1	CITY OF HOMER
2	HOMER, ALASKA
3	Venuti/Erickson
4	ORDINANCE 22-72
5	
6	AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7	AMENDING HOMER CITY CODE TITLE 20 ANIMALS, SECTIONS
8	20.04.020 DEFINITIONS, 20.08.010 ANIMALS AT LARGE, 20.08.040
9	NUISANCE ANIMALS AND 20.32.020 FINE SCHEDULE TO REFINE
10	THE DEFINITION OF "AT LARGE", CLARIFY AREAS WHERE ANIMALS
11	ARE TO BE ON LEASH AT ALL TIMES AND AMEND RELATED FINES.
12	WILEDEAC There has been an increased in the number of your arts of down off loos because of
13	WHEREAS, There has been an increase in the number of reports of dogs off leash causing
14	severe disruption and incidents of unfavorable interactions between dogs, humans and wildlife
15	in our parks, campgrounds, and parking lots over the past few years; and
16	WHEREVOLUS AND THE REAL PROPERTY OF THE PROPER
17	WHEREAS, It is especially problematic when a member of the public requests another
18	dog owner to please restrain their animal, and the situation becomes aggressively
19	confrontational; and
20	WILEDEAG C
21	WHEREAS, Current Homer City Code does not provide enough clarity and guidelines on
22	the restraint of animals, definitions of "voice control" and "at large" require amendment; and
23	WILEDEAG G. THE GOLD OF THE CONTROL
24	WHEREAS, Current Homer City Code does not provide enough clarity and guidelines on
25	the restraint of animals, "voice control" has been proven not to work in many interactions, and
26	what it means for an animal to be considered "at large" requires interpretation: and
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28	WHEREAS, Enacted measures in current city code and public informational
29	campaigns have been ineffective and failed to encourage positive behavior; and
30	WHEREAS, Homer Police Department has expressed support for the proposed
31 32	amendments to city code ; and
33	amendments to city code , and
34	WHEREAS, Amendments in this ordinance provide clarification on the requirements to
35	restrain animals, which further ensure the overall enjoyment and safety of the public in the City
36	of Homer parks, parking lots, campgrounds, and safeguard the areas dedicated as wildlife
37	habitat.
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39	NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
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41	Section 1. Homer City Code Chapter 20.04.020 entitled, "Definitions" is hereby
42	amended as follows:

- "At large" means that an animal is off the property of its owner, and not physically unrestrained by leash or chain. and not under the direct control of a competent person.
- 45 <u>Section 2.</u> Homer City Code Chapter 20.08.010, entitled "Animals at large" is hereby 46 amended as follows:
- a. No person may cause or permit an animal to be at large in a public street or alley, or on other
 public property, this includes such as city parks, campgrounds, parking lots, or designated
 protected wildlife habitat or on private property without the property owner's consent.
- 50 <u>Section 3.</u> Homer City Code Chapter 20.08.040 entitled "Nuisance animals" is hereby 51 amended as follows:
- 52 20.08.040 Nuisance animals.
- a. No person may cause or permit an animal that the person owns or controls to:
- 1. Annoy another person by interfering with the latter's sleep, work or reasonable right to peace and privacy by making repeated or continued noise;
- 2. Defecate, dig upon or injure private property owned by another person or a public street,
 or alley, park, campground, parking lot, designated protected wildlife habitat or other
 public property;
- 3. Frequently or habitually growl, snap at, jump upon or otherwise menace, injure or frighten another person who is not trespassing or otherwise violating the law; or
- 4. Chase, harass, or otherwise disturb or injure wildlife.
- b. The Animal Control Officer or a peace officer may impound an animal that is engaging in behavior described in subsection (a) of this section. A person, in accordance with HCC 20.04.020 may restrain an animal from continuing to engage in behavior described in subsection (a)(4) of this section, and shall promptly surrender any animal so restrained to the Animal Control Officer for impoundment.
- 67 c. A violation of subsection (a) of this section for the first conviction shall be punishable
 68 by a fine of not less than \$50.
- 69 c. d. A violation of subsection (a) of this section with three or more prior convictions shall be 70 punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended 71 portion of the fine shall not be less than \$100.00. [Ord. 16-38(S)(A) § 4, 2016].
- 52 Section 4. Homer City Code Chapter 20.32.040 entitled "Fine schedule" is hereby amended as follows:
- 74 20.32.020 Fine schedule.
- 75 Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195
- 76 through 12.25.230, without a court appearance, upon payment of the fine amounts listed

below plus the State surcharge required by AS 12.55.039 and 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 listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the scheduled fine amount plus any surcharge required to be imposed by AS 12.55.039 and 29.25.074. If an offense in this title is not listed in the fine schedule, the defendant must appear in court to answer the charges.

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

<u>Section 5</u>. This ordinance is of a permanent and general character and shall be included in city code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____th day of November, 2022.

Page 4 of 4 ORDINANCE 22-72 CITY OF HOMER

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91		CITY OF HOMER
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95		KEN CASTNER, MAYOR
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97	ATTEST:	
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101	MELISSA JACOBSEN, MMC, CITY CLERK	
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103		
104	YES:	
105	NO:	
106	ABSENT:	
107	ABSTAIN:	
108		
109	Introduction:	
110	Public Hearing:	
111	Second Reading:	
112	Effective Date:	
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