

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

3 City Manager/
4 Police Chief

5 **ORDINANCE 16-38(S)(A)**
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, in a humane manner, from falling, jumping or being thrown
33 from the vehicle by one 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. tethering in a manner that retains animal's front and hind legs within the vehicle; or

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

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 this title:

50 "Animal" means a domestic or domesticated member of the animal kingdom.

51 "At large" means that an animal is off the property of its owner and not under the
52 direct control of a competent person.

53 "Dog" means a member of the species *Canis familiaris*.

54 "Kennel" means a commercial premises where four or more dogs over four months of
55 age are owned, kept, boarded, bred or offered for sale.

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

58 "Prior conviction" means a conviction of a person for a violation of a provision of this
59 title involving any animal owned or controlled by the person within a 24-month period
60 preceding the date of the offense for which a citation of the person currently is pending.

61 "Quarantine" means the isolation of an animal in a substantial enclosure so that the
62 animal cannot be subject to contact with other animals or unauthorized persons.

63 "Restraint" means any of the following: (i) physical confinement by leash, chain,
64 fence, or building; (ii) under competent voice control when an animal is engaged in an activity
65 or form of training requiring that it not be physically confined; or (iii) under competent voice
66 control when an animal is on the property of its owner.

67 "Vicious animal" means an animal which has bitten or attacked a human being or
68 another animal at any time without provocation.

69

70 Section 4. Homer City Code Chapter 20.08, General Animal Regulations, is repealed
71 and reenacted to read as follows:

72

Chapter 20.08

73

GENERAL ANIMAL REGULATIONS

74

Sections:

75 20.08.010 Animals at large.

76 20.08.020 Impoundment procedures.

77 20.08.030 Animals on harbor floats.

78 20.08.040 Nuisance animals.

79 20.08.050 Cruelty or injury to animals.

80 20.08.060 Boarding dogs at animal shelter.

81 20.08.070 Female animals in heat – Confinement required.

82 20.08.080 Abandonment of animals.

83 20.08.090 Maintenance and sanitation.

84 20.08.100 Adoption of shelter animals.

85 20.08.110 Disposal of animal at request of owner.

86

87 20.08.010 Animals at large.

88 a. No person may cause or permit an animal to be at large in a public street or alley, or
89 on other public property, or on private property without the property owner's consent.

90 b. No person other than the animal control officer or a peace officer performing duties
91 under this title may release an animal from restraint without its owner's consent, except to
92 preserve the animal's life. A person who releases an animal from restraint to preserve its life
93 shall promptly report having done so to the animal's owner or the animal control officer.

94 c. The animal control officer or a peace officer may capture or destroy by any means
95 an animal at large that presents an immediate threat to public safety.

96 d. The owner of an animal that is at large may be cited for a violation of this section
97 without the impoundment of the animal.

98 e. Except as provided in subsection (f) of this section, a violation of subsection (a) or
99 (b) of this section with three or more prior convictions shall be punishable by a fine of not less
100 than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be
101 less than \$100.00.

102 f. A violation of subsection (a) of this section where the animal is a large animal with
103 one or more prior convictions shall be punishable by a fine of not less than \$300.00 nor more
104 than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.

105

106 20.08.020 Impoundment procedures.

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

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

115 c. An animal that is impounded under the provisions of this chapter shall be held in
116 the city animal shelter, and there confined in a humane manner for the applicable minimum
117 period under subsection (d) of this section unless sooner claimed by the owner, and if not
118 claimed by the owner thereafter may be, at the discretion of the animal control officer,
119 offered to the public adoption or in the case of a large animal sold at public auction with
120 public notice in the manner provided for the sale at execution of personal property in AS
121 09.35.140, or destroyed in a humane manner.

