

**FEBRUARY 3, 2021
CITY COUNCIL MEETING
ADDITIONAL MATERIAL/REVISIONS**

REQUESTED REVISIONS TO THE AGENDA/PACKET:

<u>ACTION</u>	<u>ITEM</u>	<u>REQUESTED BY</u>
Add to item D.2.	Ordinance 3180-2021 <ul style="list-style-type: none">• Memo	City Attorney



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Scott Bloom, City Attorney

DATE: February 1, 2021

SUBJECT: Ordinance 3180-2021

A council member requested clarification of the term restrain as it applies to the Animal Control Code, in case of similar concerns, restrain is defined in KMC 3.05.010 (12) as:

- (A) Physical confinement, as by leash, chain, fence, or building; or
- (B) Under competent voice control when an animal is engage in a activity or form of training required that it not be physically confined; or
- (C) Under competent voice control when an animal is on the property of its owner.

For gender neutrality and continuity purposes, the minor offense additions should be modified as noted in red below. It is requested that a Council Member make the following motion:

I move to amend Section 2 of Ordinance 3180-2021 by amending he and his to the appropriate gender neutral terms.

The changes that will be made subsequent to approval of the above motion are provided below:

MINOR OFFENSE FINE SCHEDULE

	CITE	RULE/OFFENSE	FINE	
		OFF-ROAD VEHICLE OPERATION		
1	KMC 13.40.020(a)	On public or private property without the express or implied consent of the owner, authorized agent, or representative.	100.00	
2	KMC 13.40.020(b)	On municipal park lands, except where specifically authorized, municipal playgrounds and school playground areas except by special authorization or in a	100.00	

	CITE	RULE/OFFENSE	FINE	
		<p>specially designated area. Notwithstanding, wheelchairs may be operated on park lands and playgrounds by persons with mobility disabilities, subject to the other provisions of this chapter.</p>		
3	KMC 13.40.020(c)	On a City or State maintained roadway, sidewalk, or on a path or trail designated for bicycles or pedestrians, unless such travel is necessary to go around an obstruction or hazard.	100.00	
4	KMC 13.40.020(d)	On any City or State road right-of-way that has been landscaped, seeded, or otherwise improved.	100.00	
5	KMC 13.40.020(e)	In such a manner as to produce sufficient noise to disturb the peace and quiet of another.	100.00	
6	KMC 13.40.020(f)	In such a manner as to cause damage to improved property or destruction to the terrain.	100.00	
7	KMC 13.40.030	Special stops required	90.00	
8	KMC 13.40.050	Helmet required	100.00	
9	KMC 13.30.080	Operating vehicle in a prohibited area	100.00	
		ANIMALS		
10	KMC 3.10.010	No person may permit an animal which [HE] <u>they</u> own[S] to interfere with another person's reasonable right to peace or privacy by making repeated or continued noise. (1st offense)	50.00	
11	KMC 3.10.010	No person may permit an animal which [HE] <u>they</u> own[S] to interfere with another person's reasonable right to peace or privacy by making repeated or continued noise. (2nd offense)	100.00	
12	<u>KMC 3.10.010</u>	<u>No person may permit an animal which he they owns to interfere with another person's reasonable right to peace or privacy by making repeated or continued noise. (3rd offense)</u>	<u>UP TO 500.00</u>	



