

**NOTICE OF MEETING
REGULAR MEETING**

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA**
- 4. RECONSIDERATION**
- 5. SYNOPSIS APPROVAL**
 - A. Approval of the Meeting Synopsis of December 3, 2015 Page 3
- 6. VISITORS**
- 7. PUBLIC HEARING**
- 8. PENDING BUSINESS**
 - A. Volunteerism
 - B. Shelter OSHA Compliance Standards Page 7
 - C. Storage of Shelter Items Page 23
 - D. Grant Possibilities
 - E. Shelter Advisory Committee
- 9. NEW BUSINESS**
 - A. Homer City Code Chapter 20, Animals Page 25
 - B. Parameters of Boarding Animals at the Shelter
- 10. INFORMATIONAL ITEMS**
- 11. COMMENTS OF THE AUDIENCE**
- 12. COMMENTS OF CITY STAFF**
- 13. COMMENTS OF THE TASK FORCE**
- 14. ADJOURNMENT NEXT REGULAR MEETING IS SCHEDULED JANUARY 21, 2016 at 5:15 p.m.**
at the City Hall Conference Room located at 491 E. Pioneer Ave, Homer, Alaska.

Sustainable Animal Control Review Committee

December 3rd, 2015

Members: Francis Roberts, William Hutt, Sherry Bess, Casey Moss, Dorothy Sherwood

Representation by the City of Homer: N/A

1. Call to order – 5:15
2. Agenda Approved by Will, seconded by Casey
3. Public Comments
 - Pat Moss – Wanted to clarify the minutes from last time. Not representing HAF but as a citizen only. Doesn't understand why having another representative of HAF would be a bad thing.
 - Corey Stuart – Dr. Sherwood disagreement with members of community, focus on scope – raise money. One time licensing fee is a good idea.
4. Sherry's commission re-instated
5. N/A
6. N/A
7. Approval of Synopsis – Motion by Casey to approve "corrected" agenda, seconded by Dots.
8. Pending Business
 - a. Volunteerism SOP, Sherry working on it
 - b. Sherry researching OSHA compliance. Sherry is ordering a safety compliance specific to animal shelters.
9. New Business
 - a. Storage unit is being sorted through by Sherry and volunteers. Within 30 days the unit will be eliminated. A limited number of items will be brought to the shelter for storage. A small secure storage unit on site was discussed. Possibly one available from the excess property at Public Works.
 - b. Dots created a rough draft MOA for monthly visits will be between contracted shelter manager and vet clinic. City can't really be involved but once finalized will be presented to city.
 - c. Finance department not interested in more work.

- d. Grants may be available and run through the city/fed vs. private enterprise/contractor.

Casey provided doc "How to Qualify."

Dots has other docs and info for grant programs. Hill's food has a representative in Alaska. Not sure about other programs or reliability. USHS has grant opportunities for gov. and non-profits registered 501(c)(3), like HAF. Many different opportunities not restricted to certain brands.

Sherry – Food is a significant cost to shelter

Francie – HAF is a 501(c)(3) and would qualify?

More investigation/research is needed, would appreciate any help from the audience.

- e. Francie to COH idea of Shelter Advisory Committee viability "too many committees already"

Dots millions of dollars invested and appears to be no support (much/any) for Sherry, building and volunteer(s)

Francie – certain fixed costs for advisory committee

Sherry – hopes HPD, PW, Sherry (contractor), HAF, a veterinarian, and a volunteer can continue to meet quarterly?

Casey – other group representative(s) offer different points of view.

Sherry – community shelter/open to volunteers and help

Dots – Support at other levels/share some burden

Make the shelter person a city employee?

Francie – Not in this current political climate

Casey – Hopefully it will eventually move in that direction

Francie – Went to CM for consideration, have to pay comparable to other shelters

Sherry – Soldotna \$158,258, Kenai \$158,500/\$243,800/\$356,200

Keep city employee on the "front burner," suggest to council position should ultimately be a city employee

10. N/A

- 11. Denny Kitchel – member of HAF, heard rumors of the shelter closing, believes it is an integral part of a functioning city. Encourage the lifetime license. Surprised at licensing fee schedule/good to increase the sustainability. Increasing fee should increase value of

pet. Good to remain effective and open. Visited the shelter and it was in the same condition as when it was visited.

Amy Ware – Volunteered to help and get involved

Cindy Nelson – Grateful for committee, would like to see shelter be run by a city employee, as a contractor city should have oversight pro-public employee, as a resident, public money should be spent on shelter management and employee. Thinks grant(s) would help sustain shelter.

12. Sherry – will maintain shelter condition “as is” – like the day the committee and public did the walk-through. It’s not dirty, it’s cluttered! Going to start turning away donations and directing them to other agencies. Promise shelter will remain clean.

Casey – Thank you

Dots – Thank you, looking forward to working with Sherry. Thanks public for comments and concern for our shelter.

Francie – Reported to council re: fee schedule with Casey. Council is jealous because of the number of attendees. HVAC cleaned on Tuesday following the committee walk through. Frequency of HVAC cleaning is once per year, contractor recommends two times per year. Public Works maintenance work orders going forward.

Welcome to today's presentation. We are delighted to have your participation. While you are waiting for the presentation to begin below are a few helpful tips:

- > **TO JOIN THE AUDIO PORTION OF THE PRESENTATION, PLEASE CALL (800)832-0736 AND ENTER CODE 9283443.**
- > **PLEASE DO NOT PUT YOUR PHONE ON HOLD**
- > **PLEASE MUTE YOUR PHONE BY USING YOUR MUTE BUTTON OR BY PRESSING *45# ON YOUR TELEPHONE KEYPAD**
- > **IF YOU HAVE ANY DIFFICULTIES, PLEASE EMAIL paulac@americanhumane.org**

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The nation's voice for the protection of children & animals

OSHA Compliance For Animal Shelters

American Humane's Complete OSHA and Safety Guide for Animal Shelters
 By Debra J. Fitzgerald, CMAA

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CAUTION
 IF YOU THINK
 OSHA IS A
 SMALL TOWN
 IN WISCONSIN
 YOU'RE IN
 TROUBLE

BRADY MS1134

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What is OSHA?

