

## PROPOSED ORDINANCE LANGUAGE

Because the way proposed ordinance changes must be presented to the Assembly can be confusing (new language is simply underlined while deleted language is put into brackets in capital letters), this version presents the changes more in line with how Microsoft Word tracks changes in a document. To see the Assembly Ordinance as it would be presented to the Assembly, please see the document titled "Draft AO Titles 8 and 17."

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**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.55 TO CLARIFY CONDUCT THAT QUALIFIES AS ANIMAL NEGLECT AND WHEN OFFICERS MAY INTERVENE ON BEHALF OF A NEGLECTED ANIMAL AND TO ESTABLISH A NEW CLASS A MISDEMEANOR BASED UPON REPEAT VIOLATIONS OF TITLE 17 - ANIMALS; AMENDING TITLE 17 BY UPDATING DEFINITIONS AND ADDING A NEW SECTION MAKING IT UNLAWFUL TO LEAVE AN ANIMAL UNATTENDED INSIDE A VEHICLE FOR 12 CONSECUTIVE HOURS OR MORE; ADDING A NEW SECTION TO TITLE 17 ESTABLISHING COST OF CARE BONDS FOR ANIMALS TAKEN INTO PROTECTIVE CUSTODY AND PROVIDING FOR FORFEITURE OF OWNERSHIP INTERESTS IN SUCH ANIMALS UPON FAILURE TO POST THE COST OF CARE BOND; AND AMENDING SECTION 17.70.020 CIVIL PENALTIES FOR ANIMAL CARE AND CONTROL VIOLATIONS.**

**Section 1.** Anchorage Municipal Code section 8.55.015 is hereby amended to read as follows:

### **8.55.015 ANIMAL NEGLECT.**

- A. It is unlawful for any person, with criminal negligence, to:
1. Fail to maintain an animal in a humane ~~[MAINTAIN AN ANIMAL IN AN INHUMANE]~~ manner, including failure to provide adequate food, water, shelter ~~[HOUSING]~~ and care; or
  2. Keep an animal on vacant property or in an unoccupied structure, unless the animal is cared for in a humane manner; or
  3. Have an animal within, on or attached to a motor vehicle under conditions that could reasonably be expected to ~~[MAY]~~ endanger the health, safety or welfare of the animal, including but not limited to: ~~[INSUFFICIENT CONTROL OR EXTREME TEMPERATURE.]~~
    - a. Extreme heat or cold; or
    - b. Lack of adequate ventilation; or
    - c. Without reasonable access to food or water for an extended period of time; or
    - d. Without adequate space to allow the animal to turn around, sit, stand, and lie down; or
    - e. Insufficient control, such as animal riding unrestrained in the bed of a pickup or restrained by a leash or tether long enough to permit the animal to put two or more limbs outside or off of the vehicle or its trailer; or
    - f. Other conditions that could reasonably be expected to cause

- the animal suffering, injury, or death.
4. Commit a violation of section 17.10.025 or section 17.40.040 after committing two or more violations of those same sections within the preceding 10 years.
- a. For purposes of this subsection, a violation of section 17.10.025 or section 17.40.040 means a civil violation of either of the foregoing sections of the Anchorage Municipal Code for which a notice of violation was issued.
- b. For purposes of this subsection, the two previous violations do not need to be violations of the same section or subsection.
- c. The ten-year period is calculated retrospectively from the date of the most recent violation of section 17.10.025 or section 17.40.040.
- B. A peace officer or animal control officer is authorized to remove an animal from a motor vehicle at any location or from any other location when the officer reasonably believes there is a violation of this section and reasonably believes there is an imminent danger to the health, welfare or safety of the animal.
1. Any animal so removed shall be delivered to the animal care and control center after the removing officer leaves written notice of the removal and delivery, including the officer's name, in a conspicuous, secure location on or within the vehicle or at the location from which the animal was removed.
2. No peace officer shall be held criminally or civilly liable for action taken under this subsection.
- C. In this section "humane manner" and "shelter" have the same meaning as they are given in AMC 17.05.010.
- D [B]. Violation of this section is a class A misdemeanor.

(AO No. 2014-42, § 8, 6-21-14)

**Section 2.** Anchorage Municipal Code section 17.05.005 is hereby amended to read as follows:

**17.05.005 PURPOSE.**

The purpose of this title is to promote public health and safety and to encourage responsible pet ownership and the humane care of animals. This code provides the minimum legal standard of care for animals within the Municipality of Anchorage.

