

1 CITY OF HOMER  
2 HOMER, ALASKA

3 City Manager/  
4 Police Chief

5 ORDINANCE 16-38

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING HOMER CITY CODE TITLE 20, ANIMALS, REGARDING  
9 THE REGULATION AND IMPOUNDMENT OF ANIMALS, AND  
10 PENALTIES FOR ANIMAL VIOLATIONS.

11  
12 THE CITY OF HOMER ORDAINS:

13  
14 Section 1. Homer City Code 20.04.020, Definitions, is amended to read as follows:

15  
16 20.04.020 Definitions.

17 ~~In For the purposes of this title, the following words and phrases shall have the~~  
18 ~~meanings respectively ascribed to them by this section:~~

19 “Animal” means ~~a~~ **all**-domestic or domesticated **member** members of the animal  
20 kingdom.

21 “At large” means ~~that~~ an animal is ~~at large~~ when it is off the **property** premises of **its**  
22 ~~the owner or keeper and is not in the company of or under the~~ **direct** control of ~~a~~ **the** owner  
23 ~~or keeper, a member of his family or other person to which the animal has been entrusted, by~~  
24 ~~leash, cord or chain; provided, however, that such animal shall be deemed to be under~~  
25 ~~control when under competent~~ **person** voice control while actively engaged in an organized  
26 activity which requires that the animal not be physically restrained.

27 “Dog” means **a member of the species Canis familiaris** any dog (Canis sp.), whether  
28 neutered or nonneutered male, spayed or unspayed female.

29 “Kennel” means **a commercial premises where four** any person, group of persons, or  
30 corporation breeding, buying, keeping, selling, or boarding three or more dogs over **four**  
31 **months of** the age **are owned, kept, boarded, bred or offered** of four months, whether for  
32 **sale** profit or not.

33 “Large animal” means all cattle, horses, sheep, goats, swine or similar species  
34 commonly kept as livestock.

35 “License collector” means the license collector who shall be the City Clerk, and shall  
36 include a person designated by the Clerk to act in her behalf.

37 License Year. A “license year” shall commence on January 1st of each even-numbered  
38 year.

39 “Prior **conviction**” means ~~a~~ **Conviction**. A “prior conviction” **of a person for a**  
40 **violation of a provision of this title** involving any animal owned or controlled by the person  
41 cited within a 24-month period preceding the **date of the** offense **for which a citation of the**  
42 **person currently is pending** date of the pending citation shall constitute a prior offense for  
43 penalty enhancement purposes.

[**Bold and underlined added**. Deleted language stricken through.]

44 “Quarantine” means the isolation of ~~an a dog or other domestic~~ animal in a  
45 substantial enclosure so that the ~~dog or other domestic~~ animal cannot be subject to contact  
46 with other animals or unauthorized persons.

47 **“Restraint” means any of the following: (i) physical confinement by leash, chain,**  
48 **fence, or building; (ii) under competent voice control when an animal is engaged in an**  
49 **activity or form of training requiring that it not be physically confined; or (iii) under**  
50 **competent voice control when an animal is on the property of its owner.**

51 ~~“Vicious animal” means an Animal. Any animal which when unprovoked has bitten or~~  
52 ~~attacked a human being~~ **or another animal at any time without provocation** ~~shall be~~  
53 ~~deemed vicious.~~

54  
55 Section 2. Homer City Code Chapter 20.08, General Animal Regulations, is repealed  
56 and reenacted to read as follows:

57  
58 Chapter 20.08  
59 GENERAL ANIMAL REGULATIONS

60 Sections:

- 61 20.08.010 Animals at large.  
62 20.08.020 Impoundment procedures.  
63 20.08.030 Animals on harbor floats.  
64 20.08.040 Nuisance animals.  
65 20.08.050 Cruelty or injury to animals.  
66 20.08.060 Boarding dogs at animal shelter.  
67 20.08.070 Female animals in heat – Confinement required.  
68 20.08.080 Abandonment of animals.  
69 20.08.090 Maintenance and sanitation.  
70 20.08.100 Adoption of shelter animals.  
71 20.08.110 Disposal of animal at request of owner.

