Memorandum
Supplemental Packet

TO: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK II
DATE: JUNE 16, 2022
SUBJECT: SUPPLEMENTAL PACKET

NEW BUSINESS
E. Memorandum from Parks Superintendent re: Amending City Code and Leash Laws in Parks
   a. Memorandum from Deputy City Clerk re: Proposed Amendments to Title 20 Animals pg 2
   b. Public Comments pg18
Memorandum

TO: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CELRK II
DATE: JUNE 16, 2022
SUBJECT: SUGGESTED AMENDMENTS TO HOMER CITY CODE CHAPTER 20 - ANIMALS

Summary

Following is Homer City Code Chapter 20 Animals that covers all regulations regarding animals, inclusive of dogs, in city limits.

The sections that would be relevant to owners restraining or controlling their dogs on city land have been framed in blue. Suggested language amending those sections are in bold and underlined, strikeouts are proposed deletions from the section.

All recommended amendments will be forwarded in a draft ordinance to the City Attorney and City Manager for review and final approval before being forwarded to City Council for adoption.

Action requested

Commission please review the Chapter and discuss proposed changes. Make any additional changes as suggested or recommended by Staff. Any additional amendments please make by motion.

Suggested language: “I move to amend line XX by adding, deleting, _____________”
Title 20 ANIMALS

Chapters:
- 20.04 Animals – General Provisions
- 20.08 General Animal Regulations
- 20.12 Licensing of Animals
- 20.16 Animal Disease Control
- 20.20 Dangerous Animals
- 20.24 Enforcement Authority – Interference
- 20.28 Kennels
- 20.30 Records
- 20.32 Fees and Penalties

1 For statutory provisions authorizing cities to license and regulate animals, see AS 29.35.210.

Chapter 20.04 ANIMALS – GENERAL PROVISIONS

Sections:
- 20.04.010 Intent.
- 20.04.020 Definitions.

20.04.010 Intent.
The intent of this title is to control the running at large of animals within the City and to protect the general health, safety and welfare of the citizens of the City with respect to the keeping of animals. [Ord. 88-1, 1988].

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, not physically restrained by leash or chain, 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: (1) physical confinement by leash, chain, fence, or building; (2) under competent voice control 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].

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, this includes city parks, campgrounds, or designated protected wildlife habitat 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 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 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. [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 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 for the first conviction shall be punishable by a fine of not less than $50.

c. d. 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 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. [Ord. 16-38(S)(A) § 4, 2016].

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 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 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. [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 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. [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].

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.

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 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 peace 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 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].

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. 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. 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. [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, 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).

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.

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 find in the affirmative as to all three of the provisions of subsection (d) of this section, the Hearing Board 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 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 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 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 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 finding and destruction order shall be taken through the Alaska Court System within 10 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 order shall be destroyed as follows:

a. The animal shall remain in impound for 10 days following the date the owner (or his designee) is verbally notified of the Hearing Board'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-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 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 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. [Ord. 88-1, 1988].

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). [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 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. [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].

**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. [Ord. 16-38(S)(A) § 16, 2016; Ord. 88-1, 1988].

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. [Ord. 16-38(S)(A) § 17, 2016].

Chapter 20.32
FEES AND PENALTIES

Sections:
20.32.010 Animal control fee schedule.
20.32.020 Fine schedule.
20.32.030 Civil penalties.

20.32.010 Animal control fee schedule.
a. The City licensing and shelter fees shall be set by City Council resolution, shall be included in the City of Homer’s fee schedule and may be amended by City Council resolution.
b. All impounded animals must be properly licensed and have current rabies vaccinations prior to being released. Owners of impounded animals will be charged a daily boarding fee for every full day that the animal stays in the shelter. Vaccination and license fees shall be the owner’s responsibility.

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

d. The City shall charge for any additional expense incurred by the City in the actual impoundment, transportation, medical care, housing or feeding of any animal; which expenses shall be paid in full prior to the animal’s release.

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

### 20.32.020 Fine schedule.

Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195 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.

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Code Section Title</th>
<th>Fine per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>HCC 20.08.010(a)</td>
<td>Animal at large</td>
<td>First conviction $50;  One prior conviction $100;  Two prior convictions $200</td>
</tr>
<tr>
<td>HCC 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>HCC 20.08.030</td>
<td>Animals on harbor floats</td>
<td>$25</td>
</tr>
<tr>
<td>HCC 20.08.040(a)</td>
<td>Nuisance animals</td>
<td>First conviction $50;  One prior conviction $100;  Two prior convictions $200</td>
</tr>
</tbody>
</table>
The Homer City Code is current through Ordinance 22-23, passed May 9, 2022.

