

CODE ORDINANCE

Sponsored by: Assemblymember Halter  
Introduced: 10/21/14  
Public Hearing: 11/19/14  
Amended: 11/19/14  
Adopted: 11/19/14

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 14-150**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB TITLE 24, ANIMAL CARE AND REGULATION, BY ADOPTING MSB 24.07, SLED DOGS AND MUSHING FACILITIES; AND BY AMENDING MSB 24.05.010, 24.05.030, 24.05.060, 24.10.020, AND 24.40.050.

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WHEREAS, the relationship between sled dogs and humans is one of the oldest bonds of its kind in Alaska and in the Matanuska-Susitna Borough; and

WHEREAS, mushing is Alaska's official state sport; and

WHEREAS, the state of Alaska is officially a "Right to Mush" state; and

WHEREAS, mushing provides an outlet for year-around activity that supports tourism, jobs, and the Borough economy; and

WHEREAS, it is the intent of the Borough to promote high standards of care for sled dogs and to prevent inhumane treatment or lack of care for sled dogs; and

WHEREAS, it is the intent of the Borough to welcome mushing facilities into our community and to support them, and

WHEREAS, it is recognized that mushing facilities sometimes generate noise during normal activities such as feeding and watering, loading and unloading, hooking and unhooking sled dogs

for runs and training, or when sled dogs respond to wild animals in the vicinity; and

WHEREAS, it is the intent of the Borough to recognize that responsible mushing facilities will create some impacts such as a certain amount of noise, which shall be considered acceptable;

WHEREAS, the Borough is the home to the Iditarod Trail Sled Dog Race, which is a world-wide event, and is home to many other sled dog races including both distance and sprint style; and

WHEREAS, mushing facilities are essential to the existence and growth of sled dog racing and mushing in the Borough.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Adoption of chapter. Title 24 is hereby amended by adopting Chapter MSB 24.07 as follows:

24.07.010 Intent and Purpose

It is the intent of the Matanuska-Susitna Borough to promote sled dog racing and historical uses of sled dogs for mushing including freighting and recreation, while setting high standards for the care of sled dogs and for mushing facilities.

24.07.020 Applicability

(A) This chapter applies to all areas of the Borough outside of the cities of Palmer, Wasilla, and Houston.

(B) The requirements of this chapter shall apply to all mushing facilities including those existing prior to the effective date of this ordinance.

#### 24.07.030 Mushing Facility License

(A) A person who qualifies for the issuance of a mushing facility license per subsection (D) of this section may either seek a kennel license under MSB 24.10.020, or a mushing facility license under this chapter.

(B) A person who does not have a current mushing facility license under this chapter is subject to the licensing requirements of MSB 24.10.010 and 24.10.020, regardless of the type of dogs being kept.

(C) A person who owns or operates a mushing facility properly licensed under this chapter is not required to obtain a kennel license and is not subject to the kennel licensing requirements contained in MSB 24.10.010 and 24.10.020, except as otherwise provided in this chapter.

(D) To apply for a mushing facility license a person must show proof to the Chief Animal Care and

Regulation Officer that the person:

(1) owned or operated a kennel for a cumulative total of at least three years prior to the time of application under the kennel registration requirements of MSB 24.10.020 or a similar ordinance or statute in another jurisdiction; and

(2) has at least a three-year history of mushing for travel, freighting, or racing, whether recreationally or professionally.

(E) MSB 24.10.070 does not apply to the licensing of mushing facilities.

(F) The mushing facility license fee shall be \$150.

(G) The term of the mushing facility license shall be three years from the date of approval.

(H) The mushing license application filed with the Borough must contain all of the information specified in MSB 24.10.020(B), and shall be updated and made current at least once per year during the license period.

(I) The mushing facility license shall be issued to authorize the following facility sizes:

(1) 5-29 sled dogs; or

(2) 30-59 sled dogs; or

- (3) 60-89 sled dogs; or
- (4) greater than 90 sled dogs.

(J) The Chief Animal Care and Regulation Officer may deny or revoke a mushing facility license for good cause, including but not limited to:

(1) failure to demonstrate compliance with the mushing facility standards of care stated in this chapter for the number of dogs authorized under the mushing facility license or the number of dogs present at the facility whichever is greater; or

(2) a conviction of the owner or operator for cruelty to animals in violation of MSB 24.05.090 or A.S. 11.61.140 or similar statute; or

(3) a conviction of the owner or operator for failure to provide humane care in violation of MSB 24.05.080 or similar statute; or

(4) two or more non-concurrent violations of any provision of MSB Title 24.

(K) Relicensing shall be required if any of the following occur:

(1) the mushing facility's real property owner or the mushing facility licensee changes at any time; or

(2) the mushing facility's location changes; or

(3) a cumulative total of more than 30 sled dogs are added to the mushing facility after issuance of the mushing facility license.