- 72  
73 20.08.010 Animals at large.  
74 a. No person may cause or permit an animal to be at large in a public street or alley, or  
75 on other public property, or on private property without the property owner’s consent.  
76 b. No person other than the animal control officer or a peace officer performing duties  
77 under this title may release an animal from restraint without its owner’s consent, except to  
78 preserve the animal’s life. A person who releases an animal from restraint to preserve its life  
79 shall promptly report having done so to the animal’s owner or the animal control officer.  
80 c. The animal control officer or a peace officer may capture or destroy by any means  
81 an animal at large that presents an immediate threat to public safety.  
82 d. The owner of an animal that is at large may be cited for a violation of this section  
83 without the impoundment of the animal.  
84 e. Except as provided in subsection (f) of this section, a violation of subsection (a) or  
85 (b) of this section with three or more prior convictions shall be punishable by a fine of not less  
86 than \$100.00 nor more than \$300.00, and the unsuspended portion of the fine shall not be

87 less than \$100.00.

88 f. A violation of subsection (a) of this section where the animal is a large animal with  
89 one or more prior convictions shall be punishable by a fine of not more than \$300.00.

90

91 20.08.020 Impoundment procedures.

92 a. The animal control officer or a peace officer may capture and impound an animal  
93 that is at large in violation of HCC 2.08.010(a). The animal control officer or a peace officer  
94 may pursue an animal onto private property in the course of effecting its impoundment, and  
95 if necessary use a cage trap to capture an animal.

96 b. Immediately upon impounding an animal whose owner is known to the impounding  
97 animal control officer or peace officer, the officer shall make a reasonable effort to inform the  
98 owner of the impoundment and the conditions on which the owner may regain custody of the  
99 animal.

100 c. An animal that is impounded under the provisions of this chapter shall be held in  
101 the city animal shelter, and there confined in a humane manner for the applicable minimum  
102 period under subsection (d) of this section unless sooner claimed by the owner, and if not  
103 claimed by the owner thereafter may be, at the discretion of the animal control officer,  
104 offered to the public adoption or in the case of a large animal sold at public auction with  
105 public notice in the manner provided for the sale at execution of personal property in AS  
106 09.35.140, or destroyed in a humane manner.

107 d. The minimum period for which an impounded animal shall be held at the animal  
108 shelter shall be:

109 1. For a dog that is impounded while wearing a city license, five days.

110 2. For any other animal, three days.

111 e. No impounded animal may be released from the animal shelter into the custody of  
112 its owner unless the owner has:

113 1. Paid all impoundment and boarding fees, and the cost of any veterinary  
114 treatment provided to the animal while impounded;

115 2. For a dog owned by a city resident that was impounded while not wearing a  
116 city dog license, either produced evidence satisfactory to the animal control officer  
117 that a current city dog license has been issued for the dog, or if the dog is unlicensed  
118 paid the fee for a city dog license for the dog; and

119 3. For a dog, either produced evidence satisfactory to the animal control officer  
120 that the dog has a current rabies vaccination, or paid the fee for a 30-day rabies  
121 vaccination voucher under HCC 20.16.030.

122

123 20.08.030 Animals on harbor floats.

124 No person may bring, keep, or maintain an animal on the floats of the Homer small  
125 boat harbor, unless the animal is kept under physical confinement by leash or chain at all  
126 times. The person in control of the animal shall be responsible for cleaning and removing the  
127 animal's waste from the harbor floats. The City will charge the person in control of the animal  
128 for labor (minimum of one-half hour) required for cleaning and removing any animal waste  
129 that the person fails to clean and remove.

130 20.08.040 Nuisance animals.

131 a. No person may cause or permit an animal that the person owns or controls to:

132 1. Annoy another person by interfering with the latter's sleep, work or  
133 reasonable right to peace and privacy by making repeated or continued noise;

134 2. Defecate, dig upon or injure private property owned by another person or a  
135 public street or alley, or other public property;

136 3. Frequently or habitually growl, snap at, jump upon or otherwise menace,  
137 injure or frighten another person who is not trespassing or otherwise violating the law;  
138 or

139 4. Chase, harass, or otherwise disturb or injure wildlife.

140 b. The animal control officer or a peace officer may impound an animal that is  
141 engaging in behavior described in subsection (a) of this section. A person may restrain an  
142 animal from continuing to engage in behavior described in paragraph (a)(4) of this section,  
143 and shall promptly surrender any animal so restrained to the animal control officer for  
144 impoundment.

