

## CITY OF TIFFIN ORDINANCE NO. 2008 - 295

AN ORDINANCE REPEALING ORDINANCE NOS. 1979-80 AND 1984-125 AND 1985-136 ESTABLISHING REGULATIONS FOR THE CONTROL OF ALL ANIMALS WITHIN THE CITY AND PRESCRIBING A PROCEDURE FOR DISPOSITION OF DANGEROUS AND VICIOUS ANIMALS

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

Section 1. Purpose. The purpose of this Ordinance is to repeal existing ordinances for the regulation of animals and establish a new ordinance for the regulation of all animals, including dangerous and vicious animals, within the City for the protection of the health and well-being of the citizens.

Section 2. Repealing. Ordinance Nos. 1979-80, 1984-125, and 1986-136 are hereby repealed.

Section 3. Definitions.

A. "Animal" means all living creatures not human.

B. "At large" defines the location of any animal that is *not*:

1. on its owner's residential lot, tethered or within an enclosed or invisible fence; or
2. under the control of its owner or a competent person by restraint with a leash; or
3. in temporary confinement either tethered or within an enclosed or invisible fence upon a residential lot with that property owner's consent; or
4. within a public or private kennel or veterinary hospital; or
5. within a motor vehicle; or
6. enclosed within a structure.

C. "Dangerous Animal" means:

1. Any animal which is not naturally tame or gentle, and which is of a wild nature disposition, and 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;
2. Any animal declared to be dangerous by the Tiffin City Council;
3. Any animal named below:
  - a. Lion, tiger, jaguar, leopard, cougar, lynx, and bobcat;
  - b. Wolf, coyote, and fox;
  - c. Badger, wolverine, weasel, skunk, and mink;
  - d. Raccoon
  - e. Bear
  - f. Monkey and chimpanzee
  - e. Bats
  - h. Alligator and crocodile
  - i. Scorpion
  - j. Venomous snake or reptile
  - k. Snake that is a constrictor
  - l. Gila monster
  - m. Opossum
  - n. Ape, baboon, and macaques
  - o. Piranha

D. "High Risk Animal", except for any dangerous animal, listed above, is an animal:

1. that unprovoked, has been accused of biting, clawing, molesting, attacking, or causing injury to a human or other animal, whether running at large or restrained with a lease, on private or public property *and* has previously been the subject of a public hearing by the City Council;
2. that is not a licensed guard or attack dog, or animal under the control of law enforcement or a military agency, or its master or custodian.

E. "Licensed Dog" means any dog wearing a valid, current tag as defined under *Iowa Code Chapter 351*.

- F. "Leash" means a rope of any type or chain of any type that is not more than ten feet in length.
- G. "Owner" means any person owning, keeping, sheltering, or harboring an animal.
- H. "Mayor" means the City of Tiffin Mayor or a person designated by the Mayor or Council to act on behalf of the City. Powers granted to the Mayor by this ordinance may also be exercised by the Johnson County Sheriff's Department as a part of their law enforcement contract with the City.

Section 4. Animal Owner Responsibilities.

- A. The owner of any animal will provide care and control of any animal and is responsible for obtaining licenses, permits, and vaccinations for the animal.
- B. The owner of an animal is prima facie responsible for any violations of this ordinance caused by the animal. Nothing contained in this ordinance relieves the owner of any animal from their responsibility for damage committed by their animal as provided by the laws of the State of Iowa.

Section 5. Dogs and Cats Limit: A property owner or tenant who occupies any lot or portion of a lot that is zoned residential may not keep more than three dogs, three cats, at a residence. Any litters born by any of the animals kept legally at the residence will be allowed to remain until the puppies or kittens are eight weeks old, at which time they will be considered dogs or cats and will fall under the limitation stated above.

Section 6. Animals Running at Large: It is unlawful for an owner to allow any animals to be at large, as defined in Section 3(B) within the city boundary limits

Section 7. Nuisances Caused by Animals:

- A. Annoying, Noisy and Bothersome Animals: An Owner may not allow or permit any animal under their control to emit any noise, including: frequent and habitual howling, yelping, barking, or making any noise that annoys, disturbs, offends, or unreasonably interferes with the comfortable enjoyment of life or property of the general public.
- B. Damage or Interference: An owner may not allow his or her animal to cause any damage or defilement to public or private property.
- C. Harassment by Animals: Owners may not allow an animal to molest any human or animals on public or private property, when the human or the animal is lawfully on any property.
- D. Accumulation of Wastes: No owner may not allow an accumulation of the waste from animals to become detrimental to the public health and the animal's health.

