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20.04.020 Definitions.

In this title:

“Animal” means a domestic or domesticated member of the animal kingdom.

“At large” means that an animal is off the property of its owner and not under the direct control of a competent person **restraint as defined in this chapter.**

“Dog” means a member of the species *Canis familiaris*.

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

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

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

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

“Restraint” means any of the following: (1) physical confinement by leash, chain, fence, or building; or (2) under competent voice control **as defined in this section.** ~~when an animal is engaged in an activity or form of training requiring that it not be physically confined; or (3) under competent voice control when an animal is on the property of its owner.~~

“Vicious animal” means an animal which has bitten or attacked a human being or another animal at any time without provocation. [Ord. 16-38(S)(A) § 3, 2016; Ord. 88-1, 1988].

“Voice control” means the dog returns immediately to and remains by the side of the owner in response to the owner’s verbal whistle or hand signal, if the dog approaches or remains within 10 feet of any other person than the owner, the dog is not under voice control and is be deemed at large.

Section 2. Homer City Code Chapter 20.08 Animals-General Provisions is hereby amended as follows:

Chapter 20.08
GENERAL ANIMAL REGULATIONS

Sections:

[Bold and underlined added. Deleted language stricken through]

20.08.010 Animals at large.
20.08.020 Impoundment procedures.
20.08.030 Animals on harbor floats.
20.08.040 Nuisance animals.
20.08.050 Cruelty or injury to animals.
20.08.060 ~~Boarding dogs at animal shelter.~~ **Repealed.**
20.08.070 Female animals in heat – Confinement required.
20.08.080 Abandonment of animals.
20.08.090 Maintenance and sanitation.
20.08.100 Adoption of shelter animals.
20.08.110 Disposal of animal at request of owner.

20.08.010 Animals at large.

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

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

c. The Animal Control Officer ~~or a peace officer~~ may capture or **humanely** destroy by any means an animal at large that presents an immediate threat to public safety.

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

~~e. Except as provided in subsections (f) and (g) of this section, the penalty for a violation of subsection (a) or (b) of this section, with zero, one, or two prior convictions, is the fine listed in the fine schedule in HCC 20.32.020.~~

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

~~g. A violation of subsection (a) of this section where the animal is a large animal, as defined in HCC 20.04.020, with one or more prior convictions shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00. [Ord. 18-11 § 20, 2018; Ord. 16-38(S)(A) § 4, 2016].~~

20.08.020 Impoundment procedures.

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

b. Immediately upon impounding an animal whose owner is known to the impounding Animal Control Officer ~~or peace officer~~, the officer shall make a reasonable effort to inform the owner of the impoundment and the conditions on which the owner may regain custody of the animal.

c. An animal that is impounded under the provisions of this chapter shall be held in the City animal shelter, ~~and there confined in a humane manner for~~ **a minimum of five days** ~~the applicable minimum period under subsection (d) of this section unless sooner claimed by the owner;~~ **Animals impounded at the shelter will be vaccinated and microchipped on intake.** **Animals** ~~and if not claimed by the owner thereafter may be, at the discretion of the Animal Control Officer, offered to the public for adoption or in the case of a large animal sold at public auction with public notice in the manner provided for the sale at execution of personal property in AS 09.35.140~~ **as outlined below**, or destroyed in a humane manner.

1. The City shall publish in a newspaper of general circulation in the City a notice of the intention of the City to sell a large animal at public auction, on a day and at a place and time certain, not less than 10 days prior to the sale, for cash to the highest and best bidder. At any time prior to the auction, the owner may redeem the animal by cash payment of all fees and charges against the animal.

2. The minimum acceptable bid shall be a sum equal to the City's fees and charges against the animal. The proceeds of the sale shall be first applied to the cost of sale, then to accrued fees and charges, service fees, storage charges, attorney fees and costs, and other expenses provided for in this title, and the balance, if any, shall be held in trust by the City for the owner of the animal to claim; and if not claimed within one year, the balance shall be deposited animal control fund. Upon the sale being made, the City shall make and deliver its bill of sale, without warranty, conveying the animal to the buyer.

