

CLERK'S OFFICE
APPROVED
Date: 5-20-03

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Department of Law
For reading: April 22, 2003

ANCHORAGE, ALASKA
AO NO. 2003-77

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.55 TO REDEFINE PROHIBITED CRIMINAL ACTS, ADD NEW PROHIBITED CRIMINAL ACTS, AND TO REVISE PENALTIES AND FINES FOR CRUELTY TO ANIMALS WITHIN THE MUNICIPALITY, INCLUDING ANIMAL CRUELTY, ANIMAL FIGHTING, ACCIDENTS INVOLVING ANIMALS, ANIMAL TRAPPING, AND OTHER MATTERS.

WHEREAS, the Anchorage Animal Control Advisory Board and members of the public, together with an animal law consultant, worked since July 2001 to reorganize Chapter 8.55; and

WHEREAS, on January 23, 2003, the Anchorage Animal Control Advisory Board approved revisions to Chapter 8.55, and recommends amending Chapter 8.55, Cruelty to Animals, as set forth below; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS

Section 1. Anchorage Municipal Code Chapter 8.55 is hereby amended as follows:

Chapter 8.55	CRUELTY TO ANIMALS*
<u>8.55.005</u>	<u>Animal defined.</u>
8.55.010	Cruelty to animals.
8.55.020	Animal fighting.
8.55.030	Accidents involving injury to animals
8.55.040	Trapping of animals.
8.55.050	Penalties.
8.55.060	Classified animals.
8.55.070	Wolf hybrids.
<u>8.55.085</u>	<u>Exceptions.</u>

*Editor's note: AO No. 98-59(S), § 2, effective May 19, 1998, renumbered, reorganized and amended §§ 17.35.010--17.35.040 as new §§ 8.55.010--8.55.050.

2 **8.55.005 Animal defined.**

3
4 For purposes of this chapter only, *animal* means all members of the Phylum Cordata,
5 Subphylum Vertebrata, excluding non-domestic animals and humans, unless otherwise
6 specifically stated.

7
8 **8.55.010 Cruelty to animals.**

9
10 A. *Prohibited acts.* It is unlawful for any [NO] person, [MAY] with criminal
11 negligence, to:

12 Maim, mutilate, torture, k [K]ill or abandon an animal; or

13
14 2 Injure, torment, poison, provoke or otherwise abuse an animal; or

15
16 3. Maintain an animal in [OTHER THAN] an inhumane manner,
17 including failure to provide adequate food, water, housing and care; or

18
19 4[5]. Keep an animal on vacant property or [, INCLUDING] in an
20 unoccupied structure, unless the animal is cared for in a humane
21 manner [PROPERTY CONTAINS A CONTIGUOUS
22 PERMANENTLY OCCUPIED RESIDENCE, LIVED IN BY THE
23 ANIMAL'S OWNER, OR THE OWNER'S DESIGNATED AGENT,
24 WHO IS RESPONSIBLE FOR THE DAILY CARE,
25 MAINTENANCE AND RESTRAINT OF THE ANIMAL]; or

26
27 [4. MAINTAIN AN ANIMAL SHOWING SYMPTOMS OF AN
28 INFECTIOUS OR CONTAGIOUS DISEASE WITHOUT KEEPING
29 THE ANIMAL CONFINED AND UNDER PROPER CARE; OR]

30
31 5[6] Have [RESTRAIN] an animal within, on or attached to a motor vehicle
32 [AT ANY LOCATION] under [SUCH] conditions that [AS] may
33 endanger the health, safety or welfare [HUMANE TREATMENT] of
34 the animal, including but not limited to insufficient control
35 [RESTRAINT,] or extreme [DANGEROUS] temperature[, OR LACK
36 OF WATER].

37
38 a A peace officer is authorized to remove an animal from a motor
39 vehicle at any location when the officer reasonably believes
40 there is a [IT IS RESTRAINED IN] violation of this section
41 [CHAPTER]. Any animal so removed shall be delivered to the
42 animal care and control center after the removing officer leaves
43 written notice of the removal and delivery, including the
44

officer's name, in a conspicuous, secure location on or within the vehicle.

- b. No peace officer shall be held criminally or civilly liable for action taken under this subsection [PROVIDED THE OFFICER ACTS IN GOOD FAITH AND WITHOUT MALICE].