145 c. A violation of subsection (a) of this section with three or more prior convictions shall  
146 be punishable by a fine of not less than \$100.00 nor more than \$300.00, and the unsuspended  
147 portion of the fine shall not be less than \$100.00.

148

149 20.08.050 Cruelty or injury to animals.

150 a. No person may intentionally injure, torment, poison, provoke, or otherwise abuse  
151 an animal.

152 b. No person may intentionally kill an animal by injury, torment, poison, suffocation,  
153 decompression or other forms of abuse of the animal.

154 c. No person may maintain an animal without providing food, water, and shelter  
155 adequate to preserve the animal's health, or abandon an animal where it will not be provided  
156 proper food, water, shelter, and care.

157 d. No person may maintain an animal showing symptoms of infectious or contagious  
158 disease without keeping the animal confined in a building or secure enclosure and under  
159 proper care.

160 e. No person may cause an animal to fight another animal or human being, whether  
161 for amusement or financial gain; or train, or keep for the purpose of training, an animal for  
162 exhibition in combat with an animal or human being. No person may permit property that the  
163 person owns or controls to be used for any of the purposes described in this subsection.

164 f. No person may use a trap or snare within the city limits that can kill or injure a  
165 domestic animal except under the supervision of a state or federal wildlife agency addressing  
166 a specific nuisance wildlife issue, and with prior notice to the animal control officer of the  
167 name and contact information of each person who will be working the trap(s), and the type of  
168 trap(s) and the location of trap(s) being used.

169 g. No person may cause or permit an animal that the person owns or controls to  
170 molest or harass wild or domesticated animals.

171 h. The driver of a vehicle involved in an accident resulting in injury to an animal shall  
172 stop the vehicle as close to the scene of the accident as safely possible and inform the owner

173 of the animal of the accident and injury to the animal, if the animal's ownership is readily  
174 ascertainable. If the owner of the animal is not readily ascertainable, the driver shall inform  
175 the animal control officer or police department as quickly as reasonably possible of the  
176 accident and injury to the animal.

177 i. Notwithstanding any other provision of this section, the animal control officer, a  
178 peace officer or a licensed veterinarian may humanely euthanize an animal that in that  
179 person's opinion is so seriously ill or injured that medical treatment would needlessly prolong  
180 the animal's suffering; provided that if the animal bears identification of ownership, the  
181 animal control officer, law enforcement officer or licensed veterinarian first shall make a  
182 reasonable effort to inform the owner of the animal's condition and obtain the owner's  
183 consent to euthanizing the animal.

184 j. This section does not apply to: Impounding, destruction, or other disposition of an  
185 animal in a humane manner as authorized by law; killing or injuring an animal where  
186 necessary to protect a human being or domesticated animal from death or bodily injury; or  
187 the humane destruction of an animal by its owner or the owner's authorized agent.  
188

#### 189 20.08.060 Boarding dogs at animal shelter.

190 The Homer Animal Shelter may accept a dog for boarding if the following  
191 requirements are met:

192 a. The owner and dog must reside inside the City.

193 b. The owner pays boarding fees in advance for a maximum of ten days. The owner  
194 shall pay double the standard boarding fees for any time from the end of the time for which  
195 boarding fees were paid in advance until the owner claims the dog from the animal shelter.

196 c. The owner provides proof from a veterinarian that the dog has current vaccinations  
197 for rabies, parvo, distemper and Bordetella (kennel cough).

198 d. The owner exhibits proof that the dog has a current City dog license.

199 e. The owner reserves boarding space 24 hours in advance of the desired boarding  
200 time, and at the time of reservation space to board the dog will be available. The animal  
201 shelter will not board more than four dogs at a time.

202 f. The animal shelter may deny boarding to a dog that it determines to be sick, injured,  
203 vicious, or in heat.

204 g. Before the boarding time begins, the owner of the dog executes a boarding  
205 agreement including all the requirements in this section and an agreement to hold the Homer  
206 Animal Shelter and the City harmless and waive liability claims against the Homer Animal  
207 Shelter and the City.

208 h. All boarding costs shall be paid in full before the dog is released to its owner or  
209 designee.

210 i. The Homer Animal Shelter will not board dogs if any licensed private commercial  
211 boarding kennel is operating within the City and that facility has space available for animal  
212 boarding.  
213

#### 214 20.08.070 Female animals in heat – Confinement required.

215 Every female dog or cat in season shall be kept confined in a building or secure

216 enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female  
217 dog or cat cannot come in contact with another dog or cat except for planned breeding  
218 purposes.

