

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Police Chief

5 **ORDINANCE 16-38(S)**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HCC 7.04.030, TRAFFIC FINE SCHEDULES, AND
9 ENACTING HOMER CITY CODE CHAPTER 7.15, ANIMALS IN
10 VEHICLES, REGARDING ANIMALS IN VEHICLES; AND AMENDING
11 HOMER CITY CODE TITLE 20, ANIMALS, REGARDING THE
12 REGULATION AND IMPOUNDMENT OF ANIMALS, AND PENALTIES
13 FOR ANIMAL VIOLATIONS.
14

15 THE CITY OF HOMER ORDAINS:

16
17 Section 1. The traffic offense fine schedule in Homer City Code Chapter 7.04.030,
18 Traffic fine schedules, is amended by adding the following offenses and fines:
19

Code Section	Code Section Title	Fine per Day
7.15.010	Transporting animal	\$75
7.15.020	Animal interfering with vehicle operation	\$75

20
21 Section 2. Homer City Code Chapter 7.15, Animals in Vehicles, is enacted to read as
22 follows:
23

24 Chapter 7.15
25 ANIMALS IN VEHICLES

26 Sections:

27 7.15.010 Transporting an animal.

28 7.15.020 Animal interfering with vehicle operation.
29

30 7.15.010 Transporting an animal

31 No person may drive a motor vehicle when an animal is riding in or on the vehicle
32 unless the animal is prevented from falling, jumping or being thrown from the vehicle by one
33 of the following:

34 a. confinement in the enclosed passenger compartment of the vehicle;

35 b. confinement in an area within the vehicle that is fully enclosed or that is enclosed
36 on all sides to a height of at least 46 inches above the floor;

37 c. cross-tethering within the vehicle; or

38 d. confinement in a secure container or cage.
39

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

40 7.15.020 Animal interfering with vehicle operation.

41 No person may drive a vehicle while holding an animal or with an animal in the
42 person's lap or immediate area so as to unreasonably obstruct the view of the driver to the
43 front or sides of the vehicle or so as to interfere with the driver's control over the driving
44 mechanism of the vehicle.

45

46 Section 3. Homer City Code 20.04.020, Definitions, is amended to read as follows:

47

48 20.04.020 Definitions.

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

51 "Animal" means a ~~all~~-domestic or domesticated member members of the animal
52 kingdom.

53 "At large" means that an animal is at large ~~when it is off the~~ property premises of its
54 the owner or keeper and is not in the company of or under the direct control of a the owner
55 or keeper, a member of his family or other person to which the animal has been entrusted, by
56 leash, cord or chain; provided, however, that such animal shall be deemed to be under
57 control when under competent person voice control while actively engaged in an organized
58 activity which requires that the animal not be physically restrained.

59 "Dog" means a member of the species *Canis familiaris* any dog (*Canis sp.*), whether
60 neutered or nonneutered male, spayed or unspayed female.

61 "Kennel" means a commercial premises where four any person, group of persons, or
62 corporation breeding, buying, keeping, selling, or boarding three or more dogs over four
63 months of the age are owned, kept, boarded, bred or offered of four months, whether for
64 sale profit or not.

65 "Large animal" means all cattle, horses, sheep, goats, swine or similar species
66 commonly kept as livestock.

67 "License collector" means the license collector who shall be the City Clerk, and shall
68 include a person designated by the Clerk to act in her behalf.

69 License Year. A "license year" shall commence on January 1st of each even numbered
70 year.

71 "Prior conviction" means a ~~Conviction.~~ A "prior conviction" of a person for a
72 violation of a provision of this title involving any animal owned or controlled by the person
73 cited within a 24-month period preceding the date of the offense for which a citation of the
74 person currently is pending date of the pending citation shall constitute a prior offense for
75 penalty enhancement purposes.

76 "Quarantine" means the isolation of an ~~a~~ dog or other domestic animal in a
77 substantial enclosure so that the ~~dog or other domestic~~ animal cannot be subject to contact
78 with other animals or unauthorized persons.

122 than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.

123

124 20.08.020 Impoundment procedures.

