

ORDINANCE NO.: _____

AN ORDINANCE REPLACING CHAPTER 55 TO THE CODE OF ORDINANCES OF THE CITY OF BLOOMFIELD, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMFIELD, IOWA:

Section 1. Chapter 55 of the Code of Ordinances of the City of Bloomfield, Iowa (the "Code") is hereby deleted and replaced with the following:

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01	Definitions	55.16	Animal habitually at large
55.02	License	55.17	Requirements for an animal habitually at large
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55.06	Number of animals	55.21	Animals prohibited
55.07	Removal of waste/waste container	55.22	Exceptions for continuously registered and licensed prohibited animals
55.08	Animals on the square	55.23	Exemption for offspring of exempted animals
55.09	Dogs on chains	55.24	Exemption for animals temporarily transported within city limits
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55.11	Abandonment of animal	55.26	Impoundment
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55.14	Wireless or underground dog fences		
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55.01 Definitions. The following words and phrases shall for purposes of this chapter have the following meanings:

1. "At large" means either of the following:
 - a. An animal on the premises of the owner which is not restrained on those premises by an adequate protective fence or by leash, cord, muzzle, chain or other similar restraint which prevents the animal from going beyond the owner's property line;

or

 - b. An animal off the premises of the owner which is not properly restrained within a motor vehicle, housed in a veterinary hospital or registered kennel, or is not on a leash, cord, muzzle, chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the animal.
2. "Breeder" means any person, partnership, or corporation which maintains an unaltered (unsterilized) dog or cat and breeds such animal for any consideration of profit, fee or compensation.

3. "Cats," when used herein, means and includes animals of all ages, both female and male, which are members of the feline species whether altered or not.
4. "Dangerous animal" means (A) any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so; and (B) the following animals, which are deemed to be dangerous per se:
 - a. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
 - b. Wolves, coyotes and foxes;
 - c. Badgers, wolverines, weasels, skunk and mink;
 - d. Raccoons;
 - e. Bears;
 - f. Monkeys and chimpanzees;
 - g. Bats;
 - h. Alligators, crocodiles and caimans;
 - i. Scorpions;
 - j. Snakes and reptiles that are venomous;
 - k. Snakes that are constrictors over six feet in length;
 - l. Gila monsters;
 - m. Opossums;
 - n. All apes, baboons and macaques;
 - o. Piranhas;
 - p. Any crossbred of such animals which have similar characteristics to the animals specified above.
5. "Dogs," when used herein, means and includes animals of all ages, both female and male, which are members of the canine species whether altered or not.
6. "Exotic animal" means an animal that is not indigenous to Iowa.
7. Muzzle. When required by this chapter, a "muzzle" shall be of appropriate material with sufficient strength to restrain the animal from biting and no such muzzle employed shall be made from any material or maintained on the animal in any manner so as to cut or

injure the animal.

8. "Owner" means every person, firm, partnership, or corporation owning, keeping or harboring an animal within the corporate limits of the city. An animal shall be deemed to be harbored if it is fed or sheltered for three days or more.
9. "Stray" means any animal which does not have affixed to it a collar with an identification tag with owner's name, address and phone number or a current city of Bloomfield license tag.
10. "Vaccination" means an injection of any vaccine for rabies approved by the State Veterinarian, and administered by a licensed veterinarian or agent of the health officer.
11. "Vicious animal" means and includes:
 - a. Any animal with a known propensity, tendency or disposition to attack unprovoked as evidenced by its habitual or repeated chasing, snapping or barking at human beings or other animals so as to potentially cause injury or to otherwise endanger their safety.
 - b. Any animal that has been used as a weapon, or during the commission of a crime, whether injury occurred or not.
 - c. Any animal that has been trained to injure humans or animals, including, but not limited to fighting. Animals, such as hunting dogs, trained to retrieve injured or dead game are not included.
 - d. Any animal identified as a vicious animal by a veterinarian.
 - e. An animal which injures a person, animal or property without just cause or justification.
12. "Wild animal" means an animal incapable of being completely domesticated, and requiring exercise of art, force, or skill to keep it in subjection.

