

ORDINANCE NO. 181

AN ORDINANCE AMENDING ORDINANCE NO. 55 TO PROVIDE A PENALTY PROVISION FOR VIOLATIONS OF ORDINANCE NO. 55 IN THE CITY OF UNIVERSITY HEIGHTS, IOWA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, JOHNSON COUNTY, IOWA:

University Heights Ordinance No. 55 is amended as follows (with additions indicated by underline and deletions indicated by ~~strike-through~~):

Section 1. Repealed. That Ordinances Nos. 2, 24, and 42 are hereby repealed.

Section 2. 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. "Kennel" or "cattery" shall mean a place maintained for the business of boarding, raising, training or sale of dogs and cats.
- c. "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.
- d. "Municipal pound" shall mean any public or municipal animal shelter or pound established or maintained by the City of University Heights 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.
- e. "Owner" shall, in addition to its ordinary meaning, include any person who keeps or harbors a pet animal.
- f. "Pet animals" shall include all animals kept as pets; it shall not include service animals. ~~all warm-blooded animals, animals of the equine species and those raised for food purposes within the City limits. However, it shall not include birds~~
- g. "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.

h. "~~public~~Public property" shall mean buildings and other property owned or dedicated to the use of the City of University Heights, the State of Iowa, Johnson County, Iowa or the United States Government, wherein the authorized representative thereof has granted the City of University Heights jurisdiction. Such property shall include but not be limited to buildings, grounds, yards, street right-of-way, walks, bicycle paths, easements, parks, service areas, open areas, athletic and recreational areas, parking areas, street islands and any other real estate owned by a governmental unit.

i. "Service Animals" shall mean animals that are individually trained to do work or perform tasks for people with disabilities.

± j. "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.

jk. "Veterinarian" shall mean a person duly licensed in the State of Iowa to practice veterinary medicine.

kl. "Veterinary hospital" shall mean an establishment regularly maintained and operated by a veterinarian for the diagnosis and treatment of diseases of and injuries to animals and which may board animals.

~~Section J.~~ m. Vaccination. All pet animals and service animals over six (6) months old in the City of University Heights shall be vaccinated against rabies.

Section 43. Owner's responsibility. The owner of an animal shall be responsible for the feeding of any animal owned by him as defined in Section 2. The owner shall be prima facie responsible for any violation of this Ordinance by any animal owned by him.

Section 54. Abandonment. Any person abandoning a pet animal or service animal within the City limits shall be guilty of a simple misdemeanor.

Section 65. Nuisance. The following acts and circumstances are hereby declared to be nuisances.

- 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 or defilement to public or private property.
- 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 76. Prohibitions.

- a. Control. No dog ~~or cat~~ shall be taken, allowed or permitted off the property of its owner without being on a leash. No other pet animal of service animal shall be taken, allowed or permitted off the property of its owner without being under control. For the purpose of this section, leash shall mean a rope, line, thong or chain of sufficient strength of hold the animal in check.
- b. Private property. No pet animal shall be taken, allowed or permitted on private property not owned by the owner of the animal without the permission of the person, firm or corporation owning said property or the person in charge thereof.
- c. Food establishments. No pet animal shall be allowed, taken or permitted on or in any building, restaurant, or outdoor seating area where food or food products are sold, prepared, or dispensed to people other than the owners thereof, unless the owners or managers of the building, restaurant, or outdoor seating area consent to allowing pet animals.
- d. 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.

- e. 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.
- f. Exception. The provisions of this Section shall not apply to seeing eyeservice animals dogs while said such dogs animals are acting in said capacity as service animals.

Section 87. 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 98. Impoundment. Any pet animal found in violation of the provisions of this Ordinance may be impounded in the municipal pound. Further, the municipal pound may impound and place in isolation under quarantine for observation for a minimum period of fourteen (14) days any 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 109. Releasing or molesting animals. Any person except the owner of an animal or his authorized agent who willfully opens 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 shall be guilty of a simple misdemeanor. Any person who willfully molests, teases, provokes or mistreats a pet animal or service animal shall be guilty of a simple misdemeanor.

Section 10. PENALTY. Any person violating the provisions of this ordinance shall be guilty of a simple misdemeanor punishable by a fine of one hundred dollars (\$100.00). The sentence imposed under this section shall not be suspended or deferred by the court, nor shall judgment be deferred, notwithstanding the provisions of Chapter 907 of the Code of Iowa, as amended, or any other provision of statute.

This ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council on this _____ day of _____, 2012, and approved this _____ day of _____, 2012.

Proposed