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

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

133 c. An animal that is impounded under the provisions of this chapter shall be held in
134 the city animal shelter, and there confined in a humane manner for the applicable minimum
135 period under subsection (d) of this section unless sooner claimed by the owner, and if not
136 claimed by the owner thereafter may be, at the discretion of the animal control officer,
137 offered to the public adoption or in the case of a large animal sold at public auction with
138 public notice in the manner provided for the sale at execution of personal property in AS
139 09.35.140, or destroyed in a humane manner.

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

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

143 2. For any other animal, three days.

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

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

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

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

155

156 20.08.030 Animals on harbor floats.

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

163

164 20.08.040 Nuisance animals.

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

- 165 a. No person may cause or permit an animal that the person owns or controls to:
- 166 1. Annoy another person by interfering with the latter's sleep, work or
- 167 reasonable right to peace and privacy by making repeated or continued noise;
- 168 2. Defecate, dig upon or injure private property owned by another person or a
- 169 public street or alley, or other public property;
- 170 3. Frequently or habitually growl, snap at, jump upon or otherwise menace,
- 171 injure or frighten another person who is not trespassing or otherwise violating the law;
- 172 or
- 173 4. Chase, harass, or otherwise disturb or injure wildlife.
- 174 b. The animal control officer or a peace officer may impound an animal that is
- 175 engaging in behavior described in subsection (a) of this section. A person may restrain an
- 176 animal from continuing to engage in behavior described in paragraph (a)(4) of this section,
- 177 and shall promptly surrender any animal so restrained to the animal control officer for
- 178 impoundment.
- 179 c. A violation of subsection (a) of this section with three or more prior convictions shall
- 180 be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended
- 181 portion of the fine shall not be less than \$100.00.

182

183 20.08.050 Cruelty or injury to animals.

- 184 a. No person may intentionally injure, torment, poison, provoke, or otherwise abuse
- 185 an animal, including without limitation through a violation of HCC 7.15.010, Transporting an
- 186 animal.
- 187 b. No person may intentionally kill an animal by injury, torment, poison, suffocation,
- 188 decompression or other forms of abuse of the animal.
- 189 c. No person may maintain an animal without providing food, water, and shelter
- 190 adequate to preserve the animal's health, or abandon an animal where it will not be provided
- 191 proper food, water, shelter, and care.
- 192 d. No person may maintain an animal showing symptoms of infectious or contagious
- 193 disease without keeping the animal confined in a building or secure enclosure and under
- 194 proper care.
- 195 e. No person may cause an animal to fight another animal or human being, whether
- 196 for amusement or financial gain; or train, or keep for the purpose of training, an animal for
- 197 exhibition in combat with an animal or human being. No person may permit property that the
- 198 person owns or controls to be used for any of the purposes described in this subsection.
- 199 f. No person may use a trap or snare within the city limits that can kill or injure a
- 200 domestic animal except under the supervision of a state or federal wildlife agency addressing
- 201 a specific nuisance wildlife issue, and with prior notice to the animal control officer of the
- 202 name and contact information of each person who will be working the trap(s), and the type of
- 203 trap(s) and the location of trap(s) being used.
- 204 g. No person may cause or permit an animal that the person owns or controls to
- 205 molest or harass wild or domesticated animals.
- 206 h. The driver of a vehicle involved in an accident resulting in injury to an animal shall
- 207 stop the vehicle as close to the scene of the accident as safely possible and inform the owner

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208 of the animal of the accident and injury to the animal, if the animal's ownership is readily
209 ascertainable. If the owner of the animal is not readily ascertainable, the driver shall inform
210 the animal control officer or police department as quickly as reasonably possible of the
211 accident and injury to the animal.

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

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

223 k. A violation of subsections (a) through (h) of this section shall be punishable by a fine
224 of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall
225 not be less than \$300.00.

226

227 20.08.060 Boarding dogs at animal shelter.

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

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

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

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

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

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

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

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

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

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

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

251
252 20.08.070 Female animals in heat – Confinement required.
253 Every female dog or cat in season shall be kept confined in a building or secure
254 enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female
255 dog or cat cannot come in contact with another dog or cat except for planned breeding
256 purposes.

257
258 20.08.080 Abandonment of animals.
259 No person may intentionally abandon an animal including without limitation leaving
260 the animal unattended outside of the animal shelter.

261
262 20.08.090 Maintenance and sanitation.
263 A person who owns an animal shall maintain all structures, pens and yards where the
264 animal is kept, and all areas adjacent thereto, in a clean and sanitary condition and free from
265 objectionable odor.

