

**Title 6
ANIMALS**

Chapter 6.04 - DEFINITIONS – ENFORCEMENT

Sections:

- 6.04.010 Definitions
- 6.04.020 Records – Animal control officer duty
- 6.04.030 Enforcement – Interference prohibited

6.04.010 Definitions

The following terms used in this title have the following meanings:

“Accidental bite or exposure” means a bite which is received under circumstances which can be deemed accidental or happening from chance rather than intent.

“Adoption” means the process by which a person over the age of majority selects and pays the fees necessary to bring into one’s own home an animal from the borough animal shelter.

“Animal” means all domestic or domesticated members of the kingdom animalia, classes mammalia, aves, reptilia and amphibia.

“Animal bite” is a bite from an animal that is known to be a possible vector of rabies. To be classed a bite, a bite must break the skin.

“Animal bite incident” means an animal bite or other incident as defined under this section.

“Animal control” means a division of the department of emergency operations.

“Animal control officer” means the superintendent of animal control and his/her subordinates in the collective capacity as administrators of this title.

“Animal shelter” means any premises designated by action of the animal control officer for the purpose of impounding and caring for all animals impounded pursuant to this title or state statute.

“At large” means any animal not under restraint.

“Cat” means any domestic or domesticated member of the family felidae.

“Dog” means any domestic or domesticated member of the family canidae.

“Neutered male” means any male animal that has been castrated.

“Notice of removal” means a document completed by an animal control officer who removes an animal from private property upon which there exists a residence. The notice shall provide the following information:

1. Date and time of removal;
2. Name of officer removing the animal;
3. Description of animal removed;
4. Reason for removal;
5. Contact name, phone number and location where the animal will be located for further disposition.

“Owner” means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three days or more.

“Planned breeding” means any purposeful breeding intended for the perpetuation of a specific type of animal.

“Protective custody” means impoundment of an animal for its own protection.

“Public nuisance” means any animal which molests passersby or passing vehicles, attacks other animals, trespasses on school grounds or other public or private property, is repeatedly at large, damages public or private property, or that barks, whines, howls or makes other loud noises excessively or continuously and is not exempted by AS 09.45

“Recognized animal activity” means events, trials or training generally accepted by animal organizations.

“Restraint,” for the purposes of this title, means:

1. Physical confinement, as by leash, chain, cable, fence or building; or
2. Under competent voice control when an animal is engaged in a recognized animal activity or form of training requiring that it not be physically confined; or
3. Under competent voice control of a person who is physically present with an animal when that animal is on the property of the owner.

“Secure enclosure” means an escape-proof animal enclosure.

“Spayed female” means any female animal which has an ovariectomy or ovary hysterectomy performed.

“Stray” means an animal which is at large, or held by a citizen for pick-up or turned in to the animal control officer. (Ord. 2004-38 § 4, 2004; Ord. 2002-03 § 2, 2002; Ord. 2000-50 § 2, 2000; Ord. 95-003 § 2, 1995; Ord. 93-021 § 5, 1993; Ord. 89-058 § 2, 1989; Ord. 88-058 § 3, 1988; Ord. 82-104 § 2, 1983; Ord. 80-65 § 2, 1980; Ord. 78-15, 1978)

6.04.020 Records – Animal control officer duty

- A. The superintendent of animal control or such other person as the mayor shall designate shall perform the duties of the animal control officer to keep or cause to be kept accurate and detailed records of the impoundment and disposition of all animals coming into his custody.
- B. It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed reports of all animal bites reported to him/her and his/her investigation of the same. It shall be the duty of the animal control officer and his/her designee to make an initial determination of animal bite cases.
- C. It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of the monies received, which records shall be open to inspection at reasonable times by persons acting for the state or the borough and having responsibility for the inspection of such records.
- D. The animal control officer will keep a record of all animals on which the tranquilizer gun is used. Any tranquilizer drug and dosage used shall be approved by the local veterinary medical association.
- E. It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of all identification (i.e., tags, tattoos on legs or ears) and rabies certificates issued by animal control in accordance with this title.
- F. The animal control officer and his/her designee shall have the authority to file complaints and serve summonses and complaints for violations of this title. (Ord. 88-058 § 4, 1988; Ord. 86-017 § 41, 1986; Ord. 78-15, 1978)