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

- 124 1. For a dog that is impounded while wearing a city license, five days.
125 2. For any other animal, three days.
126 e. No impounded animal may be released from the animal shelter into the custody of
127 its owner unless the owner has:
128 1. Paid all impoundment and boarding fees, and the cost of any veterinary
129 treatment provided to the animal while impounded;
130 2. For a dog owned by a city resident that was impounded while not wearing a
131 city dog license, either produced evidence satisfactory to the animal control officer
132 that a current city dog license has been issued for the dog, or if the dog is unlicensed
133 paid the fee for a city dog license for the dog; and
134 3. For a dog, either produced evidence satisfactory to the animal control officer
135 that the dog has a current rabies vaccination, or paid the fee for a 30-day rabies
136 vaccination voucher under HCC 20.16.030.
137

138 20.08.030 Animals on harbor floats.

139 No person may bring, keep, or maintain an animal on the floats of the Homer small
140 boat harbor, unless the animal is kept under physical confinement by leash or chain at all
141 times. The person in control of the animal shall be responsible for cleaning and removing the
142 animal's waste from the harbor floats. The City will charge the person in control of the animal
143 for labor (minimum of one-half hour) required for cleaning and removing any animal waste
144 that the person fails to clean and remove.
145

146 20.08.040 Nuisance animals.

- 147 a. No person may cause or permit an animal that the person owns or controls to:
148 1. Annoy another person by interfering with the latter's sleep, work or
149 reasonable right to peace and privacy by making repeated or continued noise;
150 2. Defecate, dig upon or injure private property owned by another person or a
151 public street or alley, or other public property;
152 3. Frequently or habitually growl, snap at, jump upon or otherwise menace,
153 injure or frighten another person who is not trespassing or otherwise violating the law;
154 or
155 4. Chase, harass, or otherwise disturb or injure wildlife.
156 b. The animal control officer or a peace officer may impound an animal that is
157 engaging in behavior described in subsection (a) of this section. A person may restrain an
158 animal from continuing to engage in behavior described in paragraph (a)(4) of this section,
159 and shall promptly surrender any animal so restrained to the animal control officer for
160 impoundment.
161 c. A violation of subsection (a) of this section with three or more prior convictions shall
162 be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended
163 portion of the fine shall not be less than \$100.00.
164

165 20.08.050 Cruelty or injury to animals.

- 166 a. No person may intentionally injure, torment, poison, provoke, or otherwise abuse

167 an animal, including without limitation through a violation of HCC 7.15.010, Transporting an
168 animal.

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

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

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

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

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

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

188 h. The driver of a vehicle involved in an accident resulting in injury to an animal shall
189 stop the vehicle as close to the scene of the accident as safely possible and inform the owner
190 of the animal of the accident and injury to the animal, if the animal's ownership is readily
191 ascertainable. If the owner of the animal is not readily ascertainable, the driver shall inform
192 the animal control officer or police department as quickly as reasonably possible of the
193 accident and injury to the animal.

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

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

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

208
209

210 20.08.060 Boarding dogs at animal shelter.

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

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

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

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

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

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

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

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

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

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

234

235 20.08.070 Female animals in heat – Confinement required.

236 Every female dog or cat in season shall be kept confined in a building or secure
237 enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female
238 dog or cat cannot come in contact with another dog or cat except for planned breeding
239 purposes.

240

241 20.08.080 Abandonment of animals.

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

244

245 20.08.090 Maintenance and sanitation.

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

249

250 20.08.100 Adoption of shelter animals.

251 To minimize the destruction of animals, the City shall make unclaimed animals and
252 animals turned in to the animal shelter for disposal available for adoption by any adult

253 person except as restricted herein. The City may collect a fee for the adoption of each animal.
254 The animal control officer may deny adoption of an animal to any person with a documented
255 record of frequent violations of this title or a history of animal abuse, neglect, or housing
256 animals in inhumane or unsanitary conditions. Frequent violation for purposes of this section
257 shall mean three or more convictions in the last 24 months.

258
259 20.08.110 Disposal of animal at request of owner.

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

265
266 Section 5. Homer City Code 20.12.010, License required – Issuance, is amended to read
267 as follows:

268
269 20.12.010 License required – Issuance.