266
267 20.08.100 Adoption of shelter animals.
268 To minimize the destruction of animals, the City shall make unclaimed animals and
269 animals turned in to the animal shelter for disposal available for adoption by any adult
270 person except as restricted herein. The City may collect a fee for the adoption of each animal.
271 The animal control officer may deny adoption of an animal to any person with a documented
272 record of frequent violations of this title or a history of animal abuse, neglect, or housing
273 animals in inhumane or unsanitary conditions. Frequent violation for purposes of this section
274 shall mean three or more convictions in the last 24 months.

275
276 20.08.110 Disposal of animal at request of owner.
277 The animal shelter will accept an animal from its owner for disposal upon the owner's
278 execution of a written consent agreement holding the City harmless from liability for the
279 destruction of the animal. Upon execution of the agreement, the animal becomes property of
280 the City and at the City's option may be disposed of by adoption or destruction in a humane
281 manner. The City reserves the right to refuse to dispose of any animal.

282
283 Section 5. Homer City Code 20.12.010, License required – Issuance, is amended to read
284 as follows:

285
286 20.12.010 License required – Issuance.
287 No **person may own, keep or harbor a dog over four months of age in the city that**
288 **is not licensed** ~~owner or harbored of any dog shall fail or neglect or refuse to obtain a license~~
289 ~~for such dog, as provided in this chapter. All dogs kept, harbored, or maintained in the City~~
290 ~~shall be licensed and registered if over four months of age. Dog licenses shall be issued by~~
291 **The** ~~the~~ animal shelter **shall issue a dog license upon receiving an application stating the**
292 **owner's** ~~on payment of a license tax for each dog. The owner shall state, at the time~~
293 ~~application is made for such license, his name and address and the name, breed, color and~~

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

294 sex of ~~the~~ each dog, **a certificate from a licensed veterinarian that the dog has a current**
295 **rabies vaccination, and payment of the license fee** owned or kept by him. **A dog license**
296 ~~Dog licenses shall be issued for a period of two years~~ **that begins on** and shall run from
297 January 1st of ~~an~~ each even-numbered year **and ends on** ~~to~~ December 31st of **the following**
298 **odd**-each succeeding ~~uneven~~-numbered year. **The full license fee shall be payable for a dog**
299 **license that is issued at any time during an even-numbered year** For dogs requiring
300 licensing later in the license year, the license fee shall be the same as for a full two years; **and**
301 **the fee for a dog license that is issued at any time during an** prior to January 1st of the
302 succeeding odd-numbered year; and thereafter for the remainder of the license period, the
303 license tag shall be one-half of the full license fee.

304
305 Section 6. Homer City Code 20.12.020, License tag to be worn and displayed, is
306 amended to read as follows:

307
308 20.12.020 License tag to be worn and displayed.

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

318
319 Section 7. Homer City Code 20.12.030, Counterfeit tags prohibited, is repealed.

320
321 Section 8. Homer City Code 20.16.010, Rabies vaccination required, is amended to
322 read as follows:

323
324 20.16.010 Rabies vaccination required.

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

333
334 Section 9. Homer City Code 20.16.020, Quarantine of rabid animals required, is
335 amended to read as follows:

336

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

337 20.16.020 Quarantine of rabid animals required.

338 a. If a dog or other animal is believed to have rabies or to be vicious, or has been bitten
339 by ~~a~~ dogs or other animals suspected of having rabies, ~~the~~ such dog or other animal shall be
340 confined by a leash or chain in a substantial enclosure on the owner's premises and shall be
341 placed under the observation of a duly licensed physician or veterinarian for 10 days at the
342 expense of the owner. The owner shall notify a peace officer or animal control officer ~~of the~~
343 ~~fact that~~ ~~the~~ this dog has been exposed to rabies, and, ~~at his discretion,~~ the officer **may, at**
344 **the officer's discretion, place** ~~is empowered to have the dog moved from the owner's~~
345 ~~premises and placed under observation~~ **in a designated isolation ward** at the animal shelter
346 ~~or in a veterinary hospital~~ for the quarantine period at the expense of the owner. (Note: also
347 see 7 AAC 27.020.)

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

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

357
358 Section 10. Homer City Code 20.16.030, Rabies vaccination voucher authorization, is
359 amended to read as follows:

360
361 20.16.030 Rabies vaccination voucher authorization.

