

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 animals of the canine species whether altered or not.
2. The term "at large" shall mean any 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.
3. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.
4. The term "potentially dangerous dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:
 - a. Causing an injury to a person or domestic animal on public or private property that is less severe than a serious injury.
 - b. Without provocation, chases or approaches a person, a domestic animal or a wheeled conveyance upon the streets, sidewalks, or any public or private property, in an apparent attitude of attack; or has a known propensity, tendency, or disposition to attack unprovoked, causes injury or otherwise threatening the safety of humans or domestic animals;
 - c. Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.
5. The term "restraint" means a dog shall be considered under restraint if it is within the real property limits of its owner and securely confined thereon by the physical fence, kennel or confined indoors or secured by a leash or lead no more than 6 feet in length being held by an adult (18 or older) capable of controlling that dog. A dog that frees itself from its owner's real property limits, a leash or lead, and a dog that is in a vehicle in a manner that would not prevent escape or contact with other persons or animals shall be considered to be not under restraint.
6. "Service dog or service animal" means a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The crime deterrent effects of an animal's presence and the provisions of emotional support, well-being or companionship do not constitute work or tasks for the purpose of this

definition.

4-1-2 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog 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 dog found at large in violation of Sections 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of dogs shall be notified within two (2) days that upon payment of actual costs, including transportation and other related costs, plus cost of food and care in a reasonable amount, the dog will be returned. If the impounded dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.

3. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor.

(Code of Iowa, Sec. 351.39)

4. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec 351.39)

4-1-6 POTENTIALLY DANGEROUS DOG

1. After an investigation, which must be initiated within 48 hours after the situation becomes known, the Mayor or designee, shall determine whether a dog is potentially dangerous as listed in section 4-1-1 (4) of this chapter and shall notify the owner of the dog in writing by certified mail or hand delivery

with signature of this status within five (5) days after completing of the investigation.

2. Following notice to the owner, if the Mayor or designee has probable cause to believe that the dog is potentially dangerous and may pose a threat to public safety, the Mayor or designee shall require one of the following:

- a. Quarantine of the dog on the owner's property for a period of then (10) calendar days.
- b. Impound and quarantine the dog to a location to as determined by local law enforcement, the Mayor or designee for ten (10) calendar days.
- c. Order the dog removed from city limits until any or all of the following requirements are implemented in this ordinance section.

The owner of the dog shall be liable for the costs of impounding and keeping the dog. For each of the requirements listed above, the Mayor or designee may require any or all of the following as a condition of release of the dog to its owners:

1. Proof of current vaccinations.
2. An identification microchip installed in the dog by a licensed veterinarian.
3. The dog, while on the owner's property, shall, at all times, be kept indoors, or in a securely fenced yard or enclosure from which the dog cannot escape, and into which children cannot trespass. It may be required that the dog be kept in an enclosure which is enclosed on all sides with a top and a cement floor, and which is locked by a padlock. The yard or enclosure must be inspected and approved in writing by the Mayor or designee prior to release of the dog.
4. The dog may be off the owner's premises only if it is:
 - a. Muzzled in a manner that its teeth cannot touch anything outside the muzzle, and
 - b. Restrained by a substantial leash, not exceeding six feet in length, while the leash is held by an adult (18 years of age or older) capable of restraining and controlling the dog. At no time may the dog be left unattended, even if muzzled, leashed, or tied, while off the owner's premises.
5. The owner shall immediately notify the Mayor or designee in the event the dog is
 - a. At large
 - b. Has committed an attack on any person or animal
 - c. Has sold or otherwise disposed of
 - d. Has died

6. The dog must complete an obedience course at the owner's expense within (60) days after release of the dog to its owner. The course shall be approved by the Mayor or designee. Documentation of course completion must be submitted to the Mayor or designee within (10) days of course completion. Instructor must be notified as to the reason for the dog's attendance.

7. The owner dog must give written notice of the potentially dangerous dog determination to the United States Postal Service (local branch) and all utility companies which provide services to the premises where the dog is kept. The owner shall provide a copy of such notice to the Mayor or designee within thirty (30) days after the dog has been released.