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

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

2. For any other animal, three days.

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

1. ~~Paid all impoundment and boarding fees, and the cost of any veterinary treatment provided to the animal while impounded~~ **Satisfied the requirements of the Animal Control Officer as outlined in the Animal Shelter's Animal Control Policy;**

2. ~~For a dog owned by a City resident that was impounded while not wearing a City dog license, either produced evidence satisfactory to the Animal Control Officer that a current City dog license has been issued for the dog, or if the dog is unlicensed paid the fee for a City dog license for the dog; and~~

3. ~~For a dog, either produced evidence satisfactory to the Animal Control Officer that the dog has a current rabies vaccination, or paid the fee for a 30-day rabies vaccination voucher under HCC 20.16.030. [Ord. 16-38(S)(A) § 4, 2016].~~

20.08.030 Animals on harbor floats.

No person may bring, keep, or maintain an animal on the floats of the Homer small boat harbor, unless the animal is kept under physical confinement by leash or chain at all times. The person in control of the animal shall be responsible for cleaning and removing the animal's waste from the harbor floats. The City will charge the person in control of the animal for **the amount listed in the City of Homer Fee Schedule** ~~labor (minimum of one-half hour) required~~ for cleaning and removing any animal waste that the person fails to clean and remove. [Ord. 16-38(S)(A) § 4, 2016].

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, 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 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.

~~c. A violation of subsection (a) of this section with three or more prior convictions shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00. [Ord. 16-38(S)(A) § 4, 2016].~~

20.08.050 Cruelty or injury to animals.

a. No person may intentionally injure, torment, poison, provoke, or otherwise abuse an animal, including without limitation through a violation of HCC 7.15.010, Transporting an animal.

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

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

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

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

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

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

h. The driver of a vehicle involved in an accident resulting in injury to an animal shall stop the vehicle as close to the scene of the accident as safely possible and inform the owner of the animal of the accident and injury to the animal, if the animal's ownership is readily ascertainable. If the owner of the animal is not readily ascertainable, the driver shall inform

the Animal Control Officer or Police Department as quickly as reasonably possible of the accident and injury to the animal.

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

j. This section does not apply to: impounding, destruction, or other disposition of an animal in a humane manner as authorized by law **Homer City Code and/or Alaska Statutes**; killing or injuring an animal where necessary to protect a human being or domesticated animal from death or bodily injury; or the humane destruction of an animal by its owner or the owner's authorized agent.

~~k. A violation of subsections (a) through (h) of this section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$300.00. [Ord. 16-38(S)(A) § 4, 2016].~~

~~20.08.060—Boarding dogs at animal shelter.~~ **Repealed**

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

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

~~b. The owner pays boarding fees in advance for a maximum of 10 days. The owner shall pay double the standard boarding fees for any time from the end of the time for which boarding fees were paid in advance until the owner claims the dog from the animal shelter.~~

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

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

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

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

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

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

~~i. The Homer Animal Shelter will not board dogs if any licensed private commercial boarding kennel is operating within the City and that facility has space available for animal boarding. [Ord. 16-38(S)(A) § 4, 2016].~~

20.08.070 Female animals in heat – Confinement required.

Every female ~~dog or cat~~ **animal** in season shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female ~~dog or cat~~ **animal** cannot come in contact with another ~~dog or cat~~ **animal** except for planned breeding purposes. [Ord. 16-38(S)(A) § 4, 2016].

20.08.080 Abandonment of animals.

No person may intentionally abandon an animal including without limitation leaving the animal unattended outside of the animal shelter. [Ord. 16-38(S)(A) § 4, 2016].

20.08.090 Maintenance and sanitation.

A person who owns an animal shall maintain all structures, pens and yards where the animal is kept, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor. [Ord. 16-38(S)(A) § 4, 2016].