The Occupational Safety and Health Administration is an agency of the U.S. Department of Labor created under the Occupational Safety and Health Act of 1970. OSHA's mission is to prevent work-related injuries, illnesses and deaths by issuing and enforcing federal standards for workplace safety. All OSHA standards and guidelines can be found at www.osha.gov

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Why should I worry about OSHA?

- Keep employees safe on the job
- It's the law
- Reduce absenteeism due to work-related injuries or illnesses
- Reduce worker's comp claims and insurance costs
- Decrease the likelihood of OSHA inspections, citations and fines

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State OSHA's

States with approved plans covering both public and private sectors:

- Alaska
- Arizona
- California
- Hawaii
- Indiana
- Iowa
- Kentucky
- Maryland
- Michigan
- Minnesota
- Nevada
- New Mexico
- North Carolina
- Oregon
- Puerto Rico
- South Carolina
- Tennessee
- Utah
- Vermont
- Virginia
- Washington
- Wyoming

States with approved plans covering the public sector only:

- Connecticut
- New Jersey
- New York
- Virgin Islands

States with unapproved plans:

- Ohio

New Mexico Occupational Health & Safety Bureau

Your state plan can be found here:

http://www.nmenv.state.nm.us/Ohsb_Website/StatePlan/

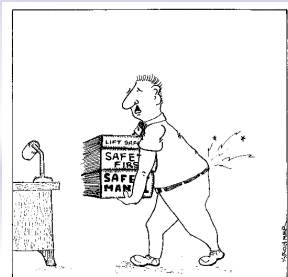


OSHA's General Duty Clause

- Some of the most critical safety issues in shelters are not specifically addressed by any OSHA standard, but they do fall under the "General Duty Clause"
- The General Duty Clause requires an employer to "furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees"



Create a Safety Manual



Create a Safety Manual

- Not required by OSHA
- Best means of organizing all safety related information in one place
- Separate from your general policies and procedures manual
- Primary means of communicating and enforcing your shelter's safety policies and procedures
- Every employee should receive a copy upon hire
- Maintain a copy in an easily accessible location, such as the staff break room



Create a Safety Manual

- Develop an outline
- Address one topic at a time
- Begin with the most serious safety issues
- Involve your staff
- Create a written policy
- Staff training
- Implementation
- Enforcement



Perform a Hazard Assessment

- Fill out a Work Hazard Assessment Form for each area and task
- Interview and observe staff
- Consult MSDS's for tasks that involve use of chemicals
- Make changes or adjustments to improve workplace safety
- Engineering controls
- Procedural Controls
- Use of PPE only when engineering or procedural controls are not possible



Know Your Employer Rights

- Implement and enforce safety rules in the workplace
- Be present or designate a representative be present during any inspection or investigation by OSHA
- Require that an OSHA compliance officer obtain a search warrant before entering or inspecting the business
- Request that an inspection be postponed to a more convenient time
- Maintain confidentiality of trade secrets



Know Your Employer Rights

- Consult an attorney before, during or after an inspection and before responding to any inquiry
- View any complaint that has been alleged against the business
- Require that employees be interviewed at a time that does not unreasonably impact their job duties
- Appeal findings or citations issued by OSHA



Know Your Employer Responsibilities

- Provide a workplace free from recognized or unnecessary hazards
- Implement and enforce safety rules and communicate them to employees in a clear manner
- Provide all required PPE and adequate training for its use
- Provide safety training to all employees on the potential hazards associated with their jobs and the steps necessary to perform their jobs safely



Know Your Employees' Rights

- Workplace free from recognized hazards
- Be informed of their rights under the OSH Act
- Be informed of known hazards
- Be trained to safely perform their job
- Be provided with and instructed on the use of all required PPE
- View and receive copies of all applicable OSHA standards



Know Your Employees' Rights

- Have access to all illness, injury and exposure records maintained as part of the business
- Be present in the workplace when safety monitoring is performed
- File a complaint with their employer and/or OSHA when a hazard requires correction
- Speak to an OSHA compliance officer privately during an inspection



Know Your Employees' Responsibilities

- Read the OSHA poster
- Comply with all applicable OSHA Standards
- Follow all employer safety and health rules
- Use required PPE
- Report any hazardous conditions to their employer
- Report any job-related injury or illness to their employer promptly
- Cooperate with an OSHA compliance officer during an inspection



Required Postings



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OSHA Poster 3165

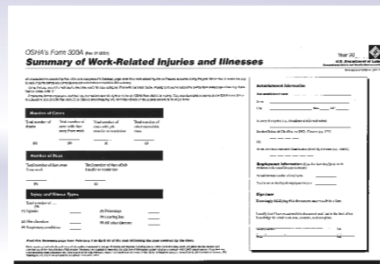


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OSHA Form 300A



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Hazard Warning Signs



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Exit Signs



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Other Required Postings

- Notices of OSHA inspections
- OSHA citations
- Written Hazard Communication Plan
- Written Fire Prevention and Emergency Response Plan



Staff Training



"Don't tell me how to work safely! I've been at this job for over five years!"