8. At least five (5) days before the dog is returned to the premises of the owner, the owner must give written notice to the victim stating where the dog will be kept in the future, and the date when the dog shall return to the premises. Additionally, the written order of the Mayor or designee shall be attached to said notice.

9. The owner of the dog shall post one or more signs on the premises at a location(s) approved by the Mayor or designee stating that a potentially dangerous dog resides on the premises. The size, wording, color, number and placement of the signs shall be determined and provided by the Mayor or designee.

10. The owner of the dog shall carry an insurance policy with a minimum of \$750,000 with a copy of such policy provided to the Mayor or designee within five (5) days before the dog is returned to the premises of the owner.

11. The owner of a dog which has been determined to be potentially dangerous may be prohibited from owning, possessing, controlling or having custody of any dog for a period of up to five years, if the Mayor, City Council, or designee finds that:

a. The owner previously was in possession of a dog that was determined to be dangerous
OR,

b. The owner was in possession of more than one dog declared to be dangerous, OR

c. Ownership or possession of a dog by the owner would create a significant threat to the public health, safety and welfare.

If the owner is restricted from owning a dog as stated above and is found owning another dog, the dog will be impounded and placed at the discretion of the Mayor or designee. The owner is liable for penalties pursuant to section 4-1-13 of this ordinance.

4-1-7 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.

2. Definitions. A dangerous animal is:

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. The following are animals which shall be deemed to be dangerous animals per se:

(1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;

(2) Wolves, coyotes, and foxes;

(3) Badgers, wolverines, weasels, skunks and mink;

(4) Raccoons;

(5) Bears;

(6) Monkeys, chimpanzees, and apes;

(7) Alligators and crocodiles;

(8) Scorpions; gila monsters;

(9) Snakes that are venomous or constrictors;

(10) Any cross breed of such animals which have similar characteristics of the animals specified above.

(11) Attack dogs, by training made vicious in response to stimuli or command;

c. Any dog that snaps, bites, or manifests a disposition to snap or bite

d. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;

e. Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States.

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

a. 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, and has obtained the written approval of the City Council.

4-1-8 KEEPING A VICIOUS ANIMAL. It shall be unlawful for any person or persons to harbor or keep a vicious animal within the City. A vicious animal is deemed so when it shall have attacked or bitten any person without provocation, or when the propensity to attack or bite persons or other animals shall exist and such propensity is known or ought reasonably be known to the owner thereof.

4-1-9 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this ordinance.

4-1-10 BOTHERSOME ANIMALS, LIVESTOCK, EXOTIC PETS. No person shall keep any animal except a dog, cat, fish (in an indoor aquarium), hamster, ferret, gerbil, guinea pig or other such animal typically considered a pet within the city limits except by permission of the Council. Any animal considered livestock or otherwise such as bees, cattle, horses, swine, fowl, and sheep shall only be allowed with written permission of the City Council and will adhere to any conditions imposed by the Council.

4-1-11 NUMBER OF ANIMALS LIMITED. The total combined number of cats and dogs over the age of four (4) months which may be kept in any one household shall be limited to five (5).

4-1-12 HEARING

1. In the event that any person or owner is aggrieved by any order made by the Mayor or designee, that person or entity may within ten (10) days of the date of such order, appeal in writing to the City Clerk, stating reasons for requesting the order to be rescinded or modified. The City Council shall review the action of the designee, shall modify, withdraw or order compliance with the order.

2. If such an appeal is initiated, no impounded animal that is the subject of said appeal shall be destroyed until further order of the City Council. The dog owner shall be responsible for all costs of impoundment.

4-1-13 PENALTIES

1. Any person, firm, partnership, corporation, or other entity or responsible person violating any regulations in or any provision of the Ordinance or of any amendment or supplement thereto, shall be guilty of a simple misdemeanor which is punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment of not more than thirty (30) days and shall be guilty of a city infraction punishable by a civil penalty of not more than seven hundred and fifty dollars (\$750) or if the infraction is a repeat offense by a civil penalty not to exceed one thousand dollars (\$1,000). Each bite constitutes a separate offense.