B[C]. Use of tranquilizer guns. It is unlawful for any [NO] person [MAY, WITH CRIMINAL NEGLIGENCE,] to use a tranquilizer gun or blowpipe to capture or immobilize an animal unless authorized by the chief animal control officer or designee [IT IS THE ONLY REASONABLE MEANS OF PREVENTING DEATH OR BODILY INJURY TO A HUMAN BEING OR DOMESTICATED ANIMAL].

[B SUBSECTION A. OF THIS SECTION DOES NOT APPLY TO:

1. IMPOUNDING, EUTHANIZING OR OTHER DISPOSITION OF AN ANIMAL IN A HUMANE MANNER AS AUTHORIZED BY LAW; OR
2. KILLING OR INJURING AN ANIMAL WHERE NECESSARY TO PROTECT A HUMAN BEING OR DOMESTICATED ANIMAL FROM DEATH OR BODILY INJURY, OR
3. THE EUTHANIZATION OF AN ANIMAL BY ITS OWNER OR THE OWNER'S AUTHORIZED AGENT.]

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97; AO No. 98-59(S), § 2, 5-19-98)

Editor's note: AO No. 96-134(S-2), §§ 19, 52, renumbered § 17.10.060.A., C., D., F. as a new § 17.35.010. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

8.55.020 **Animal fighting.**

A It is unlawful for any [NO] person [MAY], with criminal negligence, to:

Cause or allow an animal to fight another animal or a human being, [WHETHER FOR AMUSEMENT OR FOR FINANCIAL GAIN; UNLESS THE ANIMAL BEHAVIOR IS EXCEPTED BY THE PROVISIONS OF SECTION 17.40.020B; OR] unless the animal is:

- a. Acting in defense of itself, its owner or custodian, or the property of its owner or custodian against trespass, tort or other crime in or on the premises of the owner or custodian at the time the injury or damage was sustained by the victim; or

- 1 b. Acting in defense of an owner, custodian or third person, within
2 the immediate vicinity of the animal, from attack or assault; or
3
4 c. Acting in defense of physical abuse, assault or attack to itself or
5 its offspring, by another animal or a person or persons; or
6
7 d. Responding to pain or injury; or
8
9 e. Trained and used by an authorized law enforcement unit to act
10 in a manner directly associated with the proper execution of its
11 duties; or
12
13 f. Trained or is being trained for the sport of Schutzhund
14 competition; or
15
16 g. Hunting, animal herding, or abating predators, or in training for
17 hunting, animal herding or predator abatement, on the property
18 of, or under the control of, its owner or custodian, and the injury
19 or damage was to a species appropriate to the work of the
20 animal.
21
22 2. Own, possess, keep or train any animal with the intent that the animal
23 shall be engaged in an exhibition of fighting with another animal or
24 human being [TRAIN, OR KEEP FOR THE PURPOSE OF
25 TRAINING, AN ANIMAL FOR EXHIBITION IN COMBAT WITH
26 AN ANIMAL OR HUMAN BEING]; or
27
28 3. Manufacture, buy, sell, barter, exchange, or possess any of the
29 implements commonly known as gaffs or slashers, or any other sharp or
30 pointed implement designed to be attached in place of the natural spur
31 of a gamecock or fighting bird; or
32
33 4. Train any animal for the purpose of fighting, or allow an exhibition of
34 fighting on his or her premises, or to be a spectator at such training or
35 exhibition of fighting.
36

37 [B. NO PERSON MAY, WITH CRIMINAL NEGLIGENCE, PERMIT HIS
38 PREMISES TO BE USED FOR THE PURPOSES DESCRIBED IN THIS
39 SUBSECTION OR TO BE PRESENT AS A SPECTATOR AT SUCH AN
40 EXHIBITION.]
41

42 (AO No. 96-134(S-2), §§ 19, 52, 7-1-97; AO No. 98-59(S), § 2, 5-19-98)

43 *Editor's note: AO No. 96-134(S-2), §§ 19, 52, renumbered § 17.10.060.A., C., D., F. as a new*
44 *§ 17.35.010. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No.*

83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

8.55.030 **Accidents involving injury to animals.**

A It is unlawful for the driver of a vehicle involved in an accident that injures [RESULTING IN INJURY TO] an animal to fail, with criminal negligence, to stop the vehicle as close to the scene of the accident as possible and [IMMEDIATELY]:

Inform the animal's owner [OF THE ANIMAL] of the injury, if [THE ANIMAL'S] ownership is readily ascertainable; or

2 Inform a peace officer or the animal care and control office of the injury, the time and location of the accident, the description of the injured animal, identification the animal may possess, if the information can be safely and reasonably attained, and the apparent nature of the injury [IN ACCORDANCE WITH SUBSECTION B. OF THIS SECTION OF THE INJURY IF THE ANIMAL'S OWNERSHIP IS NOT READILY ASCERTAINABLE].