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Code Section Title</th>
<th>Fine per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>HCC 20.08.070</td>
<td>Female animals in heat</td>
<td>$100</td>
</tr>
<tr>
<td>HCC 20.08.080</td>
<td>Abandonment of animals</td>
<td>$100</td>
</tr>
<tr>
<td>HCC 20.08.090</td>
<td>Maintenance and sanitation</td>
<td>$100</td>
</tr>
<tr>
<td>HCC 20.12.010</td>
<td>License required – Issuance</td>
<td>$50</td>
</tr>
<tr>
<td>HCC 20.12.020</td>
<td>License tag to be worn and displayed</td>
<td>$50</td>
</tr>
<tr>
<td>HCC 20.24.060</td>
<td>Furnishing false information</td>
<td>$200</td>
</tr>
<tr>
<td>HCC 20.28.020</td>
<td>Kennel license Required</td>
<td>$100</td>
</tr>
</tbody>
</table>

[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].
-----Original Message-----
From: Jack Wiles <wilesmichaud@msn.com>
Sent: Sunday, June 12, 2022 8:49 PM
To: Department Clerk <clerk@ci.homer.ak.us>
Subject: Dogs

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please distribute to Park Commission members.

Dear PARCAC,

The Beach Plan calls for the Beluga Slough and East Bishops Beach to be controlled access. That should include the requirement that dogs must be under a leash and horses restricted to the wet sand.

An option that was proposed was to have an off-leash designated area of West Bishop’s Beach and a no-dog or dogs on a leash elsewhere.

The disturbance of free-ranging people and dogs in Beluga Slough endangering wildlife is in need of your action.

Thanks.

Jack Wiles.

Sent from my iPad
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

From: Nina Faust <aknina51@gmail.com>
To: Department Clerk <clerk@ci.homer.ak.us>
Subject: Beluga Slough Issue

Saturday, June 11, 2022 9:44 PM

To: Renee Krause
From: Melissa Jacobsen
Subject: FW: Beluga Slough Issue

Monday, June 13, 2022 8:28:41 AM

Date: Monday, June 13, 2022 8:28:41 AM

Subject: Beluga Slough Issue

From: Nina Faust

My letter about the issue:

*******************************

June 10, 2022

Parks, Art, Recreation, and Culture Advisory Commission
City of Homer
Homer, AK 99603
Email: clerk@ci.homer.ak.us

Dear Commission Members:

For years, I have been working to educate the public about respecting bird nesting habitat in Beluga Slough and helped spearhead a collaborative effort two summers ago to create a brochure: “Homer’s Beluga Slough: A Special Sandhill Crane Nesting and Viewing Area.” USFWS (Alaska Maritime National Wildlife Refuge), Center for Alaskan Coastal Studies, Kachemak Crane Watch, the Homer Chamber of Commerce, and the City of Homer collaborated on this educational brochure. It is available online here:


I have also included a copy in this email.

At the time this brochure was written, a very dry summer the year before enticing people to walk in the normally very wet slough habitat. People were getting close to nesting cranes raising their families in the Slough and were letting their dogs run loose which were chasing other waterfowl and disturbing the cranes. Others were throwing balls into the slough for their dogs to retrieve from the wetter habitat used by birds. Cranes have a tough enough time raising their families without these disturbances. The Bay side of the high berm east of the parking area provides ample places for dog owners to play fetch with their dogs.

Homer, especially Beluga Slough, has become a well-known place to come and see nesting sandhill cranes. The “Boardwalk Pair” has become used to people sitting at the picnic table taking photos and observing them as they walk by with their colts. Even people walking leashed dogs on the boardwalk are tolerated. Without consistent human behavior of remaining on the gravel trail and boardwalk along with their leashed pets, the birds nesting in the slough will be stressed, harassed, or even killed by loose dogs.

We have a moral obligation to secure this nesting area for the wildlife that use it by making consistent rules that will require people to stay out of the slough seasonally from April 1 until October 31 so all migratory birds using this important stopover will not be disturbed or prevented from feeding, resting, or nesting. This Commission must recommend a city ordinance that prohibits pets or people from entering the habitat during the April 1 to October 31 migration and nesting time-period, unless participating in a special educational guided tour with a local environmental agency or non-profit. This ordinance must require dogs be kept on leashes on the boardwalk gravel trails as well as on the higher gravel berm stretching eastward from the Bishops Beach Parking Area to the slough outlet. Signs informing people of the seasonal closure and need to keep dogs on leash in these areas should be posted at the parking area and entrances to the boardwalkwalk. A penalty for violation of the ordinance is needed because voluntary compliance often does not work. People now are not respecting the need to stay out of the habitat even when other residents try to educate them about why it is important to instead use the other areas away from the slough.

