

(Excerpts from City Code)

Chapter 6.12

DOG CONTROL

Sections:

- 6.12.010 Running at large prohibited--Control device required.
- 6.12.015 Removal of solid wastes by owner or keeper.
- 6.12.020 Noisy dogs prohibited.
- 6.12.030 Owner of dog defined.
- 6.12.040 Impoundment--Destruction.
- 6.12.050 Costs and reclamation fee.
- 6.12.060 Enforcement.
- 6.12.070 Penalty for violation.

6.12.010 Running at large prohibited--Control device required. No dog shall be permitted to run at large on any street, alley, or public ground of the city of Fairfield, or to trespass upon any garden, yard or private grounds of any property owner, or any person not the owner or keeper of such dog within the city limits; and all dogs shall, at all times when not on the premises of the owner or keeper, be under the control of some person in charge of such dog by means of a rope, strap or chain securely fastened to such dog and held by such person so in charge or attached to the vehicle of such person in charge. (Ord. 442 § 1, 1962).

6.12.015--6.12.040

6.12.015 Removal of solid wastes by owner or keeper. Any owner or keeper who shall walk or allow a dog to be on public or private property shall provide for the disposal of any solid waste material left by the dog by immediately removing the waste from those premises. Any person who does not provide for the immediate removal and disposal of such solid waste shall be guilty of a misdemeanor, and upon conviction thereof shall be fined twenty-five dollars for the first offense; fifty dollars for the second offense and one hundred dollars for each and every subsequent offense, and the costs of prosecution. (Ord. 904 § 1, 1997).

6.12.020 Noisy dogs prohibited. It is unlawful to keep any dog within the corporate limits of the city that by barking, howling, or making any other noise causes any disturbances or creates any nuisance. (Ord. 442 § 2, 1962).

6.12.030 Owner of dog defined. For the purposes of this chapter, the owner of any dog shall be the head of the household where such dog is permitted to remain on the premises more than seven days. (Ord. 442 § 3, 1962).

6.12.040 Impoundment--Destruction. All dogs running loose within the city limits will be captured, if possible; if not possible, they will be destroyed in such manner as is necessary, with due care for the safety of all persons, property, and other animals. All captured dogs shall be impounded at a place designated by the mayor where they can be safely and humanely kept. Such designated place shall include, but is not limited to a licensed veterinary clinic, a humane society, if there be one, or a nonprofit organization or association established for the safe and humane keep of animals, or a kennel meeting such qualification. The owner, if known or ascertainable, of an impounded dog shall be notified by the police department, or by the designated place of impoundment, of the

circumstances of the dog's impoundment within two days of the animal's capture. If the owner of the dog fails to redeem the animal from impoundment by physical removal of the dog from impoundment and payment of costs and reclamation fees as required by Section 6.12.050 within seven days following notification, or if the owner of the animal cannot be identified, the animal may be destroyed by humane means. Destruction of such impounded animal shall not occur until determination is made:

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A. That an institution which has been authorized by the state of Iowa to obtain dogs from a pound for purposes of animal laboratory research, has no unfulfilled request with the pound, and providing such institution refuses a tender of such animal; or

B. That a licensed veterinary clinic, humane society, or nonprofit organization or association established for the safe and humane keep of animals, refuses a tender of such animal for placement, or refuses to facilitate appropriate steps for adoption of such animal for costs of board, shots, neutering, and reclamation fee. (Ord. 901 § 1, 1997; Ord. 626-6-2 § 1, 1980; Ord. 506, 1967; Ord. 442 § 4, 1962).

6.12.050 Costs and reclamation fee. An owner claiming a dog will be responsible for all veterinary clinic costs including, board, shots required to be given and any other fee related to the care of such dog. These fees will be paid to such veterinary clinic. In addition, the owner shall pay a fifty-dollar reclamation fee, such fee payable to the city of Fairfield. (Ord. 987 § 2, 2005).

6.12.060 Enforcement. This chapter shall be enforced by the police, as well as any special police or employee of the city of Fairfield, so designated by the mayor or elected by the city council. (Ord. 442 § 6, 1962).