20.08.100 Adoption of shelter animals.

To minimize the destruction of animals, the City shall make unclaimed animals and animals turned in to the animal shelter for disposal available for adoption by any adult person except as restricted herein. ~~The City may collect a~~ **A fee may be collected** for the adoption of each animal **as listed in the City of Homer Fee Schedule**. The Animal Control Officer may deny adoption of an animal to any person with a documented record of frequent violations of this title or a history of animal abuse, neglect, or housing animals in inhumane or unsanitary conditions. Frequent violation for purposes of this section shall mean three or more convictions in the last 24 months. [Ord. 16-38(S)(A) § 4, 2016].

20.08.110 Disposal of animal at request of owner.

The animal shelter will accept an animal from its owner for disposal upon the owner's execution of a written consent agreement holding the City harmless from liability for the destruction of the animal. Upon execution of the agreement, the animal becomes property of the City and at the City's option may be disposed of by adoption or destruction in a humane manner. The City reserves the right to refuse to dispose of any animal. [Ord. 16-38(S)(A) § 4, 2016].

Section 3. Homer City Code Chapter 20.12 Licensing of Animals is hereby repealed.

Chapter 20.12
LICENSING OF ANIMALS

Sections:

~~20.12.010 License required—Issuance.~~

~~20.12.020 License tag to be worn and displayed.~~

~~20.12.030 Repealed.~~

~~20.12.010 License required—Issuance.~~

~~No person may own, keep or harbor a dog over four months of age in the City that is not licensed as provided in this chapter. The animal shelter shall issue a dog license upon receiving an application stating the owner's name and address and the name, breed, color and sex of the dog, a certificate from a licensed veterinarian that the dog has a current rabies vaccination, and payment of the license fee. A dog license shall be issued for a period of two years that begins on January 1st of an even-numbered year and ends on December 31st of the following odd-numbered year. The full license fee shall be payable for a dog license that is issued at any time during an even-numbered year and the fee for a dog license that is issued at any time during an odd-numbered year shall be one-half of the full license fee. [Ord. 16-38(S)(A) § 5, 2016; Ord. 14-52 § 1, 2014; Ord. 88-1, 1988].~~

~~20.12.020 License tag to be worn and displayed.~~

~~Upon payment of the license fee, the animal shelter shall issue to the owner of a dog a receipt for payment of the license fee and a license tag for the dog. The tag shall bear the years for which it was issued and a number corresponding to the number on the receipt. The owner of a dog subject to licensing under this chapter shall cause the dog to wear a collar or harness to which the license tag shall be affixed at all times. In case a dog tag is lost or destroyed another will be issued upon payment of a replacement fee. Dog tags are not transferable from one dog to another. [Ord. 16-38(S)(A) § 6, 2016; Ord. 88-1, 1988].~~

~~20.12.030 Counterfeit tags prohibited.~~

~~Repealed by Ord. 16-38(S)(A). [Ord. 88-1, 1988].~~

Section 4. Homer City Code Chapter 20.16 Animal Disease Control is hereby amended as follows:

Chapter 20.16
ANIMAL DISEASE CONTROL

Sections:

20.16.010 Rabies vaccination required.

20.16.020 Quarantine of rabid animals required.

20.16.030 Rabies vaccination voucher authorization.

20.16.010 Rabies vaccination required.

Every owner of a dog over four months old shall have the dog vaccinated against rabies. [Ord. 16-38(S)(A) § 8, 2016; Ord. 88-1, 1988].

20.16.020 Quarantine of rabid animals required.

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

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

c. ~~A peace officer~~ **The Animal Control Officer** may enter upon private property where a dog or other animal that is alleged to have bitten a person is kept, to inspect, seize and impound the dog as provided in this chapter. [Ord. 16-38(S)(A) § 9, 2016; Ord. 88-1, 1988].