219

220 20.08.080 Abandonment of animals.

221 No person may intentionally abandon an animal including without limitation leaving  
222 the animal unattended outside of the animal shelter.

223

224 20.08.090 Maintenance and sanitation.

225 A person who owns an animal shall maintain all structures, pens and yards where the  
226 animal is kept, and all areas adjacent thereto, in a clean and sanitary condition and free from  
227 objectionable odor.

228

229 20.08.100 Adoption of shelter animals.

230 To minimize the destruction of animals, the City shall make unclaimed animals and  
231 animals turned in to the animal shelter for disposal available for adoption by any adult  
232 person except as restricted herein. The City may collect a fee for the adoption of each animal.  
233 The animal control officer may deny adoption of an animal to any person with a documented  
234 record of frequent violations of this title or a history of animal abuse, neglect, or housing  
235 animals in inhumane or unsanitary conditions. Frequent violation for purposes of this section  
236 shall mean three or more convictions in the last 24 months.

237

238 20.08.110 Disposal of animal at request of owner.

239 The animal shelter will accept an animal from its owner for disposal upon the owner's  
240 execution of a written consent agreement holding the City harmless from liability for the  
241 destruction of the animal. Upon execution of the agreement, the animal becomes property of  
242 the City and at the City's option may be disposed of by adoption or destruction in a humane  
243 manner. The City reserves the right to refuse to dispose of any animal.

244

245 Section 3. Homer City Code 20.12.010, License required – Issuance, is amended to read  
246 as follows:

247

248 20.12.010 License required – Issuance.

249 No **person may own, keep or harbor a dog over four months of age in the city that**  
250 **is not licensed** ~~owner or harbinger of any dog shall fail or neglect or refuse to obtain a license~~  
251 ~~for such dog, as provided in this chapter. All dogs kept, harbored, or maintained in the City~~  
252 ~~shall be licensed and registered if over four months of age. Dog licenses shall be issued by~~  
253 **The** ~~the~~ animal shelter **shall issue a dog license upon receiving an application stating the**  
254 **owner's** ~~on payment of a license tax for each dog. The owner shall state, at the time~~  
255 ~~application is made for such license, his name and address and the name, breed, color and~~  
256 ~~sex of~~ **the** ~~each dog,~~ **a certificate from a licensed veterinarian that the dog has a current**  
257 **rabies vaccination, and payment of the license fee** ~~owned or kept by him. A dog license~~  
258 ~~Dog licenses shall be issued for a period of two years~~ **that begins on** ~~and shall run from~~

259 January 1st of ~~an~~ each even-numbered year ~~and ends on~~ to December 31st of **the following**  
260 **odd**-each succeeding ~~uneven~~-numbered year. **The full license fee shall be payable for a dog**  
261 **license that is issued at any time during an even-numbered year** For dogs requiring  
262 licensing later in the license year, the license fee shall be the same as for a full two years, **and**  
263 **the fee for a dog license that is issued at any time during an** prior to January 1st of the  
264 succeeding odd-numbered year; and thereafter for the remainder of the license period, the  
265 license tag shall be one-half of the full license fee.

266  
267 Section 4. Homer City Code 20.12.020, License tag to be worn and displayed, is  
268 amended to read as follows:

269  
270 20.12.020 License tag to be worn and displayed.

271 Upon payment of the license fee, ~~therefor, there shall be issued to~~ **the animal shelter**  
272 **shall issue to** the owner of a dog a receipt for payment of the license **fee** and the **a license**  
273 tag for ~~the~~ each dog so licensed. The tag shall ~~bear~~ have thereon the years for which it was  
274 issued and a **number** corresponding ~~to the~~ number on the receipt. ~~The~~ Every owner **of a dog**  
275 **subject to licensing under this chapter** shall ~~provide~~ **cause the** provide each dog **to wear** with a  
276 collar or harness to which the license tag shall be affixed **at all times** and shall see that the  
277 collar or harness and tag are constantly worn. In case a dog tag is lost or destroyed another  
278 will be issued upon payment of a replacement fee. Dog tags are not transferable from one  
279 dog to another.