55.02 License. It is unlawful for any person, firm, partnership or corporation to own, keep or harbor a dog or dangerous animal within the corporate limits of the city without having first paid to the city an annual license fee for all such animals six months of age or over. The license fee required by this section shall be due and payable as soon as the animal attains six months of age. The annual license fee shall be established by resolution of the city council.

To secure a license, owner must provide proof of legal rabies vaccination. Upon payment of the license fee to the Bloomfield Police Department, the owner of the animal will be issued a tag. Every animal covered by this chapter must have and wear a collar of such type that the city license tag may be firmly attached at all times to the collar or harness. Failure to keep such a tag on the collar shall be unlawful.

The license as referred to in this section shall be effective for the year ensuing its issuance, and must be renewed each subsequent year prior to April 1. Unless the owner has an existing license, the initial license provided for in this chapter shall be purchased on or before December 1. This license shall be nontransferable. Upon the death of the dog or cat, the owner shall advise the Bloomfield Police Department to void the registration of the animal. Upon the move of the owner and animal from one

residence to another residence within the city of Bloomfield, the owner shall notify the Bloomfield Police Department in writing within ten days of the new residence address and telephone number. Owners of animals moving permanently out of the city shall notify the Bloomfield Police Department in writing within thirty days and request cancellation of their license.

55.03 Relicensing of prohibited animals. All animals meeting the definition of prohibited animals, in order to meet the exception for continuously registered and licensed animals, must provide proof of the information required in Section 55.02, within thirty days of the passage of the ordinance. There will be no additional fee for the relicensing of currently licensed animals.

55.04 Renewal licensing of prohibited animals. All animals meeting the definition of prohibited animals, in order to continue to meet the exception must be continuously registered and licensed, each year prior to April 1, and must provide annually the licensing requirements, including proof of continuing liability insurance for the licensing year.

55.05 Identification. Regardless of the age of the animal, the owners of all dogs shall obtain a durable identification tag for the animal setting forth the name, address and phone number of the owner of the animal, and said identification tag shall also be attached to the collar or harness of the animal. Failure to keep an identification tag on the animal as well as a license is unlawful.

55.06 Number of animals. It is unlawful for any person, firm, partnership or corporation to own, keep or harbor more than six dogs and/or cats within the corporate limits of the city. This provision shall not apply to proprietors of animal hospitals, and veterinarians when such animals are kept upon premises and used by such business. This provision also shall not apply to owners of animals who are animal breeders or kennel operators, who hold a license from the state for breeding or kennel operation.

55.07 Removal of waste/waste container. It is unlawful for any person owning or having control of any dog not to remove any waste left by that dog on any sidewalk, gutter, street, lot or other public area or private property not owned by the dog owner located within the city limits of the city of Bloomfield, Iowa. Dog waste shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it in a trash receptacle, sanitary disposal unit or other closed or sealed refuse container. This section shall not apply to large animals whose participation in a parade or event is conditioned upon the provision of the event sponsor's waste removal services. This section shall not apply to service animals of persons with a disability.

Any person owning or having control of or exercising a house pet within the city limits of the city of Bloomfield, Iowa, must have in their immediate control a container for the disposal of pet waste. Such container must be produced at the request of a law enforcement officer, animal control officer, or citizen. Said requirement does not extend to a person having control of an animal upon the owner's own property.

55.08 Animals on the square. All animals are prohibited from the one block radius of the city square.

Animals performing or appearing in a parade, procession or other special event are excepted, so long as they are restrained under the control of a competent handler.

Owners owning animals who live within the square area may lawfully exercise their animals, while properly restrained and leashed, by leading them to and from the square by the most direct route.

