

**CHAPTER 3.50
ANIMAL CONTROL**

3.50.001 TITLE: This ordinance shall be known and may be referred to as the “Pottawattamie County, Iowa Animal Control Chapter”.

3.50.002 PURPOSE AND SCOPE: This Chapter establishes responsibilities for animal owners or custodians in order to effectively manage animals and to control the danger to the public health, safety, and welfare presented by animals in the County and provides a mechanism to address animal control issues, problems, and complaints.

3.50.003 JURISDICTION: The provisions of this Chapter shall apply to all of the unincorporated areas of Pottawattamie County, Iowa.

3.50.004 APPLICABILITY: In the event of a difference between the provisions of this Chapter and those contained in applicable state rules and regulations, the most stringent standards will prevail.

3.50.005 DEFINITIONS: Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

.01 CONSTRUCTION OF TERMS: The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Chapter.

- A. Tense: Words used in the present tense include the future tense.
- B. Number: Words used in the singular include the plural, and words used in the plural include the singular.
- C. Shall and May: The word “shall” is mandatory; the word “may” is permissible.
- D. Gender: The masculine shall include the feminine and the neuter.
- E. Used or Occupied: The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.
- F. Headings: In the event that there is a conflict or inconsistency between the hearing of a chapter, section or subsection of this Chapter and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

.02 ALTERED: An animal that is either spayed or neutered.

.03 ANIMAL: Any member of the animal kingdom except human beings.

.04 ANIMAL CONTROL OFFICER: Any Animal Control Officer under contract with the County to maintain compliance with this Chapter.

.05 ANIMAL SHELTER: A facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the County or operated under contract with the County for the purpose of the provisions of this Chapter or any other Chapter.

.06 AT LARGE: Off the premises of the owner or custodian, whether by accident, design, or otherwise.

.07 BOARD OF HEALTH: The Board of Health of Pottawattamie County, Iowa.

.08 CAT: Members of the Feline species, male or female, altered or unaltered.

.09 COUNTY SHERIFF: The County Sheriff of Pottawattamie County, Iowa or his duly deputized representative.

.10 COUNTY: Pottawattamie County, Iowa.

.11 DANGEROUS ANIMALS are

A. any genus/species of animal which is capable of killing, inflicting serious injury upon, or causing illness or disease among, human beings or domestic animals and having a known tendency, (either in its natural state, in the wild, or as a tame, feral or domesticated animal) as a species to do so, and is declared to be a dangerous animal by the Board of Supervisors;

B. those animals deemed to be "dangerous animals" per se include the following, subject to amendment by the Board of Supervisors:

(1) Canidae: e.g. wolves, wolf-dog hybrids, coyotes, coyote-dog hybrids, foxes, jackals, within the order Carnivora but excluding *Canis familiaris*, the domestic dog.

(2) Felidae; e.g. lions, tigers, jaguars, leopards, cougars, lynx, ocelots, bobcats, within the order Carnivora but excluding *Felis domestica*, the domestic cat.

(3) Mustelidae; e.g. badgers, wolverines, weasels, skunks, mink, otters within the order Carnivora, but not including domestic ferrets.

(4) Procyonidae; e.g. raccoons, pandas, kinkajous within the order Carnivora.

(5) Ursidae; e.g. black bears, brown bears, grizzly bears, polar bears, of the order Carnivora.

(6) Chiroptera; e.g. bats.

(7) Cebidae; e.g. monkeys.

(8) Cercopithecidae; e.g. baboons.

(9) Callithricidae; e.g. marmosets, tamarins.

(10) Pongidae; e.g. gibbons, orangutans, chimpanzees, gorillas.

(11) Lemuridae; e.g. lemurs.

(12) Didelphidae; e.g. opossums.

(13) Castoridae; e.g. beavers.

(14) Viveridae; e.g. civets and mongooses.

(15) Hyaenidae; e.g. hyaenas.

(16) Formicidae; e.g. fire ants within the order Hymenoptera.

(17) Apidae; specifically Africanized strains of *Apis mellifera* the honeybee.