Staff Training

- Employees must be trained before they are exposed to a hazard
- Safety training must be documented
- Read shelter safety manual before starting
- Interactive training with manager



Required Training

- General Duty Clause
- Employee's rights and responsibilities
- Fire prevention and emergency response plan
- Noise exposure
- Ionizing radiation
- PPE
- Signs
- Medical services and first aid
- Portable fire extinguishers
- Hazard communication plan



Multi-Employer Workplaces



Multi-Site Workplaces



Independent Contractors

- OSHA requires that you assume the role of employer
- Must undergo the same safety training and follow the same rules as your regular employees






Volunteers

- NOT covered by OSHA
- Not required to report injuries, require PPE or provide safety training
- Volunteers that are adequately trained in safe animal handling and use of chemicals are more likely to have a positive experience







Work-Related Injuries and Illnesses



Reporting of Work-Related Injuries and Illnesses

- Death
- Loss of consciousness
- Fractured bone
- Punctured eardrum
- Chronic or irreversible disease
- At least one day of missed work
- Restriction of abilities or duties
- Needle stick contaminated with human blood
- Removed from the job for medical reasons listed under the OSHA health standard
- Medical treatment other than first aid





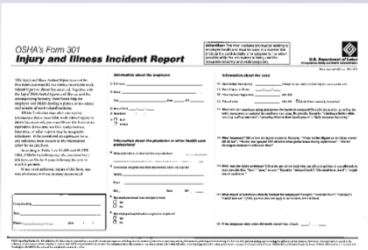
What is considered first aid?


- Non-prescription medications
- Cleaning, flushing, soaking a superficial wound
- Wound coverings
- Hot or cold therapy
- Non-rigid means of support
- Eye patches
- Irrigation to remove foreign bodies in the eye
- Irrigation, tweezers to remove foreign bodies from other areas
- Finger guards
- Massage
- Tetanus vaccines
- Drinking fluids to relieve heat stress



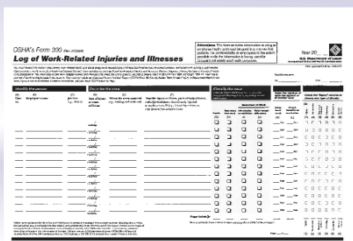


OSHA Form 301

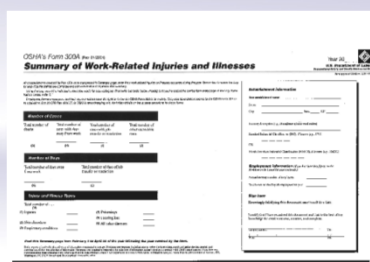




OSHA Form 300



OSHA Form 300A



Record Maintenance

- Shelters are NOT required to report work-related injuries or illnesses to OSHA unless they involve a death, work-place violence or hospitalization of five or more employees
- Records must be maintained for 5 years
- Records must be readily available for inspection by authorized state or federal OSHA officials
- Employees and former employees are permitted to access the Log (Form 300) and Summary (Form 300A) only



Personal Protective Equipment



Personal Protective Equipment

- PPE is NOT optional!!!!!!!!!!!!
- Maintain adequate quantities and appropriate sizes
- Allow staff to choose PPE
- Maintain in useable and sanitary condition



Noise Hazards

- OSHA requires a hearing conservation program when employees are exposed to noise levels above 85 dB based on an 8 hour time-weighted average (TWA)
- Most animal shelters have unacceptable noise levels in dog kennel areas
- Hearing protection required!!!



Noise Hazards



Hazard Communication Standard

- Also known as the “Right to Know Law”
- When employees are required to be exposed to a hazardous chemical, they have a right to be informed of the hazard, to be able to identify the hazard and know how to take protective measures to minimize their exposure
- Requires every business that handles, stores or uses potentially hazardous chemicals to have a written plan for informing workers of the safety information
- Applies to all chemicals on the premises

Hazard Communication Standard

Has five specific requirements:

1. The plan must be in writing
2. A complete list of all hazardous chemicals must be maintained at all times
3. A Material Safety Data Sheet (MSDS) must be maintained for each chemical on the list
4. All containers of hazardous chemicals must be properly labeled
5. All employees must be trained on the hazards and safety aspects of each chemical

Written Hazard Communication Plan

Must include the following:

1. Introduction stating the purpose of the plan
2. Name and contact information for the person(s) designated to handle safety issues
3. Description of the identification system used to label hazardous chemicals along with a sample label
4. Location of the MSDS binder and the method by which the sheets are filed
5. Detailed staff training information, including scheduling, materials used, objectives and person(s) responsible for conducting the training

Hazardous Materials List

- With very few exceptions, the list must include all products that are in liquid or powdered form
- Products with the same formulation, but of different brand names, must be listed as separate products
- Products of the same brand, but with different formulations, must be listed as separate products
- Create the list by going room by room
- Throw out old or donated products that are not used
- Maintain list in a spreadsheet and sort alphabetically
- A copy of the list should be placed in the front of your MSDS binder



Hazardous Materials List

Exceptions include the following:

- Medications in solid form, not including capsules, gels, powders or crushed tablets
- Food and nutritional products, including KMR, IV fluids and liquid vitamins
- Drugs or cosmetics intended for personal consumption by employees
- Articles that contain hazardous materials, such as thermometers, pens and autoclave tape
- Any common consumer product when it is used in the same manner as a normal consumer would use it

Material Safety Data Sheets




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Material Safety Data Sheets

- You must have an MSDS for every product on your Hazardous Materials List
- Obtain online from manufacturer’s website or call and request by phone – you must have hard copies
- Must be filed in a uniform way, such as alphabetically by product name
- Must be readily accessible to all staff at all times
- Review every MSDS for PPE requirements and ensure that staff is informed and trained via your Hazard Communication Plan

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Secondary Container Labels



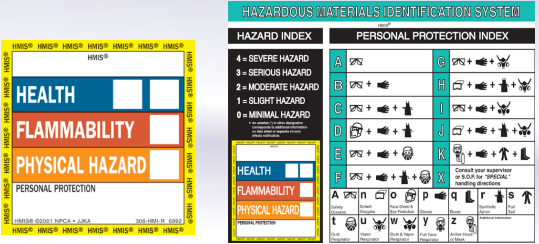
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Secondary Container Labels

- All secondary containers must be labeled, regardless of their size
- May be commercially produced or handmade
- Name of the chemical consistent with your MSDS filing system
- Strength of the chemical, if indicated
- Appropriate hazard warnings from the MSDS, which must include health, flammability and reactivity hazards AND required PPE