20.16.030 Rabies vaccination voucher authorization.

The Animal Control Officer may collect the fee for, and issue to an owner claiming a dog at the animal shelter who is unable to provide adequate proof of current rabies vaccination for the dog, a "rabies vaccination voucher." This voucher shall be valid for 30 days, and within that

period shall entitle the bearer to rabies vaccination for the dog identified thereon, at any licensed veterinarian agreeing to accept same. The City **Animal Shelter contractor** shall set fees for such voucher, ~~at the average rates currently being charged by all veterinarians licensed within the City.~~ [Ord. 16-38(S)(A) § 10, 2016; Ord. 88-1, 1988].

Section 5. Homer City Code Chapter 20.20 Dangerous Animals is hereby amended as follows:

Chapter 20.20
DANGEROUS ANIMALS

Sections:

- 20.20.010 Permitting animals to bite prohibited.
- 20.20.020 Destruction prohibited pending quarantine.
- 20.20.030 Vicious animal.
- 20.20.040 Administrative hearing procedures.
- 20.20.050 Destruction of vicious animal.
- 20.20.060 Conditional release of vicious animal.

20.20.010 Permitting animals to bite prohibited.

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

~~**b. No person may permit any dog to habitually annoy any animal or bird either domestic or wild. Any dog that evinces a disposition which makes it likely that it will without provocation bite an animal or fowl, will be considered a vicious animal subject to the provisions of 20.20.030.**~~

No person may permit any dog to habitually annoy any animal or bird either domestic or wild. Any dog that habitually engages in this behavior will be considered a vicious animal and subject to the provisions of 20.20.030 (a) & (d).

~~**c.**~~ The City shall serve notice on the owner of an animal which has bitten a person or another animal without provocation, advising the owner that the animal is now a vicious animal and is subject to destruction if at large. [Ord. 16-38(S)(A) § 11, 2016; Ord. 88-1, 1988].

20.20.020 Destruction prohibited pending quarantine.

No person may kill or maim an animal which is known to have bitten a person or animal without the prior consent of the ~~Chief of Police~~ **Animal Control Officer**. Nothing in this section shall prohibit the killing of an animal where such destruction is necessary for the protection of life and limb, or for the purpose of preventing a further attack. One of the purposes of the enactment of this chapter is to enable the ~~Chief of Police~~ **Animal Control Officer** to observe any dogs and other animals which have bitten any person or animal in order to determine whether the same are infected by rabies. ~~A violation of this section shall be punishable by a fine of not less than \$300.00 and not more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 12, 2016; Ord. 88-1, 1988].

20.20.030 Vicious animal.

No person may:

- a. Permit a vicious animal to be at large;
- b. Knowingly or negligently permit a vicious animal to bite any person unless the person bitten is in the act of committing a criminal offense;
- c. Permit a vicious animal to be housed or transported in or on any motor vehicle unless the animal is muzzled to prevent the animal from biting any person. ~~(Exception: vicious animals locked in the passenger compartment of a motor vehicle need not be muzzled if the windows are adequately closed to prevent the animal from exiting the vehicle);~~
- d. Permit a vicious animal to leave premises owned or controlled by the animal's owner or his agent ~~(except as authorized in subsection (c) of this section)~~ unless the animal is securely muzzled.

Any animal in violation of subsection (a) or (b) of this section shall, upon conviction of the owner or the agent, for that offense, be immediately seized by the City and held for destruction. ~~A violation of this section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 13, 2016; Ord. 88-1, 1988].

20.20.040 Administrative hearing procedures.

All animals seized pursuant to HCC 20.20.030 shall be held in impound pending an administrative hearing concerning their potential destruction. The administrative hearing shall be conducted as follows:

a. ~~An Administrative Hearing Board shall be convened consisting of the City Manager (who shall chair the proceedings), the Chief of Police, and one member of the City Council (selected by the City Manager).~~ **The Chief of Police, or their designee shall serve as hearing officer.**

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

c. The hearing shall consider all information pertinent to the specific violation of HCC 20.20.030 which initiated the impoundment and hearing process, and may additionally consider any information concerning prior violations or incidents with this same animal, as well as any information concerning the animal owner's or his designee's prior violations of the Homer animal ordinances with any other animal.