6.04.030 Enforcement – Interference prohibited

No person shall intentionally, recklessly or with criminal negligence interfere with, molest or hinder any police officer or animal control officer in the performance of any duty under this title, or seek to release any animal in the custody of such officer or from the animal shelter. Violation of this section is a misdemeanor. (Ord. 2000-50 § 3, 2000; Ord. 78-15, 1978)

Chapter 6.06 - FEES AND DEPOSITS

Sections:

- 6.06.010 Adoption fees and deposits
- 6.06.020 Impound fees
- 6.06.030 Room, board and other fees

6.06.010 Adoption fees and deposits

- A. An adoptive owner shall pay to the borough animal shelter an adoption fee as established in accordance with FNSBC 3.50.010 plus the current fee for a rabies vaccination if the animal is not currently vaccinated as provided in this title. Adoption fees for animals other than dogs or cats shall also be established in accordance with FNSBC 3.50.010.
- B. All dogs and cats shall be spayed or neutered prior to adoption.
 - 1. Dogs and cats eligible for adoption may be spayed or neutered at the expense of the Fairbanks North Star Borough.
 - 2. A person adopting a dog or cat which has not been spayed or neutered may designate and arrange for a local veterinarian to spay or neuter the animal. In lieu of the adoption fee set forth in FNSBC 6.06.010 (A), animal control will collect the actual cost of the surgery from the adoptive owner at the time of adoption and pay it to the veterinarian upon verification of the spay or neuter. Animal control shall deliver the animal to the veterinarian. If the veterinarian cannot accept the animal for the procedure by the next working day, the animal shall be boarded at the shelter or at the veterinarian's office at the expense of the adoptive owner. The veterinarian may delay the surgery for medical cause for up to 30 days. If a medical delay is required, the animal may be released to the adoptive owner on condition that it be returned to the veterinarian within 30 days for the spay/neuter procedure. If a medical delay of more than 30 days is required, approval may be granted by the animal control manager.
- C. It is a violation, punishable by the penalties set forth in FNSBC 06.28.010 (A), for an adoptive owner to possess an adopted dog or cat which is not spayed or neutered, unless the spay/neuter procedure is currently delayed in accordance with subsection (B)(2) of this section.
- D. The animal control manager may waive adoption fees for nonprofit organizations when such organizations take animals in order to attempt to place them for adoption. Any such waiver of fees shall be pursuant to agreement with the organization providing such conditions as the animal control manager and the organization shall agree upon that will tend to protect the health and welfare of the animal population. (Ord. 98-052 § 2, 1998; Ord. 91-024 § 2, 1991; Ord. 89-014 § 3, 1989)

6.06.020 Impound fees

- A. Any animal impounded under this chapter may be redeemed as provided in this chapter upon payment by the owner to the borough of the amount specified in FNSBC 6.06.030, plus a redemption fee as established in accordance with FNSBC 3.50.010 based on the number of previous impounds for the animal in any given 36-month period, with a maximum fee of \$300.00. In the event that the impounded animal does not have a current rabies vaccination according to FNSBC 6.16.020 the owner shall pay penalty as established in accordance with FNSBC 3.50.010, in addition to the actual cost of the rabies vaccination.
- B. Any owner who agrees to have his redeemed dog or cat neutered or spayed within 30 days after redeeming that adult animal, or within 30 days after six-month birthday for a juvenile animal, will be refunded an amount equal to a first time redemption fee as established by subsection (A) of this section, upon receipt of a licensed veterinarian's signed certification that the surgery has been performed. (Ord. 2002-03 § 3, 2002; Ord. 99-049 § 3, 1999; Ord. 91-024 § 3, 1991; Ord. 89-014 § 3, 1989)

6.06.030 Room, board and other fees

A daily fee as established in accordance with FNSBC 3.50.010 for room and board at the borough animal shelter will be charged, plus the current price of a rabies vaccination if the animal is not properly vaccinated as provided in this title. The borough shall also charge as fees those actual cost expenses incurred during the impoundment of an animal. These miscellaneous fees may include but are not limited to necessary veterinary care, increased expenses due to after-hours personnel charges, and such other expenses which are incurred by the borough in the treatment, care or impoundment of the animal. (Ord. 2000-50 § 4, 2000; Ord. 99-049 § 2, 1999; Ord. 89-014 § 3, 1989)