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Secondary Container Labels



| HAZARDOUS MATERIALS IDENTIFICATION SYSTEM | | | |
|---|---|---------------------------|---|
| HAZARD INDEX | | PERSONAL PROTECTION INDEX | |
| 4 = SEVERE HAZARD | A | C | SPS + M + S |
| 3 = SERIOUS HAZARD | B | H | SPS + M + S + R |
| 2 = MODERATE HAZARD | C | I | SPS + M + S + R + P |
| 1 = SLIGHT HAZARD | D | J | SPS + M + S + R + P + G |
| 0 = MINIMAL HAZARD | E | K | SPS + M + S + R + P + G + A |
| | F | X | SPS + M + S + R + P + G + A + V |
| | P | Y | SPS + M + S + R + P + G + A + V + N |
| | A | O | SPS + M + S + R + P + G + A + V + N + D |
| | N | P | SPS + M + S + R + P + G + A + V + N + D + I |
| | U | W | SPS + M + S + R + P + G + A + V + N + D + I + L |
| | V | X | SPS + M + S + R + P + G + A + V + N + D + I + L + F |
| | W | Y | SPS + M + S + R + P + G + A + V + N + D + I + L + F + A |
| | X | Z | SPS + M + S + R + P + G + A + V + N + D + I + L + F + A + S |
| | Y | | SPS + M + S + R + P + G + A + V + N + D + I + L + F + A + S + T |
| | Z | | SPS + M + S + R + P + G + A + V + N + D + I + L + F + A + S + T + E |

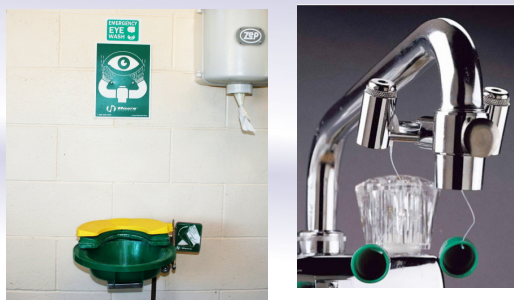
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Eyewash Stations



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Eyewash Stations



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Waste Disposal

Falls under OSHA's General Duty Clause

Five types of waste generated in animal shelters:

1. Animal waste
2. Biological hazardous waste
3. Sharps
4. Chemical Hazardous Waste
5. General Waste



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Animal Waste

- Urine, feces, vomitus and blood are not considered to be hazardous to humans
- Dispose of in regular trash
- Use good sanitation practices
- Suspected zoonotic diseases are the exception



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Biological Hazardous Waste

- Biomedical waste and sharps disposal is regulated by individual states
- Blood tubes, syringes, vaccine vials, IV lines, sponges, bandages and animal tissues are considered to be biomedical waste only when they contain human pathogens or when used on an animal infected with a zoonotic disease



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Sharps

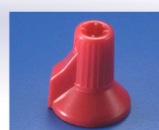
- Defined as any device capable of puncturing, lacerating or penetrating the skin
- Some states also classify syringes as sharps
- Disposal must be in a rigid, puncture-proof, leak-proof container that inhibits rapid microbial growth
- Pick up by biohazardous waste service



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Recapping Needles

- Don't do it! Needle-stick injuries are common!
- If absolutely necessary use a recapping device
- Or one-handed scoop method



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Chemical Hazardous Waste

- Contact your city or county for regulations
- Most detergents and disinfectants can go down the drain
- Some pesticides, drugs and X-ray solutions should not go down the drain – read labels for proper disposal



Electricity

- All components of a building’s electrical system must be free from damage and adequate to meet the needs of the business
- OSHA specifically prohibits the use of power strips, extension cords and outlet-multiplying devices as substitutes for permanent wiring.



Fire Prevention & Emergency Response Plan

- OSHA requires a written plan
- Plan must be accessible to staff at all times
- Staff training must be provided
- Shelters are also subject to local fire codes



Fire Prevention & Emergency Response Plan

The written plan must include:

- Escape routes
- Procedures for staff members who will remain behind to perform critical operations before they evacuate (NOT applicable to animal shelters)
- Procedures to account for all staff after emergency evacuation



Fire Prevention & Emergency Response Plan

- Rescue and medical duties for staff (NOT applicable to animal shelters)
- Methods for reporting fires and emergencies
- Name of the person responsible for developing and updating the written plan



Fire Extinguishers

- NOT required by OSHA for most businesses
- BUT they are required by most local fire codes
- Extremely valuable in preventing small fires from becoming major ones
- Sprinkler systems are not required by OSHA, but are required by some local fire codes

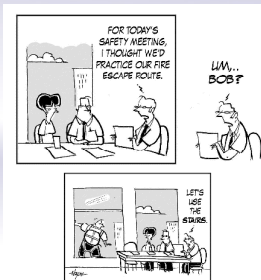


Fire Extinguishers

- Must be placed so that any employee is never more than 75 feet from accessing one
- Located near exits whenever possible
- Must be easily visible
- Wall mounted 32 to 48 inches from the floor
- Must be inspected yearly by a service company and display an inspection tag
- Must be checked monthly by a designated staff member



Routes of Egress & Emergency Exits



Routes of Egress & Emergency Exits

- OSHA requires at least two exit routes from each building
- Exit doorways must be at least 28" wide and 6' 8" high
- Hallways leading to or from an exit must be at least 28" wide and 7' 6" high
- All exit doorways must be marked with an "EXIT" sign with letters at least 6" high and 3/4" wide



Routes of Egress & Emergency Exits

- OSHA does not require illuminated "EXIT" signs, but most local fire codes do
- If an exit route is not obvious, the route must be marked by signs reading "EXIT" with arrows indicating the direction
- Exit doors cannot be locked in any way that would prevent escape
- Any doors that do not allow escape, but could be mistaken for an exit must be marked with a sign that reads "NOT AN EXIT"



Routes of Egress & Emergency Exits

- OSHA does not specifically require posting of exit route diagrams
- BUT they are the most effective way of fulfilling OSHA's requirement of written escape routes





