

ORDINANCE NO. 648

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARTER LAKE, IOWA, 2013, BY AMENDING PROVISIONS PERTAINING TO ANIMAL CONTROL**

**BE IT ENACTED** by the City Council of the City of Carter Lake, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 87 PIT BULL DOGS shall be repealed in its entirety and the following adopted in lieu thereof:

**CHAPTER 87  
POTENTIALLY DANGEROUS  
BREEDS**

- 87.01 Potentially dangerous breeds**
- 87.02 Permit required**
- 87.03 Registration requirements**
- 87.04 Permit conditions**
- 87.05 Breed designation appeals**
- 87.06 Compliance period**
- 87.07 Enforcement**
- 87.08 Authority to euthanize**
- 87.09 Breed Ambassador**

**87.01 POTENTIALLY DANGEROUS BREEDS.**

- (1) There shall be a recognized category of dogs designated as potentially dangerous breed.
- (2) Beginning on the ninety first day after passage of this section, it shall be unlawful for any person to keep within the city limits any potentially dangerous breed, except in compliance with the provisions of this section.
- (3) A potentially dangerous breed shall include the following:
  - (a) A pit bull, which is defined as any dog that is an American pit bull terrier, a Staffordshire terrier, or American Staffordshire terrier, and any dog of mixed breeding that has the primary characteristics of an American pit bull terrier, a Staffordshire terrier, or an American Staffordshire terrier. The American Kennel Club and United Kennel Club standards for the above breeds shall be on file for viewing at the city's animal shelter.
  - (b) Any other breed that is so declared by ordinance.
- (4) For purposes of this section an "owner" is defined as any person who owns, keeps, exercises control over, maintains, or harbors a potentially dangerous breed.
- (5) Notwithstanding the special provisions set forth below as to keeping a potentially dangerous breed within the city limits:
  - (a) Any such animal is also subject to the provisions for designation as a dangerous dog or as a

vicious dog.

(b) Any such animal declared to be a vicious dog shall be euthanized once process to declare the animal a vicious dog has been completed.

(c) The city's animal control division may temporarily harbor and transport any potentially dangerous breed for purposes of enforcing the provisions of this section.

(d) An owner may transport into and temporarily hold in the city limits a potentially dangerous breed for the purpose of transporting the dog to a veterinarian or groomer for care, or to participate in a contest or show sponsored by the American Kennel Club or the United Kennel Club.

#### **87.02 PERMIT REQUIRED.**

(1) *Permit.* A potentially dangerous breed may be kept within the city limits only so long as the registered owner or custodian complies with the requirements and conditions of the potentially dangerous breed permit.

(2) *Permit fee.* The owner or custodian shall pay an annual permit fee of \$150.00 in addition to all other required fees, for each year that a potentially dangerous breed is kept within the city limits.

**87.03 REGISTRATION REQUIREMENTS.** The owner of any potentially dangerous breed shall be allowed to keep such dog within the Carter Lake city limits only if the owner registers the dog with the city's animal services division on an annual basis and obtains a potentially dangerous breed permit and a window sticker with each annual registration. As a condition of registration, the owner shall at the time of application provide sufficient evidence that the owner is in compliance with all of the following requirements:

(1) *Rabies vaccination.* The dog must be vaccinated against rabies by a licensed veterinarian on an annual basis.

(2) *Current city license.* The owner must purchase an annual city license for the dog, and the dog must wear the city license tag on its collar at all times.

(3) *Microchip.* The dog must be identified by means of a microchip that is injected under its skin by a licensed veterinarian and maintained as long as the animal is kept within the city limits.

(4) *Photo.* The owner must bring their potentially dangerous breed to the city animal shelter to have its photo taken with the owner.

(5) *Sterilized.* The owner must provide documentary proof from a licensed veterinarian that their dog has been spayed or neutered. This requirement shall not apply if:

(a) Animal services receives a letter from the owner's veterinarian, to be confirmed by the animal services veterinarian, stating that the dog is physically unable to reproduce or that the dog is medically compromised to the extent that it cannot be safely sterilized;

(b) The potentially dangerous breed is a registered AKC or UKC show dog with points or with documentation of training for show purposes, if the owner purchases an annual show dog permit for a fee established by the city manager; or

(c) The dog is a registered AKC or UKC dog with points, and the owner purchases an annual breeder's permit for a fee established by the city with the restriction that the dog shall be allowed

to produce or sire no more than one (1) litter per calendar year beginning on January 1 and ending on December 31. For any additional litter produced in any calendar year, there shall be a fine, in addition to any other fine, of five hundred dollars (\$500.00) against both the sire and the bitch, and two hundred fifty dollars (\$250.00) for each live pup.