[B. A DRIVER SHALL INFORM THE ANIMAL CONTROL OFFICE OF THE TIME AND LOCATION OF THE ACCIDENT, A DESCRIPTION OF THE INJURED ANIMAL AND THE APPARENT NATURE OF THE INJURY.]

(AO No. 96-134(S-2), §§ 19, 53, 7-1-97; AO No. 98-59(S), § 2, 5-19-98)

Editor's note: AO No. 96-134(S-2), §§ 19, 53, renumbered § 17.10.060.E. as a new § 17.35.020. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

8.55.040 **Trapping of animals.**

A. It is unlawful for any [NO] person [MAY], with criminal negligence, to use any type of trap, such as steel jaw traps, snares or spring traps that might physically harm an animal, to capture animals for noncommercial reasons.

1 [B]. Any [LIVE] humane-type trap used for the purposes of capture of [LOOSE] animals shall be monitored by the person using it at least once [TWICE] every 12 [24] hours. Any animal captured shall be cared for in a humane manner and returned [WITHOUT UNREASONABLE DELAY ONLY] to the animal's owner, [OR TO] an animal control officer, or the animal care and control center.

2. No person may use any trap for capture of domestic animals and noncommercial purposes of a type not approved by the chief animal

control officer or designee.

3. No person may offer false information to any peace officer or animal control authority concerning the identity or ownership of a trapped animal he or she has trapped.

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97; AO No. 98-59(S), § 2, 5-19-98)

Editor's note: AO No. 96-134(S-2), §§ 19, 52, renumbered § 17.10.060.A., C., D., F. as a new § 17.35.010. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

8.55.050 Penalties.

- A. A person who with criminal negligence violates this chapter shall, upon conviction, be subject to a fine of not more than \$5,000.00, imprisonment for not more than one-year, or both and be prohibited from owning or maintaining another animal for as long as the court determines.
- B. In addition to any fine or imprisonment, the court may also require [THAT] the defendant to receive mandatory counseling and/or complete community work service as provided for in AS 12.55.055.
- C. A person [WHO IS] convicted of violating this chapter, [SECTION] and who owns the [THAT] animal, shall relinquish all [OF HIS] rights of ownership of the [THAT] animal, and/or any other animals owned by that individual, to the municipality. The rights of persons not convicted under this chapter to an animal forfeited under this chapter shall be determined under Title 17 and its regulations.
- D. A person convicted of violating this chapter shall pay any and all costs incurred by the animal care and control center for animals involved, including but not limited to, housing, feed and veterinary care.

(AO No. 96-134(S-2), §§ 19, 54, 7-1-97; AO No. 98-59(S), § 2, 5-19-98)

Editor's note: AO No. 96-134(S-2), §§ 19, 54, renumbered § 17.10.060.G. as a new § 17.35.030. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

8.55.060 Classified animals.

A person who with criminal negligence violates any provision of Chapter 17.40 "Regulation of Animal Behavior," pertaining to animals classified as level three, four or five shall, upon conviction, be subject to a fine up to \$2,000.00 or imprisonment of not more than six months, or both.

(AO No. 96-134(S-2), § 56, 7-1-97; AO No. 98-59(S), § 2, 5-19-98)

Editor's note: Ordinance No. 98-59(S), § 3, effective May 19, 1998, renumbered § 17.40.070 as a new § 8.55.060.

8.55.070 Wolf hybrids.

Any person convicted of violating any provision of Chapter 17.60, "Wolf Hybrids" with criminal negligence is guilty of a misdemeanor and may be punished by imprisonment for up to six months in jail or a fine of not more than \$2,000.00 [1,000.00] or both.