Chapter 6.12 - IMPOUNDMENT

Sections:

- 6.12.010 Impoundment procedure
- 6.12.020 Redemption or disposition
- 6.12.021 Tattooing and microchipping

6.12.010 Impoundment procedure

- A. Animals found running at large within the borough shall be taken up and impounded for not less than 72 hours, and if not claimed by the owner, shall be held for adoption or shall be euthanized in a humane manner as determined by the animal control officer and the local veterinary medical association. An animal wearing a collar with identification or having an ear tattoo, microchip or other means of identifying its owner shall be held for a period of not fewer than 120 hours, and a reasonable effort will be made to notify the owner that the animal has been impounded. Sundays and holidays shall not be counted towards the minimum time a stray animal will be held. After the requisite minimum time, as set forth above, the animal shall be deemed abandoned and become property of the borough.
- B. In addition to, or in lieu of, impounding an animal found at large, the animal control officer or police officer may return the animal to the owner and may issue to the known owner of such animal a citation which complies with Rule 8 of the District Court Criminal Rules. A summons and complaint in the form of a citation under this section shall contain a notice directing the person to whom it is issued to appear to answer to the charge in the district court for the fourth judicial district of the state of Alaska at Fairbanks. The officer who issues this citation shall deposit the original and a copy of the citation with the borough attorney who will process it and forward unpaid citations to the district court for the fourth judicial district of the state of Alaska at Fairbanks. Thereafter, the summons and complaint may be disposed of only by official action. A summons and complaint in the form of a citation that fulfills the requirements for a complaint under the District Court Rules of Criminal Procedure promulgated by the Supreme Court of the State of Alaska shall be deemed a lawful complaint for the purpose of prosecuting a violation of this title. Upon conviction of this title, the owner shall be punished as provided in FNSBC 6.28.010.
- C. If any animal is impounded from private property which contains a residence, the animal control officer shall immediately notify the occupant of the removal. Notice of removal shall be considered given when:
 - 1. A notice of removal document is given to the occupant of the property at the time of removal; or
 - 2. A notice of removal document is placed in a conspicuous location on the premises, when personal contact with the occupant of the property is not possible at the time of removal. The method of delivery of the notice of removal shall be noted on the document. This subsection does not apply if the animal control officer has reasonable belief that the animal does not belong to an occupant at the residence.
- D. The animal control officer may accept animals from their owners for humane disposal or for adoption. Animals placed for adoption shall be held at the discretion of the animal control officer. No animal delivered by its owner for disposal shall be released for adoption.

E. An animal that has been involved in an animal bite incident shall be handled pursuant to Chapter 6.14 FNSBC.

1. No person shall fail, intentionally or with criminal negligence, to surrender such an animal for impound upon the demand of the animal control officer.
2. Failure to surrender an animal pursuant to this subsection is a misdemeanor. (Ord. 2008-23 § 2, 2008; Ord. 2002-03 § 4, 2002; Ord. 2000-50 § 5, 2000; Ord. 98-052 § 3, 1998; Ord. 95-003 § 3, 1995; Ord. 88-058 § 5, 1988; Ord. 88-025 § 2, 1988; Ord. 85-158 § 2, 1986; Ord. 82-104 § 3, 1983; Ord. 80-65 § 3, 1980; Ord. 78-15, 1978)

