

ORDINANCE NO. 30

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PAULLINA, IOWA, BY AMENDING PROVISIONS PERTAINING TO ANIMAL CONTROL AND PROTECTION.

Be it Enacted by the City Council of the City of Paullina, Iowa:

SECTION 1. TITLE III, CHAPTER 3, ARTICLE 10.01(4)(c) is hereby amended to remove subparagraph m.

SECTION 2. TITLE III, CHAPTER 3, ARTICLE 10.10, subparagraph 2 is amended as follows:

2. If, after hearing, the city council determines that an animal is vicious, the council shall order the person, firm, or corporation owning, sheltering, harboring, or keeping the animal to remove it from the city or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the officer is authorized to seize and impound the animal. The officer is authorized to obtain an administrative search warrant under Title I, Chapter I, Article 1.12 of the Code if necessary in order to enter upon the property and seize the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the city council was issued has not petitioned the O'Brien County District Court for a review of said order, the officer shall cause the animal to be destroyed in a humane manner.

SECTION 3. TITLE III, CHAPTER 3, ARTICLE 10.11, subparagraph 2 is amended as follows:

2. Upon the signed written complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises located in the City of Paullina, the officer 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, the officer shall order the person named in the complaint to safely remove such animal from the City of Paullina, permanently place the animal with an organization or group allowed under Section 10.13 of this Article to possess dangerous animals, or destroy the animal within three (3) days of receipt of such order. Such order shall be contained in a notice to remove 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 officer shall cause the animal to be immediately seized and impounded or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person. If the order is not complied with or appealed within three (3) days of its issuance, the officer is

authorized to seize and impound the animal. The officer is authorized to obtain an administrative search warrant under Title I, Chapter I, Article 1.12 of the Code if necessary in order to enter upon the property and seize the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the city council was issued has not petitioned the O'Brien County District Court for a review of said order, the city shall cause the animal to be disposed of by sale, permanently placed with an organization or group allowed under Section 10.13 of this Article, or destroy such animal in a humane manner. Failure to comply with an order of the city issued pursuant hereto shall constitute a misdemeanor offense, punishable pursuant to Title 1, Section 1.06 of this Code.

SECTION 4. TITLE III, CHAPTER 3, ARTICLE 10.11, subparagraph 5 is amended as follows:

5. If the city council affirms the action of the officer, the council 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 Section 10.13 of the Article to possess dangerous animals or destroy it within in three (3) days of receipt of said decision. 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 decision is not complied with within three (3) days of its issuance, the officer is authorized to seize and impound the animal. The officer is authorized to obtain an administrative search warrant under Title I, Chapter I, Article 1.12 of the Code if necessary in order to enter upon the property and seize the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the city council was issued has not petitioned the O'Brien County District Court for a review of said order, the city shall cause the animal to be disposed of by sale, permanently placed with an organization or group allowed under Section 10.13 of this Article, or destroy such animal in a humane manner. Failure to comply with an order of the city issued pursuant hereto shall constitute a misdemeanor offense, punishable pursuant to Title 1, Section 1.06 of this Code.

SECTION 5. TITLE III, CHAPTER 3, ARTICLE 10.15 is hereby amended as follows:

10.15 DUTY OF RESTRAINT. It shall be the duty of every person owning or having the custody or control of an animal to physically restrain the animal to prevent it from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another. The animal may be restrained on the owner's property or the property of a person having custody or control of the animal by leash, cord, chain, fence, operational invisible fence or other similar restraint that does not allow the animal to go beyond the owner's real property line. The animal may also be on the owner's property or the property of a person having custody and control of the animal if the animal is in the immediate presence and under the immediate control of the owner or person in charge of said animal and that person is mentally and physically competent to keep the animal under

control at all times.

SECTION 6. TITLE III, CHAPTER 3, ARTICLE 10.19 is amended as follows:

10.19 SUMMONS ISSUED. Penalties for violations shall be as follows:

1. \$100 if there has been no other violation of this ordinance in the one-year period prior to the date of this violation.
2. \$200 if there has been one other violation of this ordinance in the one-year period prior to the date of this violation.
3. \$500 civil penalty and a simple misdemeanor if there have been two other violations of this ordinance in the one-year period prior to the date of this violation.

SECTION 7. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be judged 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 8. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and adopted by the Council of the City of Paullina, on this ___day of _____, 2023.

Brenda Ebel Kruse, Mayor

ATTEST:

Michelle Wilson, Deputy City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2023.

Michelle Wilson, Deputy City Clerk