Emergency Lighting

- Required to illuminate routes of egress during a power outage
- Also required in areas where employees may be involved in a hazardous situation when a power outage occurs
- Must come on automatically when a power outage occurs
- Flashlights are NOT an acceptable form of emergency lighting



Driver and Vehicle Safety

- Motor vehicle accidents are the #1 cause of work-related deaths in the U.S.
- If an employee operates a motor vehicle as part of his/her job, even if the vehicle is not owned by the employer, the employer is responsible for ensuring that the vehicle is maintained in safe operating condition and that the employee has a valid driver's license

Driver and Vehicle Safety

- Employees should NOT be permitted to drive their own vehicles to perform work duties! (if at all possible!)
- Maintain current copies of employees' driver's licenses in personnel files
- Written policy requiring employees to notify employer if their license is suspended or revoked
- Maintain maintenance and repair records for all vehicles



Restrooms



- OSHA requires at least one working toilet & one hand-washing station per 15 employees present in the facility at any given time
- The need for public restrooms is not addressed by OSHA



General Housekeeping & Maintenance


- OSHA requires the workplace to be maintained in such a way that prevents unnecessary physical and health hazards
- Tripping and slipping hazards
- Vermin infestations
- Cover drains and gutters
- Remove trash promptly





Food & Beverages in the Workplace

- If the employer allows staff to store, prepare or consume food and beverages on the premises, then the employer must provide a space that is free from biological and chemical hazards = staff break room
- Food and beverages must NEVER be permitted in animal areas, regardless of whether animals are present at the time





Compressed Gases

- OSHA regulations apply to all gas cylinders, regardless of size or whether they are empty or full






Compressed Gases

- Must be stored in a cool, dry place away from heat sources and direct sunlight
- Must be secured in an upright position via a bracket, chain or strap attached to either a floor or wall mount or transport cart
- Cylinders equipped with protective caps must have them in place whenever the cylinder is not in use





Compressed Gases

- Never roll or drag cylinders – use a cart
- Impact-resistant safety goggles must be worn when connecting and disconnecting cylinders
- Gas valves must be shut off when not in use
- Central-supply gas systems must be inspected at least yearly by a qualified technician

Waste Anesthetic Gases (WAG)

- OSHA does not have exposure limits for isoflurane, but does enforce the NIOSH recommendation of 2 ppm for halogenated agents
- Your anesthetic gas safety program must include both engineering controls and specific work practices
- OSHA requires a written Anesthetic Safety Plan

Anesthetic Safety Plan

- Policy statement
- Scavenging system
- Written procedures
- Equipment maintenance
- Emergency procedures
- Monitoring of WAG levels
- Staff training



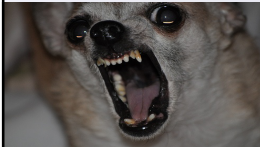


First Aid Kits

- NOT required by OSHA as long as your shelter is located within 15 minutes of accessible emergency medical treatment
- BUT highly recommended that you have one
- Must only be used by staff for “self-aid” in order to avoid OSHA’s strict regulations for the administration of first-aid



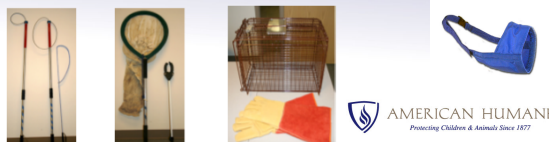

Animal Handling

- Animal bites and scratches are the #1 cause of work-related injuries in animal shelters
- Not specifically addressed by OSHA – covered by the General Duty Clause
- Best protection against bites and scratches is adequate staff training

Animal Handling

- Appropriate handling and restraint equipment must be provided
- Written animal handling SOP's should be in place
- Staff should never be expected to place themselves in unnecessary danger



Zoonotic Diseases

- Not specifically addressed by OSHA – covered by the General Duty Clause
- Staff must be thoroughly trained on the types of zoonotic diseases, routes of transmission, clinical signs and prevention
- Written SOP addressing the handling of infected or potentially infected animals – isolation, PPE, sanitation



Zoonotic Diseases

- Rabies
- Ringworm
- Leptospirosis
- Toxoplasmosis
- Cat scratch disease
- Plague
- Scabies
- Lyme disease
- Roundworms
- Hookworms
- Giardia



Other Topics in the Guide

- Chemical spills
- Radiology
- Ladder safety
- Stairs
- Indoor air quality
- Ergonomics
- Workplace violence
- Building security



Questions?



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Memorandum

TO: CHAIR ROBERTS AND THE SUSTAINABLE ANIMAL SHELTER REVIEW COMMITTEE

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: DECEMBER 31, 2015

SUBJECT: SHELTER STORAGE

The City of Homer recently held a surplus equipment sale which included a small building that was used by the Port and Harbor. The Police Department considered acquiring the building for use at the Animal Shelter but after talking with Public Works found it would be cost prohibitive to do the site work to place the building at this time. Police Chief Robl decided to continue renting a storage unit until a more viable option comes along.

Title 20

ANIMALS¹

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**
- 20.32 Fees and Penalties**

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



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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.

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Animal” means all domestic or domesticated members of the animal kingdom.

“At large” means an animal is at large when it is off the premises of the owner or keeper and is not in the company of or under the control of the owner or keeper, a member of his family or other person to which the animal has been entrusted, by leash, cord or chain; provided, however, that such animal shall be deemed to be under control when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained.

“Dog” means any dog (*Canis sp.*), whether neutered or nonneutered male, spayed or unspayed female.

“Kennel” means any person, group of persons, or corporation breeding, buying, keeping, selling, or boarding three or more dogs over the age of four months, whether for profit or not.

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

“License collector” means the license collector who shall be the City Clerk, and shall include a person designated by the Clerk to act in her behalf.

License Year. A “license year” shall commence on January 1st of each even-numbered year.

Prior Conviction. A “prior conviction” involving any animal owned or controlled by the person cited within a 24-month period preceding the

offense date of the pending citation shall constitute a prior offense for penalty enhancement purposes.

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

Vicious Animal. Any animal which when unprovoked has bitten or attacked a human being shall be deemed vicious. [Ord. 88-1, 1988].