6.12.020 Redemption or disposition

- A. The owner shall be entitled to resume possession of any impounded animal, except as may be provided in Chapter 6.14 FNSBC, upon the owner's compliance with the rabies provisions of this chapter.
- B. When, in the judgment of a licensed veterinarian, or the animal control officer and one subordinate, an animal should be destroyed for humane reasons, whose owner cannot be identified or located, such animal will be destroyed notwithstanding the time period in FNSBC 6.12.010(A).
- C. No animal may be redeemed or adopted from impoundment that is in an unhealthy condition, unless such animal is placed under the care of a licensed veterinarian. No animal under eight weeks of age shall be placed for adoption.
- D. When care and keep of an animal is made less than adequate because of the arrest of the owner, impaired health of the owner, apparent abandonment, or any other emergency situation, such animal shall be held for the owner in protective custody for a period of 10 days. The animal control officer will attempt to contact the owner to make arrangements for extended care, adoption or euthanasia in a humane manner. (Ord. 98-052 § 4, 1998; Ord. 88-058 § 6, 1988; Ord. 88-031 § 2, 1988; Ord. 86-093 § 3, 1986; Ord. 85-153 § 2, 1985; Ord. 82-104 §§ 4, 7, 1983; Ord. 80-65 § 4, 1981; Ord. 78-15, 1978)

6.12.021 Tattooing and microchipping

All dogs and cats released from the animal shelter, whether by virtue of redemption, adoption or otherwise, shall receive a tattoo in the right ear with a borough identification number or an injected microchip, at the discretion of the owner or adoptive owner. The animal control shelter shall keep a record of all such tattoo or injected microchip numbers with a reference to the animal and current owner.

The owner shall have a reasonable opportunity to be present during placement of the tattoo on or injection of the microchip in the impounded animal.

Any resident of the borough may have dogs or cats owned by him or her tattooed or microchipped by the animal control officer, and such tattooed or microchipped identification number shall be recorded. A fee, if any, for this service shall be established in accordance with FNSBC 3.50.010. (Ord. 2002-03 § 5, 2002; Ord. 2000-50 § 6, 2000; Ord. 82-104 § 10, 1983)

Chapter 6.14 - ANIMAL BITE INCIDENTS

Sections:

- 6.14.010 Animal bite incidents
- 6.14.020 Hearings and appeals to the animal control commission
- 6.14.030 Hearing procedure

6.14.010 Animal bite incidents

- A. It shall be the duty of the animal control officer to investigate and make a determination and classification of each animal bite incident which is reported. The superintendent of animal control shall review and approve the determination and classification made by the animal control officer in each case. If the incident is classified as accidental, the animal shall be quarantined for 10 days pursuant to FNSBC 6.16.010, and no further conditions shall be required. If the biting animal was not otherwise in violation of

the law, and that animal was teased, tortured, or abused by the victim or was protecting itself, its owner or the owner's property from an unlawful act perpetrated by the victim, these circumstances may be taken into consideration by the animal control officer or animal control commission when classifying the animal and/or determining the conditions of release. Otherwise, the animal shall be classified as:

1. Class A, meaning an animal is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person or animal; or
2. Class B, meaning an animal which:
 - a. Has inflicted injury on a person on public or private property, or
 - b. While not under restraint, has killed a domestic animal; or
3. Class C, meaning any animal which inflicts a severe injury or a severe bite to a person on public or private property;
4. Each class shall have one of the following subclassifications:
 - a. Type 1 means an animal which is not subject to any previous conditions of release.
 - b. Type 2 means an animal which is subject to and in compliance with all previously imposed conditions of release.
 - c. Type 3 means an animal which is subject to and in violation of previously imposed conditions of release.
 - d. Type 4 means an animal which is subject to and in violation of previously imposed conditions of release two or more times within the previous five years.

A case involving an animal which is classified as Class C with any subclassification; or, at the animal control officer's discretion, any animal classified as Class B, subclassification Type 4, shall be heard by the animal control commission pursuant to FNSBC 6.14.020(C).

- B. No later than seven days after an animal is impounded in connection with an animal bite incident, the animal control officer shall determine if such animal is subject to redemption upon consideration of the following factors:
 1. The observed and reported past and present behavior of the animal;
 2. The circumstances of the incident and the extent of the injury to the attacked person or animal;
 3. The owner's past history of compliance with this title, including compliance with redemption conditions which the animal control officer has previously imposed on the owner's animals; and
 4. The nature and location of any restraint or confinement system which the owner actually has in place at the time the animal control officer makes a decision.
- C. If the animal control officer determines that the animal is Class A or Class B, the animal control officer may set conditions of release including, but not limited to, requirements for fencing and chaining the animal, maintaining the animal in a house or garage, requiring the animal to be leashed or muzzled when in public or when not controlled by a competent adult, requirements for safe travel with the animal, a requirement of spaying or neutering of the animal, or require that the animal be enrolled in obedience classes.
- D. If the owner agrees to the conditions as set by the animal control officer, the animal shall be released to the owner upon compliance with the conditions of release, and payment of required fees.
- E. Failure to maintain a classified animal according to the conditions of release is a violation. (Ord. 2000-50 § 7, 2000; Ord. 88-058 § 8, 1988)

