



Birch Horton Bittner & Cherot

a professional corporation

MEMORANDUM 16-114

**TO: JO JOHNSON
CITY CLERK
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: REVISIONS TO HOMER CITY CODE TITLE 20

FILE NO.: 506,742.103

DATE: JUNE 16, 2016

Accompanying this memorandum is an ordinance revising HCC Title 20 regarding animals. The ordinance is based on a draft that you provided to us on May 31. I also expanded the scope of the revision to address some additional items in the current code. This memorandum explains my additional modifications.

20.04.020 Definitions.

- I retained a modified definition of the term “dog” because that term continues to be used in Title 20—for example, in the requirement of dog licenses.
- The revised definition of the term “kennel” confines the term to commercial facilities. Do you intend that kennel regulations apply only to commercial kennels, and not to a kennel that someone might operate as a hobby?
- I omitted the definition of “license period” because the term is not used in Title 20.

20.08.010 Animals at large.

- I omitted subsection (c) regarding abandoned animals, because that subject is addressed in HCC 20.08.080.
- I moved subsection (d) regarding pursuing animals on private property to HCC 20.08.020(a) because it related to impoundment procedure.
- HCC 20.08.020(g) regarding large animals has been integrated into HCC 20.08.020, impoundment procedures, and HCC 20.08.010(f) regarding penalties for violations of HCC 20.08.010(a).

- Penalties for violations under HCC Title 20, up to the level of Class C infractions, have been restated in a fine schedule in a new HCC 20.32.030, as part of the effort to develop a fine schedule for City Code violations.

20.08.020 Impoundment procedures.

- Throughout the revision, I have retained the term “peace officer”, as this is the more inclusive term for officials who may enforce the code. See AS 01.10.060(7):

(7) “peace officer” means (A) an officer of the state troopers; (B) a member of the police force of a municipality; (C) a village public safety officer; (D) a regional public safety officer; (E) a United States marshal or deputy marshal; and (F) an officer whose duty it is to enforce and preserve the public peace.

- This section does not prohibit any conduct, so it is unnecessary to state penalties for violating the section.

20.08.040 Nuisance animals.

- The term “bird” is unnecessary, as it is included in the term “animal”. See HCC 20.04.020, defining “animal” as “all domestic or domesticated members of the animal kingdom.”
- Violations are categorized by number of prior convictions, as in the case of HCC 20.08.010.

20.12.010 License required—Issuance. I have simplified the wording.

20.12.020 License tag to be worn and displayed. I have simplified the wording.

20.16.010 Rabies vaccination required. I moved the requirement for a veterinarian’s certificate to HCC 20.12.010, as a requirement for the issuance of a dog license.

20.20.030 Vicious animal. I revised this section for clarification and grammatical consistency.

20.24.010 Enforcement. HCC 20.08.040(b) is the correct cross-reference in the revised Title 20.

20.28.030 Kennel license fee. I rewrote this section for clarity and simplicity. The section provides that the reduced kennel license fee goes into effect on July 1 of the second year, while under HCC 20.12.010 the reduced dog license fee goes into effect on January 1 of the second year. I assume that this difference is intentional.

20.32.020 Fine schedule. This section collects fines for violations of HCC Title 20 that can be disposed of by bail forfeiture, in the form required by the Alaska Court System.

Let me know if you have questions.

TFK/