6.12.070 Penalty for violation. Any person or persons violating any of the provisions of this chapter, except those of Section 6.12.015, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined at least fifty dollars but not to exceed five hundred dollars, and the costs of prosecution. Any person or persons violating Section 6.12.015 shall be subject to the schedule of fines contained within Section 6.12.015.

Limitation as to Minors. Penalties concerning persons under eighteen years of age

convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 904 § 2, 1997; Ord. 779 § 1, 1989).

Chapter 6.14

DOMESTICATED ANIMAL, WILD ANIMAL AND DANGEROUS ANIMAL CONTROL

Sections:

- 6.14.010 Definitions.
- 6.14.020 Abandonment of animals.
- 6.14.030 Enabling animals to leave premises of owner.
- 6.14.040 Number of animals and type of animals restricted.
- 6.14.050 Sanitation of premises.
- 6.14.060 Cruelty to animals.
- 6.14.070 Dangerous animals.
- 6.14.080 Keeping or harboring vicious animals.
- 6.14.090 Impoundment generally.
- 6.14.100 Variances.
- 6.14.110 Animal control review board.

6.14.010 Definitions.

As used in this chapter:

"Abandonment" means the voluntary relinquishment of possession of an animal by the owner, with the intention of terminating ownership without vesting it in any other person.

"Owner" means any person or legal entity having a possessory right in a dog or other animal, or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on the premises occupied by them. And for the purposes of this chapter, the owner of any dog or other animal shall be the head of the household, firm, corporation, or other entity where such dog is permitted to remain on the premises more

than seven days. (Ord. 999 § 2(part), 2004).

6.14.020 Abandonment of animals.

No owner of an animal shall abandon such animal within the city of Fairfield, Iowa. (Ord. 999 § 2(part), 2004).

6.14.030 Enabling animals to leave premises of owner.

It is unlawful for any person, except the owner or his or her agent, employee or immediate family member to open any gate or door on any premises, or otherwise entice, or enable any animal to leave such premises. (Ord. 999 § 2(part), 2004).

6.14.040 Number of animals and type of animals restricted.

(a) No person shall keep dogs, cats or other animals in such numbers or in such a manner that their presence shall disturb the peace and comfort of any neighborhood or cause a menace or detriment to public health. Keeping of large numbers of animals may cause disturbance of peace or may constitute a nuisance under certain defined circumstances. Any animal subject to requirement of license and vaccination is a mature animal for this purpose.

(b) Kennel animals/animals kept for breeding purposes, are subject to zoning regulations, breeder fees, and specifically authorized permit for such purpose, as detailed in city dog licensing provisions. (Ord. 999 § 2(part), 2004).

6.14.050 Sanitation of premises.

All structures, pens, coops or yards wherein animals, domestic or wild, are confined shall be maintained in a clean and sanitary condition at all times, devoid of vermin and free from offensive odors. The city or its designee may, at any time, inspect or cause to be inspected any structure or premises, and issue any such order as may be necessary to enforce the provisions of this section, and any other relevant or pertinent rule, regulation of the board of health or any other health provisions of this code. (Ord. 999 § 2(part),

2004).

6.14.060 Cruelty to animals.

No person shall impound, confine or cause to be impounded or confined in any place, any animal, domestic or wild, and fail to supply such animal during confinement with a sufficient quality (quantity) of food and water, adequate shelter and protection from the weather and opportunity for the creature to exercise. Nor shall any person poison, torture, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, maim, or kill any such animal by any means which shall cause unjustified pain, distress or suffering, including direct and deliberate corporal exposure of the animal to acid or any other corroding, irritating, or harmful substance with the intent to harm such animal, whether intentionally or negligently. (Ord. 999 § 2(part), 2004).

6.14.070 Dangerous animals.

(a) Defined. "Dangerous animal" means:

(1) 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.

(2) Any animals declared to be dangerous by the city council.