#### **87.04 PERMIT CONDITIONS.**

(1) *Place of confinement.* A potentially dangerous breed must reside at the owner's residence or place of business.

(2) Any property wherein a dangerous animal is kept, harbored or confined shall be posted with warning signs visible from all areas of public access. The warning signs must:

(a) Be no less than ten inches by 12 inches in size.

(b) Contain the words "Warning; Potentially Dangerous Animal" in high contrast lettering on a black background in English, and

(c) Lettering must be no less than three inches high.

(3) *Confinement.* A potentially dangerous dog shall be confined indoors or by means of a fence that is of adequate height and construction to prevent the dog's escape. Potentially dangerous dogs shall not be confined by means of an electronic containment device, or invisible fence. When outside of an area of confinement, a potentially dangerous breed must be restrained by means of a secure leash held by an adult who has the ability to control the dog.

(4) *Leash, harness and muzzle.* It shall be unlawful for any person owning, harboring or having the care of a dangerous or potentially dangerous animal to permit such animal to go beyond the property of such person unless the animal is under the control of a person 19 years of age or older and restrained securely by a harness and leash no longer than six feet and properly muzzled to reasonably prevent the animal from biting.

(5) *Liability Insurance.* It shall be unlawful for any person to own, possess, or license any animal designated as a dangerous animal by a court, designated as a potentially dangerous animal by any animal control authority, or any pit bull as defined in 87.01.3.a without having evidence of a current and effective minimum \$100,000.00 public liability insurance policy to be maintained for the period of such designation or throughout the life of the pit bull.

(6) *No transfer of permit.* A potentially dangerous breed permit shall not transfer to a new owner residing in the city limits. The new owner must meet all registration requirements within ten (10) days of acquiring the dog.

(7) *Relocation reported.* The owner of a potentially dangerous breed may relocate the dog to the owner's new Carter Lake residence or place of business if the owner contacts animal services prior to the relocation in order to report the new address and obtain a new window sticker. The new window sticker must be posted at the new residence or place of business within thirty (30) days of the move.

(8) *Maximum number.* The number of potentially dangerous breed dogs kept, maintained or harbored at one residence shall not exceed two (2).

**87.05 BREED DESIGNATION APPEALS.** The owner of a dog that has been identified as a potentially dangerous breed under this section shall have the right to an administrative appeal of the breed designation by submitting a request for a hearing to the animal services division manager in writing within five (5) days of the division manager's designation of the owner's dog as a potentially dangerous breed. A hearing to consider disputes and to view the dog's physical characteristics and

pedigree shall be conducted by a committee appointed by the city manager and comprised of at least the animal services veterinarian, an animal behaviorist (or someone with knowledge of lots of breeds) and a Carter Lake citizen. The committee shall make a final determination of the dog's breed or predominant breed characteristics. If the committee determines that the dog is a potentially dangerous breed, as defined by this section, the owner shall have ten (10) days to meet all registration requirements and to comply with all permit conditions.

**87.06 COMPLIANCE PERIOD.** Within ten (10) days after acquiring a potentially dangerous breed, or after moving to the city with a potentially dangerous breed, or after a potentially dangerous breed designation has been affirmed on appeal, or after noncompliance under this section has been brought to the attention of animal services, the owner of a potentially dangerous breed must register their dog and comply with all potentially dangerous breed regulations.

**87.07 ENFORCEMENT.**

(1) *Dangerous breed regulation violations.* Failure to comply with any potentially dangerous breed registration requirement or permit condition within the allotted ten (10) day time period shall constitute a violation of this chapter and may result in the issuance of a citation and a warrant to seize the owner's dog if it is not removed from the city limits pending adjudication of the citation.

