

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 2017-_____

Meeting Date:_____

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
4 SECTIONS 17.050.010 DEFINITIONS; 17.05.080 NOTICES OF
5 VIOLATION (“NOV”); 17.10.050 STANDARDS FOR OPERATING
6 ANIMAL FACILITIES; 17.15.060 SPECIAL PURPOSE LICENSE;
7 17.15.070 SPECIAL PURPOSE LICENSING PROCEDURES FOR
8 MULTI-ANIMAL AND COMMERCIAL FACILITY LICENSES;
9 17.15.080 REVOCATION OR DENIAL OF APPLICATION FOR
10 LICENSE; AND 17.70.010 ANIMAL CONTROL FEE SCHEDULE.
11

12 WHEREAS, Anchorage Animal Care and Control receives numerous public
13 complaints pertaining to nuisance barking dogs;

14
15 WHEREAS, Anchorage Municipal Code Title 17 (Animals) has been determined
16 by the Administration and the Animal Control Advisory Board to need modifications
17 in order to enhance relief for neighbors of barking dogs;

18
19 WHEREAS, recommended modifications will:

- 20
- 21 1) Create a separate special purpose license and associated fees for mushing
22 facilities;
 - 23
24 2) Limit twenty minute daytime barking allowances to mushing facilities only.
25 This modification will eliminate twenty minute exceptions for multi-animal
26 and commercial special purpose license holders who do not require
27 additional time for loading, unloading, and the feeding of several mushing
28 dogs;
 - 29
30 3) Clarify that an animal control officer may issue a notice to comply and a
31 notice of violation for the same incident, if deemed appropriate. A notice to
32 comply outlines specifics number of days for abatement, actions necessary
33 to correct violation and consequences of non-compliance. A notice of
34 violation imposes a civil fine for a violation;
 - 35
36 4) Replace the “notice to comply” with a “notice to revoke or deny” for owners
37 of special purpose licenses. This modification will emphasize the owner’s
38 special purpose license is in jeopardy if corrective actions are not taken in
39 a timely manner; and
40
41

1 WHEREAS, the Animal Control Advisory Board unanimously supports the
2 recommended ordinance changes as detailed in their attached memorandum.

3

4 **THE ADMINISTRATION RECOMMENDS APPROVAL.**

5

6 Prepared by: Michael P. Tierney, Administrative Supervisor,
7 Department of Health and Human Services

8 Approved by: Melinda L. Freemon, Director, Department of Health
9 and Human Services

10 Concur: Lance Wilber, Director, OMB

11 Concur: William D. Falsey, Municipal Attorney

12 Concur: Michael K. Abbott, Municipal Manager

13 Respectfully submitted: Ethan A. Berkowitz, Mayor

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Dept. of Law

For reading: _____

ANCHORAGE, ALASKA
AO No. 2017-_____

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS**
2 **17.050.010 DEFINITIONS; 17.05.080 NOTICES OF VIOLATION (“NOV”);**
3 **17.10.050 STANDARDS FOR OPERATING ANIMAL FACILITIES; 17.15.060**
4 **SPECIAL PURPOSE LICENSE; 17.15.070 SPECIAL PURPOSE LICENSING**
5 **PROCEDURES FOR MULTI-ANIMAL AND COMMERCIAL FACILITY**
6 **LICENSES; 17.15.080 REVOCATION OR DENIAL OF APPLICATION FOR**
7 **LICENSE; AND 17.70.010 ANIMAL CONTROL FEE SCHEDULE.**

8
9 **WHEREAS**, recent animal control cases and decisions from the Anchorage
10 Administrative Hearing Office raised questions about the ability for enforcement to
11 adequately address matters; especially noise, related to animal facilities under
12 Anchorage Municipal Code Title 17;

13
14 **WHEREAS**, the Animal Care & Control Center, responsible for enforcement of
15 Title 17, needs a consistent standard to enable efficient enforcement and
16 administration of its cases;

17
18 **WHEREAS**, the purpose of Title 17 is to “promote public health and safety and to
19 encourage responsible pet ownership and the humane care of animals”;

20
21 **WHEREAS**, Animal Care & Control currently has 333 active multi-animal facility
22 licenses issued within the Municipality of Anchorage, 37 of which are held by
23 mushers;

24
25 **WHEREAS**, exemption from the chronic animal noise five consecutive minute rule
26 was created for mushers to have up to four times per day to feed, load up and
27 transport their dogs, provided no 20-minute period shall occur within one hour of
28 any other 20-minute period;

29
30 **WHEREAS**, the vast majority of chronic noise complaints are not associated with
31 mushers licensed under the multi-animal facility category;

32
33 **WHEREAS**, the Animal Control Advisory Board supports this amendment as
34 detailed in their attached resolution 2017-01, now, therefore,

35
36 **THE ANCHORAGE ASSEMBLY ORDAINS:**

37
38 **Section 1.** Anchorage Municipal Code section 17.05.010 is hereby amended to
39 read as follows (*the remainder of the section is not affected and therefore not set*
40 *out*):