	CITE	RULE/OFFENSE	FINE	
13	<u>KMC 3.10.020(a)</u>	<u>A person who owns a dog shall keep the dog under restraint at all times. (1st offense)</u>	<u>50.00</u>	
14	<u>KMC 3.10.020(a)</u>	<u>A person who owns a dog shall keep the dog under restraint at all times. (2nd offense)</u>	<u>100.00</u>	
15	<u>KMC 3.10.020(a)</u>	<u>A person who owns a dog shall keep the dog under restraint at all times. (3rd offense)</u>	<u>UP TO 500.00</u>	
[12]16	<u>KMC 3.10.020(b)</u>	<u>A person who owns an animal other than a dog that is capable of annoying or endangering other persons or damaging their property shall keep the animal under restraint at all times. (1st offense)</u>	<u>50.00</u>	
[13]17	<u>KMC 3.10.020(b)</u>	<u>A person who owns an animal other than a dog that is capable of annoying or endangering other persons or damaging their property shall keep the animal under restraint at all times. (2nd offense)</u>	<u>100.00</u>	
18	<u>KMC 3.10.020(b)</u>	<u>A person who owns an animal other than a dog that is capable of annoying or endangering other persons or damaging their property shall keep the animal under restraint at all times. (3rd offense)</u>	<u>UP TO 500.00</u>	
[14]19	<u>KMC 3.10.020(c)</u>	<u>A person who owns a dog or other animal shall use reasonable means, including restraint or confinement, to prevent that dog or other animal from causing harm or injury to another person or animal unless the animal is on the private property of the owner.</u>	<u>100.00</u>	
[15]20	<u>KMC 3.10.020(d)</u>	<u>A person who owns a vicious or dangerous animal shall at all times either confine the animal in a building or a secure enclosure, or otherwise secure the animal, as with a muzzle, so it cannot injure other persons or their property. (1st offense)</u>	<u>50.00</u>	
[16]21	<u>KMC 3.10.020(d)</u>	<u>A person who owns a vicious or dangerous animal shall at all times either confine the animal in a building or a secure enclosure, or otherwise secure the animal, as with a muzzle, so it cannot injure other persons or their property. (2nd offense)</u>	<u>100.00</u>	



	CITE	RULE/OFFENSE	FINE	
22	<u>KMC 3.10.020(d)</u>	<u>A person who owns a vicious or dangerous animal shall at all times either confine the animal in a building or a secure enclosure, or otherwise secure the animal, as with a muzzle, so it cannot injure other persons or their property. (3rd offense)</u>	<u>UP TO</u> <u>500.00</u>	
[17]23	KMC 3.10.020(e)	A person who owns a female dog or cat in heat or during ovulation shall keep the dog or cat under restraint in such a manner that it cannot come into contact with a male of its species except for planned breeding purposes; provided, that a female sled dog in heat shall be confined unless it is restrained by proper harnessing in a team in such a manner that it cannot come in contact with a male dog except for planned breeding purposes. (1 st offense)	50.00	
[18]24	KMC 3.10.020(e)	A person who owns a female dog or cat in heat or during ovulation shall keep the dog or cat under restraint in such a manner that it cannot come into contact with a male of its species except for planned breeding purposes; provided, that a female sled dog in heat shall be confined unless it is restrained by proper harnessing in a team in such a manner that it cannot come in contact with a male dog except for planned breeding purposes. (2 nd offense)	100.00	
25	<u>KMC 3.10.020(e)</u>	<u>A person who owns a female dog or cat in heat or during ovulation shall keep the dog or cat under restraint in such a manner that it cannot come into contact with a male of its species except for planned breeding purposes; provided, that a female sled dog in heat shall be confined unless it is restrained by proper harnessing in a team in such a manner that it cannot come in contact with a male dog except for planned breeding purposes. (3rd offense)</u>	<u>UP TO</u> <u>500.00</u>	
[19]26	KMC 3.10.020(f)	No person other than an officer performing his duties under this title may release an animal from restraint without its owner's consent, except to preserve the animal's life. (1 st offense)	50.00	
[20]27	KMC 3.10.020(f)	No person other than an officer performing his duties under this title may release an animal from restraint	100.00	



	CITE	RULE/OFFENSE	FINE	
		without its owner's consent, except to preserve the animal's life. (2 nd offense)		
28	KMC 3.10.020(f)	No person other than an officer performing his their duties under this title may release an animal from restraint without its owner's consent, except to preserve the animal's life. (3 rd offense)	UP TO 500.00	
29	KMC 3.10.030	A person who owns an animal shall maintain all structures, pens, and yards where he the person keeps the animal, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor. (1 st offense)	50.00	
30	KMC 3.10.030	A person who owns an animal shall maintain all structures, pens, and yards where he the person keeps the animal, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor. (2 nd offense)	100.00	
31	KMC 3.10.030	A person who owns an animal shall maintain all structures, pens, and yards where he the person keeps the animal, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor. (3 rd offense)	UP TO 500.00	
32	KMC 3.10.050	No person may tie, stake, or otherwise confine an animal by a street, sidewalk, alley, or public place, or in such a manner that the animal may enter a street, alley, or public place, except as permitted under KMC 3.05.080. (1 st offense)	50.00	
33	KMC 3.10.050	No person may tie, stake, or otherwise confine an animal by a street, sidewalk, alley, or public place, or in such a manner that the animal may enter a street, alley, or public place, except as permitted under KMC 3.05.080. (2 nd offense)	100.00	
34	KMC 3.10.050	No person may tie, stake, or otherwise confine an animal by a street, sidewalk, alley, or public place, or in such a manner that the animal may enter a street, alley, or public place, except as permitted under KMC 3.05.080. (3 rd offense)	UP TO 500.00	



	CITE	RULE/OFFENSE	FINE	
35	<u>KMC 3.10.070</u>	<u>No person shall keep or maintain livestock (1st offense)</u>	<u>50.00</u>	
36	<u>KMC 3.10.070</u>	<u>No person shall keep or maintain livestock (2nd offense)</u>	<u>100.00</u>	
	<u>KMC 3.10.070</u>	<u>No person shall keep or maintain livestock (3rd offense)</u>	<u>UP TO</u> <u>500.00</u>	
[22]37	KMC 3.10.080	Failure to properly dispose of dog waste	50.00	
38	<u>KMC 3.15.010</u>	<u>No person may operate a kennel facility without a license (1st offense)</u>	<u>50.00</u>	
39	<u>KMC 3.15.010</u>	<u>No person may operate a kennel facility without a license (2nd offense)</u>	<u>100.00</u>	
40	<u>KMC 3.15.010</u>	<u>No person may operate a kennel facility without a license (3rd offense)</u>	<u>UP TO</u> <u>500.00</u>	
41	<u>KMC 3.15.050(a)</u>	<u>Standards for operating facilities (1st offense)</u>	<u>50.00</u>	
42	<u>KMC 3.15.050(a)</u>	<u>Standards for operating facilities (2nd offense)</u>	<u>100.00</u>	
[23]43	<u>KMC 3.15.050(a)</u>	<u>Standards for operating facilities (3rd offense)</u>	<u>UP TO</u> <u>[500]500.00</u>	
[21]44	KMC 3.20.010	Failure to license a dog. (1 st offense)	[25.00] <u>50.00</u>	
45	<u>KMC 3.20.010</u>	<u>Failure to license a dog (2nd offense)</u>	<u>100.00</u>	
46	<u>KMC 3.20.010</u>	<u>Failure to license a dog (3rd offense)</u>	<u>UP TO</u> <u>500.00</u>	
		PARKING		
[24]47	KMC 13.10.060	Camping on private property	50.00	
[25]48	KMC 13.30.030	Night parking prohibited	50.00	
[26]49	KMC 13.30.035	Paid parking	50.00	



	CITE	RULE/OFFENSE	FINE	
[27]	50 KMC 13.30.095	Parking prohibited on Kenai Avenue	50.00	
[28]	51 KMC 18.35.010	Overnight camping	50.00	
[29]	52 AR 6.05.010-030	Parking at airport (1st offense)	25.00	
[30]	53 AR 6.05.010-030	Parking at airport (2nd offense)	50.00	
		ABANDONED / JUNK VEHICLES / LITTERING		
[31]	54 KMC 12.20.010	Deposit of refuse (littering)	500.00	
[32]	55 KMC 12.20.010	No fish, fish carcasses, fish parts or offal may be deposited in dumpsters or receptacles unless marked specifically to allow for fish or fish parts.	150.00	
[33]	56 KMC 12.25.020	Abandonment of vehicle	100.00	
[34]	57 KMC 12.25.030	Junk vehicle	100.00	
		OFFENSES AGAINST PROPERTY		
[35]	58 KMC 13.20.030	Protection of North and South Shore—No physical damage	150.00	
[36]	59 KMC 13.20.030	Protection of North and South Shore—Physical damage	500.00	
[37]	60 KMC 13.20.035	Burning of pallets and other wood materials containing metal fasteners	50.00	

Your consideration is appreciated.