- (18) Crocodylidae; e.g. crocodiles, alligators, caimans, gavials, of the order Squamata.
- (19) Heloderamatidae; e.g. gila monsters, beaded lizards, of the order Squamata.
- (20) Crotalidae; e.g. rattlesnakes, copperhead snakes, cottonmouth moccasin snakes, waglers vipers, palm vipers, eyelash vipers, of the order Squamata.
- (21) Viperidae; e.g. rhinoceros vipers, bushmasters, puff adders, gaboon vipers, of the order Squamata.
- (22) Elapidae; e.g. cobras, taipans, coral snakes, sea snakes, of the order Squamata.
- (23) Opisthoglyphous colubridae; e.g. twigsnakes, boomslangs, mangrove snakes, mussuranas, Malagasy hognose snakes of the order Squamata.
- (24) Eunectes murinus; e.g. anacondas of the order Squamata.
- (25) Boa constrictor; e.g. boa constrictors of the order Squamata.
- (26) Morelia amethystina; amethystine pythons of the order Squamata.
- (27) Python sebae; African rock pythons of the order Squamata.
- (28) Python molurus; Burmese pythons, Indian pythons, Ceylonese pythons of the order Squamata.
- (29) Python reticulatus; reticulated pythons of the order squamata.
- (30) Venomous spiders of the families terididae, and loxoscelidae respectively, and scorpions of the order Scorpions.

C. Animals used in agriculture as defined by the United States Department of Agriculture shall not be considered dangerous animals.

- .12 DOG: All members of the Canine species, male or female, altered or unaltered.
- .13 EUTHANASIA: The humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
- .14 IMPOUND: The act of placing an animal in an enclosure. To confine an animal within an enclosure. To seize and retain possession of an animal.
- .15 OWNER: Any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for more than seven (7) consecutive days other than veterinary hospital, licensed kennel or animal shelter.
- .16 PERSON: An individual, partnership, corporation, or association and includes any officer, employee, or agency thereof.

.17 ZONING ORDINANCE: The Zoning Ordinance of Pottawattamie County, Iowa.

3.50.006 ANIMALS “AT LARGE”:

.01 It shall be unlawful for the owner or custodian of any animal, including livestock, to fail to keep the same from running at large in the County.

.02 For the purpose of this Chapter, an animal shall not be deemed at large if the animal is on the premises or property of the animal owner or custodian or the property of another, so long as the property owner has given his or her permission and the animal cannot enter onto the public streets, sidewalks, alleys, other public areas or property not owned by the animal's owner or custodian.

.03 Notwithstanding the above, at large means off the premises of the owner or custodian, whether by accident, design, or otherwise, unless:

- A. The animal is on a leash, cord, chain, or similar restraint not more than fifteen (15) feet in length and is under the control of a person competent to restrain and control the animal, or;
- B. The animal is within a motor vehicle of its owner or custodian such that it cannot escape or have contact with a person outside the vehicle and such that said confinement does not endanger the animal's health or well-being, or;
- C. The animal is housed within a veterinary hospital, licensed kennel, pet shop, or animal shelter.

.04 Any animal found to be at large within the County shall be deemed a public nuisance. Animals found at large may be apprehended and impounded, costs of which shall be paid by the animal's owner or custodian.

.05 Notwithstanding any provision to the contrary, animals injured or killed on or along public streets or public right-of-ways shall be deemed at large. The Animal Control Officer may remove all such animals and at his or her discretion take such animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this Chapter.

3.50.007 OWNER DUTIES:

.01 Humane Treatment: An owner or custodian shall provide sufficient food, water, shelter and humane treatment for any animal in its care. It shall be unlawful under this Chapter for an owner or any other person to beat, starve or otherwise abuse any animal.

.02 Sanitary Conditions: An owner or custodian shall keep all structures, pens, or yards wherein dogs or cats are confined, clean, devoid of vermin and free of odors arising from urine or feces.

- .03 Public Sanitation: No owner or custodian of a dog or other animal shall permit their animal to discharge feces upon any public or private property, other than the property of the owner or custodian of the animal. The owner or custodian shall not however be considered in violation of this subsection provided he or she takes steps to immediately remove and clean up the feces discharged by the animal from the property. All feces removed as aforesaid shall be placed in an airtight container, and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures, or otherwise disposed of in a sanitary manner. An owner or custodian may, as an alternative collect the feces and turn it under the surface of the owner's or custodian's soil in any manner that prevents odor or collection of vermin.
- .04 Tethering: An owner or custodian may not stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over, or across any public sidewalk, street, or alley or private property of anyone other than the owner's or custodian's.
- .05 Abandonment: No owner or custodian may abandon any animal where it may become a public charge, nuisance or may suffer injury, hunger or exposure.
- .06 Rabies Vaccination: An owner or custodian of a dog required to be licensed under this Chapter shall vaccinate said dog for rabies and maintain a current vaccination tag on the dog's collar at all times. The rabies vaccination shall be administered in accordance with Chapter 351 of the Code of Iowa. A current certificate of vaccination for rabies signed by a licensed veterinarian administering the vaccine shall be required for all animals for which the vaccination is required.
- .07 Minimum Age: No dog may be licensed under this Chapter unless at least one of the registered owners or custodians of said dog is at least eighteen (18) years of age. All registered owners or custodians (or owners or custodians of an unlicensed dog) 18 years of age or older shall be personally, jointly and severally liable for compliance with the provisions of this Chapter.
- .08 Transfer of Ownership: A new owner or custodian shall within ten (10) days from the date of a change in ownership of dog make an application and pay the fee for a new license as provided in this Chapter.
- .09 Number Restricted. It is unlawful for any person to own, keep or harbor at anytime more than four (4) dogs under this Chapter without the appropriate license.
- .10 Responsibility to Report Bite/Attack: This Chapter incorporates all regulations and duties imposed by Iowa Code Chapter 351. Included in the Iowa Code is the duty of the owner or custodian of any animal that has bitten or attacked a person or any person having any knowledge of such bite or attack to report this act to a local health or law enforcement official.

