

CITY OF BERTRAM
ANIMAL ORDINANCE NO. O-2-2014

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AN ORDINANCE REGULATING KEEPING, RAISING, AND TRAINING, REARING, BOARDING OR SALE OF DOMESTIC ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF BERTRAM, COUNTY OF LINN, STATE OF IOWA.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF BERTRAM SECTION:

1. DEFINITIONS
2. GENERAL PROVISIONS
3. DOMESTIC HOUSEHOLD PETS
4. DOMESTIC FARM ANIMALS
5. DOMESTIC FOWL
6. KENNELING
7. PENALTY
8. SEVERABILITY
9. WHEN EFFECTIVE
10. ORDINANCE REPEAL

Passed by the City Council of Bertram, Iowa on the 3rd day of September, 2014 and approved this _____ day.

James Drahos, Mayor

Attest: _____
Lisa Berry, Clerk

Council: _____
Steven Carpenter

Penny Kula

Robert Malone

William Mulholland

Stephanie Vislisel

Section #1

DEFINITIONS:

The following definitions shall apply when used in this Ordinance, unless the context indicates otherwise.

- A. Defilement shall mean to foul, to dirty, to pollute, or to make filthy; either by the pet animal's body or wastes or by the animal carrying or dragging any foul material.
- B. Domestic Household Pets shall mean all pets normally considered to be household pets including dogs, cats, and any other animal kept by a household as a family pet.
 - 1. Cat includes all members of the *Felis domesticus* species, male or female, whether altered or not.
 - 2. Dog includes all domesticated members of the *Canis familiaris* species, male or female, whether altered or not.
- C. Domestic Farm Animals shall mean all animals normally considered to be farm animals including horses, ponies, cattle, hogs, goats, sheep, or any other animal normally raised on a farm for food or profit.
- D. Domestic Fowl shall mean all fowl raised for food or profit including chickens, ducks, geese, turkeys, guineas, or peacocks.
- E. Kennel shall mean a place maintained for the business of boarding, raising, rearing, training or sale of dogs and cats.
- F. Molest shall include not only biting and scratching; but also any annoyance, interference with, or meddling with any person so as to trouble or harm him.
- G. Municipal Pound shall mean any public or municipal animal shelter or pound established or maintained by the City of Bertram, which may include any private or charitable organization or facility leased by the City or with whom the City has a contractual agreement for impoundment services.
- H. Owner shall, in addition to its ordinary meaning, include any person who keeps or harbors a pet animal.
- I. Pet Animals shall include all warm blooded animals, animals of the equine species and those raised for food purposes within the City limits.
- J. Private Property shall mean all buildings and other property owned by a private person, firm or corporation. It shall include buildings, yards and service and parking areas.
- K. Public Property shall mean buildings and other property owned or dedicated the use of the City of Bertram, the State of Iowa, County of Linn, or the United States Government, wherein the authorized representative thereof has granted the City of Bertram jurisdiction. Such property shall include but not be limited to buildings, grounds, yards, street right of way, walks, bicycle paths, easement, parks, service areas, athletic and recreational areas, parking areas, street islands and any other real estate owned by a governmental unit.
- L. Under Control shall mean that the pet animal is so trained that it will come to the owner immediately upon signal for the purpose of physical restraint when necessary.

- M. Veterinarian shall mean a person duly licensed by the State of Iowa, to practice veterinary medicine.
- N. Veterinary Hospital shall mean an establishment regularly maintained and operated by a veterinarian for the diagnosis and treatment of disease or injuries to animals and which may board animals.