d. The hearing shall address and enter its formal findings as to whether:

1. The animal is a vicious animal under HCC 20.04.020;
2. The owner or designee thereof failed to use all reasonable precautions to control his animal and protect the public;
3. The circumstances of this incident under consideration constitute a danger to the public.

e. ~~If a majority of Board members~~ **the hearing officer** ~~finds~~ in the affirmative as to all three of the provisions of subsection (d) of this section, the ~~Hearing Board~~ **hearing officer** shall order the animal destroyed. The owner or designee, if present at the hearing, shall be verbally notified of the findings and order ~~at the conclusion~~ **within 24 hours** of the hearing. Written findings shall ~~also~~ be prepared and served upon the owner or designee. If the owner or designee is not present at the hearing, written findings and destruction order shall be served on that person as soon as possible following the hearing.

f. Absent an affirmative finding by the ~~Hearing Board~~ **hearing officer** as to one or more of the provisions of subsection (d) of this section, the animal shall be immediately released to its owner or designee. The ~~Hearing Board~~ **hearing officer** shall, in the event of release under this provision, prepare a written notice which shall be delivered or mailed to the animal's owner, outlining the ~~Hearing Board's~~ **hearing officer's** recommendations as to actions that owner should take to prevent future incidents and to protect the public.

g. Any appeal of the ~~Hearing Board's~~ **hearing officer's** finding and destruction order shall be taken through the Alaska Court System within ~~10~~ **30** days of the receipt of said findings and order by the owner. The filing of an appeal will automatically stay the order of destruction

pending resolution of the appeal. The animal shall remain in impound at the owner's expense pending resolution of the appeal. [Ord. 16-38(S)(A) § 14, 2016; Ord. 88-1, 1988].

20.20.050 Destruction of vicious animal.

Vicious animals to be destroyed upon Administrative Hearing ~~Board~~ **Officer** order shall be destroyed as follows:

a. The animal shall remain in impound for ~~10~~ **30** days following the date the owner (or his designee) is verbally notified of the ~~Hearing Board's~~ **hearing officer's** decision, or the date that a written finding and destruction order is served on the owner (or his designee) to allow that person to appeal the destruction order through the courts.

b. If the City is not served with a notice of appeal of the destruction order within the ~~10~~ **30** day holding period outlined in subsection (a) of this section, the City shall immediately proceed to humanely destroy the animal. [Ord. 88-1, 1988].

20.20.060 Conditional release of vicious animal.

The City may, at its option, in lieu of destruction of the animal, agree to return the vicious animal to its owner (or his lawful agent) if that person signs a ~~contractual~~ **conditional release** agreement with the City wherein the owner agrees:

a. To immediately remove the animal from the City;

b. Agrees to the immediate seizure and destruction of the animal if it enters the City limits;

c. Agrees to **defend and** indemnify the City for any and all damages resulting from any act of this animal from the date of the agreement;

d. Any other reasonable provision deemed necessary by the ~~City Attorney~~ **Animal Control Officer**. [Ord. 88-1, 1988].

Section 6. Homer City Code Chapter 20.24 Enforcement Authority – Interference is hereby amended as follows:

Chapter 20.24
ENFORCEMENT AUTHORITY – INTERFERENCE

Sections:

20.24.010 Enforcement.

20.24.020 Interference with enforcement officer prohibited.

20.24.030 Unauthorized removal of animals.

20.24.040 Tampering with City live traps prohibited.

20.24.050 Removal of quarantined animals prohibited.

20.24.060 Furnishing false information.

20.24.010 Enforcement.

This title may be enforced by any ~~peace officer~~ **Animal Control Officer**. Additionally, a private person may lawfully detain any animal in violation of this title provided the person promptly notifies the Animal Control Officer and surrenders the animal to the Animal Control Officer in compliance with HCC 20.08.040(b). [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