362 The animal control officer **may** ~~is authorized to~~ collect **the fee** fees for, and issue to **an**
363 ~~any dog~~ owner claiming **a dog** ~~his animal~~ at the **animal** shelter who is unable to provide
364 adequate proof of current rabies vaccination **for the dog**, a "rabies vaccination voucher."
365 This voucher shall be valid for 30 days, and within that period shall entitle the bearer to rabies
366 vaccination for the **dog identified** ~~thereon named animal,~~ at any licensed veterinarian
367 agreeing to accept same. The City shall set fees for such voucher at the average rates
368 currently being charged by all veterinarians licensed within the City. ~~In the event any person~~
369 ~~is unable to locate a veterinarian willing to accept the City vaccination voucher, the voucher~~
370 ~~fee shall be returned to that person after the voucher has expired and after that person~~
371 ~~provides evidence that he/she has otherwise obtained a rabies vaccination for the affected~~
372 ~~animal. The City is authorized to redeem all valid vouchers submitted by licensed~~
373 ~~veterinarians on a monthly basis for the standard fee set thereon.~~

374
375 Section 11. Homer City Code 20.20.010, Permitting animals to bite prohibited, is
376 amended to read as follows:

377
378 20.20.010 Permitting animals to bite prohibited.
379 a. **No person may** ~~It is unlawful for any person to~~ permit any animal **that the person**

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

380 **owns or controls** to bite a any person **or another animal**, unless the person bitten is
381 engaged in the commission of a criminal act. It is an affirmative defense **to a charge of**
382 **violating this section** that the victim of the bite provoked the animal into biting, ~~or was that~~
383 ~~the person~~ bitten **while** was trespassing on the premises totally enclosed by **chain link**
384 ~~chainlink fencing, or similar density fencing, and the bite occurred on these premises by an~~
385 animal housed therein. **A violation of this section shall be punishable by a fine of not less**
386 **than \$300.00 and not more than \$500.00, and the unsuspended portion of the fine shall**
387 **not be less than \$100.00.** ~~Penalty: Class C infraction.~~

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

391
392 Section 12. Homer City Code 20.20.020, Destruction prohibited pending quarantine, is
393 amended to read as follows:

394
395 20.20.020 Destruction prohibited pending quarantine.

396 No person ~~may~~ **shall** kill or maim **an** any animal which is known to have bitten a any
397 person or animal **without the prior** ~~unless consent of~~ ~~to do so has been granted by the Chief~~
398 of Police. Nothing in **this section** ~~the provisions of this chapter shall be construed to prohibit~~
399 the killing of **an** ~~a dog or other~~ animal where such destruction is necessary for the protection
400 of life and limb, or for the purpose of preventing a further attack. One of the purposes of the
401 enactment of this chapter is to enable the Chief of Police to observe any dogs and other
402 animals which have bitten any person or animal in order to determine whether the same are
403 infected by rabies. **A violation of this section shall be punishable by a fine of not less than**
404 **\$300.00 and not more than \$500.00, and the unsuspended portion of the fine shall not be**
405 **less than \$100.00.** ~~Penalty: Class E infraction.~~

406
407 Section 13. Homer City Code 20.20.030, Vicious animal, is amended to read as follows:

408
409 20.20.030 Vicious animal.

410 **No person may** ~~It is unlawful for any person to permit any vicious animal to:~~

411 a. **Permit a vicious animal to be** ~~Be at large within the limits of the City;~~

412 b. Knowingly or negligently permit a any vicious animal to bite any person unless the
413 person bitten is in the act of committing a criminal offense;

414 c. **Permit a vicious animal to be** ~~Be~~ housed or transported in or on any motor vehicle
415 ~~within the City limits~~ unless **the** ~~said~~ animal is muzzled to prevent the animal from biting any
416 person. (Exception: vicious animals locked in the passenger compartment of a motor vehicle
417 need not be muzzled if the windows are adequately closed to prevent the animal from exiting
418 the vehicle);

419 d. **Permit a vicious animal to leave** ~~Leave~~ premises owned or controlled by the
420 animal's owner or his agent (except as authorized in subsection (c) of this section) unless the
421 animal is securely muzzled.