Chapter 20.08**GENERAL ANIMAL REGULATIONS**

Sections:

- 20.08.010 Dogs at large – Impoundment procedure.
- 20.08.020 Animals on harbor floats.
- 20.08.030 Nuisance animals.
- 20.08.040 Cruelty to animals.
- 20.08.050 Dog boarding.
- 20.08.060 Shelter and feeding fees.
- 20.08.070 Large animals.
- 20.08.080 Female animals in heat – Confinement required.
- 20.08.090 Abandonment of animals.
- 20.08.100 Maintenance and sanitation.
- 20.08.110 Animal/vehicle accident.
- 20.08.120 Adoption of shelter animals.
- 20.08.130 Disposal of animals at request of owner.

20.08.010 Dogs at large – Impoundment procedure.

a. It is unlawful to allow any dog to run at large, whether licensed or not, within the corporate limits of the City.

b. Dogs not wearing a collar and tag found running at large, anywhere within the City limits, may be taken up by a peace officer or Animal Control Officer and impounded in the shelter designated by the Chief of Police as the area animal shelter, and there confined in a humane manner for a period of not less than 72 hours, unless claimed by the owner, and may thereafter be disposed of in a humane manner if not claimed by their owners, or held for adoption. Any impounded dog not wearing a City license shall not be released from the area animal shelter unless evidence of a valid license is provided or, if the animal is unlicensed, upon payment of licensing fee to the Animal Control Officer at the shelter, for which fee the Animal Control Officer shall deliver a “dog license voucher” to the animal owner or his agent. The dog license voucher shall serve as a temporary 30-day license, and at any time during the 30-day period, the voucher may be surrendered at City Hall in exchange for a current license. In addition, either proof of rabies vaccination or payment of rabies vaccination fees to the shelter (in exchange for a 30-day rabies vac-

ination voucher valid at any licensed veterinarian in the City) shall be required prior to release from impoundment.

c. Dogs wearing a collar and tagged found running at large within the City limits shall be impounded for not less than 120 hours, subject to the alternative provisions of subsection (d) of this section, and if not claimed by the owner or given up for adoption shall then be disposed of in a humane manner. Immediately upon impounding any animal, a peace officer or Animal Control Officer shall make reasonable effort to inform the owner of the conditions under which he may regain custody of such animal if such animal’s owner is known to the officer. No impounded dog shall be released from the animal shelter unless all impoundment fees shall have been paid.

d. When a dog is found running at large within the City limits and its ownership is known to the peace officer or Animal Control Officer so finding it, the officer, in addition to or in lieu of impounding the dog, may cite the owner of the dog to appear in the District Court of the State to answer to a charge of violation of this section.

e. Penalties. Persons convicted of violation of this section (dog at large) shall be sentenced as follows:

| | |
|-----------------------------|--------------------|
| No prior convictions | Class A infraction |
| 1 prior conviction | Class B infraction |
| 2 prior convictions | Class C infraction |
| 3 or more prior convictions | Class D infraction |

[Ord. 88-1, 1988].

20.08.020 Animals on harbor floats.

No person shall have in his possession, keep, or maintain any animal on the floats of the Homer small boat harbor, unless the animal is kept under physical control by leash or chain at all times. The person in control of the animal shall be responsible for the cleanup of the animal’s excrements and litter caused by the animal. Failure to properly clean up after the animal will result in appropriate cleanup labor charges (minimum of one-half hour) being assessed against the owner and/or person in control of the animal. Penalty: Class A infraction. [Ord. 88-5 § 1, 1988; Ord. 88-1, 1988].

20.08.030 Nuisance animals.

a. No person may permit an animal which he owns or has control over to annoy another person by interfering with the latter's sleep, work or reasonable right to peace and privacy by making repeated or continued noise.

b. The owner of any animal shall not permit the same to defecate, dig upon or injure private property owned by another person or public property or a public thoroughfare.

c. The owner of any animal shall not permit the same to frequently or habitually growl, snap at, jump upon or otherwise menace, injure or frighten persons within the City. This provision does not apply to persons who are trespassing or otherwise in violation of the law.

d. Any animal in violation of this section may be humanely restrained by any person, and that person shall, within 24 hours of the animal's capture, and between the hours of 8:00 a.m. and 4:30 p.m., surrender the animal to the Animal Control Officer or his designee. Animals impounded under this section may be destroyed or otherwise disposed of by the City if they are not claimed by the owner or his agent within five days of impoundment. If the owner of the animal is known or can reasonably be determined by the City, the owner or his/her agent shall be notified of the impoundment by the City prior to the destruction of the animal. Service of notice to the owner shall be by (1) telephone call or (2) personal contact by any City employee or, if the owner cannot be reasonably contacted by either (1) or (2), a written notice shall be placed on the main front door of the residence of the owner or his agent, if the residence is known or can reasonably be determined.

e. Impoundment of Nuisance Animals. Any peace officer may impound a nuisance animal from private property if necessary to abate that nuisance, if that officer cannot locate the owner of the animal in response to his knocking on the door of the residence. Animals impounded as nuisance animals shall not be released from impound without payment to the City of an impound fee (for each animal) and any other fees incurred by the City in caring for, feeding, transporting, or housing the animal.

f. Prosecution Authorized. The City may, in addition to charging the impoundment fee, elect to prosecute the animal owner or his agent for the vio-

lation of this section by the issuance of a citation compelling their attendance in court.

g. Penalty Provisions. Persons cited for violation of this section are punishable as follows:

1. First offense, Class A infraction;
2. Second offense, Class B infraction;
3. Third offense, Class C infraction;

4. Fourth or subsequent offenses shall be punishable as a Class D infraction. [Ord. 13-17(S) § 25, 2013; Ord. 88-1, 1988].

