

# ORDINANCE

- 26 -

## AN ORDINANCE RELATING TO ANIMALS AT LARGE AND THE SEDATION, SEIZURE AND IMPOUNDING OF ANIMALS AT LARGE

WHEREAS, the City Council of Farmington, Iowa, by previous Ordinances has set forth the conditions under which dogs must be kept, licensed and impounded, and

WHEREAS, the City of Farmington, Iowa, desires to clarify the implications of animals being at large and the conditions under which animals at large may be seized and impounded,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, IOWA AS FOLLOWS:

**SECTION 1** Prior Ordinance 26 is hereby amended.

**SECTION 2** Renaming. Prior Ordinance 26 is hereby renamed, “An Ordinance Relating to Animals at Large and the Sedation, Seizure and Impounding of Animals At Large.”

**SECTION 3** Definitions: For use in this ordinance, the following terms are defined:

1. The term “animal” shall mean all domesticated and nondomesticated non-human vertebrates including without limitation all dogs, cats, birds, pigs, rodents, snakes, cattle, horses, swine, chickens and sheep.

2. The term "at large" shall mean any animal that is attacking a person or persons, attacking a domestic animal or animals and/or destroying property and any animal that is not housed, restrained or controlled in one of the following methods:

A. When the animal is on the premises of the owner or a person given charge of the animal by the owner:

(1) Restrained on those premises by an adequate protective fence or by leash, cord, chain or other similar restraint that does not allow an animal to go beyond the owner's real property line; or

(2) At all times within the actual physical presence of and immediately obedient to the commands of the owner or person given charge of the animal by the owner.

- B. When the animal is off the premises of the owner:
  - (1) On a leash, cord, or chain or other similar restraint not more than 8 feet in length and under the control of a person competent to restrain and control the animal; or
  - (2) Properly restrained within a motor vehicle.
- C. The animal is properly housed in a veterinary hospital or registered kennel.
- D. The owner and the animal are participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization.
- E. The animal and the owner are actively engaged in a generally recognized animal obedience training program or training for a generally recognized kennel club event, provided:
  - (1) The animal is in the actual physical presence of the owner or trainer at all times;
  - (2) The owner or trainer is at no time more than 50 feet from the animal;
  - (3) The animal is immediately obedient to the commands of the owner or trainer; and
  - (4) The owner or trainer has, at all times, on his or her person a leash of sufficient strength to restrain the animal.
- 3. The term “contractor” shall mean any person or persons, firm, association or corporation licensed to provide animal board and care.
- 4. The term "owner" shall mean any person or persons, firm, association, company or corporation owning, keeping, sheltering, or harboring an animal.
- 5. The term “officer” shall mean the Mayor or his or her designee authorized to enforce this ordinance.

**SECTION 4** Prohibited Acts: No owner of any animal shall allow or permit such animal to run at large or to pass on, over or through the property of another.

**SECTION 5** Tranquilizer Gun and Drugs: By permitting or allowing an animal to be at large, the owner of such an animal shall be deemed to have consented to tranquilization or other sedation of his or her animal to bring it under control.

1. In the event that an officer reasonably determines that an animal is at large, the officer and his or her agents are permitted to discharge a tranquilizer gun at the animal or otherwise administer to the animal in any manner any drug to bring the animal under control. The City, the officer and/or the agents of the officer so discharging a tranquilizer gun or otherwise administering a drug to such an animal shall be immune from suit for damage to the animal as a result thereof.
2. An animal so tranquilized or sedated may be seized and impounded pursuant to this Ordinance.
3. The owner of an animal so tranquilized or sedated shall be responsible for the reasonable costs of tranquilization and sedation.

**SECTION 6** Seizure and Impounding: Upon complaint by a resident of the City that an animal has engaged in a prohibited act or without such a complaint and upon reasonable suspicion that a particular animal has engaged in a prohibited act, an officer may investigate whether a prohibited act occurred. If, after investigation, the officer reasonably determines that a particular animal has engaged in a prohibited act the officer or his or her designee may seize the animal. After seizing the animal, the officer or his or her designee shall impound the animal unless (a) the prohibited act committed by the animal was running at large and (b) the owner of the animal demonstrates to the reasonable satisfaction of the officer or his or her designee a willingness and ability to keep the animal confined – in which case the owner may redeem the animal prior to and without impoundment.