270 No person may own, keep or harbor a dog over four months of age in the city that is
271 not licensed as provided in this chapter. The animal shelter shall issue a dog license upon
272 receiving an application stating the owner's name and address and the name, breed, color
273 and sex of the dog, a certificate from a licensed veterinarian that the dog has a current rabies
274 vaccination, and payment of the license fee. A dog license shall be issued for a period of two
275 years that begins on January 1st of an even-numbered year and ends on December 31st of
276 the following odd-numbered year. The full license fee shall be payable for a dog license that is
277 issued at any time during an even-numbered year and the fee for a dog license that is issued
278 at any time during an odd-numbered year shall be one-half of the full license fee.

279
280 Section 6. Homer City Code 20.12.020, License tag to be worn and displayed, is
281 amended to read as follows:

282
283 20.12.020 License tag to be worn and displayed.

284 Upon payment of the license fee, the animal shelter shall issue to the owner of a dog a
285 receipt for payment of the license fee and a license tag for the dog. The tag shall bear the
286 years for which it was issued and a number corresponding to the number on the receipt. The
287 owner of a dog subject to licensing under this chapter shall cause the dog to wear a collar or
288 harness to which the license tag shall be affixed at all times. In case a dog tag is lost or
289 destroyed another will be issued upon payment of a replacement fee. Dog tags are not
290 transferable from one dog to another.

291
292 Section 7. Homer City Code 20.12.030, Counterfeit tags prohibited, is repealed.

293

294 Section 8. Homer City Code 20.16.010, Rabies vaccination required, is amended to
295 read as follows:

296

297 20.16.010 Rabies vaccination required.

298 Every owner of a dog **over four months old** shall have **the** dog vaccinated against
299 rabies.

300

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

303

304 20.16.020 Quarantine of rabid animals required.

305 a. If a dog or other animal is believed to have rabies or to be vicious, or has been bitten
306 by **a** dogs or other animals suspected of having rabies, the dog or other animal shall be
307 confined by a leash or chain in a substantial enclosure on the owner's premises and shall be
308 placed under the observation of a duly licensed physician or veterinarian for 10 days at the
309 expense of the owner. The owner shall notify a peace officer or animal control officer that the
310 dog has been exposed to rabies, and the officer may, at the officer's discretion, place the dog
311 under observation in a designated isolation ward at the animal shelter for the quarantine
312 period at the expense of the owner. (Note: also see 7 AAC 27.020.)

313 b. The Chief of Police shall promptly notify the State Health Department Officer of the
314 location and description of the dog or other animal having rabies or suspected of having
315 rabies, and supply the State Health Officer with the names and addresses of the persons who
316 have been bitten, scratched or had any contact with the suspected animal.

317 c. A peace officer may enter upon private property where a dog or other animal that is
318 alleged to have bitten a person is kept, to inspect, seize and impound the dog as provided in
319 this chapter.

320

321 Section 10. Homer City Code 20.16.030, Rabies vaccination voucher authorization, is
322 amended to read as follows:

323

324 20.16.030 Rabies vaccination voucher authorization.

325 The animal control officer may collect the fee for, and issue to an owner claiming a
326 dog at the animal shelter who is unable to provide adequate proof of current rabies
327 vaccination for the dog, a "rabies vaccination voucher." This voucher shall be valid for 30
328 days, and within that period shall entitle the bearer to rabies vaccination for the dog
329 identified thereon, at any licensed veterinarian agreeing to accept same. The City shall set
330 fees for such voucher at the average rates currently being charged by all veterinarians
331 licensed within the City.

332

333 Section 11. Homer City Code 20.20.010, Permitting animals to bite prohibited, is
334 amended to read as follows:

335

336

337 20.20.010 Permitting animals to bite prohibited.

338 a. No person may permit any animal that the person owns or controls to bite a person
339 or another animal, unless the person bitten is engaged in the commission of a criminal act. It
340 is an affirmative defense to a charge of violating this section that the victim of the bite
341 provoked the animal into biting, or was bitten while trespassing on premises totally enclosed
342 by chain link or similar density fencing by an animal housed therein. A violation of this
343 section shall be punishable by a fine of not less than \$300.00 and not more than \$500.00, and
344 the unsuspended portion of the fine shall not be less than \$100.00.

