1. DEFINITIONS. The following terms are defined for use in this chapter.
   1. “Animal” means all living creatures not human.
   2. “Livestock” means an animal belonging to the bovine (cow), caprine (goat), equine (horse), ovine (sheep), or porcine (swine/pig) species; ostriches, rheas, emus or any poultry; farm deer as defined in Iowa Code 170.1.
   3. “At Large” means off the premises of the owner and not under the control of a person competent to restrain and control the animal either by leash, cord, chain, or similar restraint not more than ten (10) feet in length and of sufficient strength to restrain the animal; restrained within a motor vehicle, or housed in a kennel.
   4. “Leash” means a cord, chain, or similar restraint of sufficient strength to restrain the animal.
   5. “Owner” means any person owning, keeping, sheltering or harboring an animal.
   6. “Properly Confined” means secure confinement indoors, or secure confinement outside in a locked pen, fenced yard, or structure measuring at least six (6) feet in width, six (6) feet in length, and six (6) feet in height, and capped if there is a dwelling inside or if the animal can climb the fence, containing proper protection from the elements, and is designed to prevent the animal from escaping.
   7. “City Limits” means the boundaries between the city and the county.
   8. “Vicious Animal” means any animal that has attacked, bitten or clawed a person while running at large 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 more than one person during the animal’s lifetime; or (b) has bitten one person on two or more occasions during the animal’s lifetime; or (c) has attacked any domestic animal or fowl without provocations, causing injury or death while off the property of the owner.
   9. “Dangerous Animal” means (a) any animal 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 that attacks a pet or human without provocation; (c) the following shall be deemed to be a dangerous animal per se:
      1. Lions, tigers, jaguars, leopards, cougars, lynx, and bobcat;
      2. Wolves, coyotes, and fox;
      3. Badgers, wolverines, weasels, skunk, and mink;
      4. Raccoons, opossums;
      5. Bears;
      6. Monkeys and chimpanzees;
      7. Bats;
      8. Alligators and crocodiles;
      9. Scorpions;
      10. Snakes that are venomous or constrictors;
      11. Gila monsters;
      12. Bees.
2. PURPOSE: The purpose of this ordinance is to provide an orderly process for regulating animal protection and control within the city limits.
3. LIVESTOCK: It is unlawful for a person to keep livestock within the City limits except by written consent of the city council.
4. PET ANIMALS LIMITED: No more than a total of six (6) pet animals, not more than four of which may be dogs, shall be kept on one property. The young produced by such pets may be maintained with the parent animals for a period of approximately eight (8) weeks but in no case longer than ten (10) weeks when the total number of animals exceeds the number allowed.
5. RABIES VACCINATION: Every owner of a dog or cat shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog or cat in said person’s possession, six (6) months of age or over, which has not been vaccinated against rabies.
6. ANNUAL LICENSE REQUIRED: All dogs residing in the city limits must be registered annually with the city clerk. Upon such registration, and receipt of veterinary records confirming a current rabies vaccination and payment of a fee set by the city, per animal, a license tag will be issued and said tag must be affixed to the animal’s collar at all times.
   1. The owner of every dog six (6) months of age or over shall procure a dog license from the city clerk beginning the first day January of each year.
   2. Such license may be procured after January 1 and at any time for a dog which has come into the possession or ownership of the applicant or which has reached the age of six (6) months after said date.
   3. The owner of a dog for which a license is required shall apply to the city clerk on forms provided by the city clerk.
   4. The form of the application shall state the breed, sex, color, markings, and name of the dog, and the name, address, and phone number of the owner and shall be signed by the owner.
   5. ALL licenses shall expire on December 31 of the year following the date of issuance.
7. DELINQUENCY: All license fees shall become delinquent on the first day of March of the year in which they are due and a delinquent penalty in an amount of $20 per animal shall be added to each unpaid license on and after said date.
8. AT LARGE: It is unlawful for any owner to allow an animal to run at large within the city limits.
9. AT LARGE IMPOUNDMENT: Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer and/or county sheriff, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
10. ANNOYANCE OR DISTURBANCE: It is unlawful for the owner of a dog to allow or permit such animal to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking or otherwise, or by running after or chasing person, bicycles, automobiles or other vehicles. If the owner of the animal is not available for contact, the city may post notice on the residence and may impound the animal if there have been more than two (2) complaints, verified by the city, within the previous thirty (30) days in regard to said animal. An owner that has been cited for an animal disturbance more than two (2) times in any given thirty (30) day period may be subject to having their animal impounded by the County Sheriff’s Office.
11. DAMAGE OR INTERFERENCE: It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.
12. ANIMAL NEGLECT: It is unlawful for a person who confines or harbors an animal to fail to supply the animal with sufficient quantity of food and water, or to fail to provide adequate shelter, to torture, deprive of necessary sustenance, mutilate, overdrive, overload, mutilate, maim, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.