20.24.020 Interference with enforcement officer prohibited.

No person shall interfere with, oppose or resist ~~any peace officer or an~~ **an** Animal Control Officer in the performance of his ~~his~~ **their** duties as provided in this title. ~~A violation of this section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

20.24.030 Unauthorized removal of animals.

No person may remove or release any animal from the animal shelter, animal control vehicles, municipal animal traps or from any other official custody without first obtaining permission to do so from the Animal Control Officer ~~or any peace officer~~. ~~A violation of this section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

20.24.040 Tampering with City live traps prohibited.

No person may tamper with any City-owned or City-operated animal live trap. "Tampering" means removal or destruction of bait(s), tripping the door closure mechanism, obstructing the entryway so as to prevent animals from entering the trap, or the physical removal of the trap from its position. ~~A violation of this section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

20.24.050 Removal of quarantined animals prohibited.

No person may remove from the animal shelter or any veterinary hospital, or from any other place, any animal which has been quarantined without the consent of the Chief of Police or Animal Control Officer. ~~A violation of this section shall be punishable by a fine of not less than~~

~~\$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

20.24.060 Furnishing false information.

No person may knowingly provide false information on any license application, adoption or disposal agreement, boarding agreement, citation, or any other official document being executed pursuant to this title. [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

Section 7. Homer City Code Chapter 20.08 Kennels is hereby amended as follows:

Chapter 20.28
KENNELS

Sections:

20.28.010 Kennels – Generally.

20.28.020 Kennel license – Required.

20.28.030 Kennel license fee.

20.28.010 Kennels – Generally.

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

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

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

d. If, upon a second inspection after the expiration of the time granted in the notice, the kennel is still in violation, the Animal Control Officer may then revoke any license previously issued for such kennel. [Ord. 16-38(S)(A) § 16, 2016; Ord. 88-1, 1988].

20.28.020 Kennel license – Required.

a. No person may own or operate a kennel without first obtaining a kennel license. Application for a kennel license shall be made to the Animal Control Officer.

b. Before a kennel license is issued, the Animal Control Officer shall inspect the kennel to confirm that the kennel:

1. Has adequate shelter for the dogs from the elements;
2. Has adequate provisions for keeping the dogs on the owner's premises; and
3. Has adequate provisions for keeping the premises in a sanitary condition.

Upon finding that the kennel is in compliance with this chapter, the Animal Control Officer shall issue the license. [Ord. 16-38(S)(A) § 16, 2016; Ord. 88-1, 1988].

20.28.030 Kennel license fee.

~~A kennel license shall be issued for a period of two years that begins on January 1st of an even-numbered year and ends on December 31st of the following odd-numbered year. The full license fee shall be payable for a kennel license that is issued at any time from January 1st of an even-numbered year through June 30th of the following odd-numbered year, and the fee for a kennel license that is issued in an odd-numbered year on or after July 1st shall be one-half of the full license fee. The kennel license fee shall be in lieu of a dog license fee for each individual dog that is kept at the kennel; however, each dog that is kept at the kennel shall be subject to all other requirements for the issuance of a dog license. Each animal kept at the kennel shall be considered licensed under the kennel license so long as it remains at the kennel. The owner of a dog that will remain in the City must obtain a dog license for the dog when it ceases to be kept at the kennel.~~ **for the amount listed in the City of Homer Fee Schedule** [Ord. 16-38(S)(A) § 16, 2016; Ord. 88-1, 1988].

Section 8. Homer City Code Chapter 20.30 Records is hereby amended as follows:

Chapter 20.30 RECORDS

Sections:

20.30.010 Records.

20.30.010 Records.

a. The Animal Control Officer shall maintain complete and detailed records of the following as required by City contract:

- ~~1. The issuance and revocation of licenses under this title;~~
- ~~2~~**1.** All animals brought into the custody of the animal shelter by impoundment or otherwise;
- ~~3~~**2.** The disposition of all animals in the custody of the animal shelter;
- ~~4~~**3.** Rabies immunizations vouchers issued;
- ~~5~~**4.** Reports required by or made pursuant to this title;

§ 7. Notices of violation, including the disposition thereof.