Nothing in this section makes any restriction upon service animals of persons with a disability.

55.09 Dogs on chains. Outdoor dogs on chains shall be located at least ten feet from the owner's property line and shall not be allowed fifty feet from the neighbor's dwelling. The dog chains shall not

allow dogs within twenty feet of city property, sidewalks or right-of-way accesses. Should an owner's residence not practically allow for keeping an animal in such a manner, the owner must contact the animal control officer, who may, in their discretion, locate and provide written specifications of how the dog may be chained. In this case, it shall be the duty of the owner to maintain the dog on chain in the manner instructed by the animal control officer.

55.10 Animal care. Owners or caretakers of animals shall provide animals with sufficient good and wholesome food and water, in suitable containers, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No one shall abandon an animal within the city limits.

No person shall expose an animal to any known poisonous substance, whether mixed with food or not, so that the same shall be likely to be eaten by any animal, unless for the purpose of vermin removal.

55.11 Abandonment of animal. Any owner or person in control or possession of an animal who is found to have intentionally abandoned an animal under this section, by dumping it along a thoroughfare, or by moving away and leaving the dog enclosed or secured shall be guilty of a violation of this chapter.

55.12 Location of animal pen. Outdoor dog pens shall be located fifty feet from any dwelling other than the person owning or controlling the dog. Yard fences which enclose at least one-half of the yard area are not to be construed as dog pens. Dog pens shall not be constructed of chicken wire or such material which would not be assured to adequately secure the dog, given the size, age, and weight of the dog. Dog pen sizes must be a minimum of six feet by ten feet. Should an owner's property be smaller than fifty feet in width and length, it shall be the discretion of the animal control officer, mayor or designee to provide written specification as to where the animal pen shall be located. In this case, it shall be the duty of the owner to maintain animal pen in the manner instructed by the animal control officer.

55.13 Conditions of pens and premises. It is unlawful for any person keeping or harboring animals to:

1. Fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of said premises;
2. Allow the premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animals' waste from the premises;
3. Allow animals or premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control;
4. Fail to meet the minimum size standards per animal for an animal pen.

55.14 Wireless or underground dog fences. Animal control systems which by means of electronic negative stimulation are designed to keep the animal within the bounds of the owner's residence may not be the sole means for restraint of an animal.

55.15 Animal at large. Animals must be confined to the premises of the owner. An animal shall be deemed not to be at large if:

1. The animal is on the premises of the owner or the premises of a person given charge of

the animal by the owners and is either:

- a. Accompanied by and obedient to the commands of the owner or the person given such charge; or
 - b. Restrained on those premises by and adequate protective fence, or leash, cord, chain or other similar restraint of sufficient strength to restrain the animal and does not allow the animal to go beyond the owner's/person's property line or onto the sidewalk.
2. On a public sidewalk or street but restrained by a leash held by a person capable of restraining the animal.

55.16 Animal habitually at large. An animal which has been found to be at large within the meaning of the above section twice within the previous year.

55.17 Requirements for an animal habitually at large.

1. An animal found habitually at large must be enclosed in a pen, approved in writing by the animal control officer, mayor or designee.
2. Upon receiving notification that the animal is habitually at large, it shall be the duty of the owner of the animal to contact the animal control officer, within three days of such notification, to request that the animal control officer, mayor or designee inspect the enclosure provided for the animal.
3. The owner may also permanently remove the animal from the city limits within the three days, by removing the animal and providing the permanent whereabouts of the animal to the animal control officer in writing to the Bloomfield Police Department.

55.18 Failure to secure an animal habitually at large.

1. An owner whose animal has been found to be "at large," who has been found to have either failed to construct a pen, whose pen does not pass the city inspection, or whose animal has been found at large despite the pen or has failed to secure an animal habitually at large is guilty of a simple misdemeanor.
2. After the second violation of this subsection, the animal control officer may impound the animal pending successful completion of the requirements of Section 55.17.
3. If said requirements are not completed within five calendar days of the impound, the animal may be humanely destroyed and the costs billed to the owner.