13. INJURIES TO ANIMALS: No person, other than a licensed veterinarian or peace officer acting within the scope of their authority, shall kill, maim, or disfigure any animal or administer poison to any animal or expose any poisonous substance with the intent that the same should be taken by any animal.
14. UNHEALTHFUL OR UNSANITARY CONDITIONS:
    1. An owner shall keep all structures, pens, coops, or yards wherein animals are confined clean, devoid of vermin, and free of odors arising from feces.
    2. No owner of any animal or person having control or responsibility thereof shall allow or permit such animal to leave waste on private property without consent of the owner of such property.
    3. No owner of any animal or person having control or responsibility thereof shall allow or permit such animal to leave waste on public property, including public right-of-way between the curb lines of public streets and alleys.
15. ABONDONMENT: A person who has ownership or custody of an animal shall not abandon any animal within city limits.
16. EXHIBITIONS AND FIGHTS: No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or keep a place where such exhibitions and fights are staged for the entertainment of spectators.
17. PROHIBITED ANIMALS: It is unlawful for a person to keep within city limits any dangerous animal as defined in section 1.9 of this chapter.
18. VICIOUS ANIMALS PROHIBITED: No person shall keep, shelter, or harbor for any reason within the city a vicious animal except an animal used for, and under the control of, a law enforcement or military agency.
19. REQUIREMENTS IN CASE OF ANIMAL BITE: It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person or animal, or any person having knowledge of such bite or attack, to report this act to local health officials and to local law enforcement officials. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies. When the city or local law enforcement agency receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded without a court order, and after two (2) weeks, the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.
20. SEZURE, IMPOUNDMENT AND DISPOSITION:
    1. Any animal found in violation of any of the foregoing provisions may be seized and impounded; or at the discretion of local law enforcement, the owner of such animal may be served a citation to appear before a proper court to answer charges made hereunder; provided, this section shall not restrict the right of any law enforcement to destroy any animal that is chasing, maiming, mutilating or killing any other animal, or threatening, attempting to attack or attacking any human, and in such cases; law enforcement shall be under no duty to attempt the capture of any animal found in violation of this chapter or to notify the owner thereof prior to its destruction.
    2. All animals apprehended hereunder shall be delivered promptly to a licensed animal shelter or veterinarian. If the identity of the owner is ascertainable, the owner shall be notified within forty-eight (48) hours after delivery.
    3. In the case of the impoundment of any animal, other than a dangerous animal, the animal may be recovered by the owner upon payment of the impounding costs, and a penalty of $50 for the first offense by the owner, and the sum of $100 for each subsequent offense; provided, in the alternative, the city may elect to pursue municipal infraction penalties against an owner. If the owner fails to redeem an impounded animal within seven (7) days from the date that notice is mailed or if the owner cannot be determined, then seven (7) days from the date of capture, or if an animal is impounded three (3) separate times during any twelve (12) month period, the animal may be disposed of in any manner or destroyed, in the discretion of the licensed animal shelter or veterinarian.
    4. In the case of impounded dangerous or vicious animals, the owner thereof shall be notified to make provisions to remove such animal from within the city limits within three (3) days. If removal is not completed, local law enforcement will charged with making provisions for the removal of the dangerous animal from within city limits, or may destroy the animal. All costs associated with the impoundment, removal, or euthanasia of a dangerous or vicious animal shall be assessed against the owner, in addition to any penalty that may be levied under this chapter.
    5. No animal may be recovered from an impoundment until the owner establishes that all rabies vaccinations are current.
    6. All costs of impounding shall be assessed against the owner of the impounded animal, in addition to any penalty that may be levied.
21. VIOLATIONS OF THIS ORDINANCE: Violations of this Ordinance may be considered a Municipal Infraction with fines up to $1,000 and/or a jail sentence of up to thirty (30) days. Further violations of this Ordinance may result in the destruction or removal of the animal from the city.
22. 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 this Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
23. EFFECTIVE: This Ordinance shall be in effect May 1, 2019 after its final passage, approval and publication as provided by law.

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Lowell Johnson, Mayor

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ATTEST: Chris McKee, City Clerk

I certify that the foregoing was published as Ordinance # 2019-01 on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

First Reading: March 11, 2019 All Ayes

Second Reading: April 8, 2019 All Ayes

Third Reading: April 8, 2019 waived all ayes

Date Published:

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Chris McKee, City Clerk