Section #2

GENERAL PROVISIONS:

- Section 2.1 Vaccination. All pet animals over six (6) months old in the City of Bertram shall be vaccinated against rabies.
- Section 2.2 Owner's responsibility. The owner of an animal shall be responsible for the feeding of any animal owned by him. The owner shall be prima facie responsible for any violation of this Ordinance by an animal owned by him.
- Section 2.3 Abandonment. No person shall abandon a pet animal within the City limits.
- Section 2.4 Nuisance. The following acts and circumstances are hereby declared to be nuisances and such acts and circumstances shall be prohibited:
- a. The keeping of animals on private property in such number or in such a manner that allows for the accumulation of solid waste of said animal or animals which becomes a detriment to or menace to health.
 - b. Allowing an animal to make excessive noise to the disturbance of persons in the area.
 - c. Allowing an animal to cause any damage on public or private property who has a legitimate reason to be thereon.
 - d. Allowing an animal to molest any person on public or private property who has a legitimate reason to be thereon.
 - e. Leaving an animal impounded, confined or tied in any place and failing to provide or supply said animal with sufficient food, water and/or shelter.
- Section 2.5 Food Establishments. No pet animal shall be allowed, taken or permitted on or in any building where food or food products are sold, prepared or dispensed to people other than the owners thereof.
- Section 2.6 Animal Tied. No pet animal shall be tied by any person to a utility pole, parking sign, building, fence, sign, tree, shrub, bush, or other object on public property or tied on private property without the consent of the owner or person in charge thereof.
- Section 2.7 Solid Waste Removal. Any person who shall walk a pet animal on public property shall provide for the disposal of the solid waste material by immediate removal of the waste.
- Section 2.8 Exception. The provisions of the Section shall not apply to Seeing Eye dog while said dogs are acting in said capacity.
- Section 2.9 Confinement of Vicious Animals. No pet animal of known fierce, dangerous or vicious characteristics shall be permitted off the premises of the owner except while such animal is confined in a boarding kennel, veterinary hospital or while being transported

to such boarding kennel or veterinary hospital. If any pet animal of known fierce, dangerous, or vicious characteristics is permitted off the premises of the owner and bites or annoys any person or other animal, the City Council may set a public hearing on the destruction of said animal and, pending said public hearing, the animal shall be impounded in the Municipal Pound or, upon request by the owner, at a veterinary hospital at the owner's expense.

The Council shall, when setting the public hearing, give notice to the owner of said animal, if known, not less than seven (7) days prior to said hearing. If the Council determines that the animal is fierce, dangerous or vicious and that the owner has failed to restrain said animal on his premises reasonably and that it is in the public interest to destroy said animal, it shall enact a resolution to that effect and direct that the animal be destroyed in a humane manner.

- Section 2.10 Impoundment. Any pet animal found in violation of the provisions of this Ordinance may be impounded in the Municipal Pound. The cost of impoundment shall be paid by the owner. Further, the Municipal Pound may impound and place in isolation under quarantine for observation for a minimum period of fourteen (14) days an animal suspected of being infected with rabies or other diseases communicable to humans. Every owner or person having possession, custody or control of an animal infected with rabies or which has been bitten by an animal infected with rabies shall immediately report such fact to the City and shall have such animal placed in isolation and quarantine as directed by the City and at the expense of the owner.
- Section 2.11 Releasing or Molesting Animals. No person except the owner of an animal or his authorized agent shall willfully open any door or gate on any private or public premises for the purpose of enticing or enabling any animal to leave such private or public premises. No person shall willfully molest, tease, provoke or mistreat a pet animal.
- Section 2.12 It shall be unlawful for any owner of an animal to allow or permit such animal to cause annoyance or disturbance to any person or persons by howling, yelping, barking or otherwise or by running after or chasing persons, bicycles, automobiles or other vehicles.
- Section 2.13 Cruelty. Any person who tortures, deprives of necessary sustenance, mutilates, overdrives, overloads, drives when overloaded, cruelly beats, or cruelly kills any animal or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather, or drives or works the same or commits any other act or omission by which unjustifiable pain, distress, suffering or death is caused to any animal is guilty of a misdemeanor.
- Section 2.14 Injuring squirrels, birds. Any person who kills or injures any squirrel or its nest, or kills or injures any bird protected by the laws of the State, or interferes with the nest of eggs of the same, is guilty of a misdemeanor.