55.19 Animal bites. Any animal which has bitten a person is a rabies suspect and such animal shall be immediately released by the owner or custodian for quarantine confinement in a veterinary hospital approved by the city for a period of ten days or within an enclosure approved by the city. When any animal has bitten, scratched or otherwise attacked a person, or domesticated animal, the person or anyone having knowledge of such incident shall immediately notify the Bloomfield Police Department. The animal may be quarantined for a period of at least ten days at the expense of the owner, or ownership may be relinquished, and the animal euthanized. The quarantine may be on the premises of the owner at the discretion of and under supervision of the director of animal control, if an appropriate place is available.

Unclaimed stray animals may be humanely euthanized after five days.

55.20 Nuisance animals. Owners of a nuisance animal shall be subject to the penalty provisions of this chapter. A nuisance animal is an animal who infringes upon the rights of another animal or person by:

1. Chasing persons, bicycles, automobiles, or other vehicles;
2. Attacking other animals;
3. Trespassing on others property;
4. Damaging private or public property;
5. Habitually howl, yelp, or bark; and
6. Impeding the passage of another person or animal along a public sidewalk or right-of-way by threatening sounds or physical action.

55.21 Animals prohibited. Except within a commercial kennel, animal hospital, or shelter approved by the city, animals prohibited to be owned or kept within the city limits, as defined in Section 55.01 above, are:

1. Dangerous animals; and
2. Vicious animals.

55.22 Exceptions for continuously registered and licensed prohibited animals. Animals prohibited pursuant to Section 55.21, but currently and continuously registered and licensed pursuant to the chapter, shall be exempted, provided that they meet, and continuously meet the following exemptions:

1. Animal shall be spayed or neutered, with proof provided to the city.
2. Animal shall have a microchip inserted subcutaneously for identification purposes by a licensed veterinarian, which information shall be made available to the animal control officer.
3. Animals shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure housing one animal must have minimum dimensions of ten feet (width) by twelve feet (length) by six feet (height), and must be constructed securely, with a secure cover. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet. On the confinement, the owner shall display clearly a visible warning sign, no less than eight and one-half by eleven inches in size warning the public of the "Dangerous Animal." The sign must be legible from the public street. The owner shall also display a sign with a symbol warning children of the presence of a dangerous animal. Such pen housing prohibited animals must be approved by the animal control officer prior to relicensing or renewal of relicensing.
4. Prohibited animals must be muzzled and securely restrained by a competent handler when transported within the city.

5. Prohibited animals are banned from all public places, including but not limited to, streets and sidewalks, parks, schools, the city pool, etc.
6. Insurance. The owner of the animal must maintain homeowner's insurance or other suitable policy providing a minimum amount of coverage of three hundred thousand dollars, insuring the owner for any damage or personal injury which may be caused by the prohibited animal.
7. It shall be the duty of the persons owning or having control of a vicious, wild or dangerous animal to report to the police department when such animal is found missing.
8. Said prohibited animal, found at large may be captured and impounded, or in the discretion of the police chief, destroyed. The city shall be under no duty to attempt the capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
9. Upon the reporting of any information that an individual or entity is keeping, sheltering or harboring a prohibited animal in the city, the mayor or police chief shall cause the matter to be investigated and if after investigation, the facts indicated that the person named in the complaint is keeping, sheltering, or harboring a prohibited animal in the city, the police chief shall immediately seize any such animal. The animal so seized shall be impounded for a period of five days. If at the end of such period, the individual or entity keeping the prohibited animal per se has not appealed or petitioned the Appanoose County District Court seeking the return of such dangerous animal, the mayor or police chief shall cause the dangerous animal per se to be disposed of by sale or otherwise or destroy such animal in a humane manner.
10. In his discretion, the animal control officer may confirm the location of any licensed prohibited animal and the compliance with the owner of the conditions herein.
11. Such procedure shall not be required where such prohibited animal has caused serious physical harm or death to any person, in which case the mayor or police chief shall cause the animal to be immediately seized and impounded or destroyed, if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
12. An animal owner, of an animal that is vicious, wild or dangerous, and whose animal was seized for violation of the requirements of this chapter shall not be permitted to own an animal covered by this chapter for a period of five years from the date of seizure.