422 Any animal in violation of subsection (a) or (b) of this section shall, upon conviction of the

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

423 owner or the agent, for that offense, be immediately seized by the City and held for
424 destruction. **A violation of this section shall be punishable by a fine of not less than**
425 **\$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less**
426 **than \$100.00.** Penalty: Class D infraction.

427
428 Section 14. Subsection (b) of Homer City Code 20.20.040, Administrative hearing
429 procedures, is amended to read as follows:

430
431 b. A notice of administrative hearing shall be served upon the animal's owner or his
432 designee under the procedures set for service of summons in a civil action. The notice shall
433 specify the date, time, and location of the hearing. The hearing may not be less than **three**
434 **days** ~~72 hours~~ following the service of the hearing notice on the animal owner or his designee.

435
436 Section 15. Homer City Code Chapter 20.24, Enforcement Authority--Interference, is
437 amended to read as follows:

438
439 Chapter 20.24
440 ENFORCEMENT AUTHORITY -- INTERFERENCE

441
442 Sections:

- 443 20.24.010 Enforcement.
- 444 20.24.020 Interference with enforcement officer prohibited.
- 445 20.24.030 Unauthorized removal of animals.
- 446 20.24.040 Tampering with City live traps prohibited.
- 447 20.24.050 Removal of quarantined animals prohibited.
- 448 20.24.060 Furnishing false information.

449
450 20.24.010 Enforcement.
451 This title may be enforced by any peace officer. Additionally, a private person may
452 lawfully detain any animal in violation of **this title** ~~the City ordinances provided~~ **the person**
453 **promptly notifies** ~~they immediately notify~~ the animal control officer; and ~~surrenders~~ the
454 animal to the City animal control officer in compliance with **HCC 20.08.040(b)** ~~all provisions~~
455 ~~of HCC 20.08.030(d).~~

456
457 20.24.020 Interference with enforcement officer prohibited.
458 No person shall interfere with, oppose or resist any peace officer **or animal control**
459 **officer** in the performance of his duties as provided in this title. **A violation of this section**
460 **shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the**
461 **unsuspended portion of the fine shall not be less than \$100.00.** Penalty: Class D
462 infraction.

463
464 20.24.030 Unauthorized removal of animals.
465 No person **may** ~~shall~~ remove or release any ~~dog or other~~ animal from the animal

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

466 shelter, animal control vehicles, municipal animal traps or from any other official custody
467 without first obtaining permission to do so from the animal control officer or any peace
468 officer of the City. **A violation of this section shall be punishable by a fine of not less than**
469 **\$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less**
470 **than \$100.00.** ~~Penalty: Class D infraction.~~

471
472 20.24.040 Tampering with City live traps prohibited.

473 No person may tamper with any City-owned or City-operated animal live trap.
474 "Tampering" means removal or destruction of bait(s), tripping the door closure mechanism,
475 obstructing the entryway so as to prevent animals from entering the trap, or the physical
476 removal of the trap from its position. **A violation of this section shall be punishable by a**
477 **fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the**
478 **fine shall not be less than \$100.00.** ~~Penalty: Class D infraction.~~

479
480 20.24.050 Removal of quarantined animals prohibited.

481 No person ~~may~~, either by himself or agent, shall remove from the area animal shelter
482 or any veterinary hospital, or from any other place, any animal which has been quarantined
483 without the consent of the chief of police or animal control officer. **A violation of this section**
484 **shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the**
485 **unsuspended portion of the fine shall not be less than \$100.00.** ~~Penalty: Class D~~
486 ~~infraction.~~

487
488 20.24.060 Furnishing false information.

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

492
493 Section 16. Homer City Code Chapter 20.28, Kennels, is amended to read as follows:

494
495 Chapter 20.28
496 KENNELS

497 Sections:

- 498 20.28.010 Kennels – Generally.
499 20.28.020 Kennel license – Required.
500 20.28.030 Kennel license fee.

501
502 20.28.010 Kennels – Generally.

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

506 b. Any complaint that a kennel is in violation of this chapter shall be referred to the
507 **animal control officer** ~~Animal Control Officer.~~ The **animal control officer** ~~Animal Control~~
508 ~~Officer~~ may inspect the facilities to determine whether such kennel constitutes a health

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

509 hazard, nuisance or otherwise violates this chapter. Such inspection shall be completed
510 within seven days of the complaint.