345 b. The City shall serve notice on the owner of an animal which has bitten a person or
346 another animal without provocation, advising the owner that the animal is now a vicious
347 animal and is subject to destruction if at large.

348

349 Section 12. Homer City Code 20.20.020, Destruction prohibited pending quarantine, is
350 amended to read as follows:

351

352 20.20.020 Destruction prohibited pending quarantine.

353 No person may kill or maim an animal which is known to have bitten a person or
354 animal without the prior consent of the Chief of Police. Nothing in this section shall prohibit
355 the killing of an animal where such destruction is necessary for the protection of life and limb,
356 or for the purpose of preventing a further attack. One of the purposes of the enactment of this
357 chapter is to enable the Chief of Police to observe any dogs and other animals which have
358 bitten any person or animal in order to determine whether the same are infected by rabies. A
359 violation of this section shall be punishable by a fine of not less than \$300.00 and not more
360 than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.

361

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

363

364 20.20.030 Vicious animal.

365 No person may:

366 a. Permit a vicious animal to be at large;

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

369 c. Permit a vicious animal to be housed or transported in or on any motor vehicle
370 unless the animal is muzzled to prevent the animal from biting any person. (Exception:
371 vicious animals locked in the passenger compartment of a motor vehicle need not be
372 muzzled if the windows are adequately closed to prevent the animal from exiting the vehicle);

373 d. Permit a vicious animal to leave premises owned or controlled by the animal's
374 owner or his agent (except as authorized in subsection (c) of this section) unless the animal is
375 securely muzzled.

376 Any animal in violation of subsection (a) or (b) of this section shall, upon conviction of the
377 owner or the agent, for that offense, be immediately seized by the City and held for
378 destruction. A violation of this section shall be punishable by a fine of not less than \$300.00
379 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than

380 \$100.00.

381

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

384

385 b. A notice of administrative hearing shall be served upon the animal's owner or his
386 designee under the procedures set for service of summons in a civil action. The notice shall
387 specify the date, time, and location of the hearing. The hearing may not be less than three
388 days following the service of the hearing notice on the animal owner or his designee.

389

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

392

393

Chapter 20.24

394

ENFORCEMENT AUTHORITY -- INTERFERENCE

395

396 Sections:

397 20.24.010 Enforcement.

398 20.24.020 Interference with enforcement officer prohibited.

399 20.24.030 Unauthorized removal of animals.

400 20.24.040 Tampering with City live traps prohibited.

401 20.24.050 Removal of quarantined animals prohibited.

402 20.24.060 Furnishing false information.

403

404 20.24.010 Enforcement.

405 This title may be enforced by any peace officer. Additionally, a private person may
406 lawfully detain any animal in violation of this title provided the person promptly notifies the
407 animal control officer and surrenders the animal to the animal control officer in compliance
408 with HCC 20.08.040(b).

409

410 20.24.020 Interference with enforcement officer prohibited.

411 No person shall interfere with, oppose or resist any peace officer or animal control
412 officer in the performance of his duties as provided in this title. A violation of this section shall
413 be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended
414 portion of the fine shall not be less than \$100.00.

415

416 20.24.030 Unauthorized removal of animals.

417 No person may remove or release any animal from the animal shelter, animal control
418 vehicles, municipal animal traps or from any other official custody without first obtaining
419 permission to do so from the animal control officer or any peace officer. A violation of this
420 section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the
421 unsuspended portion of the fine shall not be less than \$100.00.

422

423 20.24.040 Tampering with City live traps prohibited.

424 No person may tamper with any City-owned or City-operated animal live trap.
425 "Tampering" means removal or destruction of bait(s), tripping the door closure mechanism,
426 obstructing the entryway so as to prevent animals from entering the trap, or the physical
427 removal of the trap from its position. A violation of this section shall be punishable by a fine of
428 not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall
429 not be less than \$100.00.

430
431 20.24.050 Removal of quarantined animals prohibited.

432 No person may remove from the animal shelter or any veterinary hospital, or from any
433 other place, any animal which has been quarantined without the consent of the chief of
434 police or animal control officer. A violation of this section shall be punishable by a fine of not
435 less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not
436 be less than \$100.00.

