

ORDINANCE NO. 944

ANIMAL PROTECTION AND CONTROL

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
LE MARS, IOWA, BY AMENDING CHAPTER 55,
“ANIMAL PROTECTION AND CONTROL”**

BE IT ENACTED by the City Council of the City of Le Mars, Iowa:

SECTION 1. SECTION MODIFIED. Section 55.08 of the Code of Ordinances of the City of Le Mars, Iowa, is repealed and the following adopted in lieu thereof:

55.08 ANNOYANCE OR DISTURBANCE.

1. Disturbance of Peace and Quiet Prohibited. It is unlawful for a person owning or having the care or custody or control of an animal to permit such animal to disturb the peace and quiet of the neighborhood by barking, howling, whining, or making any other loud or unusual noise. Leaving an animal unattended which subsequently disturbs the peace and quiet of the neighborhood shall be a violation of this section.

2. Restraint Required on Private Property Occupied by the Animal. It is unlawful for a person owning or having the care or custody or control of an animal to permit such animal, unrestrained by a leash or fence, to run after or chase, alarm, aggressively bark or growl or direct aggression toward another person or place a person in fear of the animal on or leaving the private property occupied by the animal. The animal must be under the control of the owner or competent person.

3. Restraint of Animals Required in Public Places or On Other Private Property. It is unlawful for a person owning or having the care or custody or control of an animal to permit such animal to be unrestrained by a leash of sufficient strength to be on a public street, sidewalk, park or any other public space, or upon the private property of another without the property owner's consent. All owners or custodians of any animal restrained by a leash shall exercise proper care and control of the animal to prevent the same from becoming a public nuisance.

4. Impoundment of Animal in Violation. In the event an animal is in violation of this section and the person owning or having the care or custody or control over the animal cannot be found to remedy the situation or, if found, refuses or is unable to do so, the animal may be impounded. A notice of impoundment must be left with the person or in an obvious place on the premises where the animal was impounded in addition to the written notice of impoundment as per Section 55.15 of this chapter.

5. Interference. It is unlawful for any person in any manner to interfere with a peace officer, employee, or designated representative of the City so

as to hinder, delay, or prevent the executing of duties pursuant to this chapter.

The requirements of this section regarding restraints required and disturbance of the peace and quiet do not apply to any animals on duty as police canines or working dogs.

SECTION 2. SECTION MODIFIED. Section 55.15 of the Code of Ordinances of the City of Le Mars, Iowa, is repealed and the following adopted in lieu thereof:

55.15 DISPOSITION OF ANIMALS.

1. When an animal has been apprehended and impounded, the City will attempt to contact the owner by written notice and any other available means within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of City fines and fees, City dog license if dog is not current, impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven (7) days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

2. Upon the determination by the Police Chief that a dog is vicious under the provisions of Section 55.10, the Police Chief shall so notify the owner of the determination and the provisions of this chapter. The Police Chief shall also determine whether the vicious dog should be destroyed and so notify the owner. In the event the Police Chief determines the vicious dog is to be destroyed, the Police Chief shall order the sanitary disposal of the dog and the cost of any confinement, veterinary services and the disposal fee shall be paid by the owner.

SECTION 3. NEW SECTION. The Code of Ordinances of the City of Le Mars, Iowa, is amended by adding a new Section 55.18, entitled LIABILITY FOR DAMAGES, which is hereby adopted to read as follows:

55.18 LIABILITY FOR DAMAGES. The owner of an animal shall be liable to an injured party for all damages done by the animal, when the animal is caught in the action of worrying, maiming, or killing a domestic animal, or the animal is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. This section does not apply to damage done by a dog affected with hydrophobia unless the owner of the dog had reasonable grounds to know that the dog was afflicted with hydrophobia and by reasonable effort might have prevented the injury.

(Code of Iowa, Sec. 351.28)

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this 7th day of November, 2017.

ATTEST:

Dick Kirchoff, Mayor

Beverly Langel, City Clerk

CLERK'S CERTIFICATE

STATE OF IOWA)
 * ss:
PLYMOUTH COUNTY)

I, Beverly Langel, City Clerk of the City of Le Mars, Iowa certify that the foregoing Ordinance was passed by a duly constituted quorum of the City Council of the City of Le Mars, Iowa, meeting in regular session on the 7th day of November, 2017 and that said Ordinance was published in the official City newspaper, the Le Mars Daily Sentinel, in its issue date this 13th day of November, 2017.

Beverly Langel, City Clerk

SEAL

First Reading: 10/03/17
Second Reading: 10/17/17
Third Reading: 11/07/17

