CITY OF HOMER
HOMER, ALASKA

ORDINANCE 16-38(S)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HCC 7.04.030, TRAFFIC FINE SCHEDULES, AND
ENACTING HOMER CITY CODE CHAPTER 7.15, ANIMALS IN
VEHICLES, REGARDING ANIMALS IN VEHICLES; AND AMENDING
HOMER CITY CODE TITLE 20, ANIMALS, REGARDING THE
REGULATION AND IMPOUNDMENT OF ANIMALS, AND PENALTIES
FOR ANIMAL VIOLATIONS.

THE CITY OF HOMER ORDAINS:

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

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Code Section Title</th>
<th>Fine per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.15.010</td>
<td>Transporting animal</td>
<td>$75</td>
</tr>
<tr>
<td>7.15.020</td>
<td>Animal interfering with vehicle operation</td>
<td>$75</td>
</tr>
</tbody>
</table>

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

Chapter 7.15
ANIMALS IN VEHICLES

Sections:
7.15.010 Transporting an animal.
7.15.020 Animal interfering with vehicle operation.

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

a. confinement in the enclosed passenger compartment of the vehicle;
b. confinement in an area within the vehicle that is fully enclosed or that is enclosed
on all sides to a height of at least 46 inches above the floor;
c. tethering in a manner that retains animal’s front and hind legs within the vehicle; or
d. confinement in a secure container or cage.
7.15.020 Animal interfering with vehicle operation.

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

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

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.

“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: (i) physical confinement by leash, chain, fence, or building; (ii) under competent voice control when an animal is engaged in an activity or form of training requiring that it not be physically confined; or (iii) 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.

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

Chapter 20.08

GENERAL ANIMAL REGULATIONS

Sections:

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.
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 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 subsection (f) 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.
   f. A violation of subsection (a) of this section where the animal is a large animal 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.

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 the applicable minimum
   period under subsection (d) of this section unless sooner claimed by the owner, and if not
   claimed by the owner thereafter may be, at the discretion of the animal control officer,
   offered to the public 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, or destroyed in a humane manner.
   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.

e. 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;
   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.

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 labor (minimum of one-half hour) required for cleaning and removing any animal waste that the person fails to clean and remove.

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 paragraph (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.

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 effort to inform the owner of the animal’s condition and obtain the owner's consent to 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; 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.
20.08.060 Boarding dogs at animal shelter.

   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 ten 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.

20.08.070 Female animals in heat – Confinement required.

   Every female dog or cat 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 cannot come in contact with another dog or cat except for planned breeding purposes.

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.

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.

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 fee for the adoption of each animal. 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.

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.

Section 5. Homer City Code 20.12.010, License required - Issuance, is amended to read as follows:

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.

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

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.

Section 7. Homer City Code 20.12.030, Counterfeit tags prohibited, is repealed.
Section 8. Homer City Code 20.16.010, Rabies vaccination required, is amended to read as follows:

20.16.010 Rabies vaccination required.

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

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

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 animals 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 police officer or 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 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 police 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.

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

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 shall set fees for such voucher at the average rates currently being charged by all veterinarians licensed within the City.

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

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

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. 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 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.

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

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.

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

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.

Section 15. Homer City Code Chapter 20.24, Enforcement Authority--Interference, is amended to read 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. 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).

20.24.020 Interference with enforcement officer prohibited.

No person shall interfere with, oppose or resist any peace officer or animal control officer in the performance of his 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.

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.
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.

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.

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.

Section 16. Homer City Code Chapter 20.28, Kennels, is amended to read 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.

20.28.020 Kennel license – Required.
   a. No person may own or operate a kennel without first obtaining a kennel license.
   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.

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 1 of a even-numbered year through June 30 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 1 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.

Section 17. Homer City Code Chapter 20.30, Records, is enacted to read 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. All animals brought into the custody of the animal shelter by impoundment
         or otherwise;
      3. The disposition of all animals in the custody of the animal shelter;
      4. Rabies immunizations vouchers issued;
      5. Reports required by or made pursuant to this title;
      6. Investigations of violations of this title;
7. Monies received for fees and charges imposed by this title; and
8. Notices of violation, including the disposition thereof.

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

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.

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

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

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

20.32.020 Fine schedule.

Citations for offenses listed in this section may be disposed of as provided in AS
12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below
plus the state surcharge required by AS 12.55.039 and AS 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 AS 29.25.074.

<table>
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<th>Code Section</th>
<th>Code Section Title</th>
<th>Fine per Day</th>
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<tbody>
<tr>
<td>20.08.010(a)</td>
<td>Animal at large</td>
<td>No prior conviction $50; One prior conviction $100; Two prior convictions $200</td>
</tr>
<tr>
<td>20.08.010(b)</td>
<td>Unauthorized release of animal from restraint</td>
<td>No prior conviction $50; One prior conviction $100; Two prior convictions $200</td>
</tr>
<tr>
<td>20.08.030</td>
<td>Animals on harbor floats</td>
<td>$25</td>
</tr>
<tr>
<td>20.08.040(a)</td>
<td>Nuisance animals</td>
<td>No prior conviction $50; One prior conviction $100; Two prior convictions $200</td>
</tr>
<tr>
<td>20.08.070</td>
<td>Female animals in heat</td>
<td>$100</td>
</tr>
<tr>
<td>20.08.080</td>
<td>Abandonment of animals</td>
<td>$100</td>
</tr>
<tr>
<td>20.08.090</td>
<td>Maintenance and sanitation</td>
<td>$100</td>
</tr>
<tr>
<td>20.12.010</td>
<td>License required--Issuance</td>
<td>$50</td>
</tr>
</tbody>
</table>
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: 5
NOES:
ABSTAIN: 0
ABSENT: 1

First Reading: 6/27/16
Public Reading: 7/25/16, 8/08/16, 8/22/16
Second Reading: 8/22/16
Effective Date: 8/23/16

Reviewed and approved as to form:

Mary K. Koester, City Manager
Date: 8.25.16

Holly C. Wells, City Attorney
Date: 9.16.16