6.14.020 Hearings and appeals to the animal control commission

- A. An owner aggrieved by the decision of the animal control officer may appeal to the animal control commission, or directly to superior court. Such request for appeal must be filed within five days of the date of the decision of the animal control officer. The animal control commission may affirm, reverse, or modify the classification or conditions as set by the animal control officer. The animal control commission shall have the power to euthanize the animal. The animal control commission shall set a hearing date to be held within 15 days of the receipt of the request for appeal by the owner.
- B. A request to appeal a decision of the animal control officer to the animal control commission shall be accompanied by advance payment of room and board fees calculated from the date of the decision of the animal control officer to the date set for hearing by the animal control commission.
- C. The animal control commission shall have jurisdiction over all animals classified as Class C or referred by the animal control officer. A hearing shall be held within 15 days of the written classification by the animal control officer. The animal control commission shall have the authority to order euthanasia of the animal should the facts and circumstances so merit. (Ord. 2000-50 § 8, 2000; Ord. 88-058 § 8, 1988)

6.14.030 Hearing procedure

- A. A quorum shall consist of three members of the animal control commission. If only three members of the commission are present, it will take a unanimous vote in order to euthanize an animal. If more than three members of the commission are present, then a majority of those present must vote in favor of euthanasia.
- B. The animal control commission shall review the written decision of the animal control officer, hear statements from the victim and representative of animal control, and hear statements from the owner of the animal, and review any pertinent materials. Additional witnesses who observed the event shall also be heard, and the owner may present witnesses to testify to the general character or demeanor of the animal, subject to the discretion of the animal control commission to limit cumulative, redundant or irrelevant testimony. The commission, the animal control representative and the owner shall have the opportunity to question witnesses.
- C. An owner aggrieved by the decision of the animal control commission may appeal to the superior court. Notice of intent to appeal shall be given to the animal control officer within 72 hours of the decision of the animal control commission. The animal control officer shall demand advance payment for one month of room and board expense should the owner file a notice of intent to appeal to the superior court. (Ord. 2000-50 § 9, 2000; Ord. 88-058 § 8, 1988)

Chapter 6.16 - RABIES CONTROL

Sections:

- 6.16.010 Quarantine – Duty to report – Diagnosis and disposition
- 6.16.020 Immunizations
- 6.16.030 False proof of immunization

6.16.010 Quarantine – Duty to report – Diagnosis and disposition

- A. Every animal which bites a human being or exhibits signs of rabies shall be promptly reported to the animal control officer. Every dog or cat that bites a human shall be quarantined for a period of 10 days. Such quarantine may be on the premises of the owner in the discretion of the animal control officer and if the dog or cat has a current rabies vaccination; otherwise such quarantine will take place in the animal shelter or, at the owner's expense, in a veterinary hospital. In the case of stray dogs and cats, or in case ownership is not known, such quarantine shall be at the animal shelter. In the event of a bite by an animal other than a dog or cat, if such animal be of a species known to transmit rabies, the animal shall be quarantined and disposed of in accord with the directives of the state epidemiologist.
- B. The owner, upon demand made by the animal control officer, shall forthwith surrender any animal which has bitten a human and/or which is suspected of having been exposed to rabies, for a supervised

quarantine in accord with subsection (A) of this section; and the animal may be reclaimed by the owner as specified in FNSBC 6.12.020 when adjudged to be free of rabies.