1. Notice. The officer or a contractor with whom the animal is impounded shall give notice of impoundment within 48 hours of impoundment to the owner thereof if such owner's name and address appear on the animal's collar or are otherwise reasonably known. Said notice shall state the expiration date of impoundment as provided herein and shall be deemed given when mailed, by certified and regular mail, to the owner at his or her last known address as it appears on the animal's collar, if any, or as otherwise reasonably known to the officer or contractor.

2. Redemption. Any animal that is under impoundment may be redeemed by the owner if (a) the animal is not under quarantine or observation for disease as reasonably determined in the sole discretion of the party from whom redemption is sought; (b) all costs of the animal's impoundment including tranquilization or sedation, reasonable board and reasonable medical care are paid to the City or the contractor who has impounded the animal; and (c) the party from whom redemption is sought is unaware of the existence of any injunction or other court order prohibiting redemption.
3. Electronic Identification Device. Any animal that is under impoundment pursuant to this Ordinance more than two times in a calendar year may be required by the officer to have an electronic identification device placed under the animal's skin prior to release from impoundment. All costs of the installation of the electronic identification device shall be paid by the owner to the City or a contractor as the case may be.
4. Period of Impoundment. Every animal found without reasonable identification of its owner including a collar bearing its owner's name and contact number or address shall remain in impoundment until the sooner of the animal's redemption or the expiration of 72 hours from the animal's seizure. Every animal found with reasonable identification of its owner including a collar bearing its owner's name and contact number or address shall remain in impoundment until the sooner of the animal's redemption or the expiration of 168 hours from the animal's seizure. In the event that notice of impoundment is given within 48 hours of the expiration of an animal's impoundment period, said expiration period shall be extended by 48 hours which shall begin to run when the notice of impoundment is deemed given.
5. Disposition of Unredeemed Animals. After the expiration of the appropriate impoundment period as provided in this Ordinance, the officer may cause the humane destruction of the animal or release the possession and ownership of the animal to an animal shelter or a licensed veterinarian who participates in a program to relocate animals. All costs of the destruction and disposal of an animal shall be paid by the owner to the City.
6. Administrative Fee. In addition to any other fines, fees, penalties or costs imposed upon the owner of an animal, the owner of an animal that is seized and/or impounded shall pay to the City an administrative fee of not greater than \$100.00 per seizure (without regard to whether the animal is impounded) and not greater than \$100.00 per destruction and disposal, if any, as determined by the City Council as necessary to cover

the City's cost of investigating, seizing, supervising and otherwise regulating the owner's animal.

7. Payment of Fees and Costs. The City may contract with a contractor for the seizure, tranquilization, impoundment, board, reasonable care, euthanasia, disposal and/or installation of an electronic identification device pursuant to this ordinance. Fees and costs incurred by the City incident to its own and incident to a contractor's seizure, tranquilization, impoundment, board, care, euthanasia, disposal and/or installation of an electronic identification device pursuant to this Ordinance are the responsibility of the animal's owner and shall be paid by the animal's owner. Following seizure, impoundment and/or disposal, as the case may be, the City Clerk shall mail a statement of all fees and costs owing, by certified and regular mail, to the last known address of the owner. Said statement shall be due and payable upon mailing and shall become delinquent if not paid within ten (10) days of the date of mailing. All delinquent amounts may be assessed against the property of the owner for collection in the same manner as a property tax, as provided by state law.
8. Vicious and Dangerous Animals. Nothing herein shall be construed to require any officer or contractor to attempt to or to sedate, tranquilize, impound, or provide notice of impoundment to any owner of a dangerous or vicious animal, as the same are defined in Ordinance 26A, that is found running at large; or to attempt to or to sedate, tranquilize, impound, or provide notice of impoundment to any owner of any animal when the animal is caught in the act of chasing, maiming, or killing any domestic animal or fowl, or when such animal is attacking or attempting to bite a person.

First Reading: November 18, 2019

Second Reading: Waived

Third and Final Reading - Passed and approved: December 10, 2019.

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Janet Browning, Mayor

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Becky L. Fry, Clerk

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