41
42 **17.05.010 Definitions, generally.**
43

1 The following words, terms and phrases and their other verb forms and
 2 tenses, when used in this title, shall have the meanings ascribed to them in
 3 this section, except where the context clearly indicates a different meaning:

4 * * * * *
 5 * * * * *

6 *Chronic animal noise* means repeated vocalization by an animal or animals
 7 from the time the noise begins for more than five consecutive minutes
 8 during the daytime noise period from 7:00 a.m. to 10:00 p.m. and more than
 9 five consecutive minutes during the nighttime noise period from 10:00 p.m.
 10 to 7:00 a.m. A licensed mushing facility, [COMMERCIAL OR MULTI
 11 ANIMAL FACILITY] as defined below, [LICENSED FOR FOUR OR MORE
 12 DOGS] shall be excused from the five consecutive minutes limit for daytime
 13 noise only, up to four times per day, for a maximum of 20 consecutive
 14 minutes each time provided that no excused [20-MINUTE] period shall
 15 occur within one hour of any other excused [20-MINUTE] period. An
 16 excused period means more than 5 consecutive minutes and less than 20
 17 consecutive minutes.

18 * * * * *
 19 * * * * *

20 Mushing Facility means a person or facility, including a dwelling unit,
 21 residence, or business premise that owns, houses, possesses, or acts as
 22 custodian of four or more dogs over the age of four months, that have been
 23 trained to be harnessed and pull sleds, carts, vehicles with humans and/or
 24 cargo for the sport of mushing whether for recreation, competition or
 25 remuneration.

26 * * * * *
 27 * * * * *

28
 29 (AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2004-86, § 1, 5-18-04; AO No. 2009-
 30 88, § 1, 9-10-09; AO No. 2013-142, § 1, 12-17-13)

31
 32 **Section 2.** Anchorage Municipal Code section 17.05.080 is hereby amended to
 33 read as follows (*the remainder of the section is not affected and therefore not set*
 34 *out*):

35
 36 **17.05.080 Notices of violation ("NOV").**

37
 38 A. Upon verifying a violation of this title has occurred, an officer may issue
 39 a notice to comply and/or a notice of violation ("NOV") and serve it on
 40 the owner or custodian of the animal if that person can be identified at
 41 the time of the violation. If the owner cannot then be identified, the
 42 officer may impound the animal and serve the notice to comply or NOV
 43 at such time as the owner of the animal can be identified.

44 * * * * *
 45 * * * * *

46 (AO No. 2001-158(S-4), § 1, 1-1-03)

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 48
 49

1 **Section 3.** Anchorage Municipal Code section 17.10.050 is hereby amended to
2 read as follows (*the remainder of the section is not affected and therefore not set*
3 *out*):

4
5 **17.10.050 Standards for operating animal facilities.**

6
7 A. An owner or operator of a commercial facility, multi-animal facility,
8 mushing facility, or any other facility associated with keeping of domestic
9 animals for which a license [PERMIT] is required, as specified under
10 chapter 17.15 and any other municipal regulations, shall:

11 * * * * *
12

13 (AO No. 2001-158(S-4), § 1, 1-1-03)

14
15 **Section 4.** Anchorage Municipal Code section 17.15.060 is hereby amended to
16 read as follows (*the remainder of the section is not affected and therefore not set*
17 *out*):

18
19 **17.15.060 Special purpose license.**

20
21 A. The following special purpose licenses shall be required for persons
22 or facilities keeping animals in the municipality:

23 * * * * *
24

25
26 4. Mushing Facility License. : A person or facility, including a
27 dwelling unit, residence, or business premise that owns,
28 houses, possesses, or acts as custodian of four or more dogs
29 over the age of four months, that have been trained to be
30 harnessed and pull sleds, carts, vehicles with humans and /or
31 cargo for the sport of mushing whether for recreation,
32 competition or for remuneration shall be required to obtain a
33 mushing facility license.

34
35 a. This license shall be valid for two years from date of
36 issuance.

37
38 b. This license shall be valid for any dogs, cats, rabbits,
39 ferrets, or horses owned by the same person or facility of
40 the mushing dogs on the same premises.

41
42 c. This section does not apply to rescue groups approved by
43 and registered with the animal care and control center.

44
45 B. Each animal in the facility, in addition to those covered under section
46 17.15.010C.3, that is required to have a MOA dog license shall be
47 provided that license at no additional cost to the holder of the
48 multiple animal facility license or mushing facility license.

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2 * * * * * * * * *

3 (AO No. 2001-158(S-4), § 1, 1-1-03)

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5 **Editor's note**— In connection with the adoption of AO 2001-158 (S-4) As
6 Amended, approved on June 25, 2002 and effective January 1, 2003, Assembly
7 expression of legislative intent on June 11, 2002, was that any reference to
8 "business" or "commercial" in Title 17 does not mean conducting a business for
9 the purposes of other Titles.

