

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHITTEMORE, IOWA BY ADDING A NEW SECTION TO TITLE IV, CHAPTER 1 ANIMAL CONTROL

BE IT ORDAINED by the City Council of the City of Whittemore, Iowa:

Section 1. It has come to the attention at a recently held city council meeting that an addition is needed with reference to the animal control enforcement located within Title IV, Chapter 1 of the City Code of Whittemore, Iowa.

Section 2. The current practice is to allow for administrative options of enforcement by the City of Whittemore prior to leading to court action.

Section 3. The City of Whittemore would like to codify such administrative actions in order to more readily enforce its laws.

WHEREFORE Title IV, Chapter 1 of the Whittemore City Code shall be amended at the end of the Animal Control Code immediately after 4-1-12 of the present code by adding a new section entitled "4-1-13 FILING COMPLAINTS AND ADMINISTRATIVE PROCEDURE." And shall hereafter read as follows:

4-1-13 FILING COMPLAINTS AND ADMINISTRATIVE PROCEDURE.

All complaints, written and verbal, will be directed to the Superintendent or other city official for assessment and upon determination of a violation of these animal control regulations the following procedures shall be followed.

1. At the discretion of the Superintendent, City Official or City Council this matter may be handled under Title I Chapter 3 "Penalty" provisions within the City Code of Whittemore as set forth herein at any time during this administrative process.
2. **ADMINISTRATIVE ACTIONS.**
 - (a) Upon receiving the first verified complaint the city official will issue a written notice to the owner of the animal in question. There will be no fine for the first verified complaint.
 - (b) A second verified complaint will result in an administrative fine of \$50.00 assessed to the owner. Failure to pay said fine when due shall allow the city officials to assess the fine to the public utilities of the owner or pursue further enforcement options allowed under the City Code or state law.

(c) A third verified complaint will result in an administrative fine of \$100.00 assessed to the owner. Failure to pay said fine when due shall allow the city officials to assess the fine to the public utilities of the owner or pursue further enforcement options allowed under the City Code or state law.

Subsequent verified complaints will result in the impounding of the animal or animals determined to be in violation of any and all sections of this ordinance. Written notice shall be given to the owner within three (3) days of impoundment, if the owner is known, whereupon the animals may be recovered by the owner upon payment of the fines, impounding, boarding, and other costs. If the owner does not redeem the animal or animals within seven (7) days of the date of notice or if the owner cannot be located within seven (7) days of impoundment, then the animal may be humanely destroyed or otherwise disposed of in accordance with law.

All other sections of Title IV Chapter 1 shall remain unchanged.

This ordinance and the rights and privileges herein granted shall not become effective or binding until this ordinance has been approved in accordance with the Iowa Law.

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 such section, provision or part thereof not adjudged invalid or unconstitutional.

This ordinance shall be in effect after its final passage, approval, publication as provided by law.

PASSED AND APPROVED THIS 4 DAY OF MAY, 2009.

CITY OF WHITTEMORE, IOWA

By: Daniel F. Ellert
Mayor

ATTEST:

[Signature]
City Clerk

(OFFICIAL SEAL)