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. [Ord. 16-38(S)(A) § 17, 2016].

e. Disposition of Fees. All license and shelter fees collected pursuant to this chapter shall be paid into the general fund of the City **to the Animal Shelter contractor**. [Ord. 16-38(S)(A) § 18, 2016; Ord. 01-54, 2001; Ord. 88-1, 1988].

758 20.32.020 Fine schedule.

759
760 Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195
761 through 12.25.230, without a court appearance, upon payment of the fine amounts listed
762 below plus the State surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to
763 the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all
764 offenses listed below. Citations charging these offenses must meet the requirements of Minor
765 Offense Rule 3. If a person charged with one of these offenses appears in court and is found
766 guilty, the penalty imposed for the offense may not exceed the scheduled fine amount plus any
767 surcharge required to be imposed by AS 12.55.039 and 29.25.074. If an offense in this title is not
768 listed in the fine schedule, the defendant must appear in court to answer the charges.

769

Code Section	Code Section Title	Fine per Day
HCC 20.08.010(a)	Animal at large	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200 <u>Not less than \$300 nor more than \$500, and unsuspended portion of fine shall not be less than \$100</u>
HCC 20.08.010(b)	Unauthorized release of animal from restraint	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200 <u>Not less than \$300 nor more than \$500, and unsuspended portion of fine shall not be less than \$100</u>
<u>HCC 20.08.010(g)</u>	<u>Large Animal at Large</u>	<u>\$1000</u>
HCC 20.08.030	Animals off-leash on harbor floats	\$25 <u>\$50</u>
<u>HCC 20.08.050</u>	<u>Failure to remove animal waste on harbor floats</u>	<u>\$50</u>
HCC 20.08.040(a)	Nuisance animals	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200

Code Section	Code Section Title	Fine per Day
		Three or more prior convictions shall be <u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HCC 20.08.050</u>	<u>Cruelty or injury to animals</u>	<u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$300.</u>
<u>HCC 20.20.010</u>	<u>Permitting animals to bite prohibited</u>	<u>Punishable by a fine of not less than \$300 and not more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HCC 20.20.020</u>	<u>Destruction prohibited pending quarantine</u>	<u>Punishable by a fine of not less than \$300 and not more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HCC 20.20.030</u>	<u>Vicious animal</u>	<u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HCC 20.24.020</u>	<u>Interference with enforcement officer prohibited</u>	<u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HC 20.24.030</u>	<u>Unauthorized removal of animals</u>	<u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HC 20.24.050</u>	<u>Removal of quarantined animals prohibited</u>	<u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
HCC 20.08.070	Female animals in heat	\$100

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

Code Section	Code Section Title	Fine per Day
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

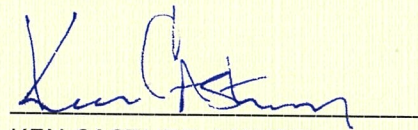
[Ord. 18-11 § 21, 2018; Ord. 16-38(S)(A) § 19, 2016].

20.32.030 Civil penalties.

In addition to or as an alternative to the criminal penalty mentioned in HCC 20.32.020, any person violating any provision of this title shall be subject to a civil penalty of not more than \$500.00. Each and every day that such violation continues shall be deemed a separate and distinct violation. In addition, a civil injunction or temporary restraining order may be obtained in order to obtain immediate compliance with the provisions of this chapter. The City may seek an award of reasonable attorney fees and costs from the court in prosecuting such an action. [Ord. 88-1, 1988].

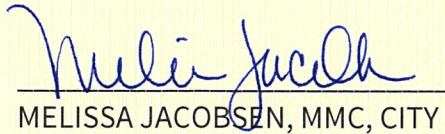
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28th day of August, 2023.

CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

Introduction: August 14, 2023

Public Hearing: August 28, 2023

Second Reading: August 28, 2023

Effective Date: August 29, 2023

YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0