(AO No. 2001-158(S-4), § 1, 1-1-03)

**Section 3.** Anchorage Municipal Code section 17.05.010 is amended by revising the following definition (*other definitions in the section are not affected and therefore not set out*) as follows:

#### 17.05.010 DEFINITIONS, GENERALLY.

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*Humane care or treatment or humane manner* means the care and treatment of an animal, including but not limited to providing the animal with:

1. Safe and necessary control and confinement; ~~[AND APPROPRIATE SPACE];~~
2. Adequate space to allow the animal, when confined, to turn around, sit, stand, and lie down in a relaxed position;
3. [2.] Adequate veterinary treatment, wholesome food and water; and
4. [3.] Heat, ventilation, insulation, or ~~[AND]~~ sanitary shelter as required to protect the animal from wind, cold, heat ~~[and temperatures]~~, precipitation and sun conditions detrimental to its health;

all of which are consistent with or dictated by the animal's normal requirements, veterinary needs, feeding habits, and its condition, size, species, age, and breed.

\* \* \* \* \*

**Section 4.** Anchorage Municipal Code chapter 17.10 is amended by adding a new section to read as follows:

#### **17.10.025 ANIMALS IN VEHICLES.**

- A. It is unlawful for any animal to be left unattended inside a vehicle for longer than 12 consecutive hours.
  1. For purposes of this subsection, an animal is “unattended” when it is not within the owner or custodian’s visual or audible range of perception such that the owner or custodian would be unaware of distress, an emergency, or other sign the animal is need of immediate care.
- B. The owner or custodian of an animal inside of a vehicle must provide adequate supervision of the animal, which shall include:
  1. Regular welfare checks of the animal occurring no more than 12 hours apart.
    - a. Such welfare checks shall include allowing the animal to move outside of the confinement of the vehicle and providing the animal with an opportunity for excretion of its bodily waste.
  2. Maintaining the vehicle in a sanitary condition, free of the buildup of excretions or other waste material.

**Section 5.** Anchorage Municipal Code section 17.25.090 is hereby amended to read as follows:

#### **17.25.090 PROTECTIVE CUSTODY.**

- A. An officer shall take an animal not subject to impoundment into protective custody when necessary to preserve the animal's health or safety and humane care and treatment.
- B. If an animal has been placed in protective custody due to charges of cruelty against the owner, the animal shall not be released to its owner until a final determination is made pursuant to chapter 8.55 (Cruelty to Animals).
- C. The animal care and control center shall hold an animal eligible for redemption in protective custody for a minimum of five days. ~~[MAINTAIN AN ANIMAL IN PROTECTIVE CUSTODY WHICH IS SUBJECT TO REDEMPTION UNTIL THE ANIMAL IS REDEEMED BY ITS OWNER OR FOR A MINIMUM OF FIVE DAYS,]~~ after which time the animal may be disposed of as an impounded animal except:
  - 1. Where an animal was placed in protective custody because the owner or custodian was ~~[IS]~~ arrested, ~~[AND]~~ charged with a crime and held in custody, the animal shall be held for a minimum of ten days after the owner or custodian's release from custody. ~~[AND IS UNABLE TO REDEEM THE ANIMAL IN PERSON IN WHICH CASE THE MINIMUM PERIOD SHALL BE TEN DAYS.]~~
- D. An animal that is in protective custody and which is subject to redemption may be redeemed by the owner or the owner's designee upon demand and payment of fees and costs. The owner shall not be charged an impoundment fee, but shall be charged boarding fees as set by regulation.
- E. A person who owns an animal taken into protective custody and disposed of as an impounded animal may obtain a review of that disposition as provided in section 17.05.100.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2004-86, § 6, 5-18-04)

**Section 6.** Anchorage Municipal Code chapter 17.25 is amended by adding a new section to read as follows:

#### **17.25.120 COST OF CARE BOND AND FORFEITURE OF ANIMALS IN PROTECTIVE CUSTODY.**

- A. *Purpose.* The Municipality acknowledges that an animal's owner retains a legal and moral duty to care for the animal even when the animal has been seized by Anchorage Animal Care and Control or the Anchorage Police Department. This section sets forth procedures for the Municipality to recover the costs associated with the care of animals taken into protective custody by the Municipality under section 17.25.090 due to alleged violations of animal welfare laws, such as cruelty or neglect. It establishes mechanisms for cost of care bond posting, reimbursement, and forfeiture, ensuring that the animal receives humane care and that the animal's owner

remains responsible to the animal until a final disposition is determined.