Section #3

DOMESTIC HOUSEHOLD PETS:

- Section 3.1 Limit of Household Pets. It is unlawful for any household to own or keep as household pet animals in excess of two (2) of each species. To wit: 2 dogs and/or 2 cats be they male or female whether altered or not. The only exception to this Ordinance will pertain to the litter of said pet under the age of three (3) months. If the litter is to be kept beyond this age, it will be only by special permission of the City Council.
- Section 3.2 Dogs or cats trespassing, disturbing the peace. It is unlawful for any person, firm or corporation keeping, owning, or sheltering a dog or cat to allow or permit such animal to go upon the premises of another against the wishes of such other person or to cause serious annoyance to a person or persons by frequent an habitual howling, yelping, or barking; provided however, that the provisions of this Section relating to said annoyance do not apply to a duly zoned small animal clinic operated by a licensed veterinarian.
- Section 3.3 Harboring vicious dogs. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it shall have attacked or bitten any person without provocation, or when a propensity to attack or bite persons shall exist and is known or ought reasonably to be known by the owner.
- Section 3.4 Dogs barking at pedestrians, vehicles. Any person who owns, keeps, or harbors, within the City, any dog, whether actually dangerous or not, that habitually runs out and barks at passing vehicles on the sidewalk or streets, is guilty of a misdemeanor.
- Section 3.5 Females in heat. It shall be unlawful for any owner to allow his female dog that is in season to run at large or to so confine her as to attract male dogs to the area and by their presence cause a nuisance. Any person violating the provision of the Section is guilty of a misdemeanor and the dog is subject to seizure and impoundment at the expense of the owner during the remainder of the heat period.
- Section 3.6 Enabling dog or cat to leave private premises. It is unlawful for any person except the owner or his agent to open any door or gate of any private premises, or otherwise to entice or enable any dog or cat to leave any private premises for the purpose of or with the result of setting such dog or cat at large.
- Section 3.7 Impounding dogs, cats at large. Any dog or cat found at large, creating a nuisance shall be impounded by the enforcement officer whether licensed or not.
- Section 3.8 Redemption of impounded dogs, and cats. When a dog or cat has been apprehended and impounded for being at large or for any other reason, said dog or cat may be redeemed by the owner by a payment of the appropriate service fee or fees.

- Section 3.9 Notice, disposition of dead dogs, cats. Any person finding a dead dog or cat shall at once notify the City Marshall.
- Section 3.10 Disposition of unclaimed dogs. If the owner of a dog apprehended or impounded cannot be located within five (5) days or if such owner does not redeem the dog within five (5) days, the dog may be humanely destroyed or otherwise disposed of according to law.
- Section 3.11 Running at large prohibited. Any person whose cat or dog is found at large creating a nuisance shall be guilty of a misdemeanor.

Section #4

DOMESTIC FARM ANIMALS:

- Section 4.1 Limit of farm animals. It is unlawful for any person to own or keep any and all animals in excess of those which that person properly can support, and can be properly housed and cared for.
- Section 4.2 Keeping of livestock. The keeping of any cattle, horses, sheep, goats, or swine within the City, except in pens with dry floors or pens free from all filth and standing water, or the keeping of the aforesaid animals in any pen or building within one hundred (100) feet of any well, or within two hundred (200) feet of a dwelling house occupied by a family other than the family of the owner of such animals so as to create or constitute a nuisance is a misdemeanor.
- Section 4.3 Duty to confine livestock. Any person, who fails to confine or keep confined upon his, her or its premises any cow, horse, mule, sheep, goat, swine or other domestic animal or allows are permits them to pass upon the premises of another or the streets or public places of the City, is guilty of a misdemeanor.
- Section 4.4 Rabbit hutches near dwellings, wells. The keeping or maintaining of rabbit hutches within fifty (50) feet of any building used as a dwelling or any well, so as to constitute a nuisance, is a misdemeanor.
- Section 4.5 Keeping bees. Any person owning, keeping or harboring bees, within the City, which disturb or annoy the residents and people of the immediate neighborhood, is guilty of a misdemeanor.
- Section 4.6 Duty to dispose of dead animals. Except as otherwise provided for dogs and cats, the owner of any dead animal within the City who fails, neglects or refuses to burn, bury or dispose of the same within twenty-four (24) hours after having notice hereof, is guilty of a misdemeanor.