Section 8. Violations. The City will deal with any reported violations under this Section 7 of this Ordinance, unless the violation creates an imminent threat to public health safety, in the following manner:

- A. For any initial reported violation, the City will contact the person identified as responsible for the animal and note the reported violation and remind the owner of the owner's obligation under the ordinance.
- B. If a second reported violation occurs, the City will serve a written notice of violation that notes that any further violations within the 12 month period will result in the City filing in court to prosecute the violation of the ordinance. The 12-month period shall begin on the date of the written notice.
- C. If a third reported violation occurs, the City, without further notice to the owner, proceed to file against the Owner for breach of the ordinance.

Section 9. Keeping of "Dangerous" Animals is Prohibited. No person may keep, shelter, harbor, act as a temporary custodian, or for any other purpose, an animal defined "dangerous" in the list above, except for the following circumstances:

- A. exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show;
- B. treatment at a bona fide veterinary hospital;
- C. rescue by a wildlife rescue organization with an appropriate permit from the Iowa Conservation Commission, pursuant to *Iowa Code* Chapters 109 and 109A.

Section 10. Disposition of "Dangerous" Animals:

- A. Apprehension of the Dangerous Animal. In the event that a dangerous animal is found at large that creates a hazard to person or property, the animal, at the discretion of the Mayor or the Mayor's designee, including the Johnson County Sheriff, may be destroyed if it cannot be confined or captured. The City is under no duty to attempt to confine or capture a dangerous animal found at large. If a dangerous animal creates a hazard to a person or property, the City or its designee (i.e., Johnson County Sheriff) may attempt to notify the owner to address the violation. If the owner cannot be located after reasonable efforts, the City does not have a duty to notify the owner of the apprehension of the dangerous animal nor to notify the owner prior to its destruction. The dangerous animal may be humanely destroyed in accordance with the law.
- B. Receipt by the City of a Written Complaint of Keeping, Sheltering, or Harboring a Dangerous Animal. Upon the receipt of a written or oral complaint, as documented by the City Clerk, stating that a person is keeping, sheltering, or harboring a dangerous animal upon any premises within the city limits, the Mayor, or his designee, may cause the matter to be investigated. If the facts indicate that a person may be keeping, sheltering, or harboring a dangerous animal, the animal may be immediately seized and impounded in a location approved by the Mayor, such as a kennel or veterinary clinic, at the owner's expense. If after the end of three days of impoundment, the person identified as "owner" has not come forth to claim the animal, the City will cause the animal to be disposed of by sale, permanent placement with an organization or group allowed to possess dangerous animals, or destroy the animal in a humane manner.

Section 11. Disposition of "High Risk Animals":

- A. Guard Dogs: Owners of guard or attack dog must keep the dog within a fixed structure at all times. Any guard dog found at large may be treated as a high-risk animal pursuant to this ordinance. Any residential or commercial premises guarded by an attack dog will post a permanent sign containing the words "Guard Dogs" or "Vicious Dogs" and the owner of the premises must inform the Johnson County Sheriff's Office, or the Mayor that a guard dog is on-duty at the premises.
- B. Apprehension of the High-Risk Animal. In the event that a high risk animal is found at large and creating a hazard to person or property, such animal, at the discretion of the City Mayor or his designee, including the Johnson Count Sheriff, will be destroyed, if it cannot be confined or captured. However, the City shall be under no duty to attempt the confinement or capture of a high-risk animal, found at large. If a high-risk animal creates a hazard to a person or property and if it is apprehended, the City or the Johnson County Sheriff's Department may attempt to notify the owner immediately. However, if the owner cannot be located after reasonable efforts, the City or Sheriff has no duty to notify the owner of the apprehension of the high-risk animal prior to its destruction. The high-risk animal may be humanely destroyed or otherwise disposed of in accordance with the law.
- B. Receipt by the City of a Written Complaint of Keeping, Sheltering, or Harboring a High Risk Animal. Upon the receipt of a written complaint or an oral complaint documented by the City Clerk, stating that a person is keeping, sheltering, or harboring a high-risk animal upon their premises or that the person has been bitten by the animal, the Mayor or his designee, may cause the matter to be investigated by law enforcement personnel, or the Mayor's designee.
  - 1. If the facts indicate that a person may be keeping, sheltering, or harboring a high-risk animal, the animal may be immediately seized and impounded in a location approved by the Mayor at the owner's expense until a public hearing is held that allows at least 10 days prior notice to the owner.