- C. It shall be the duty of every physician, or other practitioner of medicine, to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
- D. It shall be the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any animal observed by him as a rabies suspect.
- E. When any animal has been diagnosed by a licensed veterinarian as being rabid, the animal control officer shall immediately notify the Alaska State Department of Health and Social Services. The animal control officer shall comply with orders and directions of the department with regard to the animal.
- F. When the examination gives a positive diagnosis of rabies, the borough mayor or his designee may impose a borough-wide quarantine for a period of 30 days. During such quarantine, no animal shall be permitted off the owner's premises or in the public streets, or may any animal be taken or shipped from the quarantine area without written permission from the animal control officer and the public health officer. Any animal found running at large during such quarantine shall be killed on sight.
- G. During such quarantine as described in this section, every animal bitten by an animal adjudged to be rabid shall forthwith be destroyed unless the animal has a current vaccination. These properly vaccinated animals must immediately receive a booster vaccination and be quarantined for 30 days to be adjudged rabies free.
- H. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended at the discretion of the borough mayor.
- I. Upon the recommendation of the animal control officer, the borough mayor may put into effect for the period of quarantine such other precautionary regulations as may be deemed necessary. Such precautionary regulations shall be made public by means of an intensive information campaign through local news media and other appropriate means. All additional regulations must be approved at an immediate special meeting of the borough assembly.
- J. No person shall kill or cause to be killed any rabid animal or any animal biting a human, except in defense of life and limb or otherwise as provided in this title, nor remove same from the area without written permission from the animal control officer. All efforts shall be made to save the head from the dead animal for observation.
- K. The carcass of any dead animal thought exposed to rabies shall upon demand be surrendered to the animal control officer.
- L. The animal control officer and public health officer shall direct the disposition of any animal found to be infected with rabies.
- M. No person shall fail or refuse to surrender any animal for quarantine or destruction as required in this section when demand is made by the animal control officer. (Ord. 88-058 § 9, 1988; Ord. 80-65 §§ 5, 6, 1980; Ord. 78-15, 1978)

6.16.020 Immunizations

- A. No person shall own, keep or harbor a dog or cat over three months of age within the borough, unless such animal is properly immunized against rabies. All other animals (i.e., skunks, raccoons, etc.) shall be vaccinated as required by state law.
- B. The animal control officer shall from time to time, and at least annually, hold a rabies immunization clinic. The clinic shall be held at such times and places as to encourage the widest participation. The cooperation of the local veterinary association will be sought in the conduct of the clinics. Fees to be charged may not exceed cost plus 10 percent.
- C. Proper rabies immunization as used in this section and also to be administered pursuant to other provisions of this title shall conform to the current recommendations and requirements as set forth by the

compendium on animal rabies vaccines prepared by the National Association of State Health Veterinarians, Inc., as published annually in the Centers for Disease Control's Morbidity and Mortality Weekly Report. Proof of immunization shall consist of a rabies certificate from a licensed veterinarian or lay vaccinator certified by the state of Alaska. (Ord. 85-158 § 6, 1985; Ord. 82-104 §§ 5, 6, 1983; Ord. 78-15, 1978)

6.16.030 False proof of immunization

It is a violation for any veterinarian or other person to give, issue or transmit any purported proof or certificate of or receipt for rabies immunization not actually given to the animal for which proof, certificate or receipt is given. (Ord. 2000-50 § 10, 2000; Ord. 78-15, 1978)

Chapter 6.24 - UNLAWFUL ACTS

Sections:

- 6.24.010 Proper restraint of animals
- 6.24.020 Animal waste
- 6.24.030 Harboring annoying or diseased animals
- 6.24.040 Cruelty
- 6.24.050 Duty of vehicle operators
- 6.24.060 Release from restraint by non-owner

6.24.010 Proper restraint of animals

No owner or caretaker shall fail to properly restrain his or her animal to prevent it from running at large. (Ord. 82-104 § 8, 1983; Ord. 78-15, 1978)

6.24.020 Animal waste

No dog or cat owner shall fail to remove the excreta deposited by his dog or cat on public areas, recreation areas or on any other person's property. (Ord. 83-11 § 2, 1983)