(AO No. 92-75(S); AO No. 96-134(S-2), § 60, 7-1-97; AO No. 98-59(S), § 2, 5-19-98)

Editor's note: Ordinance No. 98-59(S), § 3, effective May 19, 1998, renumbered § 17.60.050 as a new § 8.55.070.

8.55.085 Exceptions.

A. This chapter does not apply to:

- 1. Impounding, euthanizing or other disposition of an animal in a humane manner as authorized by law; or**
- 2. Killing or injuring an animal where necessary to protect a human being or domesticated animal from death or bodily injury; or**
- 3. Euthanasia of an animal by request of its owner or the owner's authorized agent.**

Section 2. This ordinance shall be effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 20th day of May, 2003.


Chair of the Assembly

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: AO 2003-77

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.55 TO REDEFINE PROHIBITED CRIMINAL ACTS, ADD NEW PROHIBITED CRIMINAL ACTS, AND TO REVISE PENALTIES AND FINES FOR CRUELTY TO ANIMALS WITHIN THE MUNICIPALITY, INCLUDING ANIMAL CRUELTY, ANIMAL FIGHTING, ACCIDENTS INVOLVING ANIMALS, ANIMAL TRAPPING, AND OTHER MATTERS.

Sponsor: Animal Control Advisory Board

Preparing Agency:
Department of Health and Human Services

Others Impacted

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

Fines for violating wolf hybrid laws with criminal negligence increased from "not more than \$1,000" to "not more than \$2,000" (8.55.070). This makes the fine equal to fines for violation of regulation of animal behavior/classified animals under 8.55.060. Few convictions are anticipated under 8.55.070 resulting in minimal impact to the public and municipal revenues.

PRIVATE SECTOR ECONOMIC EFFECTS:

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

AM No. 363-2003

Meeting Date: April 22, 2003

1 From: Mayor

2
3 Subject: Assembly Ordinance 2003-77, amending Anchorage Municipal Code Chapter 8.55
4 (Animal Cruelty)
5

6 The attached amended Chapter 8.55 (Animal Cruelty) is submitted for Assembly consideration and
7 approval.
8

9 Current Anchorage Municipal Code Title 17 (Animals) was adopted by the Municipal Assembly on June
10 25, 2002. During the revision process to Title 17 (Animals), input was solicited from the public and
11 various animal advocacy groups on both Title 17 (Animals) and Chapter 8.55 (Animal Cruelty)
12 concurrently. Based on public comment, the Municipal Animal Control Advisory Board recommended
13 making changes to both sections of the code as well as incorporating animal cruelty laws into Title 17
14 (Animals).
15

16 In an effort to retain all criminal offenses under Title 8 (Penal Code) for cohesion, it was determined by
17 the municipality that animal cruelty laws could remain under Chapter 8.55 (Animal Cruelty) and be
18 added as an appendix to Title 17 (Animals) for reference. This conclusion was accepted by the
19 Assembly. Thus, Chapter 8.55 (Animal Cruelty) amendments are now before the Assembly apart from
20 Title 17 (Animals).
21

22 The amended Chapter 8.55 (Animal Cruelty) is a collective effort between the Department of Health &
23 Human Services, Municipal Attorney's Office, Animal Control Advisory Board, Animal Licensing &
24 Placement Services, Anchorage Animal Clubs Coalition, Friends of Pets, various community animal
25 advocacy groups, and the general public.
26

27 **THE ADMINISTRATION RECOMMENDS THE ASSEMBLY APPROVE THE ATTACHED**
28 **ASSEMBLY ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.55**
29 **(ANIMAL CRUELTY).**
30
31

32 Prepared by: Jewel Jones, Director, Department of Health and Human Services

33 Concur: Harry J. Kieling Jr., Municipal Manager

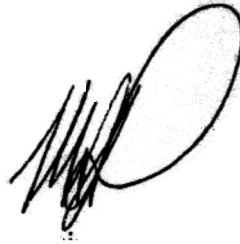
34 Respectfully submitted: George P. Wuerch, Mayor
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**ANIMAL CONTROL ADVISORY BOARD
MEMORANDUM**

DATE: January 10, 2003

TO:

FROM:

A handwritten signature in black ink, consisting of a large, loopy 'D' shape with several horizontal strokes crossing it.

The Animal Control Advisory Board had developed certain recommended changes to the Municipality's animal cruelty laws during the process of its comprehensive review of Title 17. We had proposed those revised cruelty provisions be included in Title 17. The Municipal Attorney felt that animal cruelty should remain in Title 8 but that 8.55 be cross referenced in Title 17 and be added to that title as an appendix. That is the position that was accepted by the Assembly.