280  
281 Section 5. Homer City Code 20.12.030, Counterfeit tags prohibited, is repealed.

282  
283 Section 6. Homer City Code 20.16.010, Rabies vaccination required, is amended to  
284 read as follows:

285  
286 20.16.010 Rabies vaccination required.

287 Every owner of a dog **over four months old** shall have ~~the~~ such dog vaccinated  
288 against rabies. ~~Upon making an application for a license for any dog, the owner shall furnish a~~  
289 ~~certificate from a licensed veterinarian as proof of this vaccination. Notwithstanding the~~  
290 ~~above, if the City Clerk determines that vaccine and veterinary services are not reasonably~~  
291 ~~available, the City Clerk may issue any dog license without the furnishing of such certificate;~~  
292 ~~provided, however, that the owner of each dog so licensed shall furnish proof of the~~  
293 ~~vaccination to the issuing authority, within 60 days from the issuance of the license, or the~~  
294 ~~license shall be deemed void and the owner in violation of this chapter.~~

295  
296 Section 7. Homer City Code 20.16.020, Quarantine of rabid animals required, is  
297 amended to read as follows:

298  
299 20.16.020 Quarantine of rabid animals required.

300 a. If a dog or other animal is believed to have rabies or to be vicious, or has been bitten  
301 by ~~a~~ dogs or other animals suspected of having rabies, ~~the~~ such dog or other animal shall be

302 confined by a leash or chain in a substantial enclosure on the owner's premises and shall be  
303 placed under the observation of a duly licensed physician or veterinarian for 10 days at the  
304 expense of the owner. The owner shall notify a peace officer or animal control officer ~~of the~~  
305 ~~fact that~~ **the** ~~this~~ dog has been exposed to rabies, and, ~~at his discretion,~~ the officer **may, at**  
306 **the officer's discretion, place** ~~is empowered to have the dog moved from the owner's~~  
307 ~~premises and placed under observation~~ **in a designated isolation ward** at the animal shelter  
308 ~~or in a veterinary hospital~~ for the quarantine period at the expense of the owner. (Note: also  
309 see 7 AAC 27.020.)

310 b. ~~The~~ ~~It is the duty of the~~ Chief of Police **shall** ~~to~~ promptly notify the State Health  
311 Department Officer of the location and description of the dog or other animal having rabies or  
312 suspected of having rabies, **and**, ~~also to~~ supply the State Health Officer with the names and  
313 addresses of the persons who have been bitten, scratched or had any contact with the  
314 suspected animal.

315 c. **A peace officer may** ~~The Chief of Police or his deputies are empowered to enter~~  
316 ~~upon any private property where a dog or other animal~~ **that is alleged to have bitten a**  
317 **person** ~~is kept, which dog or animal is alleged to have bitten any person,~~ to inspect, seize and  
318 impound **the** ~~such~~ dog **as provided** ~~under the provisions stated in this chapter.~~

319  
320 Section 8. Homer City Code 20.16.030, Rabies vaccination voucher authorization, is  
321 amended to read as follows:

322  
323 20.16.030 Rabies vaccination voucher authorization.

324 The animal control officer **may** ~~is authorized to~~ collect **the fee** ~~fees~~ for, and issue to **an**  
325 ~~any dog~~ owner claiming **a dog** ~~his animal~~ at the **animal** shelter who is unable to provide  
326 adequate proof of current rabies vaccination **for the dog**, a "rabies vaccination voucher."  
327 This voucher shall be valid for 30 days, and within that period shall entitle the bearer to rabies  
328 vaccination for the **dog identified** ~~thereon named animal~~, at any licensed veterinarian  
329 agreeing to accept same. The City shall set fees for such voucher at the average rates  
330 currently being charged by all veterinarians licensed within the City. ~~In the event any person~~  
331 ~~is unable to locate a veterinarian willing to accept the City vaccination voucher, the voucher~~  
332 ~~fee shall be returned to that person after the voucher has expired and after that person~~  
333 ~~provides evidence that he/she has otherwise obtained a rabies vaccination for the affected~~  
334 ~~animal. The City is authorized to redeem all valid vouchers submitted by licensed~~  
335 ~~veterinarians on a monthly basis for the standard fee set thereon.~~

336  
337 Section 9. Homer City Code 20.20.010, Permitting animals to bite prohibited, is  
338 amended to read as follows:

339  
340 20.20.010 Permitting animals to bite prohibited.