(L) The owner of a mushing facility may appeal the denial or revocation of a mushing facility 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.

#### 24.07.040 Mushing Facilities

(A) The mushing facility shall comply with the inspection requirements set forth in MSB 24.10.100.

(B) Mushing facility standards of care:

(1) The owner and operator of a mushing facility shall ensure that the standards of care stated in subsection (B)(2) below are met.

(2) The mushing facility shall maintain standards of care that meet or exceed those stated in MSB 24.10.040(B), as well as the following standards modeled from Mush with PRIDE's Kennel Certification

checklist:

(a) Water: All dogs must be provided with adequate amounts of clean water every day.

(b) Shelter: All dogs must have full access to a shelter adequate for the conditions (protection from wind/rain/snow/direct sun).

(c) Diet: All dogs must be offered a diet which is complete and wholesome and provided in amounts adequate to maintain normal body condition for the environmental conditions and amount of exercise. All dogs should be adequately fed and watered at least once a day, except as dictated by veterinary treatment or medical necessity under professionally accepted practices.

(d) Restraint: All dogs must be confined in a manner that is safe and free of hazard, e.g., no sharp metal, protruding nails, debris;

(i) If tethered, the tethers or chains are of a sufficient length to allow freedom of movement and adequate exercise.

(ii) If kept in runs, they are constructed of chain-link or wire fencing that is secure and all openings are small enough to prevent entrapment injury to limbs or head.

(e) Feces: Stools are removed daily from the kennel area and are disposed of in a sanitary and legal manner.

(f) Estrus: If intact female dogs are kept on the premises, a confinement method is available which can safely house them under conditions within the guidelines and prevent unplanned breeding.

(g) Routine transportation: Adequate containers are used for the transportation and confinement of dogs during travel. These containers must provide sufficient space for each dog to turn about freely and make normal postural adjustments. Where appropriate, the dog's movement may be restricted when freedom of movement would constitute a danger to the dog, handlers, or other animals or persons.

(h) Vaccinations: All dogs kept at the mushing facility must have current vaccinations as required under MSB Title 24.

(i) Recordkeeping: Records must be maintained for all dogs kept at the mushing facility including vaccinations, deworming, and medical history.

(j) Whelping: If breeding takes place



on site, a suitable whelping pen and house is available.

(k) Emergency evacuation: A means of safe transport and an emergency evacuation plan is in place to move dogs to safety in a timely manner in an emergency.

(l) Food: Food ingredients are stored in such a manner as to prevent contamination. There shall be an adequate amount of food stored on premises to feed the number of dogs present at any given time for a period of at least one week.

(3) All persons providing care for sled dogs at a licensed facility, including but not limited to, mushing licensees, their employees, and their agents, shall comply with the requirements of MSB 24.05.080 and 24.05.090, as well as all other applicable requirements of Title 24.

(4) The provisions of MSB 24.10.110 shall apply to mushing facilities, and the standards of care that shall be applied are those outlined in this section, MSB 24.07.040(B)(2), as well as those in 24.10.040(B).

(C) Tethering and Restraint.

(1) Tethering as defined in this chapter is an acceptable form of restraint and is authorized for use at mushing facilities.

(2) The following methods of restraint may also be used in mushing facilities: chain link pens, corrals, holding buildings, and fenced open areas.

24.07.050 Training of Sled Dogs

(A) Year-round training of sled dogs is standard practice and is authorized within the Borough. The use of all terrain vehicles (ATV's), snow machines or other vehicles to be pulled by and to train sled dogs is permitted along with the common sled. Every person riding or driving a sled dog team with a vehicle upon a secondary road, street, or trail designated in the Matanuska-Susitna Borough Trail Plan is subject to all of the duties applicable to the driver of a vehicle set forth in 13 AAC 02.

(B) It shall be lawful to tether or fasten sled dogs to a kennel dog truck or dog transport trailer within any right-of-way, trail, trailhead, or public place within the Borough if done in a reasonably safe manner, even if the sled dog has access to that alley, right-of-way, trail, or public place, notwithstanding

any other section of Borough code.

24.07.060 Interference with a Mushing Facility or With Lawful Mushing Activity

(A) A person commits the violation of interference with a mushing facility if the person:

(1) with the intent to stop, delay, disrupt, or otherwise interfere with any activity at a mushing facility licensed under this chapter:

(a) enters or remains on the property of a licensed mushing facility without permission; and

(b) hinders, harasses, or intimidates a person or sled dog lawfully present at the licensed mushing facility.

(B) A person commits the violation of interference with lawful mushing activity if the person:

(1) with the intent to stop, delay, divert, impede, frighten, harm, or otherwise cause sled dogs engaged in lawful mushing activity to change their direction or speed;

(2) obstructs, harasses, or physically interferes with sled dogs engaged in lawful mushing activity.