Section #5

DOMESTIC FOWL:

- Section 5.1 Limit of Fowl. It is unlawful for any person to own or keep any and all fowl in excess of those which that person properly can support and can properly house and care for.
- Section 5.2 Keeping noisy fowl. Any person owning, keeping or harboring within the City, chickens, ducks, or other fowl, which by their crowing, quacking or other noises during the night or early morning hours, disturb or annoy the residents of the immediate neighborhood is guilty of a misdemeanor.
- Section 5.3 Poultry yards near dwellings, wells. The keeping or maintaining of poultry yards within fifty (50) feet of any building used as a dwelling or any well, so as to constitute a nuisance, is a misdemeanor.

Section #6

KENNELING:

- Section 6.1 Kennel License. It is unlawful for any person, firm or corporation to own, keep or shelter dogs or cats in excess of two per species for the purpose of boarding, raising, breeding, rearing, or training of said animals for pleasure or profit without a license or permit issued and approved by the City Council.
- Section 6.2 License-Permit. The City Council may upon request issue to any person, firm, or corporation a license or permit to operate a kennel within the corporate limits of the City provided all requirements of this ordinance are met.
- Section 6.3 Fee for License-Permit. Each request for a kennel license or permit shall be taken under consideration by the City Council; a study and inspection of the proposed kennel shall be made and moved on. If the request is approved, a fee for the license or permit will be set by the City Council.
- Section 6.4 Kenneling of dogs and cats. The keeping of any dog or cats within the City, except in pens with dry floors or pens free from all filth and standing water or the keeping of the aforesaid animals in any pen or building within 100 feet of any well, or within 200 feet of a dwelling house occupied by a family other than the kennel keeper so as to create or constitute a nuisance is guilty of a misdemeanor.
- Section 6.5 Adequate Space. The keeper of any kennel within the City shall afford each and every animal within his or her keeping, adequate shelter and space for proper exercise of said animal at all times.
- Section 6.6 Restraint. The keeper of any kennel within the City shall provide for proper restraint of any and all animals within his or her keeping. Pens and cages shall be so constructed as to properly restrain any animal placed therein. The area surrounding the kennel shall be fenced, so constructed as to provide adequate restraint if any animal should escape from their pen or cage. Also to afford protection against any person coming into contact with any animal confined to the kennel area.
- Section 6.7 Sanitation. The kennel and surrounding area shall be so constructed as to provide safe and healthy sanitary conditions, allowing for proper cleaning and maintenance of said kennel and surrounding area. The keeper of the kennel shall at all times maintain the kennel and surrounding area in a sanitary manner to provide the animals with a healthy environment.

CITATIONS FOR VIOLATION & FINES

Section 7 Animal Control Officers are authorized to issue and deliver citations to persons accused of violating any of the provisions of this chapter. Any person delivered such citation alleging an offence under this chapter may either appear on it or forward to the officer of the Linn County District Court Clerk such fine and costs as may be scheduled and shown on the citation, which shall satisfy the obligations of the person charged. In the event of nonscheduled violations, the person must appear before the court for appropriate proceedings. Nothing in this Chapter shall be constructed so as to limit the City's authority to proceed in accordance with other laws concerning animal control. The following scheduled fines are fixed for violations of the designated sections of this Chapter.

The penalty for violation of any of the following specified sections shall be \$75.00 for the first violation, \$150.00 for the second infraction committed within one calendar year, and \$300.00 for the third and subsequent infractions committed within one calendar year.

(1) (rabies vaccination); 2.1 (3) (confinement of females); 3.5
(2) (running at large); 3.2 (4) (sanitary conditions); 2.7

Interference with Authorized Agent. Any person who willfully interferes with, molests, or injures, an agent of the City authorized to enforce the provisions of this Ordinance or who seeks to release any animal properly in the custody of such authorized agent, shall be guilty of a misdemeanor.

Section 8 Severability Clause. If any section, provision, or part 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 9 When Effective. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Section 10 That Ordinance No. 1-78 is hereby repealed.