10
11 **Section 5.** Anchorage Municipal Code section 17.15.070 is hereby amended to
12 read as follows (*the remainder of the section is not affected and therefore not set*
13 *out*):

14
15 **17.15.070 Special purpose licensing procedures for multi-animal,**
16 **mushing, and commercial facility licenses.**

17
18 * * * * * * * * *

19
20 D. Upon receipt of a complete and timely application for renewal of a
21 special purpose license, such license shall be issued within 30 days
22 unless the applicant has received notice the special purpose license has
23 been revoked or there has been a structural change to the property. No
24 new or previously revoked multi-animal, mushing, or commercial facility
25 license shall be issued until an inspection of the premises where the
26 animals will be kept is made.

27
28 (AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2007-79, § 2, 6-26-07)

29
30 **Section 6.** Anchorage Municipal Code section 17.15.080 is hereby amended to
31 read as follows (*the remainder of the section is not affected and therefore not set*
32 *out*):

33
34 **17.15.080 Revocation or denial of application for license.**

35 * * * * * * * * *

36
37
38 B. An animal control officer shall issue a notice to revoke or deny a special
39 purpose license [COMPLY, AS DEFINED IN SECTION 17.05.080,] for
40 any violation of this title or failure to adhere to conditions for the
41 issuance of a special purpose license. The notice shall state in writing
42 the steps the applicant may take, with a set reasonable time period, to
43 correct any violations stipulated. If the officer observes conditions that
44 immediately threaten an animal's or the public's health, safety or
45 welfare, an order to cease and desist operation may be issued in lieu of
46 a notice to revoke or deny [COMPLY]. Following the time period
47 stipulated in the notice to revoke or deny [COMPLY], an inspection shall
48 be made by the animal care and control center to determine if the
49 violation is abated or corrected. If the violation remains or other

violations have occurred, the chief animal control officer may deny or revoke the license.

*** *** ***

(AO No. 2001-158(S-4), § 1, 1-1-03)

Section 7. Anchorage Municipal Code section 17.70.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

17.70.010 Animal control fee schedule.

A. The chief animal control officer shall provide for collection and disbursement of the following fees and refunds in the administration of Title 17:

Type	Fee	Refund
1. Special purpose license fees:		
a. Animal litter license:	\$25.00 per litter; each litter registered with the animal care and control center.	None
b. Multi-Animal Facility License:		<u>None</u>
1. Four to ten animals:	\$150.00 bi-annually	[NONE]
2. Eleven or more animals:	\$200.00 bi-annually	
c. Commercial Facility License:	\$150.00 annually.	None
<u>d. Mushing Facility License:</u>		<u>None</u>
<u>1. Four to ten animals:</u>	<u>\$150.00 bi-annually</u>	
<u>2. Eleven or more animals:</u>	<u>\$200.00 bi-annually</u>	

*** *** ***

(AO No. 2001-158(S-4), § 1, 1-1-03; AO No. 2003-152S, § 11, 1-1-04; AO No. 2004-86, § 8, 5-18-04; AO No. 2008-129, § 2, 12-17-08; AO No. 2009-29, § 2, 3-3-09; AO No. 2009-88, § 10, 9-10-09; AO No. 2015-111(S-1), § 7, 1-1-16)

Section 8. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2017.

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Chair of the Assembly

ATTEST:

Municipal Clerk



**MUNICIPALITY OF ANCHORAGE
ANIMAL CONTROL ADVISORY
BOARD RESOLUTION NO. 2017-01**

WHEREAS, the Animal Control Advisory Board is charged with advising the Mayor and Assembly on animal matters within the Municipality of Anchorage; and

WHEREAS, recent animal control cases and decisions from the Anchorage Administrative Hearing Office raised questions about the ability for enforcement to adequately address chronic animal noise issues related to special purpose license holders under Anchorage Municipal Code Title 17;

WHEREAS, the Animal Care & Control Center, responsible for enforcement of Title 17, needs a consistent standard to enable efficient enforcement and administration of its cases;

WHEREAS, the purpose of Title 17 is to "promote public health and safety and to encourage responsible pet ownership and the humane care of animals";

WHEREAS, Mushers currently hold approximately 9% of all active multi-animal facility licenses issued within the Municipality of Anchorage;

WHEREAS, exemption from the chronic animal noise five consecutive minute rule was created with mushers in mind to have up to four times per day to feed, load up and transport their dogs. It was not intended to provide home owners or commercial facilities with a mechanism to inflict unwarranted chronic animal noise upon their neighbors;

WHEREAS, mushers licensed under the multi-animal facility category are seldom cited for chronic noise beyond the twenty minute exemption;

NOW THEREFORE, THE MUNICIPAL ANIMAL CONTROL ADVISORY BOARD HEREBY RESOLVES:

THAT, Anchorage Municipal Code be amended to add a separate mushing facility license and limit the chronic animal noise daytime 20 minute periods to mushing facilities only in Title 17 (Animals).

PASSED and Approved by the Animal Control Advisory Board this 23rd day of March, 2017.


Chair, Animal Control Advisory Board