6.24.030 Harboring annoying or diseased animals

- A. No person shall knowingly own, harbor or keep any animal infected with a contagious or pestilent disease, unless confined and under the care of a licensed veterinarian.
- B. No person shall fail to exercise proper care and control of his animal to prevent it from becoming a public nuisance.
- C. No person shall tie, stake or fasten any animal within any street, alley, sidewalk or public place within the borough or in such a manner that the animal can impede or hinder the safe use by the public of such street, alley, sidewalk or public place.
- D. Every female dog or cat in heat shall be kept confined in such a manner that such female animal cannot come in contact with a male animal except for planned breeding purposes. (Ord. 88-058 § 11, 1988; Ord. 85-158 § 4, 1985; Ord. 80-65 § 7, 1980; Ord. 78-15, 1978)

6.24.040 Cruelty

- A. A person commits the crime of cruelty to animals if the person:
 - 1. Intentionally places a poisonous substance where an animal could reasonably ingest the substance; provided, that it shall not be unlawful for a person to place common rat poison in grain on the person's own property; or

2. Intentionally encourages an animal to fight with another animal for sport, training or entertainment; or
 3. Intentionally abandons, harasses, tortures, injures or kills an animal; or
 4. Intentionally or negligently fails to provide that person's animal with adequate food, water, shelter or veterinary care, to prevent physical suffering.
- B. It is an affirmative defense to a prosecution under this section if the conduct of the person:
1. Was necessarily incident to lawful hunting or trapping activities; or
 2. Was in accordance with accepted veterinary practice; or
 3. Was in accordance with accepted farming or animal husbandry practices for this purpose being those approved and/or practiced by the majority of the members of the Local Farm Bureau; or
 4. Was the humane destruction of a person's own animal; or
 5. Was the humane destruction of an animal by an animal control officer in accordance with this title; or
 6. Was the humane destruction of an animal in extreme pain due to illness or injury; or
 7. Was in reasonable defense of person or property, except that this defense does not apply to a person who only injures an animal while in defense of person or property if the person does not make a reasonable effort to track and dispatch the injured animal or notify the injured animal's owner or notify the borough animal shelter. (Ord. 2002-03 § 6, 2002; Ord. 2000-50 § 11, 2000; Ord. 96-030 § 2, 1996; Ord. 87-062 § 3, 1988)

6.24.050 Release from restraint by non-owner

No person shall, without permission of the owner, release any animal from restraint except to preserve the animal's life. (Ord. 78-15, 1978)

6.24.060 Duty of vehicle operators

- A. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report the accident to the appropriate law enforcement agency or to the department of animal control or will personally contact the animal's owner.
- B. No vehicle operator shall fail to safely restrain an animal within the confines of an open motor vehicle or pick-up truck so as to prevent the animal from jumping, falling, or reaching out. (Ord. 2002-03 § 7, 2002; Ord. 2000-50 § 12, 2000; Ord. 78-15, 1978)

Chapter 6.28 - PENALTIES

6.28.010 Penalties

- A. A person who violates a provision of this title, except FNSBC 6.04.030, 6.12.010(E), or 6.24.040, is guilty of a violation and shall be punished by a fine not to exceed \$300.00, but not less than \$100.00, as set forth in the following schedule of fines:

First offense:	\$100.00
Second offense:	\$200.00
Third or subsequent offense within a five-year period:	\$300.00

Disposition may be without court appearance pursuant to AS 29.25 and District Court Rule 8.

- B. A person who violates FNSBC 6.04.030, 6.12.010(E), or 6.24.040 is guilty of a misdemeanor and shall be punished by a fine not less than \$200.00 and not to exceed \$1,000 or imprisonment for not more than 90 days or both.
- C. The court may order a defendant convicted of a misdemeanor under this title to make restitution including restitution to a victim injured by the offense, to the borough pursuant to FNSBC 6.06.030, or to a public, private or private nonprofit organization that has provided veterinary, boarding or other related services to an animal the subject of the underlying prosecution.
- D. The court may forfeit to the borough an animal that is the subject of a prosecution under FNSBC 6.24.040, Cruelty, if the defendant is the owner of the animal and the defendant is convicted under that section.
- E. The court may order a defendant convicted under FNSBC 6.24.040, Cruelty, not to own or care for animals for a period of time not less than one year nor more than 10 years. (Ord. 2000-50 § 13, 2000; Ord. 98-003 § 2, 1998; Ord. 89-109 § 2, 1990; Ord. 87-008 §§ 1, 2, 1987)