(3) The following animals shall be deemed to be dangerous animals per se:

(A) Lions, tigers, jaguars, leopards, cougars, lynxes, cheetahs and bobcats;

(B) Wolves, coyotes and foxes;

(C) Badgers, wolverines, weasels and skunks;

(D) Raccoons;

(E) Bears;

(F) Monkeys, chimpanzees and gorillas;

(G) Alligators and crocodiles;

(H) Scorpions, venomous tarantulas and Gila monsters;

- (I) Snakes that are venomous or constrictors;
 - (J) Any crossbreed of such wild animals listed above which have similar characteristics to the animals specified above;
 - (K) Attack dogs, by training made vicious in response to stimuli or command;
 - (L) Doberman Pincher;
 - (M) Pit Bull Terrier, American Pit Bull, Staffordshire Terrier, or any other dog whose appearance and characteristic of breed is commonly regarded as Pit Bull, Pit Bull Dog, or Pit Bull Terrier or a combination of such breeds;
 - (N) Rottweiler;
 - (O) German Shepherd;
 - (P) Belgian Malinois;
 - (Q) Siberian Huskies;
 - (R) Malamutes;
 - (S) Dogs that by size present control concerns including Great Danes, Wolfhounds, Deerhounds, Mastiffs, Boerboels and other dogs weighing in excess of one hundred pounds;
 - (T) Any crossbreed of such dogs listed in subsections (a)(3)(L) through (S) of this section which have similar characteristics to those animals specified.
- (b) Keeping Prohibited. No person shall keep shelter, or harbor for any purpose within the city a dangerous animal except as provided in subsections (c) and (d) of this section.
- (c) Exceptions. The prohibition contained in subsection (b) of this section shall not apply to the keeping of dangerous animals in the following circumstances:
- (1) The keeping of dangerous animals in a public zoo, public aquarium and 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;
 - (2) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show licensed to perform in the city;

(3) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment;

(4) The keeping of dangerous animals by a wild-life rescue organization with appropriate permit from the Iowa Department of Natural Resources;

(5) Any dangerous animals under the jurisdiction of and in possession of the Iowa Department of Natural Resources, pursuant to I.C.A. Chapter 41A or I.C.A. Chapter 481B;

(6) Any guard or sentry dog properly contained as required by law. This exception is intended to include police dogs of the Fairfield Police Department Canine Unit. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Danger--Guard Dog," or "Dangerous Dog" or words of similar import, and the owner of such premises posted shall notify the police department in writing promptly that a guard dog or sentry dog is on duty at the premises;

(7) The entry into and display at an approved dog show, while properly confined in a cage or on a leash and personally restrained by a handler or owner of the dog;

(8) Any of such animals as listed in sections subsequent to subsection (a)(1) of this section provided such animal(s) are safely confined on the owner's private premises.

(d) Regulation of Keeping Dangerous Animals.

(1) Every person, firm or corporation keeping, sheltering, or harboring a dangerous animal as permitted under subsection (c) of this section shall at all times keep such animal securely confined within a cage or other enclosure approved by the mayor, or the city's designee, (i.e., chief of police, animal control officer, etc.)

(2) No person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal as permitted under subsection (c) of this section shall permit or allow such animal to enter upon, be placed in, or traverse any public property, park property, public right-of-way, public waterway, or lagoon, or public sewer system, or any business establishment licensed by the city, or the property of another except when such animal is being transported while caged or confined.

(A) Exception: The owner of any dog listed after subsection (a)(1) of this

section shall be permitted to walk or exercise his/her dog off premises provided such animal is secured on a leash of four feet or shorter. Further, the dog shall have a current vaccination tag affixed to its collar. Limitations on tethering set forth in Ordinance No. 1000, codified as Section 6.40.100 of this code, shall apply to all dogs listed in subsections (a)(3)(L) through (T) of this section.

(3) It shall be the duty of the persons permitted to keep dangerous animals under subsections (c) and (d) of this section to report to the mayor, or city's designee, when any dangerous animal is found missing.

(4) No person shall keep or harbor a dangerous animal, which has demonstrated a propensity, without provocation, to attack or bite. Such animal shall be subject to the vicious animal provisions of this chapter.