20.08.040 Cruelty to animals.

No person shall torture or ill-treat any domestic animal, whether belonging to himself or any other person. No person shall poison any domestic animal or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any domestic animal, willfully injuring or disfiguring a domestic animal, except, that any officer or agent of the United States or of the State or of the City who exposes poison to be taken by predatory animals shall be exempt from the provisions of this section. Violation of this section is a Class E infraction. [Ord. 88-1, 1988].

20.08.050 Dog boarding.

Dogs may be boarded at the Homer Animal Shelter providing the following requirements are met:

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

b. The owner pays boarding fees for a maximum of seven days, the fee doubling for any time over that period in which the owner does not claim the dog from the animal shelter.

c. The owner provides proof from a veterinarian that all rabies, parvo and distemper shots are current and a fecal examination for parasites has resulted in acceptable limits.

d. The owner must exhibit proof of current City dog license.

e. The owner will reserve boarding space 24 hours in advance of desired boarding time, boarding being on a space-available basis.

f. Any dog determined by animal shelter personnel to be sick, injured, vicious or in heat may be denied boarding.

g. Prior to boarding the owner must execute a boarding agreement to which all the requirements will be listed along with a statement holding the

City harmless and waiving liability claims against the City.

h. All boarding costs shall be paid in full prior to the animal being released to its owner or designee.

i. The City 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. 88-1, 1988].

20.08.060 Shelter and feeding fees.

The City Clerk or designee is authorized to and shall collect for the City shelter fees and feeding fees for each animal under impoundment. [Ord. 88-1, 1988].

20.08.070 Large animals.

a. Any cow, horse, sheep, goat, swine or other similar animal commonly kept as livestock is subject to impound when at large, or left unattended on any public street or public property.

b. Any impounded large animal not claimed by the owner or his agent within 10 days shall be sold at public auction with public notice as provided in AS 09.35.140 (personal property). Prior to sale, the Animal Control Officer shall make a reasonable effort to notify the owner of said animal.

c. It shall be unlawful for any person to allow any large animal to run at large within the corporate limits of the City. Any animal in violation of this subsection may be impounded and/or the owner may be cited into court. Penalty: Class A infraction for first offense, Class E infraction second and subsequent offenses. [Ord. 88-1, 1988].

20.08.080 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. Penalty: Class B infraction. [Ord. 88-1, 1988].

20.08.090 Abandonment of animals.

No animal shall be purposely abandoned within the City limits. Penalty: Class B infraction. [Ord. 88-1, 1988].

20.08.100 Maintenance and sanitation.

A person who owns an animal shall maintain all structures, pens and yards where he keeps the animal, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor. Penalty: Class B infraction. [Ord. 88-1, 1988].

20.08.110 Animal/vehicle accident.

It shall be unlawful for any person to deliberately injure or run over any domestic animal by means of a motor vehicle. Any person accidentally injuring or striking a domestic animal shall immediately stop and render (or summon) medical aid for the injured animal. Additionally, that person shall immediately notify the owner of the animal or the Police Department of the accident and animal injury. Penalty: Class B infraction. [Ord. 88-1, 1988].

20.08.120 Adoption of shelter animals.

To minimize the destruction of animals, the City shall make unclaimed animals and animals turned in to the shelter for disposal available for adoption by any adult person except as restricted herein. The City Clerk or designee thereof is authorized to collect an adoption fee for each animal. This fee may be waived by the Animal Control Officer at his discretion in cases of indigent persons on whom the fee would constitute an extreme hardship. The licensing fee and rabies vaccination fees shall not be waived. The Animal Control Officer is authorized to deny adoption to any person of whom that officer has personal knowledge that the person is a frequent violator of the animal control ordinances, or who has a history of animal abuse, neglect, or inhumane or unsanitary housing conditions. Frequent violation for purposes of this section shall mean three or more convictions in the last 24 months. [Ord. 88-1, 1988].

20.08.130 Disposal of animals at request of owner.

The Homer Animal Shelter will accept cats and dogs for disposal (or adoption) from the animal's owner; provided, that the owner executes a written agreement with the City wherein that person certifies that they are the lawful owner of the animal, they request it be disposed of by the City, and that person agrees to indemnify and hold harmless the

City and its agents from any claims arising from the destruction of the animal. Animals received for disposal, if not adopted, shall be disposed of in a humane fashion. Nonresidents of the City shall pay a disposal fee for each dog or cat delivered to the Shelter under this section. [Ord. 88-1, 1988].

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 Counterfeit tags prohibited.

20.12.010 License required – Issuance.

No owner or harbinger of any dog shall fail or neglect or refuse to obtain a license for such dog, as provided in this chapter. All dogs kept, harbored, or maintained in the City shall be licensed and registered if over four months of age. Dog licenses shall be issued by the animal shelter on payment of a license tax for each dog. The owner shall state, at the time application is made for such license, his name and address and the name, breed, color and sex of each dog owned or kept by him. Dog licenses shall be issued for a period of two years and shall run from January 1st of each even-numbered year to December 31st of each succeeding uneven-numbered year. For dogs requiring licensing later in the license year, the license fee shall be the same as for a full two years, prior to January 1st of the succeeding odd-numbered year; and thereafter for the remainder of the license period, the license tag shall be one-half of the full license fee. Penalty: Class A infraction. [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 therefor, there shall be issued to the owner of a dog a receipt for payment of the license and the tag for each dog so licensed. The tag shall have thereon the years for which it was issued and a corresponding number on the receipt. Every owner shall provide each dog with a collar or harness to which the license tag shall be affixed and shall see that the collar or harness and tag are constantly worn. 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. Penalty: Class A infraction. [Ord. 88-1, 1988].

20.12.030 Counterfeit tags prohibited.

It is unlawful for a person to counterfeit or attempt to counterfeit a dog tag receipt of payment for the license or certificate of vaccination, or to take from a dog a tag legally placed upon it or place a dog tag upon a dog unless the tag was specifically issued to that particular dog. [Ord. 88-1, 1988].