341 a. **No person may** ~~It is unlawful for any person to~~ permit any animal **that the person**  
342 **owns or controls** to bite **a** ~~any person~~ **or another animal**, unless the person bitten is  
343 engaged in the commission of a criminal act. It is an affirmative defense **to a charge of**  
344 **violating this section** ~~that the victim of the bite provoked the animal into biting,~~ ~~or~~ **was** ~~that~~

345 ~~the person~~ bitten **while** was trespassing on the premises totally enclosed by **chain link**  
346 ~~chainlink fencing,~~ or similar density fencing, ~~and the bite occurred on these premises by an~~  
347 animal housed therein. **A violation of this section shall be punishable by a fine of not**  
348 **more than \$300.00.** ~~Penalty: Class C infraction.~~

349 b. The City shall serve notice on the owner of **an** ~~any~~ animal which, ~~unprovoked,~~ has  
350 bitten a person **or another animal without provocation, advising.** ~~Such notice shall advise~~  
351 the owner that the animal is now a vicious animal and is subject to destruction if at large.

352  
353 Section 10. Homer City Code 20.20.020, Destruction prohibited pending quarantine, is  
354 amended to read as follows:

355  
356 20.20.020 Destruction prohibited pending quarantine.  
357 No person **may** ~~shall~~ kill or maim **an** ~~any~~ animal which is known to have bitten **a** ~~any~~  
358 person or animal **without the prior** ~~unless consent of~~ **of** ~~to do so has been granted by the Chief~~  
359 of Police. Nothing in **this section** ~~the provisions of this chapter shall be construed to prohibit~~  
360 the killing of **an** ~~a dog or other~~ animal where such destruction is necessary for the protection  
361 of life and limb, or for the purpose of preventing a further attack. One of the purposes of the  
362 enactment of this chapter is to enable the Chief of Police to observe any dogs and other  
363 animals which have bitten any person or animal in order to determine whether the same are  
364 infected by rabies. **A violation of this section shall be punishable by a fine of not more**  
365 **than \$300.00.** ~~Penalty: Class E infraction.~~

366  
367 Section 11. Homer City Code 20.20.030, Vicious animal, is amended to read as follows:

368  
369 20.20.030 Vicious animal.  
370 **No person may** ~~It is unlawful for any person to permit any vicious animal to:~~  
371 a. **Permit a vicious animal to be** ~~Be~~ at large ~~within the limits of the City;~~  
372 b. Knowingly or negligently permit **a** ~~any~~ vicious animal to bite any person unless the  
373 person bitten is in the act of committing a criminal offense;  
374 c. **Permit a vicious animal to be** ~~Be~~ housed or transported in or on any motor vehicle  
375 ~~within the City limits unless~~ **the** ~~said~~ animal is muzzled to prevent the animal from biting any  
376 person. (Exception: vicious animals locked in the passenger compartment of a motor vehicle  
377 need not be muzzled if the windows are adequately closed to prevent the animal from exiting  
378 the vehicle);  
379 d. **Permit a vicious animal to leave** ~~Leave~~ premises owned or controlled by the  
380 animal's owner or his agent (except as authorized in subsection (c) of this section) unless the  
381 animal is securely muzzled.  
382 Any animal in violation of subsection (a) or (b) of this section shall, upon conviction of the  
383 owner or the agent, for that offense, be immediately seized by the City and held for  
384 destruction. **A violation of this section shall be punishable by a fine of not less than**  
385 **\$100.00 nor more than \$300.00, and the unsuspended portion of the fine shall not be less**  
386 **than \$100.00.** ~~Penalty: Class D infraction.~~

387



431 20.24.040 Tampering with City live traps prohibited.

432 No person may tamper with any City-owned or City-operated animal live trap.  
433 “Tampering” means removal or destruction of bait(s), tripping the door closure mechanism,  
434 obstructing the entryway so as to prevent animals from entering the trap, or the physical  
435 removal of the trap from its position. **A violation of this section shall be punishable by a**  
436 **fine of not less than \$100.00 nor more than \$300.00, and the unsuspended portion of the**  
437 **fine shall not be less than \$100.00.** ~~Penalty: Class D infraction.~~

438  
439 20.24.050 Removal of quarantined animals prohibited.