From April 1 to October 31, no dogs or people should be in the brown slough area as designated in the brochure. The ordinance should include that all dogs must be on leashes on the boardwalk/gravel trail to the picnic table and on the adjacent high berm east of the Bishops Beach parking lot to the mouth of the slough. The berm’s vegetation provides songbird nesting habitat from the slough’s edge to top of the berm and down to where it meets the beach. A beaten path right next to the berm at the edge of the marshy area is commonly used and should remain open to dogs on leashes as it does not really encroach into the habitat. It is often used for bird watching and photography. That is a good delineation line right next to and below the east berm.

I urge you to work with the groups that developed the Beluga Slough educational brochure. There is a clear need to pair education with a meaningful ordinance to close this important birding area to people and their pets seasonally. Homer has become a birding mecca because of the ease of seeing so many species in easily accessible areas. But these critical habitat areas must be protected so birds can succeed. Beluga Slough is special, and without an enforceable regulation, the quality of visitors’ and residents’ experiences observing, photographing, and learning from birds in this habitat will be degraded, and the nesting and migrating success of already stressed birds will also decline. I ask that you enact an ordinance with penalties to fully protect this incredible habitat seasonally as I have discussed.

Thank you for the opportunity to comment on this important matter.

Sincerely,

Nina Faust

Photo of person at picnic table photographing cranes at the bottom.

Nina
HELP NESTING BIRDS
Beluga Slough, located in the town of Homer, is a rich feeding, nesting and resting site for shorebirds, waterfowl, and Sandhill Cranes. Please observe the following guidelines during the critical nesting and migration period (April 1 to October 31):

- Stay on the boardwalk and other paved trail.
- Keep dogs on a leash. It is illegal for you or your dogs to chase wildlife.
- Do not approach or feed Sandhill Cranes or other birds.

BE PREDICTABLE
Crane return to the same nesting location year after year. Beluga Slough supports several nesting pairs. By staying on the boardwalk and giving them some love, you can help to keep their attention on raising their chicks and worrying about predators.

WHAT YOU CAN DO:
If you see dogs on the Slough, contact Homer Animal Control 907-235-5961 or the Homer Police Department 907-235-3150.

A SPECIAL SANDHILL CRANE NESTING AND VIEWING AREA

BELUGA SLOUGH
Beluga Slough is part of Kachemak Bay Critical Habitat Area, the Western Hemisphere Waterbird Flyway Network, Kachemak Bay National Estuarine Research Reserve, Audubon Important Bird Area, and a local Birding hotspot. Help make the nesting season in Beluga Slough successful by staying on the boardwalk and boardwalk, and keeping your pets.

For more information, call Kachemak Bay NWR at 907-231-5262 or email khnp@fws.gov or visit www.kachemakbaybirding.com. All photos provided by Kachemak Bay NWR.
June 13, 2022

Parks, Art, Recreation, and Culture Advisory Commission
City of Homer
Homer, AK 99603

Dear Commission Members:

Even though I am a resident of Anchor Point, not Homer, we still share the same wildlife and waters. The interest in protecting wildlife habitat is shared by many in both communities and I am sincerely hoping that we can put a city ordinance in place that protects the crane and waterfowl habitat in Beluga Slough; at least during the migration and nesting season.

Thank you for taking the time to consider this matter.

Sincerely,

Rebecca Boone
-----Original Message-----
From: Rika Mouw <rikamouw@gmail.com>
Sent: Tuesday, June 14, 2022 12:50 PM
To: Department Clerk <clerk@ci.homer.ak.us>
Subject: For PARCAC

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear amazing and awesome PARCAC members, I think the commission is probably aware of the increasing problems with off leash dogs at Bishops Beach, including owners sending their dogs into the nesting habitat to play fetch, letting their off leash dogs roam in the slough, people walking out into the slough, and some of the folks becoming aggressive or angry. I am unable to attend the meeting this Thursday and just want to speak to this problem, which is huge and complex in trying to enforce. I so appreciate the hard work this commission does and the time it gives. I bow to you and applaud all of you. We are all trying to do the very best we can and are all feeling a bit overwhelmed by it all.

With increasing frequency and more use by the public, the City code falls short in not requiring people to stay out of the slough during the April 1 to Oct 31 time period that nesting or migrating birds are using this area. It also falls short in not clearly requiring dogs to be on leashes on the boardwalk/gravel trail or the adjacent easterly berm that goes to the slough mouth. Nor is there a penalty attached to any of the loose language that may apply.

Again I want to thank you for what you are doing and the progress made in making Homer’s parks more enjoyable, walkable, beautiful and friendly. I just hope we can also lessen the human footprint and actions on the wilder parts of Homer that we all value so very very much.

warmly and gratefully,
Rika Mouw