

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPLACING CHAPTER 55 TO THE CODE OF ORDINANCES OF THE CITY OF BLOOMFIELD, IOWA (ANIMAL PROTECTION AND CONTROL)

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	55.10	Animal at large
55.02	License	55.11	Vicious animals
55.03	Removal of waste/waste container	55.12	Animal bites
55.04	Dog pens	55.13	Dangerous animals
55.05	Wireless or underground dog fences	55.14	Impoundment
55.06	Dogs on chains	55.15	Request for hearing
55.07	Number of animals	55.16	Interference with enforcement
55.08	Animal Abuse and Neglect	55.17	Penalties
55.09	Nuisance animals		

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 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. "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.
5. "Dog Pen" means a pen used to house a dog(s) on a semi-permanent basis and does not include temporary enclosures such as a dog house or a dog run.
6. 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.
7. "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.
8. "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.
9. "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 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.

To secure a license, an owner must provide:

1. Proof of current vaccination evidenced by a certificate of vaccination signed by a licensed veterinarian; and
2. Description of the dog as to its breed, sex, age, color, approximate weight, markings, spaying/neutering status, name, and contact information (address and phone number) of all owners of the dog.

Upon submission of the items listed immediately above, along with payment of the license fee to the Bloomfield Police Department at 102 Anderson St., Bloomfield, Iowa 52537, a tag will be issued to the owner. The tag is to be attached at all times to the collar or harness of the licensed dog. Failure to keep such tag on the collar shall be unlawful. Licenses shall be issued on or before January 1 of each year for a fee of \$5.00. If the license is obtained after January 1, the fee is \$10.00.

The license as referred to in this section shall be effective for the year following its issuance, and must be renewed each subsequent year prior to January 1. This license is nontransferable. No refund shall be made on any dog license fee because of the death of the dog or by reason of the owner leaving the City before the expiration of the license period.

Upon the filing of a written affidavit that the license tag has been lost or destroyed, the owner may obtain another tag upon payment of \$1.00 to the Bloomfield Police Department. The Bloomfield Police Department shall keep a proper record of the issuance of duplicate tags. If a dog is found to be at large without proper city identification the dog shall be impounded pursuant to the procedure in Section 55.14. The dog may not be released to an owner until the dog is properly registered with the Bloomfield Police Department.

**55.03 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 corporate limits of the city. 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 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 an animal within the corporate limits of the city, 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 or code enforcement officer. Said requirement does not extend to a person having control of an animal upon the owner's own property.

**55.04 Dog pens.** Outdoor dog pens shall be located ~~twenty~~ (5' from rear lot line and 2' from side lot line, per city code 165.17) 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 be constructed of such material that would 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 a size that would accommodate the requirements of this section, the Code Enforcement Officer, mayor or mayor's designee shall provide written specification as to where the dog pen shall be located. In this case, it shall be the duty of the owner to maintain dog pen in the manner instructed by the Code Enforcement Officer.

~~**55.05 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.~~

**55.06 Dogs on chains.** Outdoor dogs on chains shall be located at least ten feet from the owner's property line and city property, sidewalks or right of way of accesses. ~~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 Code Enforcement Officer, who shall 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 Code Enforcement Officer.

**55.07 Number of animals.** It is unlawful for any person, firm, partnership or corporation to own, keep or harbor more than six total dogs and/or cats, or any combination thereof, 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, properly licensed with the State of Iowa for breeding or kennel operation.

**55.08 Animal abuse or neglect.** 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 corporate limits of the city. 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 animal enclosed or secured shall be guilty of a violation of this chapter.

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.

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; or
4. Fail to meet the minimum size standards per animal for a dog pen.

**55.09 Nuisance animals.** 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.

**55.10 Animal at large.** Animals must be confined to the premises of the owner and not at large. 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 an 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.

Any animal found to be in violation of this section shall be immediately impounded pursuant to the procedure in Section 55.14.

**55.11 Vicious Animals.** Vicious animals are prohibited within the corporate limits of the city. "Vicious animal" means and includes:

1. 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.
2. Any animal that has been used as a weapon, or during the commission of a crime, whether injury occurred or not.
3. 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.
4. Any animal identified as a vicious animal by a veterinarian.
5. An animal which injures a person, animal or property without just cause or justification.

Any animal deemed to be a vicious animal pursuant to this section shall be immediately impounded pursuant to the procedure in Section 55.14.

**55.12 Animal bites.** Any animal which has bitten a person or other domesticated animal is a rabies suspect and such animal shall be immediately surrendered by the owner or custodian for quarantine confinement in a veterinary hospital approved by the city for a period of at least ten calendar days at the expense of the owner, or ownership may be relinquished, and the animal euthanized at the owner's expense. 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.

**55.13 Dangerous Animals.** Dangerous animals are prohibited within the corporate limits of the city.

"Dangerous animal" means 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.

Dangerous animals may be temporarily transported and held within the corporate limits of the city 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.

#### **55.14 Impoundment.**

1. The Bloomfield Police Department is authorized to immediately impound any animal within the corporate limits of the city found to be in violation of this chapter and deliver said animal to an impoundment facility as set by the City Council.
2. Subject to the right of appeal as provided in Section 55.15, 10 calendar days after impoundment, the impounded animal shall be destroyed unless an owner of the animal produces evidence deemed sufficient by the Code Enforcement Officer that the animal is to be permanently taken out of the City of Bloomfield, and the owner pays all fines due along with the cost of impoundment to be determined by the impoundment facility. The city shall not destroy any animal until the time period for a request for hearing has expired or if hearing is requested and held, until the Animal Protection and Control Committee has rendered their decision.
3. If the Animal Protection and Control Committee overturns the decision of the Bloomfield Police Department or Code Enforcement Officer as to the impoundment of an animal in favor of the owner, the Committee shall determine responsibility for the payment of impoundment fees.

**55.15 Request for Hearing.** If an owner disputes the decision of the Bloomfield Police Department or Code Enforcement Officer as to a violation of any section of this chapter, they may submit a written request for hearing to the Bloomfield City Administrator at Bloomfield City Hall within 48 hours of receiving written notice of violation. If requested, hearing shall be held in front of the Animal Protection and Control Committee comprised of the Mayor of Bloomfield or their designee, Police Department Liaison of the City Council, Code Enforcement Officer, and a licensed Veterinarian within 7 calendar days. The decision of the Animal Protection and Control Committee shall be conclusive.

**55.16 Interference with enforcement.** It is unlawful for any person to interfere in any manner with the Bloomfield Police Department or the Code Enforcement Officer while enforcing the provisions of this chapter.

#### **55.17 Penalties.**

1. Violations of Sections 55.02 through 55.08 of this chapter are punishable by possible impoundment of the animal pursuant to the procedure in Section 55.14, in addition to the following:
  - a. First offense: Written warning delivered to all known owner(s) of the animal(s) via hand delivery or certified mail to the last known address of such owner(s).

- b. Second offense: Fine of \$100.00, along with the issuance of a municipal infraction citation as provided in Chapter 4 herein.
  - c. Each repeat offense: Fine of \$250.00, along with the issuance of a municipal infraction citation as provided in Chapter 4 herein.
2. Violations of Sections 55.09 through 55.13 of this chapter shall be subject to immediate impoundment pursuant to the procedure in Section 55.14, along with the issuance of a municipal infraction citation as provided in Chapter 4 herein.

**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.