440 No person **may**, ~~either by himself or agent, shall~~ remove from the area animal shelter  
441 or any veterinary hospital, or from any other place, any animal which has been quarantined  
442 without the consent of the chief of police or animal control officer. **A violation of this section**  
443 **shall be punishable by a fine of not less than \$100.00 nor more than \$300.00, and the**  
444 **unsuspended portion of the fine shall not be less than \$100.00.** ~~Penalty: Class D~~  
445 ~~infraction.~~

446  
447 20.24.060 Furnishing false information.

448 ~~No~~ ~~It is unlawful for any person~~ **may** ~~to~~ knowingly provide false information on any  
449 license application, adoption or disposal agreement, boarding agreement, citation, or any  
450 other official document being executed pursuant to this title. ~~Penalty: Class C infraction.~~

451  
452 Section 14. Homer City Code Chapter 20.28, Kennels, is amended to read as follows:

453  
454 Chapter 20.28  
455 KENNELS

456 Sections:

457 20.28.010 Kennels – Generally.  
458 20.28.020 Kennel license – Required.  
459 20.28.030 Kennel license fee.

460  
461 20.28.010 Kennels – Generally.

462 a. No kennel shall be maintained or operated in such a manner as to constitute a  
463 nuisance to persons owning or occupying land in the vicinity of the land on which the kennel  
464 facility is operated or maintained.

465 b. Any complaint that a kennel is in violation of this chapter shall be referred to the  
466 **animal control officer** ~~Animal Control Officer~~. The **animal control officer** ~~Animal Control~~  
467 ~~Officer~~ may inspect the facilities to determine whether such kennel constitutes a health  
468 hazard, nuisance or otherwise violates this chapter. Such inspection shall be completed  
469 within seven days of the complaint.

470 c. If the **animal control officer** ~~Animal Control Officer~~ determines that the kennel  
471 complained of is a health hazard, violates this chapter, or is a public nuisance, or that dogs  
472 may not be safely kept therein, the owner shall be notified and shall be granted a reasonable  
473 length of time within which to remedy any deficiencies found and to comply with

474 requirements of this chapter.

475 d. If, upon a second inspection after the expiration of the time granted in the notice,  
476 the kennel is still in violation, the **animal control officer** ~~Animal Control Officer~~ may then  
477 revoke any license previously issued for such kennel.

478

479 20.28.020 Kennel license – Required.

480 a. No person **may** ~~shall~~ own or operate a kennel without first obtaining a **kennel**  
481 license. Application for such a **kennel** license shall be made to the **animal control officer**  
482 ~~Animal Control Officer~~.

483 b. Before a **kennel** license **is** ~~shall be~~ issued, the **animal control officer** ~~Animal~~  
484 ~~Control Officer~~ shall inspect the kennel **to confirm that the kennel:**

485 **1. Has adequate shelter for the dogs from the elements;**

486 **2. Has adequate provisions for keeping the dogs on the owner’s premises;**

487 **and**

488 **3. Has adequate provisions for keeping the premises in a sanitary**  
489 **condition.**

490 Upon finding that the kennel facility is in compliance with this chapter, the **animal**  
491 **control officer** ~~City Clerk~~ shall issue the license.

492 c. Such inspection of the kennel facility is to determine that the facility:

493 1. Has adequate shelter for the animals from the elements;

494 2. Has adequate provisions for keeping the animals on the owner’s premises;

495 **and**

496 3. Has adequate provision for keeping the premises in a sanitary condition.

497

498 20.28.030 Kennel license fee.

499 **A kennel license shall be issued for a period of two years that begins on January**  
500 **1st of an even-numbered year and ends on December 31st of the following odd-**  
501 **numbered year.** The **full** license fee for a kennel shall be **payable for a kennel license that**  
502 **is issued at any time from January 1 of a even-numbered year through June 30 of the**  
503 **following odd-numbered year, and** for a two-year period, to become due in the same year  
504 as the license fees provided for in HCC 20.12.010; however, the fee for **a kennel license that is**  
505 **issued in an odd-numbered year on or** the remainder of the license year after the first of  
506 July **1** of odd-numbered years shall be one-half of the full **license** fee. The kennel **license** fee  
507 shall be in lieu of a **dog** license fee for each individual **dog** animal **that is kept at the kennel;**  
508 however, **each dog that is kept at the kennel shall be subject to** all other requirements **for**  
509 **the issuance of a dog license** that would normally apply to license an animal shall apply.  
510 Each animal kept at the kennel shall be considered licensed under the kennel license so long  
511 as it remains at the kennel. **The owner of a dog that will remain in the city must obtain a**  
512 **dog license for the dog when it ceases to be kept at the kennel.** ~~Penalty: Class B infraction.~~

513

514 Section 15. Homer City Code Chapter 20.30, Records, is enacted to read as follows:

515

516

Chapter 20.30

517

RECORDS

518 Sections:

519

20.30.010 Records.

520

521 20.30.010 Records.