(e) Seizure, Impoundment and Disposition of Dangerous Animals.

(1) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon, or public sewer system, or the property of someone other than its owner, and it creates a hazard to person or property, such animal may, in the discretion of the mayor or his designee, be destroyed if it cannot be confined or captured. The city shall be under no duty to attempt the confinement or 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.

(2) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the city in violation of this chapter, or who keeps a dangerous animal which has demonstrated a propensity to attack or bite without provocation, the mayor, or city's designee, shall cause the matter to be investigated, and if after investigation the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the city in violation of this chapter, the mayor, or city's designee, shall order the person named in the complaint to safely remove such animal from the city, permanently place the animal with an organization or group allowed under subsection (c) of this section to possess dangerous animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a

notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the mayor or the city's designee, shall cause the animal to be immediately seized and impounded as placement would not be possible, without risk of serious physical harm or death to any person.

(3) The order to remove a dangerous animal issued by the mayor or city's designee may be appealed to the animal control review board. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.

(4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within ten days of the receipt of notice of appeal. The hearing of such appeal may be continued for good cause. After such hearing, the animal control review board may affirm or reverse the order of the mayor, or city's designee. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof. Such board determination may be appealed within three days thereafter to the public safety committee of the Fairfield city council, which shall review the matter within ten days after receipt of the written appeal. The committee determination shall be filed within three days after the determination of the public safety committee. Final administrative appeal may be taken in writing to the Fairfield city council within three days after the determination of the public safety committee. City council animal control appeal hearings shall be scheduled at least bi-monthly, if needed, and shall comply with public meeting and notice and agenda requirement(s) of the Code of Iowa.

(5) If the appeal taken affirms the action of the mayor, or city's designee, the city shall order in its written decision that the individual, or entity, owning, sheltering,

harboring, or keeping such dangerous animal, remove such animal from the city, permanently place such animal with an organization or group allowed under subsection (c) of this section to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the city after appeal has been served, the mayor or city's designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the person against whom the decision and order of the city was issued has not petitioned the Jefferson County District Court for a review of such order, the mayor, or city's designee, shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under subsection (c) of this section to possess dangerous animal(s), or destroy such animal in a humane manner. All impoundment fees shall be at the expense of the owner of the dangerous animal, which such fee shall be all actual costs of the feeding and care of the animal, consistent with Fairfield Municipal Code Section 6.12.050. (Ord. 999 § 2(part), 2004).

6.14.080 Keeping or harboring vicious animals.

Animals that bite.

(1) "Vicious Animal" defined. "Vicious animal" means any animal which is, in addition to those animals which are dangerous per se, an animal that has exhibited vicious tendencies in present or past conduct such that the animal: (a) has clawed or bitten a person or persons where such attack was unprovoked; or any animal that (b) could not be controlled or restrained by the owner at the time of the attack so as to prevent the occurrence; or (c) has attacked any domestic animal or fowl on at least two separate occasions within a twenty-four month period.

(2) No person shall keep or harbor any vicious animal in the city, and if such animal remains in the city after notice to remove the same has been given to the owner by the city of Fairfield, such animal shall be picked up by the city's designee and destroyed as provided in this chapter.

(3) Any vicious animal, which cannot be safely taken up and impounded for destruction, may be slain by any officer of the law.

(4) No animal shall be permitted to or shall attack, bite, attempt to bite, or belligerently pursue any person without provocation.

(5) "Provocation" shall include the:

(A) Defense of the property of the owner of the dog;

(B) Defense of the person of the owner or his immediate family;

(C) Defense of the animal itself where subjected to attacks, torture, torment, mishandling or other actions that could reasonably cause such a violent reaction by the animal. This is not intended to permit dog fighting.

(6) Provocation shall not include:

(A) The mere act of entering the premises or dwelling, other buildings or other property of the owner or occupant thereof with either actual or implied consent of the owner or occupant thereof to so enter.

(B) Any action by a person that would not be reasonably deemed to cause such a violent reaction.