2. The Mayor, in lieu of impoundment, may permit a "vicious animal" to be held in a custodian's residence. In any case, the owner may not remove the accused animal from the confinement without written approval of the confining authority and the Mayor. The owner must agree to make the animal available for observation and inspection by authorized representatives for the City without the prior written approval of the Mayor and the confining authority.

Section 12. Public Hearing on Disposition of Seizure, Impoundment, and Disposition of Dangerous Animals and High Risk Animals.

In the event, that either a dangerous animal or a high risk animal is apprehended and impounded, or if a written report of a dangerous or vicious animal is filed with the City Council, the City Clerk must set a public hearing date that is no later than 10 days from the receipt of the report. The City must provide written notice to the animal's owner, the complainant, and any witnesses.

The public hearing will provide an opportunity for all interested parties to appear. Failure of the owner to appear at the public hearing will not prevent the hearing being held nor will it prevent the Council from issuing a ruling. If the City Council determines that the allegations are true, they may require reasonable terms and conditions or restrictions for the training, handling, or maintenance of the animal to abate the condition that instigated the hearing, including but not limited to:

- A. Selection of locations within the owner's property or premises where the animal must not be kept.
- B. Requirement as to size, construction, or design of an enclosure where the animal may be kept.
- C. Specialized training from a trainer or training program, approved by the City, to correct any of the animal's behavioral problems.
- D. Surgical spay or neuter of the animal.
- E. Removal of one or more animals to another location outside the City.
- F. Types and methods of restraint or muzzling or both.

G. Photo identification or permanent marking or both for the purposes of identification.

H. If the City determines that

- a. the animal is a danger to public health and safety;
- b. that the owner has failed to restrain the animal within reason; and
- c. that it is in the public interest to dispose of or destroy such an animal, then the animal will be disposed of by sale, permanently placed in an organization or group allowed under this ordinance to possess dangerous animals, or have the animal destroyed in a manner deemed appropriate to the City. Any of these dispositions may occur after the passage of five calendar days unless a party appeals to a court of competent jurisdiction.

Section 13. Anyone violating any of the provisions of this may held by the City to have committed a simple misdemeanor or municipal infraction as the City may so elect. Each day a violation continues constitutes a new violation.

Section 14. License Required. Every Owner of a dog or cat over the age of six months, or of a dog or cat under the age of six months which is no longer with its dam, shall procure a dog license or cat license for each fiscal year, from the City, before the first day of July of the fiscal year for which the license is in effect, or within thirty days after such dog or cat reaches the age of six months and is no longer with its dam, or if brought into the City. The license fee shall be set by resolution.

The Owner of a cat or dog less than six months of age which is no longer with its dam, but which is too young to be immunized, shall be issued a temporary license upon application to the City and payment of the regular fee. Such temporary license shall automatically expire seven months from the date of birth of the dog or cat unless the owner shall furnish to the City a veterinarian's certificate showing that the dog or cat has been immunized. If such certificate is furnished prior to the time such dog or cat reaches seven months, the temporary license shall automatically become a regular animal license.

After July 1 of each year, delinquent license fees as determined by the City shall be assessed in addition to the annual license fee, except in those cases where, by reason of



residence outside the city limits, age or ownership, the dog or cat was not subject to licensing on July 1<sup>st</sup>. Such delinquent fees shall be set by City Council resolution.

All licenses, regardless of the date of issue, expire on June 30<sup>th</sup> of the fiscal year the license was in effect.

At the time of making application for a City license the Owner shall furnish to the City, a veterinarian's certificate showing that the dog or cat for which the license is sought has been vaccinated and that such vaccination has not expired. Upon payment of the license fee established pursuant to this section, the City shall issue to the owner a license which shall contain the name of the owner, his place of residence, and a description of the dog or cat. The City shall keep a duplicate of each license issued as a public record. Upon issuance of the license, the City shall deliver or mail to the Owner a metal tag with the number of the license and the year in which it was issued. Every pet animal shall wear the tag at all times. Any method may be used to attach the tag to the animal, such as a collar or other suitable device.