B. *Petition for Cost of Care Bond.*

1. Within 10 calendar days of an animal being taken into protective custody under section 17.25.090, Anchorage Animal Care and Control may petition the hearing officer for an order requiring the owner to post a cost of care bond to cover the reasonable costs of care for the animal for an initial period of thirty days, starting from the time of seizure.
2. The petition shall include the number of animals seized and an itemized estimate of the costs of daily care as well as the estimated costs of veterinary care or grooming the animal requires during the initial thirty day period in protective custody.
3. The owner shall be provided written notice of the petition and hearing date either in person or by certified mail with return receipt to their last known address.
4. If the owner cannot be provided with written notice under subsection B.3 above, Anchorage Animal Care and Control may provide written notice by posting at the owner's last known residence, mailing to the last known address, posting at a conspicuous location near where the animal was seized, or by posting on Animal Care and Control's website.
5. A hearing shall be held within fifteen calendar days after the owner receives notice, or, if notice is made by posting, general mail or website post, within twenty-one calendar days after the notice is posted or sent.
6. The owner shall have the opportunity to contest the amount or necessity of the cost of care bond at the hearing. However, the hearing officer shall not consider the financial condition or ability of the owner to pay in determining whether to require the cost of care bond or in setting the amount. The cost of care bond amount shall be based solely on the reasonable and actual costs of care, as detailed in the petition.
7. The hearing office shall issue a ruling on the petition within fifteen calendar days of the hearing. The ruling shall clearly state the amount, in dollars, of the thirty-day cost of care bond.
8. If the hearing officer grants the petition, owner shall be required to maintain an ongoing thirty day cost of care bond obligation until final disposition of any criminal, civil, or administrative proceedings related to the seized animal(s).
  - a. If the hearing officer grants the petition, payment of the bond for the first thirty day period, which began on the date the animal was taken into protective custody, is due within seven calendar days of the date the ruling on the petition is issued. If the animal has already been in custody for thirty days or more on the date the first payment is due, then the owner must also remit payment for all elapsed thirty day periods and the

current period at the same time.

- b. Subsequent payments are due in advance for each successive thirty day period.
  9. If there are changes to the costs of the animal's care, such as unforeseen veterinary expenses or other significant care costs, Anchorage Animal Care and Control may petition the hearing officer to adjust the cost of care bond amount accordingly. The petition for cost changes shall follow the same procedure as the initial petition for cost of care bond, including notice, hearing, ruling, and payment timelines.
  10. Failure to post or maintain the cost of care bond as required shall result in forfeiture of the animal(s) as described in subsection C.
  11. In lieu of posting a cost of care bond, the owner may request that custody of the animal be transferred to a third-party caregiver approved by Anchorage Animal Care and Control. The proposed third-party caregiver must:
    - a. Demonstrate the ability to provide appropriate care and shelter; and
    - b. Not be a member of the same household (as "household" is defined in Title 21) as the owner;
    - c. Agree in writing to assume responsibility for the animal for the duration of the legal proceedings; and
    - d. Not be under investigation or subject to prior violations related to animal welfare.
  12. Anchorage Animal Care and Control may maintain a list of third-party caregivers and offer to place the animal with one of them but is not obligated to do so and has sole discretion to determine that no third-party caregiver suitable for the animal is available.
  13. If Anchorage Animal Care and Control approves the third-party caregiver, the owner shall no longer be subject to the cost of care bond obligation, and Sections C and D shall not apply unless the third-party caregiver fails to comply with the terms of care.
  14. Anchorage Animal Care and Control reserves the right to revoke the third-party caregiver's responsibility if it is determined that they are not fulfilling their obligations. In such cases, Anchorage Animal Care and Control may file a new petition for the cost of care and require the owner to post the cost of care bond as initially mandated.
- C. *Failure to Post or Maintain Cost of Care Bond.* If the owner fails to post or maintain a cost of care bond, as ordered by the hearing officer, within the prescribed timeframes, and no third-party caregiver has been approved under Section B.11, all rights and ownership interests in the seized animal(s) shall be forfeited to the Municipality.
1. No further legal proceeding shall be required to transfer ownership to Anchorage Animal Care and Control.
- D. *Disposition of Forfeited Animals.* Animals forfeited under this section may be:

1. Placed for adoption;
  2. Transferred to an animal rescue organization approved by Anchorage Animal Care and Control; or
  3. Humanely euthanized, if deemed necessary for health, safety or behavioral reasons, as determined by Anchorage Animal Care and Control or a licensed veterinarian.
- E. *Reimbursement upon Conviction.* If the owner is convicted of any offense related to the reason(s) the animal was taken into protective custody or any offense under chapter 8.55 for cruelty or neglect to the animal in protective custody, the court may order restitution to the Municipality for all actual costs of care incurred, whether a cost of care bond was posted, or forfeiture occurred.
- F. *Permanent Forfeiture.* The Municipality may seek permanent forfeiture of an animal in protective custody by petitioning the administrative hearing officer at any time when:
1. The owner is unknown or cannot be located after reasonably diligent efforts by the Municipality; or
  2. There are repeated violations of Title 17 or Chapter 8.55 by the owner in relation the animal(s) in protective custody or other animals of the same species.
- G. *Appeals.*
1. The owner may file an appeal of the cost of care bond within five calendar days of the issuance of the cost of care bond.
  2. Filing an appeal shall not stay the obligation to post the initial cost of care bond or any subsequent cost of care bonds unless specifically ordered by the hearing officer.
  3. The appeal shall be heard within thirty calendar days of the date the appeal is filed.

**Section 7.** Anchorage Municipal Code section 17.70.020 is amended to read as follows:

**17.70.020 CIVIL PENALTIES FOR ANIMAL CARE AND CONTROL VIOLATIONS.**

- A. In addition to any other penalties provided by law, a person who violates any of the following provisions shall be subject to the applicable civil penalties stated below:

Anchorage Municipal Code Provision	Civil Penalty
17.10.010 Animals in public places	\$100 first violation; \$200 second violation and \$300 for third and subsequent violations.
17.10.012 Unidentified cats	\$50 first violation; \$75 second violation and \$100 for third and subsequent violations.



17.10.015A. Animal disturbance	\$50.00 first violation; \$100.00 second violation; and \$400.00 for third and subsequent violations within one year with a \$200.00 refund on voluntary debarking of the animal(s).
17.10.015B. Animal nuisance	\$100.00 each violation.
17.10.015C. Animal nuisance	\$50.00 first violation; \$75.00 second violation and \$100.00 for third and subsequent violations.
17.10.020 Control and confinement	\$100.00 first violation; \$200.00 second violation and \$300.00 for third and subsequent violations.
17.10.025 Animals in vehicles	<b>\$250.00 first violation; \$500.00 each subsequent violation.</b>
17.10.030 Care and sanitation	\$250.00 first violation per premise; \$500.00 each subsequent violation per premise.
17.10.050 Facility standards	\$100.00 first violation; \$150.00 second violation; \$175.00 for third and subsequent violations.
17.10.090 Off-leash dog areas	\$75.00 first violation; \$100.00 second violation; \$150.00 for third and subsequent violations.
17.10.100 Public areas where animals are prohibited.	\$75.00 first violation; \$100.00 second violation; \$150.00 for third and subsequent violations.
17.15.010 Dog license required	\$100.00 first violation; \$200.00 second violation and \$300.00 for third and subsequent violations.
17.15.060 Special purpose license	\$150.00 first violation; \$300.00 second and each subsequent violation.
17.25.060E. Mandatory sterilization	\$125.00 first violation; \$150.00 each subsequent violation.
17.30.020 Rabies vaccination	\$100.00 first violation; \$200.00 second violation and \$300.00 for third and subsequent violations.
17.30.060 Report bite	\$100.00 first violation; \$250.00 each subsequent violation.
17.30.080 Quarantine	\$100.00 first violation; \$250.00 each subsequent violation.
17.40.040 Regulation of classified	\$300.00 first violation; animals \$600.00 second violation; \$1,250.00 third and subsequent violations.
17.40.090 Additional licensing fee	\$100.00 first violation; \$150.00 second violation; \$300.00 third and subsequent



	violations.
Violations of all other provisions of title 17	\$100.00 first violation, \$250.00 second violation, \$500.00 each subsequent violation.

- B. A person who fails to resolve a notice of violation (NOV) issued for a violation of any provision of this title within the time stated on the NOV shall be subject to a civil penalty in the amount of \$25.00, in addition to any other penalty provided by law.
- C. If an agency is required to collect any outstanding money due the municipality, a collection fee shall be added, in addition to any other fees and penalties, in an amount not to exceed 40 percent of the debt.

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2003-152S, § 11, 1-1-04; AO No. 2009-88, § 11, 9-10-09; AO No. 2015-111(S-1), § 8, 1-1-16; AO No. 2019-34, § 3, 4-18-19)

**Section 8.** This ordinance shall be effective 14 days after passage and approval by the Assembly.