J. HENRY, MMC  
Assistant Borough Clerk  
Minutes Approved:

Action:

**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.

---

WHEREAS, the Animal Care and Regulation Board was requested to review Title 24 code changes to address outdated portions of code, 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 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 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; 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 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 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 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 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. 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 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 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 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

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, 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 2.29080(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 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:

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 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 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 pursuant MSB 24.05.100(A)(5);

[(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 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 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 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.

ADOPTED by the Matanuska-Susitna Borough Animal Care and Regulation Board this - day of -, 2024.

\_\_\_\_\_  
PATRICIA HURT  
Animal Care and Regulation  
Board Chairperson

ATTEST:

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