

ORDINANCE NO 351

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NASHUA, IOWA, 2019,
AMENDING CHAPTER 55**

ANIMAL PROTECTION and CONTROL

BE IT ENACTED by the City Council of the City of Nashua, Iowa;

SECTION 1. SECTION MODIFIED. Section 55:09 KEEPING OF DANGEROUS ANIMALS PROHIBITED Amended by Adding a New Paragraph 55:09(A) Vicious Dogs; Amending 55:18 ADMINISTRATIVE HEARINGS, REMEDIES and ENFORCEMENT by Adding a New Subsection 55:18(1)(I) ORDERING REMOVAL OF THE DOG OR CAT OR ANIMAL FROM THE CITY LIMITS; Amending 55:18(3) MUNICIPAL INFRACTION; Amending 55:18(4) by Adding a New Subsection 55:18(4)(E) HEARING PROCEDURES

55.09 KEEPING OF DANGEROUS ANIMALS PROHIBITED. Currently Reads "No person shall keep or shelter any dangerous animal as a pet, or act as a custodian, temporary or otherwise, for such animal, or keep such animal for any other purpose or in any other capacity within the City, except in the following circumstances:

1. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study.
2. The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit or show where such circus, carnival, exhibit or show is of a travelling nature, is displayed before large assemblages of people, and maintains any and all required federal or State licenses.
3. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the State Department of Natural Resources."

Adding a New Paragraph 55:09(A) VICIOUS DOGS

55.09(A) 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 dog when:

1. It has attacked or bitten, or otherwise injured any person without provocation; or
2. It has attacked or bitten another dog or cat on the property where the other dog or cat resides; or
3. The dog is at large and attacks and injures another dog or cat that is restrained; or
4. The propensity to attack or bite a person exists and is known or reasonably should be known to the owner; or

5. The dog has been determined to be a vicious/dangerous dog by the council after hearing as provided in this Chapter.

55.18 ADMINISTRATIVE HEARINGS, REMEDIES AND ENFORCEMENT Currently Reads:

1. Council Authority. As part of any order issued pursuant to this chapter, the Council shall have the authority to hear any complaint, after hearing notice, and after hearing to order the following administrative sanctions and remedies:

- A. Obedience training for the animal(s) in question.
- B. Muzzling of an animal while off the property of the owner.
- C. Confinement of an animal indoors.
- D. Confinement of an animal in a secure enclosure.
- E. Reduction of the number of animals kept at any one location.
- F. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty.
- G. The sterilization of an animal.
- H. A ban on maintaining other animals in the City

Adding a New Subsection 55:18(1)(I) ORDERING REMOVAL OF THE DOG OR CAT OR ANIMAL FROM THE CITY LIMITS

I. Ordering removal of the dog or cat or animal from the City Limits.

- 1. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect health and safety of the public, including destruction of the animal.
- 2. Impoundment. In addition to any other remedies provided in this chapter, the Council or an animal control officer or a police officer may seize, impound, and humanely confine to an animal shelter or hospital any of the following animals:
 - A. Any animal at large.
 - B. Any animal constituting a public nuisance or considered a danger to the public.
 - C. Any animal that is in violation of any quarantine or confinement order of the City's chief health officer.
 - D. Any unattended animal that is ill, injured or otherwise in need of care.
 - E. Any animal that is reasonably believed to have been abused or neglected.
 - F. Any animal that is reasonably suspected of having rabies.

G. Any animal that is charged with being potentially dangerous, or dangerous where an animal control officer, the Board of Health, or the Mayor determines that there is a threat to public health and safety.

H. Any animal that a court of competent jurisdiction has ordered impounded or destroyed.

I. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

55:18(3) Currently Reads:

3. Municipal Infraction. An animal control officer or police officer may also, or in lieu of impoundment, issue to the owner a notice of violation. Such notice shall impose upon the owner a civil penalty of \$50.00 per occurrence.

55:18(3) Amended to Read:

3. Municipal Infraction. An animal control officer or police officer may also, or in lieu of impoundment, issue to the owner a notice of violation. Such notice shall impose upon the owner a civil penalty of \$500.00 for first offense, \$750.00 for a second offense or subsequent offense.

55:18(4) Impoundment and Notice Costs Amended to Add Subsection (E) Hearing Procedures

55:18(4)(E)

4. Impoundment Notice and Costs.

E. Hearing Procedures. To the extent necessary, the Council, after delivering the owner of the dog or cat notice, will conduct the hearing in accordance with Chapter 17A of the Code of Iowa, and may issue such subpoenas or other orders as provided therein.

Section 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 20th day of November 2023 and approved this 20th day of November 2023.



Mayor or Mayor Pro Tem

ATTEST:

_____ JOHNS OTT

John Ott, City Clerk

First Reading: November 20, 2023

2nd Reading: Folegone

3rd Reading: Folegone

Roll Call:

Ayes: 5

Nays: 0

Absent: 0

Abstain: 0