(7) Owner's Duty. It shall be 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 law enforcement official or the city clerk. It shall be the duty of physicians and veterinarians to report to the city clerk the existence of any animal known or suspected to be suffering from rabies.

(8) Confinement. When the city of Fairfield receives information that biting or attack covered by this chapter has occurred and 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 the city, and after two weeks the city may humanely destroy the animal if it is found to have rabies. If such animal does not have rabies and is returned to its owner, the owner shall pay the cost of impoundment. (Ord. 999 § 2(part), 2004).

6.14.090 Impoundment generally.

(a) It is the general policy of the city of Fair-field that with proper identification, the owner, his or her agent, employee or member of his or her immediate fam-ily, of an impounded animal, shall be entitled to resume possession of such animal, before the lapse of the seven-day time limit set hereafter.

(b) Owners of licensed and/or I.D. tagged dogs shall be notified within two days of impoundment, that upon pay-ment of impounding fees and of all costs incurred by the city for impounding, the dog will be returned. If their owners do not recover the impounded licensed dogs within seven days after notice, the dogs shall be disposed of in a humane manner as directed by this chapter.

(c) The owner, upon proper identification, may re-cover impounded unlicensed dogs or other animals subject to this chapter by payment of the impounding fees of all costs incurred by the city for impounding, and the costs of vaccination if vaccination is required. If such dogs or other affected animal(s) are not claimed within seven days after notice, they shall be disposed of in a humane manner as directed by this chapter.

(d) Dogs found at large, following a third convic-tion of "running at large" or a finding of the same (as a third violation) as a civil infraction, shall be deemed a public nuisance. Such animal may be ordered disposed fol-lowing procedure for nuisance abatement, or the city may request disposal as appropriate civil remedy under the civil infraction proceeding, if elected.

(e) Penalty for Violation. Any person or persons violating any of the provisions of this chapter shall be guilty of misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars or more than five hundred dollars, and the cost of prosecution. Repeat of-fenses may also be penalized as civil infractions. Deter-mination to pursue as a civil infraction shall be discre-tionary to the city. Civil infraction enforcement shall include remedial orders beyond pecuniary penalty, includ-ing injunctive relief, nuisance remedy, mandatory atten-dance at available education and training opportunities, participation in ordered mediation, and such other civil remedy as may relate to and

supplement and assist in goals of prevention of re-occurrence of future violation.

(f) Notwithstanding the provisions of subsections (b) and (c) of this section, in the event the city is in-formed by a credible source that the owner of an impounded dog is temporarily absent from the city, or temporarily unable to be notified of the impoundment, the city may elect, in its discretion, to proceed by alternative means of notice or to delay such process. (Ord. 999 § 2(part), 2004).

6.14.100 Variances.

The city may grant variances to the requirements of this chapter with respect to the keeping of dangerous or vicious animals provided that the individual's request for variance is submitted in writing and the individual's re-quest is consistent with the purpose of this chapter. Re-quests for variances shall be heard by the animal control review board at publicly noticed meetings. In ruling on a variance request, the animal control review board is enti-tled to consider the applicant's experience with regard to the handling and keeping of similar animals, the type and quality of the facilities provided for the confinement of the animal, any prior documented problems or complaints concerning any animal owned by or in the custody of the applicant, and information consistent with those preven-tive measures characterizations listed at Section 6.40.160(B) of this code as codified. Board determination with respect to variances may be appealed to the public safety committee of the Fairfield city council and to the full city council in the same manner as appeals allowed under Section 6.14.070(e) of this chapter. (Ord. 999 § 2(part), 2004).

6.14.110 Animal control review board.

There is established an animal control review board. The board shall consist of five members appointed by the mayor and affirmed by the city council, with its advice and consent, in the same manner as appointments to the board of adjustment at Section 20.92.010 of the Fairfield Municipal Code. The board shall exist for purposes of consideration of appeals and variances. An appeal fee of fifty dollars, similar to that required by the board of adjustment, shall apply. (Ord. 999 § 2(part), 2004).