The owner or custodian must confine such animal in a manner directed by the Board of Health or the Animal Control Officer.

3.50.008 BARKING DOGS OR OTHER ANIMALS—PUBLIC NUISANCE:

- .01 It shall be unlawful to keep or harbor any dog or other animal which, by frequent, regular, habitual, or continued barking, whining, yelping, howling or other loud noises, shall cause serious annoyance to the surrounding neighborhood. Such annoyance shall be considered a public nuisance.
- .02 The Animal Control Officer or the County Sheriff shall have the authority to use all reasonable means to abate such nuisance, including but not limited to, requiring that the owner or custodian make bona fide efforts to quiet the dog or impoundment of the animal, costs of which shall be paid by the animal's owner or custodian.
- .03 Any person who shall fail or refuse to abate such nuisance shall be deemed to have committed a separate violation of this Chapter for each twenty-four (24) hour period thereafter during which said nuisance continues and be subject to like penalties provided under this Chapter.

3.50.009 POLICE DOGS:

- .01 It shall be unlawful under this Chapter for any person to taunt, tease, strike, injure or kill any dog used by a law enforcement officer, law enforcement department or law enforcement agency at any time.
- .02 No person shall meddle with any such dog or any handler thereof in the performance of the functions of the law enforcement officer, law enforcement department or agency.
- .03 It shall not be a violation of this Chapter for a law enforcement officer or veterinarian to euthanize a police dog in an emergency situation when done to end undue suffering and pain for the police dog.

3.50.010 DANGEROUS/VICIOUS ANIMALS PROHIBITED:

- .01 It shall be unlawful for any person to keep, harbor, purchase or sell a dangerous or vicious animal. An animal may be deemed dangerous/vicious by the Animal Control Officer based on the criteria specified below. For the purpose of this section, the term dangerous/vicious animal shall include but not be limited to any animal that either:
 - A. Attacks and/or bites any person or other animal without provocation; and/or
 - B. Kills or seriously injures any person; and/or
 - C. Kills or seriously injures livestock or a domestic animal; and/or
 - D. Approaches any person or other animal in an apparent attack posture or in a vicious or terrorizing manner whether or not the attack is consummated; and/or
 - E. Is cited for running at large three (3) or more times in one year.

- .02 The Animal Control Officer shall immediately seize such dangerous/vicious animal which shall be held for five (5) days. If, by the end of the impoundment period the person keeping, harboring, or sheltering said vicious animal, has not petitioned the court seeking return of the animal, the Animal Control Officer shall have cause for the euthanasia of the animal.
- .03 Dogs used in security or police work shall not be classified as dangerous/vicious if a bite or bites occur while the dog is actually performing in such a capacity.
- .04 Owner or Custodian Liability: If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in a place where he may lawfully be, the owner or custodian of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. If a dog or other animal, without provocation attacks or injures another animal, the owner or custodian of such dog or animal is liable for damages caused to the injured animal by the attack.

3.50.020 DANGEROUS ANIMALS ALLOWED: The prohibition contained in 3.50.010 of this Chapter shall not apply to the keeping of dangerous animals in the County under any of the following circumstances:

- .01 Dangerous animals kept at state licensed veterinary hospitals, humane societies, licensed rehabilitator or animal control pounds for treatment or impoundment purposes.
- .02 Dangerous animals kept by federal, state, county and municipal authorities and their designees or veterinarians pursuant to the enforcement of this or any animal control ordinance.
- .03 Dangerous animals kept by governmental agencies, educational institutions, medical institutions or research laboratories for instructional or research purposes.
- .04 Dangerous animals kept in publicly owned zoos.
- .05 Dangerous animals kept for fur pelting businesses, subject to compliance with the Zoning Ordinance.
- .06 Dangerous animals kept by individuals meeting USDA permit requirements.
- .07 Dangerous animals commercially exhibited for ten (10) days or less.
- .08 Animals being commercially transported through the County.