The Assembly was not able to act on the changes we recommended for animal cruelty because AMC 8.55 was not before them in the hearings on Title 17. Therefore, it is necessary to bring those changes to them separately. The Municipal Attorney has met with the Board and advised us that we have a duty to make our recommendations concerning 8.55 known to the Administration and the Assembly.

To fulfill that duty, the Board obtained input and comments on our initial suggested changes from the Municipal Attorney's Office. We also met with a staff attorney from the Prosecutor's Office to obtain further input and to have our questions concerning their critique of our recommendations answered. Finally, we revised our recommendations in light of the changes in Title 17 approved by the Assembly to ensure consistency.

Attached for your review and transmittal to the Assembly are our recommended changes to AMC 8.55, Animal Cruelty. We believe these changes will result in cruelty laws that are both easier to enforce and for the public to follow. The proposed changes include the provisions we developed initially through a long public process. Those provisions received much favorable testimony before the Assembly. Additionally we have made certain fine tuning changes to ensure consistency with the new Title 17. We have also incorporated every one of the changes to our initial recommendations identified for us by the Attorney's Office.

We particularly wish to thank the Municipal Attorney and John McConnaughy from the Prosecutor's Office for meeting with us and helping us work through this process. We believe the attached resulting recommendations are a good product and should be approved by the Assembly.

Attachment: ACAB Final Recommendations on AMC 8.55, Animal Cruelty

Content Information

Content ID: 000632

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.55 TO REDEFINE PROHIBITED CRIMINAL ACTS, ADD NEW PROHIBITED CRIMINAL ACTS, AND REVISE PENALTIES AND FINES FOR CRUELTY TO ANIMALS WITHIN THE MUNICIPALITY

Author: fetkoda

Initiating Dept: HHS

Keywords: 8.55, Animal Cruelty

Date Prepared: 2/18/03 3:00 PM

Director Name: Jewel Jones

Web Location: [HTTP://hufflepuff/stellent/groups/public/documents/ordinance/000632.zip](http://hufflepuff/stellent/groups/public/documents/ordinance/000632.zip)

AP 2003-77

2003 APR 17 AM 11:22
CLEANING OFFICE

M.O.A

Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID	Revision
AllOrdinanceWorkflow	2/18/03 3:13 PM	Checkin	fetkoda	Public	000632	0
HHS_SubWorkflow	2/27/03 12:33 PM	Approve	jonesjl	Public	000632	0
OMB_SubWorkflow	2/27/03 4:27 PM	Approve	gunnnd	Public	000632	0
AllOrdinanceWorkflow	3/21/03 7:00 PM	Reject	wheelerda	Public	000632	0
AllOrdinanceWorkflow	3/24/03 8:32 AM	Checkin	fetkoda	Public	000632	0
HHS_SubWorkflow	3/24/03 4:54 PM	Approve	jonesjl	Public	000632	0
AllOrdinanceWorkflow	3/25/03 10:02 AM	Reject	leblancdc	Public	000632	0
AllOrdinanceWorkflow	3/26/03 7:55 AM	Checkin	fetkoda	Public	000632	0
HHS_SubWorkflow	3/26/03 12:29 PM	Approve	jonesjl	Public	000632	0
OMB_SubWorkflow	3/26/03 2:36 PM	Approve	leblancdc	Public	000632	0
AllOrdinanceWorkflow	3/27/03 8:46 AM	Reject	wheelerda	Public	000632	0
AllOrdinanceWorkflow	3/27/03 11:25 AM	Checkin	fetkoda	Public	000632	0
HHS_SubWorkflow	3/27/03 12:54 PM	Approve	jonesjl	Public	000632	0
OMB_SubWorkflow	3/28/03 11:05 AM	Approve	leblancdc	Public	000632	0

Legal_SubWorkflow	4/1/03 2:13 PM	Approve	wheelerda	Public	000632	0
MuniManager_SubWorkflow	4/16/03 3:46 PM	Approve	kielinghj	Public	000632	0
MuniMgrCoord_SubWorkflow	4/16/03 3:57 PM	Approve	bealejl	Public	000632	0

ADDENDUM - INTRODUCTION