

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-50

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING THE PENALTY SECTION OF SITKA GENERAL CODE AT TITLE 8, CHAPTER 4, ENTITLED "ANIMAL PROTECTION AND CONTROL" THAT WOULD ALLOW INDIVIDUALS TO DISPOSE OF ANIMAL CONTROL VIOLATIONS THROUGH A BAILABLE FINE SCHEDULE OR HAVE THE OPTION TO APPEAR BEFORE A JUDICIAL OFFICER IN A COURT PROCEEDING

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code ("SGC").

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The purpose of this ordinance is to amend SGC 8.04.210 entitled "Penalties" to clarify an individual's rights when issued citations for animal control offenses. A person is allowed to dispose of the citation by paying the fine and surcharge as established by the fine schedule for animal control offenses or the individual has the right to appear before a judicial officer of the Alaska Court System to dispute the violation. In addition, ordinance 2010-25 that modified penalty provisions of SGC was passed by the Sitka assembly on September 14, 2010, inadvertently omitted information to the public advising where the fine schedule can be reviewed. This ordinance will allow the public to access that information.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC Chapter 8.04 is amended as set out below (new language underlined; deleted language stricken):

**Title 8**

**Chapter 8.04 Animal Protection and Control**

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**8.04.210 Penalties.**

A. The maximum penalty for violation of the provisions of this chapter is five hundred dollars. ~~Standard penalties shall be determined by the chief of police in consultation with the animal hearing board.~~

B. The chief of police shall establish a fine schedule for the offenses in this chapter and include offenses and/or additional penalties as listed in SGC 23.30.020.

1. The fine schedule shall be entitled "Fine Schedule for Animal Control Offenses," and shall include the effective date of the fine schedule.

2. The Fine Schedule for Animal Control Offenses shall list the number of the ordinance that defines the offense, the name of the offense and the amount of the fine for the offense. The fine must be a specific dollar amount. It cannot be a range of amounts.

3. The Fine Schedule for Animal Control Offenses shall be published on the Sitka Police Department website under the tab for "Animal Control", and copies shall be posted at the Sitka Animal Shelter and Sitka Police Department.

4. If a citation has been issued for an offense listed on the Fine Schedule for Animal Control Offenses, a person has the option to state, in writing, on a copy of the citation or a form provided by the court system, that they want to:

- a. dispose of the citation without court appearance by paying the fine amount plus the state surcharge as provided in AS 12.25.195 -.230, AS 12.55.039 and AS 29.25.074. The total amount of fine and state surcharge will be listed on the citation, as well as the date the payment is due; or
- b. appear in court for a hearing or trial.

5. The fines under this subsection may not be judicially reduced.

C. If a citation has been issued for an offense not listed on the fine schedule, the defendant must appear in court to answer to the charges.

DB. The court shall have the power to review all actions under this chapter and to fashion remedies in accordance with it.

~~C. A keeper and/or custodian of a dog at sports field or municipal playground as defined in Section 23.30.020(I) who fails to immediately remove all fecal matter left by the dog on such property shall be subject to a fifty dollar fine for the first offense, one hundred dollars for the second offense and mandatory court appearance for the third and subsequent offenses subject to maximum penalty of five hundred dollars.~~

E. For purposes of this section, prior offenses must be within the previous five years and shall be charged to the keeper and/or custodian and not a particular animal.

5. **EFFECTIVE DATE.** This ordinance becomes effective the date after passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 27<sup>th</sup> day of October, 2015.

  
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Mim McConnell, Mayor

ATTEST:

  
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Sara Peterson, MMC  
Municipal Clerk

Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading 10/13/15

2<sup>nd</sup> reading 10/27/15