3.50.030 IMPOUNDMENT:

- .01 It shall be the duty of the persons authorized by the Zoning Ordinance to operate or contract with an animal shelter, to supervise and control such a

facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water, and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not reclaimed, and to assist in the enforcement and operation of this Chapter.

- .02 Animals found at large and abandoned animals may be taken and impounded at the animal shelter and confined in a humane manner.
- .03 Upon impounding an animal, the owner or custodian, if known, shall be given notice of impoundment within two (2) days and the owner or custodian shall then have three (3) days to reclaim the animal not counting the day of impoundment.
- .04 A person claiming an impounded animal shall pay impoundment fees and boarding fees as established by the animal shelter.
- .05 A person claiming an impounded animal shall provide proof of current rabies vaccination and county license if applicable.
- .06 A person claiming an impounded animal shall also pay veterinary charges, if any, and such other costs actually incurred by the animal shelter in the care of the claimed animal.
- .07 No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an Animal Control Officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be humanely euthanized. The owner or custodian shall pay any fees associated with the euthanasia.
- .08 Animals not reclaimed within the time limitations provided by the Chapter shall become the property of the County or animal shelter and shall be placed for adoption in a suitable home or humanely euthanized. No unclaimed animal shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, guaranteeing that such animal will be sterilized.
- .09 The refusal to reclaim any impounded animal shall not relieve the owner or custodian of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, euthanization fees or any other costs incurred in the care of the animal. Any owner or custodian who refuses to pay such expenses shall be in violation of this Chapter and subject to citation of a county infraction for the same.
- .10 Neither the County nor the animal shelter, nor their agents and officers enforcing the provisions of this Chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this Chapter.

3.50.040 REFUSAL OF ADMITTANCE: In the event the Animal Control Officer or the County Sheriff, in proceeding to enter onto a property to carry out the provisions of this Chapter, shall be refused entry, a complaint may be made under oath to any magistrate of the County. Said magistrate shall thereupon issue a warrant directed to the County Sheriff commanding him, between the hours of sunrise and sunset, accompanied by the Animal Control Officer to enter onto such property and to make such inspection as may be required to carry out the provisions of this Chapter, which order shall be executed by said County Sheriff under the direction of the Animal Control Officer.

3.50.050 MISCELLANEOUS PROHIBITED ACTS:

.01 ABUSE: It shall be unlawful under this Chapter for any person to beat, starve or otherwise abuse any animal.

.02 ANIMALS FOR ENTERTAINMENT: It shall be unlawful under this Chapter for any person to use animals for entertainment purposes, including but not limited to: selling or giving away any animal as an incentive, prize or novelty; owning, breeding or training any animal (or other similar activity) for purposes of fighting between such animal with another animal or human being; intentionally killing or injuring any animal for sport, wagering or entertainment.

.03 POISONING ANIMALS: It shall be unlawful under this Chapter for any person to knowingly poison or cause to be poisoned any domestic animal. Any drug used for euthanasia shall be used by or under the direction of a licensed veterinarian.

.04 KILLING ANIMALS: It shall be unlawful under this Chapter for any person to knowingly kill any domestic animal except: 1) in an emergency situation to end the immediate suffering of the animal; 2) when the animal is not under the supervision of its owner or custodian and is in the process of injuring, wounding or killing another animal or a human being; or 3) under the direction of a licensed veterinarian.

3.50.060 LICENSE REQUIRED: It shall be unlawful for any person to keep or harbor any dog over the age of six (6) months, which has not been issued a dog license. The County Auditor shall issue no dog license unless the person has supplied 1) a valid rabies vaccination certificate and 2) a certificate of spaying or neutering for the dog for which the license is being applied. Current rabies and county dog license tags must be visible at all times. The filing fee as specified by Chapter 1.50 shall accompany said application.

3.50.070 ENFORCEMENT

.01 It shall be the duty of the Animal Control Officer and/or County Sheriff to enforce the provisions of this Chapter.

.02 Those representatives authorized to enforce this Chapter may issue a citation of county infraction with or without prior notice to any person who is alleged to have committed a county infraction.

3.50.080 VIOLATIONS AND PENALTIES: The penalty for violating the provisions of this Chapter shall be as set forth in Chapter 1.75.

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