The licensing provisions of this section shall not be intended to apply to dogs or cats whose Owners are residents temporarily within the City, or to dogs properly trained to assist visually impaired persons for the purpose of aiding them in going from place to place and provided such dogs are kept restrained on the owner's property, under supervision or control at all times, or on a leash at all times.

When the permanent ownership of a dog or cat is transferred, the new Owner shall, within thirty days from the date of the change of ownership, make application for a new license as provided for in this section, regardless of whether or not the dog or cat was previously licensed.

Upon the filing of an affidavit that the license tag has been lost or destroyed, the Owner must obtain another tag upon payment of a fee set by the City Council.

Section 15. Penalty Provision. The city may elect, at its sole discretion, to prosecute any violation either as a simple misdemeanor or a municipal infraction.

Section 16. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 17. Severability. If any section, provision, or part of this ordinance will be adjudged to be invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 18. Effective Date. This ordinance will be in effect after its final passage, approval, and posting as provided by law.

On the **8th** day of **October 2008**, at a regular meeting of the Tiffin City Council, Tiffin, Iowa, **Councilperson John Wright** introduced **Ordinance No. 2008-295**, and moved that it be given its first reading. The motion was seconded by **Councilperson Mike Gericke**.

Ayes: **Chris Ball, Jim Bartels, Mike Gericke, John Wright**

Nays: **Mark Petersen**

**Five** members of the council being present and **Four** having voted "Aye", Mayor Royce Phillips declared the motion carried, and **Ordinance No. 2008-295**, was read the first time and discussed and placed on record.

On the **12th** day of **November 2008**, at a regular meeting of the Tiffin City Council, Tiffin, Iowa, **Councilperson John Wright** introduced **Ordinance 2008-295** and moved that it be given its second reading. The motion was seconded by **Councilperson Chris Ball**.

Ayes: **Chris Ball, Jim Bartels, Mike Gericke, John Wright**

Nays: **Mark Petersen**

**Five** members of the council being present and **Four** having voted "Aye", Mayor Royce Phillips declared the motion carried, and **Ordinance No. 2008-295**, was then placed for its final reading.

On the **10th** day of **December 2008**, at a regular meeting of the Tiffin City Council, Tiffin, Iowa, **Councilperson Chris Ball** introduced **Ordinance 2008-295** and moved that it be given its third reading. The motion was seconded by **Councilperson John Wright**.

Ayes: **Chris Ball, Jim Bartels, John Wright**

Absent: **Mark Petersen, Mike Gericke**

Nays: **None**

**Three** members of the council being present and **Three** having voted "Aye", Mayor Royce Phillips declared the motion carried, and **Ordinance No. 2008-295**, was passed and adopted.

Whereupon the mayor declared that Ordinance No. 2008-295 be adopted and signified his approval of same by fixing his signature thereto.

Passed by the council on the 10th day of December 2008 and approved by the mayor on the 11th day of December 2008.

CITY OF TIFFIN, IOWA:


  
By: **ROYCE PHILLIPS**, Mayor

ATTEST:

  
**RUTH DEMUTH**, City Clerk

I, Clerk of the City of Tiffin, Iowa, state that an ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NOS. 1979-80 AND 1984-125 AND 1985-136 ESTABLISHING REGULATIONS FOR THE CONTROL OF ALL ANIMALS WITHIN THE CITY AND PRESCRIBING A PROCEDURE FOR DISPOSITION OF DANGEROUS AND VICIOUS ANIMALS** and known as No. 2008-295 was duly passed by the council on the 10th day of December 2008, and signed by the Mayor on the 11th day of December 2008, and published on the 11th day of December 2008, by posting copies thereof in four public places within the limits of the City of Tiffin, Iowa.

That I posted copies of Ordinance No. 2008-295 in the following places:  
Morgan's Service; ~~On the Go Convenience Store~~; Solon State Bank of Tiffin; The Depot; Casey's General Store

  
**RUTH DEMUTH**, City Clerk