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

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

519

520 20.28.020 Kennel license – Required.

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

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

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

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

528 **and**

529 **3. Has adequate provisions for keeping the premises in a sanitary**
530 **condition.**

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

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

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

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

536 **and**

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

538

539 20.28.030 Kennel license fee.

540 **A kennel license shall be issued for a period of two years that begins on January**
541 **1st of an even-numbered year and ends on December 31st of the following odd-**
542 **numbered year.** The **full** license fee for a kennel shall be **payable for a kennel license that**
543 **is issued at any time from January 1 of a even-numbered year through June 30 of the**
544 **following odd-numbered year, and** for a two-year period, to become due in the same year
545 as the license fees provided for in HCC 20.12.010; however, the fee for **a kennel license that is**
546 **issued in an odd-numbered year on or** the remainder of the license year after the first of
547 July **1** of odd-numbered years shall be one-half of the full **license** fee. The kennel **license** fee
548 shall be in lieu of a **dog** license fee for each individual **dog** animal **that is kept at the kennel;**
549 however, **each dog that is kept at the kennel shall be subject to** all other requirements **for**
550 **the issuance of a dog license** that would normally apply to license an animal shall apply.
551 Each animal kept at the kennel shall be considered licensed under the kennel license so long

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

552 as it remains at the kennel. **The owner of a dog that will remain in the city must obtain a**
553 **dog license for the dog when it ceases to be kept at the kennel.** Penalty: Class B infraction.

554

555 Section 17. Homer City Code Chapter 20.30, Records, is enacted to read as follows:

556

557 Chapter 20.30

558

RECORDS

559 Sections:

560 20.30.010 Records.

561

562 20.30.010 Records.

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

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

566 2. All animals brought into the custody of the animal shelter by impoundment
567 or otherwise;

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

569 4. Rabies immunizations vouchers issued;

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

571 6. Investigations of violations of this title;

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

573 8. Notices of violation, including the disposition thereof.

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

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

581

582 Section 18. Subsection (c) of Homer City Code 20.32.010, Animal control fee schedule,
583 is amended to read as follows:

584

585 c. Animals being adopted shall be **properly licensed and vaccinated** ~~spayed or~~
586 ~~neutered, properly licensed and vaccinated.~~ Associated fees shall be the responsibility of the
587 adopting party.

588

589 Section 19. Homer City Code 20.32.020, Penalty provisions, is repealed, and Homer
590 City Code 20.32.020, Fine schedule, is enacted to read as follows:

591

592 20.32.020 Fine schedule.

593 Citations for offenses listed in this section may be disposed of as provided in AS
594 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below

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

595 plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the
596 court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses
597 listed below. Citations charging these offenses must meet the requirements of Minor Offense
598 Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the
599 penalty imposed for the offense may not exceed the scheduled fine amount plus any
600 surcharge required to be imposed by AS 12.55.039 and AS 29.25.074.
601

Code Section	Code Section Title	Fine per Day
20.08.010(a)	Animal at large	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
20.08.010(b)	Unauthorized release of animal from restraint	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
20.08.030	Animals on harbor floats	\$25
20.08.040(a)	Nuisance animals	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
20.08.070	Female animals in heat	\$100
20.08.080	Abandonment of animals	\$100
20.08.090	Maintenance and sanitation	\$100
20.12.010	License required--Issuance	\$50
20.12.020	License tag to be worn and displayed	\$50
20.20.010	Permitting animals to bite	\$200
20.24.060	Furnishing false information	\$200
20.28.020	Kennel license--Required	\$100

602
603 Section 20. This ordinance is of a permanent and general character and shall be
604 included in the City code.
605

606 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____
607 2016.

608
609 CITY OF HOMER

610
611
612 _____
613 MARY E. WYTHE, MAYOR

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

614 ATTEST:
615
616
617 _____

618 JO JOHNSON, MMC, CITY CLERK

619 AYES:

620 NOES:

621 ABSTAIN:

622 ABSENT:

623

624

625

626 First Reading:

627 Public Reading:

628 Second Reading:

629 Effective Date:

630

631

632

633 Reviewed and approved as to form:

634

635

636 _____

637 Mary K. Koester, City Manager

638

639 Date: _____

640 _____

Holly C. Wells, City Attorney

Date: