

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A REVISED CHAPTER 55 FOR ANIMAL CONTROL, REMOVING THE PROHIBITION ON PIT BULLS AND SETTING THE PUNISHMENT FOR VIOLATIONS OF BARKING AND AT-LARGE ORDINANCES

BE IT ENACTED by the City Council of the City of Fontanelle, Iowa:

SECTION 1. Section 55.01 of the Fontanelle City Code is hereby amended to read as follows:

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. “Advertise” means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. “Animal” means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. “Animal Control Officer” means a current member of the City Police Department, including substitute or temporary officers. In the absence of a City Police Officer, the authority vested in the Animal Control Officer may be exercised by the committee appointed under Section 55.02.
4. “At large” means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
5. “Bee” means a honey bee, but does not include an “Africanized” honey bee.
6. “Business” means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
7. “Dangerous animal” means:
 - A. Badgers, wolverines, weasels, skunk and mink;
 - B. Raccoons;
 - C. Bats; and
 - D. Scorpions.
8. “Fair” means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
9. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the Code of Iowa.
10. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.
(Code of Iowa, Sec. 717.1)

11. "Owner" means any person owning, keeping, sheltering or harboring an animal.
12. "Pet" means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.
13. "Vicious animal" means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on three separate occasions within a twelve-month period.
14. "Vicious dog" means:
 - A. Any dog with the propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 - B. Any dog that attacks a human being or a domestic animal on two or more occasions without provocation.

SECTION 2. Section 55.02 of the Fontanelle City Code is hereby amended to read as follows:

55.02 ANIMAL CONTROL OFFICER. A complaint received under this section shall be forwarded to the Animal Control Officer who shall, as soon as possible, proceed to the offending location to make a determination as to the validity of the complaint. If the Animal Control Officer believes that the complaint is valid, the Animal Control Officer shall contact the owner of the offending property and/or otherwise investigate the complaint. If the Animal Control Officer determines that the complaint is valid, the Officer may issue a Citation or, for minor offenses, require remedial action to be taken by the Owner of the Animal. In the latter case, the deadline for remedial action to be completed must be issued in writing. The owner of the offending property shall also be informed that if the appropriate remedial action is not taken and completed by the date set forth, the matter will be referred to the entire Council. The Council shall review the complaint and elect to dismiss the complaint or enforce the complaint pursuant to the nuisance provisions of this Code of Ordinances.

In addition to the Animal Control Officer, the Mayor may appoint a committee to exercise the duties and authority of the Animal Control Officer when the Animal Control Officer is absent.

SECTION 3. Section 55.07 of the Fontanelle City Code is hereby amended to read as follows:

55.07 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City. Violations of this Section shall be punishable as follows:

1. First Offense – Impoundment and \$50.00 fine. The fine is in addition to any charge levied by the pound or shelter and must be paid prior to release.
2. Second Offense – Impoundment and \$75.00 fine. The fine is in addition to any charge levied by the pound or shelter and must be paid prior to release.
3. Third Offense – Impoundment, \$100.00 fine, and eviction from City limits. The fine is in addition to any charge levied by the pound or shelter and must be paid prior to release. A third offense involving either an animal or owner who has been the subject of two prior dog at large complaints which were found to be justified, the matter will be reviewed by the Animal Control Officer. If the complaint is found to be justified, the Animal Control Officer shall cause written notice to be mailed to the owner of the dog and/or the property upon which said dog was located by certified mail demanding that the animal be removed from the city limits within 30 days. If not removed, the dog will be confiscated by the Animal Control Officer and subject to impoundment and disposal.

SECTION 4. A new Section 55.08 of the Fontanelle City Code is hereby enacted to read as follows:

55.08 LEASHING.

All dogs must be leashed and under the control of their owner during all times they are off the owner's premises (i.e. walks etc.)

While on the owner's premises, dogs must be confined by leash, chain, or fenced enclosure. All dogs confined by leash or chain without a fenced enclosure must not be allowed to come within twelve feet (12 ft.) of any sidewalk, road, or property line.

For purposes of this section, "fenced enclosure" means an enclosure created by physical fencing and does not include an electronic or acoustic "invisible fence".

SECTION 4. Section 55.09 of the Fontanelle City Code is hereby amended to read as follows:

55.09 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles. Violations of this Section shall be punishable as follows:

1. First Offense - Upon receipt of a complaint involving either an animal or owner who has not been the subject of any prior complaints which were found to be justified, the matter will be reviewed by the Animal Control Officer. If the complaint is found to be justified, the Animal Control Officer shall cause written warning to be mailed to the owner of the dog and/or the property upon which said dog was located by ordinary mail. Said Notice will include a copy of this section or summary thereof.

2. Second Offense – Upon receipt of a second complaint involving either an animal or owner who has been the subject of one prior complaint which was found to be justified, the matter will be reviewed by the Animal Control Officer. If the complaint is found to be justified, the Animal Control Officer shall cause written notice will be mailed to the owner of the dog and/or the property upon which said dog was located by certified mail advising that the disturbances must cease within 15 days or the animal will be evicted from City limits. Said notice will include a copy of this section or summary thereof.

3. Third Offense - Upon receipt of a third complaint involving either an animal or owner who has been the subject of two prior complaints which were found to be justified, the matter will be reviewed by the Animal Control Officer. If the complaint is found to be justified, the Animal Control Officer shall cause written notice to be mailed to the owner of the dog and/or the property upon which said dog was located by certified mail demanding that the animal be removed from the city limits within 30 days. If not removed, the dog will be confiscated by the Animal Control Officer and subject to impoundment and disposal.

SECTION 5. RENUMBERING. The clerk may renumber all existing ordinances which must be renumbered to maintain proper sequencing in light of this Ordinance.

SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the

ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First Reading _____

Second Reading: _____

Third Reading: _____

Passed and approved this _____ day of _____.

Mayor

Attest: Amanda Held, City Clerk / CFO