

ORDINANCE 042021-2

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTFORD,
IOWA BY AMENDING CHAPTER 55 ANIMAL PROTECTION AND CONTROL

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

SECTION 1. Chapter 55 Animal Protection and Control are repealed.

Section 2. Chapter 55 Animal Protection and Control is amended to the following:

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

1. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
2. "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.
3. "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)
4. "Owner" means any person owning, keeping, sheltering or harboring an animal.
5. "Potentially dangerous dog" means any of the following:
 - a. Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper of the dog.
 - b. Any dog which, when unprovoked, inflicts injury upon a person less severe than as defined in Warren Co. Code, Sec. 21.02(21).
 - c. Any dog which, when unprovoked, on two separate occasions, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.
(Code of Iowa, Sec. 717.1; Code of Warren County Iowa, Sec. 21.02(17))

55.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

*(Code of Iowa, Sec.
717.2)*

55.04 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

*(Code of Iowa, Sec.
717B.8)*

55.05 LIVESTOCK It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

55.07 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.08 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 or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

55.09 POTENTIALLY DANGEROUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City.

1. KEEPING OF POTENTIALLY DANGEROUS DOGS.

A potentially dangerous dog shall at all times be kept confined within a residence or in a secured proper enclosure. The enclosure shall be locked with a key or combination lock to prevent the entry of children. When off the premises, the dog must be kept on a substantial leash of no more than six feet in length and under the control of a responsible adult. If there are no additional instances of the behavior described in Warren Co. Code, Sec. 21.02(17) within a 36-month period from the date of designation as a

potentially dangerous dog, the dog may be removed from the list of potentially dangerous dogs.

2. **KEEPING OF VICIOUS DOGS AND DANGEROUS ANIMALS PROHIBITED.** No person shall keep, shelter or harbor any animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any other capacity within the County except as provided in Warren Co. Code, Sec. 21.09. No dog declared as vicious shall be allowed to be taken out of or brought into Warren County.
3. **VICIOUS DOG AND DANGEROUS ANIMAL EXCEPTIONS.** The prohibition contained in Warren Co. Code, Sec. 21.08 shall not apply to the keeping of illegal animals in the following circumstances:
 - a. The keeping of illegal animals in a public zoo, bona fide educational or medical institution, humane society or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
 - b. The keeping of illegal animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
 - c. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.
 - d. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Department of Natural Resources.
 - e. Dogs while utilized by any law enforcement officer in the performance of enforcement work.

55.10 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.11 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.12 CONFINEMENT. When a local board of health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed,

the animal shall be apprehended and impounded by such board, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

*(Code of Iowa, Sec.
351.39)*

55.13 AT LARGE: IMPOUNDMENT. Elected city officials and/or city personnel will initially attempt to reunite animal at large with owner via ID tag or microchip. If reuniting is not successful, then per contracted vendor contract, they will board and care for animal at large. Owners of animals at large will incur fees as detailed in 55.14.

(Ord. 44-May 06 Supp.)

55.14 IMPOUNDING COSTS AND PENALTIES. Any animal at large captured by city personnel or elected city officials shall incur a penalty as outlined below in addition to any fees incurred by contracted vendor.

1. First offense \$150 to City of Harford Plus Contracted Vendor fees to be paid to the vendor.
2. Second offense \$300 to City of Harford Plus Contracted Vendor fees to be paid to the vendor
3. Third offense \$500 to City of Harford Plus Contracted Vendor fees to be paid to the vendor.
4. Each subsequent offense \$500 to City of Harford Plus Contracted Vendor fees to be paid to the vendor.

Fees for impounding shall be paid to the City within 60 days. Any fees not paid within 60 days by the owner may be referred to the City Attorney for arbitration through small claims court.

*(Code of Iowa, Sec.
351.37)*

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

PASSED by the City Council this 20th day of April, 2021, and **APPROVED** this 20th day of April, 2021.

Kandi S. Petry, MAYOR

ATTEST:

Cynthia Crippen, CITY CLERK

1st Reading –

Motion by Council Member Goldsberry, seconded Council Member Eckert, to approve the first reading of Ordinance NO. 042021-2.

AYES: - Jors, Goldsberry, Eckert, Wilson, Lanphier

NAYS: - 0

ABSENT: - 0

2nd Reading – Waved

Motion by Council Member Eckert, seconded Council Member Goldsberry, second reading of Ordinance NO. 042021-2

AYES: - Jors, Goldsberry, Eckert, Wilson, Lanphier

NAYS: - 0

ABSENT: - 0

3rd Reading – Waved

Motion by Council Member Eckert, seconded Council Member Goldsberry, third reading of Ordinance NO. 042021-2

AYES: - Jors, Goldsberry, Eckert, Wilson, Lanphier

NAYS: - 0

ABSENT: - 0

The Mayor declared Ordinance No. 042021-2 was passed on April, 20th, 2021.