437
438 20.24.060 Furnishing false information.

439 No person may knowingly provide false information on any license application,
440 adoption or disposal agreement, boarding agreement, citation, or any other official
441 document being executed pursuant to this title.

442
443 Section 16. Homer City Code Chapter 20.28, Kennels, is amended to read as follows:

444
445 Chapter 20.28
446 KENNELS

447 Sections:

448 20.28.010 Kennels – Generally.
449 20.28.020 Kennel license – Required.
450 20.28.030 Kennel license fee.

451
452 20.28.010 Kennels – Generally.

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

456 b. Any complaint that a kennel is in violation of this chapter shall be referred to the
457 animal control officer. The animal control officer may inspect the facilities to determine
458 whether such kennel constitutes a health hazard, nuisance or otherwise violates this chapter.
459 Such inspection shall be completed within seven days of the complaint.

460 c. If the animal control officer determines that the kennel complained of is a health
461 hazard, violates this chapter, or is a public nuisance, or that dogs may not be safely kept
462 therein, the owner shall be notified and shall be granted a reasonable length of time within
463 which to remedy any deficiencies found and to comply with requirements of this chapter.

464 d. If, upon a second inspection after the expiration of the time granted in the notice,
465 the kennel is still in violation, the animal control officer may then revoke any license

466 previously issued for such kennel.

467

468 20.28.020 Kennel license – Required.

469 a. No person may own or operate a kennel without first obtaining a kennel license.
470 Application for a kennel license shall be made to the animal control officer.

471 b. Before a kennel license is issued, the animal control officer shall inspect the kennel
472 to confirm that the kennel:

473 1. Has adequate shelter for the dogs from the elements;

474 2. Has adequate provisions for keeping the dogs on the owner’s premises; and

475 3. Has adequate provisions for keeping the premises in a sanitary condition.

476 Upon finding that the kennel is in compliance with this chapter, the animal control
477 officer shall issue the license.

478

479 20.28.030 Kennel license fee.

480 A kennel license shall be issued for a period of two years that begins on January 1st of
481 an even-numbered year and ends on December 31st of the following odd-numbered year.
482 The full license fee shall be payable for a kennel license that is issued at any time from
483 January 1 of a even-numbered year through June 30 of the following odd-numbered year,
484 and the fee for a kennel license that is issued in an odd-numbered year on or after July 1 shall
485 be one-half of the full license fee. The kennel license fee shall be in lieu of a dog license fee for
486 each individual dog that is kept at the kennel; however, each dog that is kept at the kennel
487 shall be subject to all other requirements for the issuance of a dog license. Each animal kept
488 at the kennel shall be considered licensed under the kennel license so long as it remains at
489 the kennel. The owner of a dog that will remain in the city must obtain a dog license for the
490 dog when it ceases to be kept at the kennel.

491

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

493

494 Chapter 20.30

495 RECORDS

496 Sections:

497 20.30.010 Records.

498

499 20.30.010 Records.

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

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

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

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

506 4. Rabies immunizations vouchers issued;

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

508 6. Investigations of violations of this title;

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

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

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

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

518
 519 Section 18. Subsection (c) of Homer City Code 20.32.010, Animal control fee schedule,
 520 is amended to read as follows:

521
 522 c. Animals being adopted shall be properly licensed and vaccinated.

523
 524 Section 19. Homer City Code 20.32.020, Penalty provisions, is repealed, and Homer
 525 City Code 20.32.020, Fine schedule, is enacted to read as follows:

526
 527 20.32.020 Fine schedule.

528 Citations for offenses listed in this section may be disposed of as provided in AS
 529 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below
 530 plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the
 531 court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses
 532 listed below. Citations charging these offenses must meet the requirements of Minor Offense
 533 Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the
 534 penalty imposed for the offense may not exceed the scheduled fine amount plus any
 535 surcharge required to be imposed by AS 12.55.039 and AS 29.25.074.

536

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

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 22nd day of August, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Holly C. Wells, City Attorney

Date: _____

Date: _____