522

a. The animal control officer shall maintain complete and detailed records of the following as required by city contract:

523

524

1. The issuance and revocation of licenses under this title;

525

2. All animals brought into the custody of the animal shelter by impoundment

526

or otherwise;

527

3. The disposition of all animals in the custody of the animal shelter;

528

4. Rabies immunizations vouchers issued;

529

5. Reports required by or made pursuant to this title;

530

6. Investigations of violations of this title;

531

7. Monies received for fees and charges imposed by this title; and

532

8. Notices of violation, including the disposition thereof.

533

b. The animal control officer shall not disclose the identity of a person who surrenders an animal to the animal shelter or claims or adopts an animal from the animal shelter unless the animal control officer determines that protection of the public health, safety or welfare requires such disclosure.

537

c. At the request of the animal control officer, an animal owner shall authorize the owner's veterinarian to release animal medical records related to a specific animal control investigation.

538

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540

541 Section 16. Subsection (c) of Homer City Code 20.32.010, Animal control fee schedule, is amended to read as follows:

542

543

544

c. Animals being adopted shall be **properly licensed, vaccinated and if necessary issued a voucher for a spay or neuter which must be redeemed within six months of the date of issue** spayed or neutered, properly licensed and vaccinated. Associated fees shall be the responsibility of the adopting party.

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549

Section 17. Homer City Code 20.32.020, Penalty provisions, is repealed, and Homer City Code 20.32.020, Fine schedule, is enacted to read as follows:

550

551

552

20.32.020 Fine schedule.  
Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses

553

554

555

556

**[Bold and underlined added.** Deleted language stricken through.]

557 listed below. Citations charging these offenses must meet the requirements of Minor Offense  
 558 Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the  
 559 penalty imposed for the offense may not exceed the scheduled fine amount plus any  
 560 surcharge required to be imposed by AS 12.55.039 and AS 29.25.074.  
 561

Code Section	Code Section Title	Fine per Day
20.08.010(a)	Animal at large	No prior conviction \$25; One prior conviction \$50; Two prior convictions \$100
20.08.010(b)	Unauthorized release of animal from restraint	No prior conviction \$25; One prior conviction \$50; Two prior convictions \$100
20.08.030	Animals on harbor floats	\$25
20.08.040(a)	Nuisance animals	No prior conviction \$25; One prior conviction \$50; Two prior convictions \$100
20.08.050	Cruelty or injury to animals	\$25
20.08.070	Female animals in heat	\$50
20.08.080	Abandonment of animals	\$50
20.08.090	Maintenance and sanitation	\$50
20.12.010	License required--Issuance	\$25
20.12.020	License tag to be worn and displayed	\$25
20.20.010	Permitting animals to bite	\$100
20.24.060	Furnishing false information	\$100
20.28.020	Kennel license--Required	\$50

562  
 563 Section 18. This ordinance is of a permanent and general character and shall be  
 564 included in the City code.

565  
 566 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_  
 567 2016.

568  
 569 CITY OF HOMER

570  
 571  
 572 \_\_\_\_\_  
 573 MARY E. WYTHE, MAYOR

574 ATTEST:

575  
 576  
 577 \_\_\_\_\_  
 578 JO JOHNSON, MMC, CITY CLERK

579 AYES:

580 NOES:

581 ABSTAIN:

582 ABSENT:

583

584

585

586 First Reading:

587 Public Reading:

588 Second Reading:

589 Effective Date:

590

591

592

593 Reviewed and approved as to form:

594

595

596

597 \_\_\_\_\_  
Mary K. Koester, City Manager

598

599 Date: \_\_\_\_\_

\_\_\_\_\_

Holly C. Wells, City Attorney

Date: \_\_\_\_\_