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 shall have such dog vaccinated against rabies. Upon making an application for a license for any dog, the owner shall furnish a certificate from a licensed veterinarian as proof of this vaccination. Notwithstanding the above, if the City Clerk determines that vaccine and veterinary services are not reasonably available, the City Clerk may issue any dog license without the furnishing of such certificate; provided, however, that the owner of each dog so licensed shall furnish proof of the vaccination to the issuing authority, within 60 days from the issuance of the license, or the license shall be deemed void and the owner in violation of this chapter. [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 dogs or other animals suspected of having rabies, such 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 of the fact that this dog has been exposed to rabies, and, at his discretion, the officer is empowered to have the dog moved from the owner's premises and placed under observation at the animal shelter or in a veterinary hospital for the quarantine period at the expense of the owner. (Note: also see 7 AAC 27.020.)

b. It is the duty of the Chief of Police to 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; also to 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. The Chief of Police or his deputies are empowered to enter upon any private property where a dog or other animal is kept, which dog or animal is alleged to have bitten any person, to inspect, seize and impound such dog under the provisions stated in this chapter. [Ord. 88-1, 1988].

20.16.030 Rabies vaccination voucher authorization.

The Animal Control Officer is authorized to collect fees for, and issue to any dog owner claiming his animal at the shelter who is unable to provide adequate proof of current rabies vaccination, 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 thereon named animal, 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. In the event any person is unable to locate a veterinarian willing to accept the City vaccination voucher, the voucher fee shall be returned to that person after the voucher has expired and after that person provides evidence that he/she has otherwise obtained a rabies vaccination for the affected animal. The City is authorized to redeem all valid vouchers submitted by licensed veterinarians on a monthly basis for the standard fee set thereon. [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. It is unlawful for any person to permit any animal to bite any person, unless the person bitten is engaged in the commission of a criminal act. It is an affirmative defense that the victim of the bite provoked the animal into biting; or that the person bitten was trespassing on the premises totally enclosed by chainlink fencing, or similar density fencing, and the bite occurred on these premises by an animal housed therein. Penalty: Class C infraction.

b. The City shall serve notice on the owner of any animal which, unprovoked, has bitten a person. Such notice shall advise the owner that the animal is now a vicious animal and is subject to destruction if at large. [Ord. 88-1, 1988].

20.20.020 Destruction prohibited pending quarantine.

No person shall kill or maim any animal which is known to have bitten any person or animal unless consent to do so has been granted by the Chief of Police. Nothing in the provisions of this chapter shall be construed to prohibit the killing of a dog or other 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. Penalty: Class E infraction. [Ord. 88-1, 1988].

20.20.030 Vicious animal.

It is unlawful for any person to permit any vicious animal to:

- a. Be at large within the limits of the City;
- b. Knowingly or negligently permit any vicious animal to bite any person unless the person bitten is in the act of committing a criminal offense;
- c. Be housed or transported in or on any motor vehicle within the City limits unless said 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. 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. Penalty: Class D infraction. [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 72 hours 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. 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 deci-

sion, 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 the City ordinances provided they immediately notify the Animal Control Officer; and surrender the animal to the City Animal Control Officer in compliance with all provisions of HCC 20.08.030(d). [Ord. 88-1, 1988].

20.24.020 Interference with enforcement officer prohibited.

No person shall interfere with, oppose or resist any peace officer in the performance of his duties as provided in this title. Penalty: Class D infraction. [Ord. 88-1, 1988].

20.24.030 Unauthorized removal of animals.

No person shall remove or release any dog or other 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 of the City. Penalty: Class D infraction. [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 entry-way so as to prevent animals from entering the trap, or the physical removal of the trap from its

position. Penalty: Class D infraction. [Ord. 88-1, 1988].

20.24.050 Removal of quarantined animals prohibited.

No person, either by himself or agent, shall remove from the area 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. Penalty: Class D infraction. [Ord. 88-1, 1988].

20.24.060 Furnishing false information.

It is unlawful for any person to 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. Penalty: Class C infraction. [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. 88-1, 1988].

20.28.020 Kennel license – Required.

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

b. Before a license shall be issued, the Animal Control Officer shall inspect the kennel. Upon finding that the kennel facility is in compliance with this chapter, the City Clerk shall issue the license.

c. Such inspection of the kennel facility is to determine that the facility:

1. Has adequate shelter for the animals from the elements;

2. Has adequate provisions for keeping the animals on the owner's premises; and

3. Has adequate provision for keeping the premises in a sanitary condition. [Ord. 88-1, 1988].

20.28.030 Kennel license fee.

The license fee for a kennel shall be for a two-year period, to become due in the same year as the license fees provided for in HCC 20.12.010; however, the fee for the remainder of the license year after the first of July of odd-numbered years shall be one-half of the full fee. The kennel fee shall be in lieu of a license fee for each individual animal; however, all other requirements that would normally apply to license an animal shall apply. Each animal kept at the kennel shall be considered licensed under the kennel license so long as it remains at the kennel. Penalty: Class B infraction. [Ord. 88-1, 1988].

Chapter 20.32

FEEES AND PENALTIES

Sections:

- 20.32.010 Animal control fee schedule.
- 20.32.020 Penalty provisions.
- 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 spayed or neutered, properly licensed and vaccinated. Associated fees shall be the responsibility of the adopting party.

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. 01-54, 2001; Ord. 88-1, 1988].

20.32.020 Penalty provisions.

a. Penalties for violation of any section of this title shall be as follows, unless otherwise noted:

| | |
|--------------------|--|
| Class A infraction | \$25.00 |
| Class B infraction | \$50.00 |
| Class C infraction | \$100.00 |
| Class D infraction | Shall be punishable by a fine of not less than \$100.00 nor more than \$300.00. The unsuspended portion of the fine shall not be less than \$100.00. |

Class E infraction Punishable under the
general penalty provision
of this code, HCC
1.16.010.

b. Each act of violation and every day upon which such violation occurs constitutes a separate offense.

c. The court may, in addition to the penalty imposed, order the defendant to pay restitution to the City for any costs necessarily incurred by the City in caring for, feeding, transporting, or housing the animal. [Ord. 88-1, 1988].

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].