(C) This section does not apply to actions taken

on private property with the consent of the owner, or to actions taken by state or local officials engaged in their authorized duties.

(D) Violation of this section may be cited as an infraction at the discretion of the Chief Animal Care and Regulation Officer, or may be cited as a misdemeanor at the discretion of the Borough Attorney.

(E) If cited as an infraction, the fine for the violation shall be set as specified in MSB 24.40.050.

(F) If charged as a misdemeanor, the violation shall be punishable by a fine up to \$1000 and/or by imprisonment of up to 90 days.

#### 24.07.070 Definitions

The following definitions apply for the purposes of this chapter:

- "Lawful" means in compliance with MSB Title 24 and with applicable state law, and with the permission of the private landowner if the mushing activity occurs on private land;
- "Mushing activity" or "mushing" mean driving a team of sled dogs with a dog sled or other vehicle on a public trail, roadway or right-of-way, or on public or private land or waterways,

and includes directly related activities such as mobilizing and demobilizing.

- "Obstruct" means to intentionally place, drop or permit to drop on a public trail, roadway or right-of-way, any object or substance that creates a substantial risk of physical injury to sled dogs engaged in mushing activity; or to intentionally render a public trail, roadway, or right-of-way impassable by sled dogs engaged in mushing activity or passable only with unreasonable inconvenience or hazard.

Section 3. Amendment of paragraph. MSB 24.05.010(A), Definitions, is hereby amended as follows:

- "Livestock" includes, but is not limited to, domestic animals such as horses, cattle, sheep, goats, pigs, chickens, ducks, and other animals normally considered farm animals, whether kept for profit or not, as well as sled dogs housed at a licensed mushing facility, or sled dogs owned by the owner or licensee of a licensed mushing facility, whether kept for profit or not.
- "Mushing facility" means a facility in the Borough where sled dogs are housed and maintained, which has been duly licensed by the

Borough as a mushing facility under MSB 24.07.040.

- "Sled dog" means a member of the genus and species Canis Familiaris that is domesticated, owned and used to pull a sled or vehicle under the control of a musher, and that is owned and cared for by a licensed mushing facility as per MSB 24.07.
- "Tether" means to restrain an animal by a chain or cable line which is attached to a fixed object.
- "Restraint" shall mean either:
  - (a) actual physical control such as a leash, harness, chain, tether, fence, or building;
  - (b) competent voice control while actively engaged in an organized activity, which requires that an animal not be physically restrained, or in a form of recognized hunting which requires the use of an animal such as a retriever, or while actively mushing with or training sled dogs originating from a currently licensed mushing facility, or
  - (c) The condition of an animal when on the property of the owner, in visual contact with the owner, and obedient to the owner's command.

Section 4. Amendment of section. MSB 24.05.030, Animal Annoyance, is hereby amended as follows:

(A). It is unlawful for any animal owner to allow an animal to annoy any person. Violation of this provision is an infraction.

(B) A person who holds a current mushing facility license as per MSB 24.07, as well as persons who are handlers for, employees of, or agents of a specific licensed mushing facility are exempt from sub-section (A) of this section in regard to sled dogs housed at or originating from that mushing facility. Outside of the premises of the mushing facility the exemption only applies when sled dogs are actively engaged in mushing activity.

Section 5. Amendment of section. MSB 24.05.060, Animals in Public Places, 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 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.

(B) A person who holds a current mushing facility license as per MSB 24.07, as well as persons who are handlers for, employees of, or agents of a specific licensed mushing facility are exempt from the provisions of this section in regard to sled dogs originating from that mushing facility when actively engaged in mushing activity.

Section 6. Amendment of paragraph. MSB 24.10.020(A),  
Registration; Dogs and Cats, is hereby amended as follows:

(A) Registration required. In addition to the registration requirements of MSB 24.10.010, no person shall own or operate a kennel or cattery or own five or more dogs or cats over the age of six months without registering as a kennel or cattery operator for each location of a kennel or cattery. This section does not apply to the registration of sled dogs if there is a current mushing facility license as per MSB 24.07 in place for the facility at issue.

Section 7. Amendment of paragraph. MSB 24.40.050(A), Fines for Infractions, is hereby amended by inserting into the fines table the following:

(A) The following fine schedule is hereby established for violations of the following provisions of



MSB Title 24:

MSB 24.07.040(B) Failure to meet mushing facility

standard of care \$200

MSB 24.07.060(A) Interference with licensed mushing  
facility \$100

MSB 24.07.060(B) Interference with lawful mushing  
activity \$500

Section 8. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 19 day of November, 2014.

  
LARRY DEVILBISS, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, Colligan, Mayfield, Colver,  
and Halter