55.23 Exemption for offspring of exempted animals. Offspring of registered animal otherwise prohibited shall be exempt from the prohibition, for the first six months of life, provided they both meet the requirements of Sections 55.22 (3) and (4) and that within ten days of their birth, the owners of offspring of registered animals of prohibited breeds shall send a certified letter to the animal control officer announcing the birth. Failure to properly notify the city shall remove the exemption.

55.24 Exemption for animals temporarily transported within city limits. Prohibited animals may be temporarily transported and held within the city of Bloomfield for up to seventy-two hours, for purposes of showing the animal in a public exhibition, or transported to a veterinarian's office, provided that they are securely restrained by kennel or muzzle, as described in Sections 55.22 (4) above.

55.25 Exemption for animals in city custody. Animals held in the city's animal shelter, transported by city personnel or transported by persons contracted with by the city for animal control services shall be exempted.

55.26 Impoundment. Animals prohibited pursuant to Section 55.21, shall be subject to the following additional penalties:

1. The animal control officer of the city of Bloomfield, Iowa is authorized to immediately impound any animal prohibited which is found within the city limits of the city of Bloomfield which does not meet one of the exceptions. Unless it is determined that the prohibited animal falls under one of the exceptions, subject to the right of appeal, ten calendar days after impoundment, the animal control officer shall destroy the animal unless the owner of the animal produces evidence deemed sufficient by the animal control officer that the prohibited animal is to be permanently taken out of the city of Bloomfield, and the owner pays the cost of impoundment.
2. When the animal control officer has impounded any animal pursuant to this section, and the owner of the animal disputes the classification of the animal as a member of a prohibited class, or disputes whether an exemption should apply, the owners of the animal may file a written request for hearing with the mayor or mayor's designee within seven calendar days after impoundment. The appellant/owner of the animal shall bear the burden of proof. The mayor or mayor's designee will act as hearing officer. At the conclusion of the hearing, or sometime thereafter the mayor or mayor's designee shall render a written decision as to whether the animal is prohibited. The findings of the mayor or designee shall be conclusive.
3. The mayor or designee upon finding that the animal is prohibited shall order the destruction of the animal, unless the owner of the animal produces evidence deemed sufficient by the animal control officer that the animal is to be permanently taken out of the city of Bloomfield, and the owner pays the cost of impoundment. The city shall not destroy any animal until all legal proceedings and appellate time frames have expired. The owners will be responsible for all costs of impoundment pending any proceedings.

55.27 Enforcement. For the purpose of discharging the duties imposed by this chapter and enforcing its provisions, any police officer and any animal control employee is empowered to enter any premises upon which an animal is kept or harbored and to demand and secure the owner's exhibition of such animal. Said officials named herein are further empowered to enter the premises where any animal is reportedly kept in a cruel or inhumane manner to examine such animal and to take possession thereof when it reasonably appears that such animal requires humane treatment.

55.28 Interference with enforcement. It is unlawful for any person to interfere in any manner with any animal control employee while he is discharging his duties.

Section 2. All Ordinances or parts of Ordinances in conflict with provisions of this Ordinance are hereby repealed.

Section 3. If any section, provisions, or parts 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 4. This ordinance shall become effective upon its passage, approval and publication/posting as provided by law.

PASSED AND APPROVED this _____ day of _____, 2021.

Daniel Wiegand, Mayor

ATTEST:

Sandy Jones, City Clerk