(2) *Noncruelty violations.* Permits to keep a potentially dangerous breed within the city may be revoked by the animal control upon the owner's second conviction for violation of the city's noncruelty animal code provisions. If the permit(s) is revoked, a warrant to seize the potentially dangerous breed may be served on the owner if the dog is not removed from the city limits. In addition, the owner shall lose their right to register any potentially dangerous breed within the city for a period of two (2) years.

(3) *Cruelty violations.* Upon conviction for any animal cruelty charge, the owner of a potentially dangerous breed shall lose their potentially dangerous breed permit(s) and shall lose their right to register any potentially dangerous breed within the city for a period of ten (10) years. A warrant may be obtained to seize the owner's potentially dangerous breed dog(s) pending adjudication of the cruelty violation citation. Upon conviction for animal cruelty and revocation of the potentially dangerous breed permit, the owner's potentially dangerous breed dog(s) must be removed from the city limits or surrendered to the Nebraska Humane Society in Omaha, NE.

**87.08 AUTHORITY TO EUTHANIZE POTENTIALLY DANGEROUS BREED DECLARED TO BE A VICIOUS ANIMAL.**

Notwithstanding any provision of this Code of Ordinances, if a potentially dangerous breed is declared to be a vicious animal pursuant to the provisions of subsection 85.10 the dog shall be euthanized within seventy two (72) hours of the final vicious dog declaration.

**87.09 BREED AMBASSADOR.**

An owner of a pit bull as defined in 87.01.3.a may obtain a designation of "breed ambassador" for such pit bull from the animal control authority by

- (a) completing an application form,
- (b) payment of a fee of \$25.00,
- (c) providing proof of
  - (i) sterilization,
  - (ii) microchipping, including microchip number,
  - (iii) insurance in compliance with 87.04.5,
  - (iv) vaccination and license and
  - (v) successful completion of a responsible pet ownership class and breed ambassador class offered by a local Humane Society and an American Kennel Club Canine Good Citizenship test administered by the animal control authority, and

(d) demonstrating no history of violations by the owner involving such pit bull. Any expense associated with compliance with (c) shall be borne by the owner.

Such designation shall be in effect for one year and may be renewed annually upon meeting each of the foregoing requirements, except that the responsible pet ownership class shall be required only once in any five year period, and provided, that conviction of the owner of such a pit bull for a violation of ordinances 85, 86, or 87 involving such pit bull shall result in termination of the designation effective upon the date of conviction.

The owner of a pit bull which has been designated a "breed ambassador" shall ensure, when such pit bull is not confined in a securely fenced yard, that such pit bull

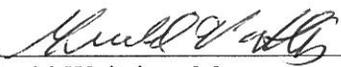
(a) wears a vest at the owner's expense, with the words "breed ambassador" and the breed ambassador number assigned to such pit bull by the animal control authority affixed on the vest and

(b) is under the control of a person 19 years of age or older and is restrained by a leash no longer than six feet and by a harness and a collar joined with a connector attached to the leash in such a way as to provide a redundant restraint system, but such owner shall not be required to comply with the muzzle requirement of 87.04.4 for such pit bull.

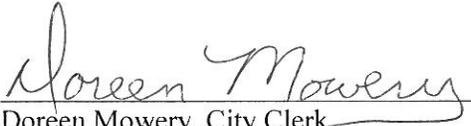
**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

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

Passed and approved this 19<sup>th</sup> day of October, 2015.

  
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Gerald Waltrip – Mayor

ATTEST:

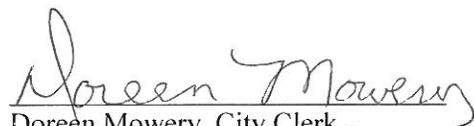
  
Doreen Mowery, City Clerk

FIRST CONSIDERATION: Aug 17, 2015

SECOND CONSIDERATION: Sept. 21, 2015

THIRD CONSIDERATION: Oct. 19, 2015

The undersigned as City Clerk of Carter Lake, Iowa does hereby certify that on Oct. 28, 2015, I posted true and exact copies of the foregoing ordinance in four public places to-wit: City Hall, Carter Lake Senior Center, Owen Memorial Library, and American National Bank all within the limits of the City of Carter Lake, Iowa.

  
Doreen Mowery, City Clerk