

## TITLE IV MENTAL AND PHYSICAL HEALTH

### CHAPTER 1 ANIMAL CONTROL

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4-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean both male and female animals of the canine species whether altered or not.

2. The term "at large" shall mean any, licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.

The "at large" will not apply if the animal is a certified canine; a rescue dog or a tracking dog acting on the behalf of a public safety agency in the performance of its duties, it is engaged in approved training, or engaged in a public demonstration of its skills; a service dog or certified therapy dog.

3. The term "owner" shall mean any person or persons, firm, association, corporation, or other entity owning, keeping, sheltering or harboring an animal.

4-1-2 IMMUNIZATION. All dogs and cats six (6) months or older shall be vaccinated against rabies. It shall be a violation of this Ordinance for any dog or cat to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog or cat when not confined.

(Code of Iowa, Sec. 351.33)

4-1-3 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large.

(Code of Iowa, Sec. 351.41)

4-1-4 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

(Code of Iowa, Sec. 657.1)

#### 4-1-5 IMPOUNDING.

1. Any animal found at large in violation of Sections 4-1-2, 4-1-3, or 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the matter may be treated as a municipal infraction and punished by a civil penalty as provided in the following schedule:

First Offense - Not more than Twenty-five Dollars (\$25.00)

Second Offense within twelve (12) months - Not more than Fifty Dollars (\$50.00)

Third Offense within twelve (12) months -Not more than One Hundred Dollars (\$100.00)

2. Owners, if known, shall be notified within two (2) days that upon payment of **civil penalty**, impounding fees, plus cost of food and care in a reasonable amount, and vaccinations, if required, the dog will be returned. If the impounded animals are not recovered by their owners within seven (7) days after notice, the animals shall be disposed of in a humane manner as directed by the City Council, or impound facility.

(Code of Iowa, Sec. 351.37)

#### 4-1-6 DANGEROUS/VICIOUS ANIMALS

DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Dangerous Animal" means (a) any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so; (b) any animal declared to be dangerous by the Mayor or Police Chief; and (c) the following list of animals, which are deemed to be dangerous animals per se:

A. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;

B. Wolves, coyotes and foxes;

C. Badgers, wolverines, weasels, skunk and mink;

- D. Raccoons;
- E. Bears;
- F. Monkeys and chimpanzees;
- G. Alligators and crocodiles;
- H. Scorpions;
- I. Snakes that are venomous, or constrictors;
- L. Lizards that are venomous.
- K. Any animal that is not current on vaccinations.

2. "Vicious animal" means any animal, except for a dangerous animal per se, as listed above, which has bitten or clawed a person or other animal and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal (a) has bitten or clawed a person or other animal on two separate occasions within a twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person or other animal; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence. Vicious tendencies will also include animals that have been reported to repeatedly (more than once) chasing after kids, people on bicycles, meter readers, mail persons, or cars.

3. "Bitten or Clawed" is a "bite that breaks the skin" and clawed is "causing medical attention or stitches." Animals younger than 6 (six) months of age are excluded from this section.

4. "Animal Bite within a 12 month period" Once an animal has bitten or clawed a person, the animal will be considered "At Risk." Animals that are "at risk" will not be found at large during the 12 month period. If an "at risk" animal is found at large, it will be considered the owner of the animal is unable to adequately control or contain such animal and as such, the animal could be ordered to be removed from the city.

**4-1-7 KEEPING OF DANGEROUS ANIMALS PROHIBITED.** No person shall keep, shelter, or harbor any dangerous animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any other capacity within the City with the following exceptions:

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 bona fide traveling circus, carnival, exhibit or show.

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 Iowa Department of Natural Resources.

5. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.

#### 4-1-8 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.

Dangerous animals may be seized, impounded and disposed of pursuant to the following:

1. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Mayor or Police Chief, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises in the City, a peace 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 peace officer shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring 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 peace officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous animal issued by the peace officer may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk/Administrator within three (3) days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Police Chief.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk/Administrator. The hearing of such appeal shall be scheduled within fourteen (14) days of the receipt of notice of appeal. The hearing may

be continued for good cause, as determined by the Council. After such hearing, the Council may affirm or reverse the order of the peace officer. Such determination shall be contained in a written decision and shall be filed with the Clerk/Administrator within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the actions of the peace officer, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous animal remove such animal from the City, permanently place such animal with an organization or group allowed to possess dangerous animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Police Chief is not appealed and is not complied with within three (3) days, or the order of the Council after the appeal is not complied with within three (3) days, of its issuance, the Police Chief is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the decision and order of the Police Chief or Council was issued has not petitioned the Hancock County District Court for a review of said order, a peace officer shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed to possess dangerous animals or destroy such animal in a humane manner. Failure to comply with an order of the Police Chief issued pursuant hereto and not appealed, or of the Council after appeal shall constitute a simple misdemeanor.

#### 4-1-9 KEEPING OF VICIOUS ANIMALS PROHIBITED.

No person shall keep shelter or harbor for any reason within the City a vicious animal except Animals under the control of a law enforcement or military agency.

#### 4-1-10 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.

Vicious animals may be seized, impounded and disposed of pursuant to the following:

1. A peace officer, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Mayor. The person owning, keeping sheltering or harboring the animal in question shall be given not less than seventy-two (72) hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

2. If, after hearing, the Mayor determines an animal is vicious, the Mayor shall order the person owning, sheltering or harboring or keeping the animal to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person 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 Mayor is authorized to seize and impound 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

person against whom the order of the Mayor was issued has not appealed such order to the Council, the Mayor shall cause the animal to be destroyed in a humane manner.

3. The order to destroy a vicious animal issued by the Mayor may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk/Administrator within three (3) days after receipt of the order to destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Mayor.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk/Administrator. The hearing of such appeal shall be scheduled within fourteen (14) days of the receipt of the notice of appeal. The hearing may be continued for good cause as determined by the Council. After such hearing, the Council may affirm or reverse the order of the Mayor.

5. Such determination shall be contained in a written decision and shall be filed with the Clerk/Administrator within three (3) days after the hearing or any continued session thereof. If the Council affirms the action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such vicious animal cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the order to destroy. If the original order of the Mayor is not appealed and is not complied with within three (3) days, or the order of the Council after appeal is not complied with within three (3) days, of its issuance, a peace officer is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the decision and order of the Mayor and/or the Council was issued has not petitioned the Hancock County District Court for a review of said order, the Mayor shall cause the animal to be destroyed in a humane manner.

6. Failure to comply with an order of the Mayor issued pursuant hereto and not appealed, or of the Council after appeal, is a simple misdemeanor.

7. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot be safely apprehended, in which case a peace officer may immediately destroy it.

8. Any animal which is alleged to be vicious and which is under impoundment or quarantine at an animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, such impoundment or quarantine shall be paid by the City.

4-1-11 RESPONSIBILITIES OF OWNER/KEEPER OF ANIMAL'S WITHIN THE CITY LIMITS.

1. All animals must have access to food, water and shelter. Shelter must be sanitary, or sound construction, and provide adequate protection from the elements of weather. All areas where animals are kept shall be cleaned regularly and fecal matter must be disposed of properly so as not to attract rodents or insects, become unsightly or cause objectionable odor.

2. When an animal is on the property of its owner/keeper and not within a secure enclosure, it shall be under the direct control of and obedient to the owner/keeper.

3. Noncompliance with any of the provisions of this section is a violation subject to impoundment as provided in Section 4-1-5.